

Planning Guidance (Wales), Technical Advice Note (Wales) 3, Simplified Planning Zones - November 1996

[TAN 3 Homepage](#)
[TAN 3 Annex A](#)

	<i>Paragraph Number</i>
Introduction	1
Consultations	6
Selection of Areas	9
Extent of Permission	11
Specific or General Permissions	12
Exclusions	13
The Use of Conditions and Limitations	17
The Use of Sub-Zones	20
Relationship to Development Plans	21
Relationship to Other Controls	22
Cancellations	23
Preparation of an SPZ Scheme	Annex A

Introduction

Reference

1. This Technical Advice Note (Wales) (TAN) should be read in conjunction with "Planning Guidance (Wales): Planning Policy". Policy Guidance, Technical Advice Notes and circulars should be taken into account by local planning authorities in Wales in the preparation of development plans. They may be material to decisions on individual planning applications and will be taken into account by the Secretary of State and his Inspectors in the determination of called-in planning applications and appeals.

2. Documents listed in the Reference column in the margin provide information which should be read in conjunction with the TAN.

3. Local planning authorities have a statutory duty to keep

Town and Country

under review whether Simplified Planning Zone (SPZ) schemes are desirable in their area. An SPZ is one way in which an authority can help secure development or redevelopment of part of its area. An SPZ allows the developer or landowner to avoid delay incurred in determining planning applications for successive stages of development. It also provides certainty on what is permitted and flexibility to make changes within the framework of the scheme. It can also create development value in land, which can make project funding more likely. For local planning authorities, SPZs can be a means allowing them to provide development where they wish it to happen and of generating private sector interest in the area. This can be enhanced by appending to the scheme arrangements for other necessary consents and, for example, details of possible financial assistance.

***Planning Act 1990,
Section 83***

***Planning Guidance
(Wales) Planning
Policy, 1996,
paragraph 168***

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4. A scheme for an SPZ achieves its effect by granting planning permission for the types of development it specifies, subject to any conditions or limitations attached. Any conforming development started within 10 years of making the scheme does not require a separate planning application.

5. Procedures prescribed in the relevant regulations for setting up or altering SPZs are summarised in the diagram at Annex A. Whilst in normal circumstances only local planning authorities can make or alter schemes anyone can ask an authority to do so. If the authority refuse, or fail to make a decision within three months, the applicant can require the request to be referred to the Secretary of State who may direct the authority to make or alter the scheme. Should a local planning authority, after careful consideration, not feel able to respond positively to a request for an SPZ scheme they should provide the applicant with a full statement of reasons.

***Town and Country
Planning
(Simplified
Planning Zones)
Regulations 1992,
(SI No 1992/2414)***

Consultations

6. Local planning authorities are required to notify the Secretary of State that they intend to make or alter an SPZ scheme. They should also consult the Secretary of State about the contents of the SPZ scheme and on the effect of the proposals on highways. They are also required to consult bodies listed in the General Development Procedure Order; community councils whose areas fall within the area of the scheme; and the Cardiff Bay Development Corporation (if relevant). They must also take all reasonable steps to consult the owners of land within the area of the scheme. Apart from these requirements the

***Town and Country
Planning
(Simplified
Planning Zones)
Regulations 1992***

***Town and Country
Planning (General
Development
Procedure)***

extent and length of pre-deposit publicity and consultation on proposals to make or alter an SPZ scheme is left to authorities' judgement, having regard to the particular circumstances.

**Order 1995,
(SI No 1995/419)**

7. Some specific bodies with whom consultation is advised (over and above those required by the regulations) are:

- **Countryside Council for Wales:** where development is likely to affect a National Park, Area of Outstanding Natural Beauty, or other area of landscape or nature conservation significance;
- **Cadw:** where development is likely to affect the site or setting of a Grade I or II listed building or involve the demolition of any listed building or affect the character or appearance of an adjoining conservation area;
- **Environment Agency:** where development is likely to lead to increased industrial discharge into a river or estuary, or to development in areas at risk from flooding or having a high water table, or is likely to involve pollution control matters regulated by the Agency;
- **Railtrack:** where development is near an operational railway line;
- **Wales Tourist Board:** where development is likely to affect the tourist industry;
- **Local Archaeological Trust:** where development is likely to affect archeological remains.

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8. It is important that publicity is adequate and that people have an opportunity to comment on proposals. Authorities are advised to consult people living or conducting a business in the area of the proposed SPZ and take reasonable steps to consult owners as well as occupiers of adjoining land and the owners of affected mineral rights. Generally, authorities are advised to consult conservation and amenity groups and businesses and developers with an interest in the proposed SPZ or areas outside it which could be affected by the proposal. Adequate consultation with infrastructure providers is particularly important. Consultation provides an opportunity to resolve points of difficulty as early as possible in preparing a scheme so as to minimise objections once the scheme is on deposit.

Selection of Areas

9. There are no restrictions on the size of SPZs. An SPZ may be on an individual site or a series of sites with similar characteristics. Older industrial sites or other sites in need of regeneration and sites in single ownership may be particularly suitable. Where a series of separate sites is involved there are likely to be administrative advantages in making a single SPZ scheme rather than several individual schemes.

10. SPZs may not be set up in National Parks, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, Green Belts, conservation areas or any other area excluded by an order made by the Secretary of State. Other land of significant conservation, landscape, recreational and agricultural value should also be avoided. Land containing hazardous installations should not be designated. Care should also be taken to avoid sterilising important mineral resources and consideration should be given to any land use constraints imposed by unstable or contaminated land.

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Extent of Permission

11. The planning permission attached to an SPZ scheme can vary considerably in scope. SPZs can grant permission for a wide range of developments or for one predominant use, including changes of use, extensions and infill. Depending on the nature of the area designated, and the types of development permitted, authorities will wish to consider what detailed control needs to be maintained in order to protect against bad neighbour development and the possibility of poor quality schemes and otherwise ensure that the terms of permission conferred are adhered to. In the interests of clarity, permissions or exclusions should, as far as possible, be specified in terms of the description used in the Town and Country Planning (Use Classes) Order.

***Town & Country
Planning (Use
Classes) Order
1987, (SI No 1987/
764) as amended by
(SI No 1991/1567,
SI No 1992/610,
SI No 1992/657,
SI No 1994/724
and
SI No 1995/297)***

Specific or General Permissions

12. There are 2 basic approaches:

- i. a specific scheme giving a permission which itemises the types of development permitted and the limits imposed. By omission, any other type of development is excluded from the scheme and would be subject to normal planning requirements;

- ii. a general scheme giving a permission covering almost all types of development but listing the exceptions. This type of scheme needs to be as clear about the kinds of development that are not permitted as about those that are.

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Exclusions

13. Certain developments, including mineral and waste disposal proposals, cannot be granted permission by SPZ schemes.

***Town and Country
Planning
(Simplified
Planning Zones)
(Excluded
Development)
Order 1987,
(SI No 1987/849)***

14. SPZ schemes do not require environmental assessment (EA) nor can they grant planning permission for development which would require an EA. Where an SPZ scheme might otherwise have the effect of granting permission for a Schedule 1 project, authorities must include an exclusion provision in the scheme.

***Town and Country
Planning
(Assessment of
Environmental
Effects)
Regulations 1988,
(SI No 1988/1199)
(amended by
SI No 1990/367,
SI No 1992/1494,
SI No 1994/677,
SI No 1995/417 and
SI No 1995/2258)***

15. In the case of a specific SPZ scheme it may be possible to define the permission in such a way as to exclude any Schedule 2 project requiring EA, either by excluding development of any description mentioned in Schedule 2, or by excluding development of any description which would be likely in practice to give rise to significant effects on the environment. In all other cases it will be necessary to include a provision which makes it clear that development is not permitted for any purpose mentioned in Schedule 2 of the 1988 Regulations unless, in the case of

***Town and Country
Planning
(Simplified
Planning Zones)
Regulations 1992***

any particular development not otherwise excluded from the permission conferred by the SPZ, the authority notify the developer in writing that it would not be likely to have significant effects on the environment. The Secretary of State will be prepared to use his powers, if necessary, to direct the inclusion of a provision on these lines where he considers that one is required.

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16. SPZ schemes should not be used to permit the construction of buildings, or use of buildings or land, for any activity which may give rise to the presence of a controlled quantity of a hazardous substance on any site in the scheme area or for the laying or construction of a notifiable pipeline.

***Planning
(Hazardous
Substances)
Regulations 1992,
(SI No 1992/656)***

The Use of Conditions and Limitations

17. It may be necessary for conditions and limitations to be attached to development permitted by an SPZ scheme. These should be kept to the minimum and be enforceable. Wherever possible SPZ schemes should be drafted so as to enable developers to comply with any conditions specified rather than having to seek the authority's consent. Where it is necessary to require that specific approval of the authority be sought the SPZ scheme should make clear exactly what criteria will apply.

18. In general, SPZ schemes should not be concerned with detailed aspects of development. They should ensure that any essential health and safety standards are specified where such matters are not covered by other statutory provisions. Such matters as pollution emissions, contaminated land, unstable land, access for disabled people, vehicular access, parking, highway construction, crime prevention, protection and replacement of natural features and habitat, landscaping and design may need to be included insofar as planning control is appropriate. Particular attention should be paid to flood defence and to safeguarding water quality and water resources.

19. SPZ schemes may need to set down the basic criteria for development, for example, scale, height, materials, parking standards, to ensure that a satisfactory form and scale of development is achieved.

The Use of Sub-Zones

20. It may be necessary to include special sub-zones within the SPZ in which the planning regime of the scheme is tailored to take account of local factors, for example, health

and safety sub-zones around hazardous installations, or unstable and contaminated land in or near the SPZ; sensitive boundary sub-zones (for example, where the SPZ adjoins a residential area, conservation area, National Park, AONB, SSSI, nature conservation area or other environmentally important areas); safeguarding areas for strategic public services and major highways; landscaping sub-zones reserved for major planting; and archaeological sub-zones on and around important archaeological sites or areas. Where archaeological remains lie within the area proposed for an SPZ the local planning authority will need to carry out a site archaeological assessment or evaluation in formulating their proposals. Sub-zones may be subject to additional or different conditions to reflect their intended purpose.

[Top of Page](#)

Relationship to Development Plans

21. The authority should indicate in the SPZ written statement the relationship of the proposals to those of the development plan for the area. Whilst there are separate procedures for preparation of development plans and SPZs, it may help to process an SPZ scheme in tandem with a development plan where the latter is making new provision for development. The principle of the land use is thus established in the plan and the planning permission granted in the SPZ scheme. Where, exceptionally, proposals depart from the plan in such a way as significantly to prejudice its implementation, a local inquiry will be appropriate.

Relationship to Other Controls

22. An SPZ scheme grants planning permission only for the development which it specifies and on the basis set out. SPZ schemes cannot grant listed building consent, scheduled monument consent, hazardous substances consent, consent for the display of advertisements or consent for the stopping up or diversion of a right of way; nor consent for the cutting down or lopping of trees covered by tree preservation orders. Nor can schemes grant any necessary licences or give Building Regulations approval needed. Planning controls over demolition of certain buildings will not apply where demolition is required as part of the redevelopment authorised by the scheme.

***Welsh Office
Circular 33/92,
Planning Controls
Over Demolition***

Cancellations

23. Annex A, 'Use, Content and Effect of SPZs', Appendix 1, Appendix 2, and Annex B, 'Guidance on SPZ Procedures' to Planning Policy Guidance note 5, 'Simplified

Planning Zones', are cancelled.

Source Division: Planning
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