

Please note: this document has been prepared solely to assist people in understanding the Planning (Wales) Bill. It should not be relied on for any other purpose.

Planning and Compulsory Purchase Act 2004

AMENDMENTS TO BE MADE BY THE PLANNING (WALES) BILL

Purpose

This document is intended to show how provisions of the Planning and Compulsory Purchase Act 2004, as they apply in relation to Wales on the 6 October 2014, would look as amended by the Planning (Wales) Bill. Material to be deleted by the Planning (Wales) Bill is in strikethrough, e.g. ~~omitted material looks like this~~. Material to be added by the Planning (Wales) Bill is underlined, e.g. added material looks like this.

Warning: this text has been prepared by officials of the Planning Department. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bill. It has been produced solely to help people understand the effect of the Planning (Wales) Bill. It is not intended for use in any other context.

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Planning and Compulsory Purchase Act 2004
Part 6
Wales

19 Preparation of local development documents

- (1) Development plan documents must be prepared in accordance with the local development scheme.
- (1A) Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
- (2) In preparing a development plan document or any other local development document the local planning authority must have regard to—
 - (a) national policies and advice contained in guidance issued by the Secretary of State;
 - (b) The regional strategy for the region in which the area of the authority is situated, if the area is outside Greater London;
 - (c) the spatial development strategy if the authority are a London borough or if any part of the authority's area adjoins Greater London;
 - (d) the regional strategy for any region which adjoins the area of the authority;
 - (e) the ~~Wales Spatial Plan~~ National Development Framework for Wales if any part of the authority's area adjoins Wales;
 - (f) the sustainable community strategy prepared by the authority;
 - (g) the sustainable community strategy for any other authority whose area comprises any part of the area of the local planning authority;
 - (h) any other local development document which has been adopted by the authority;
 - (i) the resources likely to be available for implementing the proposals in the document;
 - (j) such other matters as the Secretary of State prescribes.
- (3) In preparing the local development documents (other than their statement of community involvement) the authority must also comply with their statement of community involvement.
- (4) But subsection (3) does not apply at any time before the authority have adopted their statement of community involvement.
- (5) The local planning authority must also—

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- (a) carry out an appraisal of the sustainability of the proposals in each development plan document;
 - (b) prepare a report of the findings of the appraisal.
- (6) The Secretary of State may by regulations make provision—
- (a) as to any further documents which must be prepared by the authority in connection with the preparation of a local development document;
 - (b) as to the form and content of such documents.
- (7) The sustainable community strategy is the strategy prepared by an authority under section 4 of the Local Government Act 2000 (c. 22).

38 Development plan

- (1) A reference to the development plan in any enactment mentioned in subsection (7) must be construed in accordance with subsections (2) to (5).
- (2) For the purposes of any area in Greater London the development plan is—
- (a) the spatial development strategy,
 - (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area, and
 - (c) the neighbourhood development plans which have been made in relation to that area.
- (3) For the purposes of any other area in England the development plan is—
- (a) the regional strategy for the region in which the area is situated (if there is a regional strategy for that region), and
 - (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area, and
 - (c) the neighbourhood development plans which have been made in relation to that area.
- (4) For the purposes of any area in Wales the development plan is ~~the local development plan adopted or approved in relation to that area.~~
- (a) the National Development Framework for Wales,
 - (b) the strategic development plan for any strategic planning area that includes all or part of that area, and
 - (c) the local development plan for that area.
- (5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.
- (6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be

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made in accordance with the plan unless material considerations indicate otherwise.

- (7) The enactments are—
- (a) this Act;
 - (b) the planning Acts;
 - (c) any other enactment relating to town and country planning;
 - (d) the Land Compensation Act 1961 (c. 33);
 - (e) the Highways Act 1980 (c. 66).
- (8) In subsection (5) references to a development plan include a development plan for the purposes of paragraph 1 of Schedule 8.
- (9) Development plan document must be construed in accordance with section 37(3).
- (10) Neighbourhood development plan must be construed in accordance with section 38A.

39 Sustainable development

- (1) This section applies to any person who or body which exercises any function—
- (a) ...
 - (b) under Part 2 of this Act in relation to local development documents;
 - (c) under Part 6 of this Act in relation to the ~~Wales Spatial Plan~~ National Development Framework for Wales, a strategic development plan or a local development plan.
- (2) The person or body must exercise the function with the objective of contributing to the achievement of sustainable development.
- (3) For the purposes of subsection (2) the person or body must have regard to national policies and advice contained in guidance issued by—
- (a) the Secretary of State for the purposes of subsection (1)(b);
 - (b) the National Assembly for Wales for the purposes of subsection (1)(c).

51 Duration of permission and consent

- (1) Section 91 of the principal Act (limit on duration of planning permission) is amended as follows—
- (a) ~~in subsections (1)(a) and (3) for the words “five years” there is substituted “three years”;~~
 - (b) after subsection (3) there are inserted the following subsections—

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“(3A) Subsection (3B) applies if any proceedings are begun to challenge the validity of a grant of planning permission or of a deemed grant of planning permission.

(3B) The period before the end of which the development to which the planning permission relates is required to be begun in pursuance of subsection (1) or (3) must be taken to be extended by one year.

(3C) Nothing in this section prevents the development being begun from the time the permission is granted or deemed to be granted.”

~~(2) In section 92 of that Act (outline planning permission)–~~

~~(a) in subsection (2)(b) sub-paragraph (i) is omitted;~~

~~(b) in subsection (2)(b) in sub-paragraph (ii) the words “if later” are omitted;~~

~~(c) in subsection (4) “five years” is omitted.~~

(3) In section 73 of the principal Act (applications to develop land without compliance with existing conditions) after subsection (4) there is inserted the following subsection–

“(5) Planning permission must not be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which–

(a) a development must be started;

(b) an application for approval of reserved matters (within the meaning of section 92) must be made.”

(4) Section 18 of the listed buildings Act (limit of duration of listed buildings consent) is amended as follows–

(a) in subsections (1)(a) and (2) for the words “five years” there is substituted “three years”;

(b) after subsection (2) there are inserted the following subsections–

“(2A) Subsection (2B) applies if any proceedings are begun to challenge the validity of a grant of listed building consent or of a deemed grant of listed building consent.

(2B) The period before the end of which the works to which the consent relates are required to be begun in pursuance of subsection (1) or (2) must be taken to be extended by one year.

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(2C) Nothing in this section prevents the works being begun from the time the consent is granted.”

(5) In section 19 of that Act (variation or discharge of conditions) after subsection (4) there is inserted the following subsection—

“(5) But a variation or discharge of conditions under this section must not—
(a) vary a condition subject to which a consent was granted by extending the time within which the works must be started;
(b) discharge such a condition.”

(6) This section has effect only in relation to applications made under the principal Act or the listed buildings Act which are received by the local planning authority after the commencement of the section.

59 Supplementary

(1) This section applies for the purposes of this Part.

(2) An inspector is a person appointed under any of the planning Acts to determine appeals instead of the Secretary of State or appointed under section 76D of the principal Act to determine applications instead of the Secretary of State

(2A) An inspector is also a person appointed under Schedule 4D of the principal Act to determine an application instead of the Welsh Ministers.

(3) In the case of a decision document issued by an inspector any other inspector may act under this Part.

(4) A decision document is a document which records any of the following decisions—

- (a) a decision of any description which constitutes action on the part of the Secretary of State under section 284(3) of the principal Act (decisions which are not to be questioned in legal proceedings);
- (b) a decision in proceedings on an appeal under Part 7 of that Act (enforcement notices);
- (c) a decision in proceedings on an appeal under section 208 of that Act (appeals against enforcement notices relating to trees);
- (d) a decision mentioned in section 62(2) of the listed buildings Act (decisions which are not to be questioned in legal proceedings);
- (e) a decision on an appeal under section 39 of that Act (appeals against listed building enforcement notices);
- (f) a decision relating to conservation area consent within the meaning of section 74(1) of that Act (consent required for demolition of certain buildings);

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- (g) a decision under section 20 or 21 of the hazardous substances Act (certain applications referred to and appeals determined by the Secretary of State);
 - (h) a decision under any of the planning Acts which is of a description specified by the Secretary of State by order.
- (5) A correctable error is an error—
- (a) which is contained in any part of the decision document which records the decision, but
 - (b) which is not part of any reasons given for the decision.
- (6) The applicant is—
- (a) in the case of a decision made on an application under any of the planning Acts, the person who made the application;
 - (b) in the case of a decision made on an appeal under any of those Acts, the appellant.
- (7) The owner in relation to land is a person who—
- (a) is the estate owner in respect of the fee simple;
 - (b) is entitled to a tenancy granted or extended for a term of years simple of which not less than seven years remain unexpired;
 - (c) is entitled to an interest in any mineral prescribed by a development order, in the case of such applications under the principal Act as are so prescribed.
- (8) Error includes omission.
- (9) For the purposes of the exercise of any function under this Part in relation to Wales references to the Secretary of State must be construed as references to the National Assembly for Wales.

Spatial Plan

~~60 Wales Spatial Plan~~

- ~~(1) There must be a spatial plan for Wales to be known as the “Wales Spatial Plan”.~~
- ~~(2) The Wales Spatial Plan must set out such of the policies (however expressed) of the Welsh Ministers as they think appropriate in relation to the development and use of land in Wales.~~
- ~~(3) The Welsh Ministers must—~~
 - ~~(a) prepare and publish the Plan;~~
 - ~~(b) keep under review the Plan;~~
 - ~~(c) consider from time to time whether it should be revised.~~

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- ~~(4) If the Welsh Ministers revise the Plan, they must publish (as they consider appropriate)—~~
~~(a) the whole Plan as revised, or~~
~~(b) the revised parts.~~
- ~~(5) The Welsh Ministers must consult such persons or bodies as they consider appropriate in preparing or revising the Plan.~~
- ~~(6) The Welsh Ministers may not publish the Plan as revised or the revised parts of the Plan unless the Plan or the revised parts have been laid before, and approved by a resolution of, the National Assembly for Wales.~~

National Development Framework

60 National Development Framework for Wales

- (1) The Welsh Ministers must prepare and publish a plan to be known as the National Development Framework for Wales.
- (2) The Framework must set out such of the policies of the Welsh Ministers in relation to the development and use of land in Wales as the Welsh Ministers consider appropriate.
- (3) The Framework may specify that development of a particular description, in a particular area or location, is to constitute development of national significance for the purposes of section 62D of the principal Act (development of national significance: applications to be made to Welsh Ministers).
- (4) The Framework must give reasons for—
(a) the policies that it sets out, and
(b) any provision that it makes as mentioned in subsection (3).

60A Preparation of Framework: statement of public participation

- (1) The Welsh Ministers must prepare and publish a statement of public participation setting out their policies relating to the consultation to be carried out in preparing the National Development Framework for Wales.
- (2) In particular, the statement must include provision about—
(a) the form that the consultation will take,
(b) when the consultation will take place, and
(c) the steps that will be taken to involve members of the public in the preparation of the Framework.

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(3) The Welsh Ministers may revise the statement, and must publish the statement as revised.

60B Procedure for and preparation and publication of Framework

(1) Before publishing the National Development Framework for Wales, the Welsh Ministers must—

- (a) prepare a draft of the Framework,
- (b) carry out an appraisal of the sustainability of the policies set out in the draft,
- (c) publish the draft, and
- (d) carry out consultation in accordance with the statement of public participation.

(2) If, after complying with subsection (1), the Welsh Ministers wish to proceed with the draft Framework (with or without changes), they must lay before the National Assembly for Wales—

- (a) the draft, and
- (b) a report which—
 - (i) summarises the representations they received during the consultation carried out under subsection (1)(d), and
 - (ii) explains how they have taken the representations into account.

(3) The Welsh Ministers must have regard to—

- (a) any resolution passed by the National Assembly for Wales with regard to the draft Framework during the Assembly consideration period, and
- (b) any recommendation made by a committee of the National Assembly with regard to the draft during that period.

(4) After the expiry of the Assembly consideration period, the Welsh Ministers—

- (a) may publish the National Development Framework for Wales in the terms of the draft laid under subsection (2), or
- (b) if they propose to make changes to that draft, may—
 - (i) lay before the National Assembly for Wales an amended draft of the Framework, and
 - (ii) publish the National Development Framework for Wales in the terms of the amended draft.

(5) In this section, “the Assembly consideration period” means the period of 60 days beginning with the day on which a draft of the Framework is laid before the National Assembly for Wales under subsection (2), disregarding any time when the Assembly is dissolved or is in recess for more than four days.

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60C Review and revision of Framework

- (1) The Welsh Ministers must keep the National Development Framework for Wales under review.
- (2) The Welsh Ministers may revise the Framework at any time, and must publish the Framework as revised.
- (3) Sections 60A and 60B apply for the purposes of the revision of the Framework, as if references to the Framework (or a draft of the Framework) were references to the Framework as revised (or a draft of the Framework as revised).
- (4) Subsection (5) applies if the Welsh Ministers, having published a draft of a revised Framework under section 60B(1)(c), decide not to proceed with the revision of the Framework.
- (5) The Welsh Ministers must—
 - (a) publish notice of their decision and the reasons for it, and
 - (b) if a draft of a revised Framework has been laid before the National Assembly for Wales under section 60B(2), lay a copy of the notice before the National Assembly.
- (6) Subsection (7) applies if—
 - (a) a review period ends, and
 - (b) the Welsh Ministers have not, within that period—
 - (i) published a revised Framework, or
 - (ii) laid a draft revised Framework before the National Assembly for Wales under section 60B(2).
- (7) As soon as reasonably practicable after the end of the review period, the Welsh Ministers must publish and lay before the National Assembly for Wales a statement—
 - (a) setting out their assessment of whether the Framework should be revised and giving reasons for that assessment, and
 - (b) if they consider that the Framework should be revised, setting out a timetable for its revision.
- (8) For the purposes of subsections (6) and (7)—
 - (a) the first review period—
 - (i) begins with the day on which the Framework is first published, and
 - (ii) ends with the fifth anniversary of the day on which the Framework is first published or, if earlier, with the day on which a revised Framework is published;
 - (b) each subsequent review period—

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- (i) begins with the day after the last day of the preceding review period, and
- (ii) ends with the fifth anniversary of the last day of the preceding review period or, if earlier, with the day on which a revised Framework is published.

Strategic planning

60D Power to designate strategic planning area and establish strategic planning panel

- (1) The Welsh Ministers may by regulations—
 - (a) designate an area in Wales as a strategic planning area for the purposes of this Part, and
 - (b) establish a strategic planning panel for that area.

- (2) A strategic planning area must comprise—
 - (a) all of the area of one local planning authority, and
 - (b) all or part of the area of at least one other local planning authority.

- (3) The Welsh Ministers must not make regulations under this section unless—
 - (a) they have given a direction under section 60E(1) to a local planning authority all or part of whose area is included in the strategic planning area to be designated by the regulations,
 - (b) either—
 - (i) a proposal for an area to be designated has been submitted in accordance with section 60E(6), or
 - (ii) the period for complying with section 60E(6) has ended without a proposal being submitted, and
 - (c) they have carried out any consultation required by section 60F(1).

- (4) Paragraphs (a) and (b) of subsection (3) do not apply in relation to regulations that revoke or amend previous regulations under this section.

- (5) Schedule 2A contains provisions about strategic planning panels.

60E Preparation and submission of proposal for strategic planning area

- (1) The Welsh Ministers may direct one or more local planning authorities to submit a proposal for an area to be designated as a strategic planning area under section 60D.

- (2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.

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- (3) In this section, the “responsible authority” means—
- (a) where a direction under subsection (1) is given to a single local planning authority, that authority;
 - (b) where a direction under subsection (1) is given to two or more local planning authorities, those authorities acting jointly.
- (4) The responsible authority must prepare a proposal for an area to be designated as a strategic planning area.
- (5) Before submitting the proposal to the Welsh Ministers, the responsible authority must consult—
- (a) each local planning authority, other than one to which the direction under subsection (1) was given, for an area all or part of which is included in the proposed strategic planning area, and
 - (b) any other persons specified in, or of a description specified in, the direction.
- (6) The responsible authority must submit to the Welsh Ministers—
- (a) the proposal, and
 - (b) a report about the consultation carried out under subsection (5).
- (7) A proposal submitted under subsection (6)(a) must include—
- (a) a map showing the boundaries of the area which the responsible authority propose should be designated as a strategic planning area,
 - (b) a statement of the reasons for proposing that area, and
 - (c) any other information specified by the Welsh Ministers in the direction given under subsection (1).
- (8) The responsible authority must comply with subsection (6)—
- (a) before the end of any period specified in the direction;
 - (b) if no period is specified in the direction, before the end of six months beginning with the day on which the direction is given.
- (9) The Welsh Ministers may agree to extend the period for complying with subsection (6) in a particular case.
- (10) The responsible authority must comply with any requirements set out in the direction as to—
- (a) how the consultation required by subsection (5) must be carried out;
 - (b) the form and content of the report about the consultation;
 - (c) how the proposal and the report must be submitted under subsection (6).
- (11) Subsection (12) applies if the Welsh Ministers, having given a direction under subsection (1), decide not to designate a strategic planning area.

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- (12) The Welsh Ministers must give notice of their decision and the reasons for it—
- (a) to the responsible authority, and
 - (b) if a proposal has been submitted under subsection (6), to each authority within subsection (5)(a).

60F Consultation by Welsh Ministers before making certain regulations under section 60D

- (1) If the Welsh Ministers propose to make regulations under section 60D to which this section applies, they must consult—
- (a) each relevant local planning authority, and
 - (b) any other persons they consider appropriate.
- (2) This section applies to regulations under section 60D if the Welsh Ministers have given a direction under section 60E(1) and—
- (a) the boundaries of the strategic planning area that would be designated by the regulations are different from the boundaries of the area proposed under section 60E(6) pursuant to the direction, or
 - (b) the period for complying with section 60E(6) has ended without a proposal being submitted.
- (3) This section also applies to regulations under section 60D revoking or amending previous regulations under that section.
- (4) A local planning authority is a relevant local planning authority in relation to regulations to which this section applies if all or part of the authority's area is included in—
- (a) the strategic planning area that would be designated by the regulations, or
 - (b) a strategic planning area designated by previous regulations under section 60D that would be revoked or amended by the regulations.

60G Provision of information to Welsh Ministers

A local planning authority must provide the Welsh Ministers with any information that the Welsh Ministers request for the purpose of exercising their functions under sections 60D to 60F.

60H Strategic planning area: survey

- (1) A strategic planning panel must keep under review the matters which may be expected to affect the development of its strategic planning area or the planning of the development of that area.

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(2) Subsections (2) to (5) of section 61 apply in relation to a strategic planning panel as they apply in relation to a local planning authority.

(3) In subsections (2) to (5) of section 61 as they apply by virtue of subsection (2)—

(a) references to a local planning authority are to be construed as references to a strategic planning panel;

(b) references to a neighbouring area are to be construed as references to a neighbouring strategic planning area.

60I Strategic development plan

(1) A strategic planning panel must prepare a plan for its strategic planning area, to be known as a strategic development plan.

(2) The plan must set out—

(a) the panel's objectives in relation to the development and use of land in its area;

(b) the panel's policies for the implementation of those objectives.

(3) A strategic development plan must be in general conformity with the National Development Framework for Wales.

(4) The plan must specify the period for which it is to have effect.

(5) The Welsh Ministers may by regulations make provision about—

(a) the period that may be specified under subsection (4);

(b) the form and content of the plan.

(6) In preparing a strategic development plan, the strategic planning panel must have regard to—

(a) current national policies;

(b) the National Development Framework for Wales;

(c) the strategic development plan for any strategic planning area that adjoins the panel's area;

(d) the local development plan for each area all or part of which is, included in the panel's area;

(e) the resources likely to be available for implementing the strategic development plan;

(f) any other matters prescribed by the Welsh Ministers in regulations.

(7) The panel must also—

(a) carry out an appraisal of the sustainability of the plan;

(b) prepare a report of the findings of the appraisal.

(8) A plan is a strategic development plan only in so far as it is—

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- (a) adopted by resolution of the strategic planning panel as a strategic development plan, or
- (b) approved by the Welsh Ministers under section 65 or 71 (as they apply by virtue of section 60J).

(9) The plan ceases to be a strategic development plan on the expiry of the period specified under subsection (4).

60J Strategic development plan: application of provisions of this Part

- (1) The provisions specified in subsection (3) apply in relation to a strategic development plan as they apply in relation to a local development plan.
- (2) Accordingly, where a provision specified in subsection (3) confers power for the Welsh Ministers to make provision by regulations in respect of a local development plan, that power is also exercisable so as to make provision in respect of a strategic development plan.
- (3) The provisions are sections 63 to 68, 68A(1), 69 to 71, 73 and 75 to 77.
- (4) In those provisions as they apply by virtue of subsection (1)—
 - (a) references to a local planning authority are to be construed as references to a strategic planning panel;
 - (b) references to a local development plan are to be construed as references to a strategic development plan.
- (5) In section 64(5)(a) as it applies by virtue of this section, the reference to section 62 is to be construed as a reference to section 60I.
- (6) In section 77(2)(a) as it applies by virtue of this section, the reference to section 62(6) is to be construed as a reference to section 60I(7).

62 Local development plan

- (1) The local planning authority must prepare a plan for their area to be known as a local development plan.
- (2) The plan must set out—
 - (a) the authority's objectives in relation to the development and use of land in their area;
 - (b) their general policies for the implementation of those objectives.
- (3) The plan may also set out specific policies in relation to any part of the area of the authority.

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(3A) The plan must be in general conformity with—
(a) the National Development Framework for Wales, and
(b) the strategic development plan for any strategic planning area that includes all or any part of the area of the authority.

(3B) The plan must specify the period for which it is to have effect.

(4) Regulations under this section may
(a) make provision about the period that may be specified under subsection (3B);
(b) prescribe the form and content of the plan.

(5) In preparing a local development plan the authority must have regard to—
(a) current national policies;
(b) ~~the Wales Spatial Plan~~ the National Development Framework for Wales;
(ba) the strategic development plan for any strategic planning area that—
(i) includes all or part of the area of the authority, or
(ii) adjoins that area;”
(c) the RSS for any region which adjoins the area of the authority;
(d) any relevant community strategy;
(f) the resources likely to be available for implementing the plan;
(g) such other matters as the Assembly prescribes.

(6) The authority must also—
(a) carry out an appraisal of the sustainability of the plan;
(b) prepare a report of the findings of the appraisal.

(7) A community strategy is relevant if—
(a) in the case of an authority which is a county council or county borough council, it has been published by the authority under section 39 of the Local Government (Wales) Measure 2009 or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure;
(b) in the case of an authority which is a National Park authority—
(i) its production involved the authority as a community planning partner within the meaning of section 38 of that Measure; and
(ii) it has been published under section 39 of that Measure or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure.
(c) in the case of an authority which is a joint planning board, it has been published by a relevant council under section 39 of that Measure or, if the strategy for a relevant council’s area has been amended, it is the strategy most recently published under section 41 of that Measure.

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- (8) A plan is a local development plan only in so far as it—
- (a) is adopted by resolution of the local planning authority as a local development plan;
 - (b) is approved by the Assembly under section 65 or 71.

(9) A plan ceases to be a local development plan on the expiry of the period specified under subsection (3B).

(10) For the purposes of subsection (7)(c), a relevant council is a county council or county borough council for an area which, or any part of which, is included in the united district of the joint planning board.

~~66~~ Withdrawal of local development plan

- ~~(1) A local planning authority may at any time before a local development plan is adopted under section 67 withdraw the plan.~~
- ~~(2) But subsection (1) does not apply to a local development plan at any time after the plan has been submitted for independent examination under section 64 unless—~~
- ~~(a) the person carrying out the examination recommends that the plan is withdrawn and that recommendation is not overruled by a direction given by the Assembly, or~~
 - ~~(b) the Assembly directs that the plan must be withdrawn.~~

66 Withdrawal of local development plan in accordance with direction

- (1) The Welsh Ministers may, at any time before a local development plan is adopted under section 67, direct the local planning authority to withdraw the plan.
- (2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.
- (3) The authority must withdraw the plan in accordance with the direction.

66A Withdrawal of local development plan in absence of direction

- (1) This section applies where a local planning authority are not required to withdraw their local development plan under section 66.
- (2) Subject to the provisions of this section, the authority may withdraw the plan at any time before adopting it under section 67.

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- (3) A local planning authority may not withdraw their local development plan at any time when the Welsh Ministers have—
- (a) directed the authority to submit the plan for approval under section 65(4), or
 - (b) taken any step under section 71 in connection with the plan.
- (4) A local planning authority may withdraw a local development plan that has been submitted for independent examination under section 64 only if—
- (a) the person carrying out the independent examination recommends that the plan is withdrawn, and
 - (b) the recommendation is not overruled by a direction given by the Welsh Ministers.
- (5) A local planning authority may withdraw a local development plan to which subsection (6) applies only if—
- (a) the authority have given notice to the Welsh Ministers of their intention to withdraw the plan, and
 - (b) the notice period has expired.
- (6) This subsection applies to a local development plan if the local planning authority—
- (a) have not yet submitted the plan for independent examination under section 64, but
 - (b) have taken steps in connection with the preparation of the plan that are specified in regulations made by the Welsh Ministers.
- (7) Where a local planning authority have given notice under subsection (5)(a), the Welsh Ministers may, by direction to the authority, do either or both of the following—
- (a) require the authority to provide further information;
 - (b) extend the notice period.
- (8) The Welsh Ministers may by regulations make provision about the giving of notices and directions under this section (including provision about their form and content and how they are to be given).
- (9) Subject to any direction given under subsection (7)(b) in a particular case, the “notice period” means whatever period, beginning with the giving of notice under subsection (5)(a), is specified in regulations made by the Welsh Ministers.”

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68A Duty to consider whether to review local development plan

- (1) Following the publication of the National Development Framework for Wales or a revised Framework, a local planning authority must consider whether to carry out a review of their local development plan.
- (2) Following the publication of a strategic development plan or revised strategic development plan for a strategic planning area, a local planning authority for an area all or part of which is included in the strategic planning area must consider whether to carry out a review of their local development plan.”

69 Review of local development plan

- (1) A local planning authority must carry out a review of their local development plan ~~at such times as the Assembly prescribes.~~
 - (a) if, after consideration under section 68A, they think that the plan should be reviewed, and
 - (b) at such other times as the Welsh Ministers prescribe”
- (2) The authority must report to the Assembly on the findings of their review.
- (3) A review must–
 - (a) be in such form as is prescribed;
 - (b) be published in accordance with such requirements as are prescribed.

72 Joint local development plans

- (A1) The Welsh Ministers may direct two or more local planning authorities to prepare a joint local development plan.
- (1) Two or more local planning authorities may in the absence of a direction to any of them under subsection (A1), agree to prepare a joint local development plan.
 - (1A) If the Welsh Ministers give a direction under subsection (A1), they must state their reasons for doing so.
 - (1B) The authorities to which a direction is given must, subject to any withdrawal or variation of the direction, act jointly in exercising their functions under this Part relating to local development plans.
- (2) This Part applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a joint local development plan as it applies for

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the purposes of the preparation, revision, adoption, withdrawal and revocation of a local development plan.

- (3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a local development plan must be done by or in relation to each of the authorities mentioned in subsection (A1) or (1) in connection with a joint local development plan.
- (4) Subsections (5) to (7) apply if
- (a) the Welsh Ministers withdraw a direction under subsection (A1) or vary such a direction so that it ceases to apply to a local planning authority,
 - or
 - (b) a local planning authority withdraw from an agreement mentioned in subsection (1).
- (5) Any step taken in relation to the plan must be treated as a step taken by—
- (a) an authority to which the direction was given or which was a party to the agreement for the purposes of any corresponding plan prepared by them;
 - (b) two or more other authorities whē to which the direction was given or which were parties to the agreement for the purposes of any corresponding joint local development plan.
- (6) Any independent examination of a local development plan to which the direction or agreement relates must be suspended.
- (7) If before the end of the period prescribed for the purposes of this subsection an authority to which the direction was given or which was a party to the agreement requests the Assembly to do so it may direct that—
- (a) the examination is resumed in relation to the corresponding plan;
 - (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- (7A) The Welsh Ministers may by regulations—
- (a) specify circumstances in which subsections (5) and (7) are not to apply in relation to an authority;
 - (b) make provision as to what is a corresponding plan or corresponding joint local development plan.”
- (8) A joint local development plan is a local development plan prepared jointly by two or more local planning authorities.

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74 Urban development corporations

The Assembly may direct that this Part (except ~~section 60~~ sections 60 to 60C) does not apply to the area of an urban development corporation.

78 Interpretation

- (1) Local development plan must be construed in accordance with section 62.
- (2) Local planning authorities are—
 - (a) county councils in Wales;
 - (b) county borough councils.
- ~~(3) A National Park authority is the local planning authority for the whole of its area and subsection (2) must be construed subject to that.~~
- (3) But—
 - (a) a National Park authority is the local planning authority for the whole of its area;
 - (b) a joint planning board is the local planning authority for the whole of its united district (and references to the area of a local planning authority are, in relation to such a board, to be construed as references to its united district).
- (4) The Assembly is the National Assembly for Wales.
- (5) RSS must be construed in accordance with Part 1.
- (6) This section applies for the purposes of this Part.

113 Validity of strategies, plans and documents

- (1) This section applies to—
 - (a) a revision of the regional strategy;
 - ~~(b) the Wales Spatial Plan;~~ the National Development Framework for Wales;
 - (ba) a strategic development plan
 - (c) a development plan document;
 - (d) a local development plan;
 - (e) a revision of a document mentioned in paragraph (b), (ba), (c) or (d);
 - (f) the Mayor of London's spatial development strategy;
 - (g) an alteration or replacement of the spatial development strategy,

and anything falling within paragraphs (a) to (g) is referred to in this section as a relevant document.

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- (2) A relevant document must not be questioned in any legal proceedings except in so far as is provided by the following provisions of this section.
- (3) A person aggrieved by a relevant document may make an application to the High Court on the ground that—
 - (a) the document is not within the appropriate power;
 - (b) a procedural requirement has not been complied with.
- (4) But the application must be made not later than the end of the period of six weeks starting with the relevant date.
- (5) The High Court may make an interim order suspending the operation of the relevant document—
 - (a) wholly or in part;
 - (b) generally or as it affects the property of the applicant.
- (6) Subsection (7) applies if the High Court is satisfied—
 - (a) that a relevant document is to any extent outside the appropriate power;
 - (b) that the interests of the applicant have been substantially prejudiced by a failure to comply with a procedural requirement.
- (7) The High Court may—
 - (a) quash the relevant document;
 - (b) remit the relevant document to a person or body with a function relating to its preparation, publication, adoption or approval.
- (7A) If the High Court remits the relevant document under subsection (7)(b) it may give directions as to the action to be taken in relation to the document.
- (7B) Directions under subsection (7A) may in particular—
 - (a) require the relevant document to be treated (generally or for specified purposes) as not having been approved or adopted;
 - (b) require specified steps in the process that has resulted in the approval or adoption of the relevant document to be treated (generally or for specified purposes) as having been taken or as not having been taken;
 - (c) require action to be taken by a person or body with a function relating to the preparation, publication, adoption or approval of the document (whether or not the person or body to which the document is remitted);
 - (d) require action to be taken by one person or body to depend on what action has been taken by another person or body.
- (7C) The High Court's powers under subsections (7) and (7A) are exercisable in relation to the relevant document—
 - (a) wholly or in part;
 - (b) generally or as it affects the property of the applicant.

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- (8) An interim order has effect until the proceedings are finally determined.
- (9) The appropriate power is—
- (a) Part 5 of the Local Democracy, Economic Development and Construction Act 2009 in the case of a revision of the regional strategy;
 - ~~(b) section 60 above in the case of the Wales Spatial Plan or any revision of it;~~
 - (b) sections 60 to 60C above in the case of the National Development Framework for Wales or a revised Framework;
 - (ba) in the case of a strategic development plan or any revision of it -
 - (i) section 60I above, and
 - (ii) sections 63 to 68, 68A(1), 69 to 71 and 73 to 78 above, as they apply in relation to strategic development plans (see section 60J);.
 - (c) Part 2 of this Act in the case of a development plan document or any revision of it;
 - (d) sections 62 to 78 above in the case of a local development plan or any revision of it;
 - (e) sections 334 to 343 of the Greater London Authority Act 1999 (c. 29) in the case of the spatial development strategy or any alteration or replacement of it.
- (10) A procedural requirement is a requirement under the appropriate power or contained in regulations or an order made under that power which relates to the adoption, publication or approval of a relevant document.
- (11) References to the relevant date must be construed as follows—
- (a) for the purposes of a revision of the regional strategy, the date when the revision is published by the Secretary of State under Part 5 of Local Democracy, Economic Development and Construction Act 2009;
 - ~~(b) for the purposes of the Wales Spatial Plan (or a revision of it), the date when it is approved by the National Assembly for Wales;~~
 - (b) for the purposes of the National Development Framework for Wales (or a revised Framework), the date when it is published by the Welsh Ministers;
 - (ba) for the purposes of a strategic development plan (or a revision of it), the date when it is adopted by the strategic planning panel or approved by the Welsh Ministers (as the case may be);
 - (c) for the purposes of a development plan document (or a revision of it), the date when it is adopted by the local planning authority or approved by the Secretary of State (as the case may be);
 - (d) for the purposes of a local development plan (or a revision of it), the date when it is adopted by a local planning authority in Wales or approved by the National Assembly for Wales (as the case may be);

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(e) for the purposes of the spatial development strategy (or an alteration or replacement of it), the date when the Mayor of London publishes it.

(12) In this section references to a revision of the regional strategy include a revised strategy under section 79 of the Local Democracy, Economic Development and Construction Act 2009.

122 Regulations and order

(1) A power to prescribe is (unless express provision is made to the contrary) a power to prescribe by regulations exercisable—

- (a) by the Secretary of State in relation to England;
- (b) by the ~~National Assembly for Wales~~ Welsh Ministers in relation to Wales.

(2) References in this section to subordinate legislation are to any order or regulations under this Act.

(3) Subordinate legislation—

- (a) may make different provision for different purposes;
- (b) may include such supplementary, incidental, consequential, saving or transitional provisions (including provision amending, repealing or revoking enactments) as the person making the subordinate legislation thinks necessary or expedient.

(4) A power to make subordinate legislation must be exercised by statutory instrument.

(5) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament unless it contains—

- (a)
- (b) an order under section 98, 116(1) or 119(2);
- (c) an order under section 110(2);
- (d) an order under section 121(1) to which subsection (8) applies;
- (e) an order under section 121(4);
- (f) provision amending or repealing an enactment contained in an Act;
- (g) subordinate legislation made by the ~~National Assembly for Wales~~ Welsh Ministers.

(6) A statutory instrument mentioned in subsection (5) (c) or (f) must not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.

(6A) Subsection (6) does not apply in relation to a statutory instrument containing subordinate legislation made by the Welsh Ministers.

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- (6B) The Welsh Ministers must not make a statutory instrument containing subordinate legislation which includes provision amending or repealing an enactment contained in primary legislation unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
- (6C) A statutory instrument containing subordinate legislation made by the Welsh Ministers to which subsection (6B) does not apply is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) A statutory instrument containing an order under section 98 or 119(2) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) This subsection applies to an order which does not contain provision amending or repealing an enactment contained in an Act.
- (9) A statutory instrument containing an order under section 121(4), if it includes provision amending or repealing an enactment contained in an Act, must not be made unless a draft of the instrument has been laid before and approved by resolution of the Scottish Parliament.
- (10) In subsection (3), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament and in subsections (8) and (9), “Act” includes such an Act and “enactment” includes an enactment comprised in such an Act.
- (11) In subsection (6B), “primary legislation” means—
(a) an Act of Parliament;
(b) an Act or Measure of the National Assembly for Wales.

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Please note: The following part of this document details amendments made to the Schedules to the Planning and Compulsory Purchase Act 2004 by the Planning (Wales) Bill. Schedules or paragraphs of Schedules that are not amended are not shown.

SCHEDULE 2A

STRATEGIC PLANNING PANELS

PART 1

STATUS AND MEMBERSHIP

Status

1 (1) A strategic planning panel is a body corporate.

(2) The panel has the name specified in the regulations establishing it.

Membership

2 (1) A strategic planning panel consists of local planning authority members and nominated members (see paragraphs 3 and 4).

(2) The regulations establishing the panel must specify—

- (a) the total number of members of the panel,
- (b) the number of local planning authority members, and
- (c) the number of nominated members.

(3) The number of local planning authority members of the panel—

- (a) must be equal to or greater than the number of constituent local planning authorities, and
- (b) must be two thirds of the total membership of the panel, rounded to the nearest whole number.

(4) The number of nominated members must be one third of the total membership of the panel, rounded to the nearest whole number.

(5) A person may not be a member of a strategic planning panel if the person is a member of the panel's staff.

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Appointment of local planning authority members

- 3 (1) Each local planning authority member of a strategic planning panel is to be appointed by a constituent local planning authority from among the authority's eligible members.
- (2) The regulations establishing the panel must specify the number of members to be appointed by each constituent local planning authority, and must ensure that at least one member is to be appointed by each authority.
- (3) A constituent local planning authority, in relation to a strategic planning panel, is a local planning authority all or part of whose area is included in the panel's strategic planning area.
- (4) In the case of a constituent local planning authority which is a county council or a county borough council, the eligible members are—
- (a) each councillor representing an electoral division all of which is in the panel's strategic planning area, and
 - (b) any elected mayor or elected executive member within the meaning of Part 2 of the Local Government Act 2000 (see section 39(1) and (4) of that Act).
- (5) In the case of a constituent local planning authority which is a National Park authority or a joint planning board, the eligible members are each member of that authority or board.

Appointment of nominated members

- 4 (1) Each nominated member of a strategic planning panel is to be appointed by the panel, having been nominated by a nominating body in response to a request made by the panel in accordance with this paragraph.
- (2) The Welsh Ministers must publish a list of persons who are to be nominating bodies for the purposes of this paragraph.
- (3) Before appointing a nominated member, a strategic planning panel must request a nomination from a nominating body chosen by the panel.
- (4) If the list of nominating bodies is divided into parts, the regulations establishing a strategic planning panel must specify, in relation to each place on the panel, the part of the list from which the panel must choose the nominating body that is requested to make a nomination.
- (5) If a nominating body nominates a person for appointment in response to a request from a strategic planning panel, the panel must appoint that person as a nominated member of the panel.

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(6) The Welsh Ministers may amend the list of nominating bodies by publishing the list as amended.

(7) If the list of nominating bodies is amended by removing a person—

(a) any nomination made by that person is to be disregarded for the purposes of sub-paragraph (5);

(b) any member of a strategic planning panel who was appointed on the nomination of that person ceases to hold office.

(8) The initial appointments to a strategic planning panel under this paragraph are to be made by the local planning authority members of the panel; and in relation to those appointments, references to anything that must be done by the panel are to be construed accordingly.

Terms and notice of appointments

5 (1) The Welsh Ministers may publish standard terms of appointment for local planning authority members of strategic planning panels and for nominated members of panels.

(2) The Welsh Ministers may amend any standard terms of appointment, and must publish the standard terms as amended.

(3) A member of a strategic planning panel must be appointed on the most recently published standard terms (if any) relevant to the appointment.

(4) A strategic planning panel must give the Welsh Ministers notice of each appointment made to the panel.

(5) Subject to the provisions of this Schedule, the members of a panel hold and vacate office in accordance with their terms of appointment.

Members' allowances

6 (1) A strategic planning panel may pay allowances to its members in respect of expenses they incur in connection with the exercise of their functions.

(2) A panel may not pay any other remuneration to its members.

(3) For provision about payments that a panel is required or authorised to make in respect of members' allowances, see Part 8 of the Local Government (Wales) Measure 2011.

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Termination of membership: general

- 7 (1) A member of a strategic planning panel may resign by giving notice to the panel.
- (2) A strategic planning panel may, by giving notice to a member of the panel, remove the member on any of the following grounds—
- (a) that the member has been absent from meetings of the panel without its permission for at least 6 months,
 - (b) that the member has failed to comply with the member's terms of appointment, or
 - (c) that the member is otherwise unable or unfit to exercise the member's functions.
- (3) A notice under sub-paragraph (2) must state the panel's reasons for removing the member.
- (4) A strategic planning panel must send a copy of a notice given under this paragraph—
- (a) to the Welsh Ministers, and
 - (b) in the case of a local planning authority member, to the constituent local planning authority that appointed the member.

Termination of membership: further provision about local planning authority members

- 8 (1) A constituent local planning authority may at any time remove a local planning authority member of a strategic planning panel appointed by the authority.
- (2) If a person who is a local planning authority member of a strategic planning panel ceases to be an eligible member of the constituent local planning authority that appointed the person to the panel, the person ceases to be a member of the panel.
- (3) In the case of a constituent local planning authority which is a county council or a county borough council, a person is not to be treated as ceasing to be a member of the authority by virtue of retiring under section 26 of the Local Government Act 1972 (elections of councillors in Wales) if the person is re-elected to the authority not later than the day the person retires.
- (4) Where a person ceases to be a member of a strategic planning panel by virtue of this paragraph—

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- (a) the constituent local planning authority that appointed the person to the panel must give notice of that fact to the panel, and
- (b) the panel must send a copy of the notice to the Welsh Ministers.

Chair and deputy chair

- 9 (1) A strategic planning panel must appoint a chair and deputy chair from among its local planning authority members.
- (2) Neither appointment may be for a period of more than one year, but a chair or deputy chair may be re-appointed any number of times.
- (3) A person may resign from the office of chair or deputy chair of a strategic planning panel by giving notice to the panel.
- (4) A person ceases to be the chair or deputy chair of a panel if the person ceases to be a local planning authority member of the panel.

PART 2

ADMINISTRATION

Staff

- 10 (1) A strategic planning panel may employ staff.
- (2) The panel's staff are to be employed on such terms and conditions (including terms and conditions relating to remuneration, allowances and pensions) as the panel may determine.

Delegation

- 11 (1) A strategic planning panel may delegate a function to—
- (a) a committee of the panel;
 - (b) a member of the panel;
 - (c) a member of the panel's staff.
- (2) But the panel may not delegate—
- (a) a function under paragraph 4,
 - (b) the function of deciding whether a strategic development plan (or a revision of such a plan) is ready for independent examination, or
 - (c) the function of adopting a strategic development plan (or a revision of such a plan).
- (3) The delegation of a function does not affect—
- (a) the panel's responsibility for the exercise of the function, or

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(b) the panel's ability to exercise the function.

Procedure

12 (1) A strategic planning panel must make standing orders regulating its procedure.

(2) The standing orders must specify a quorum for meetings of the panel.

(3) The quorum cannot be met if local planning authority members comprise a smaller proportion of the members present at a meeting than of the total membership of the panel.

(4) A strategic planning panel—

(a) may revise its standing orders, and

(b) must publish the current version of its standing orders.

(5) The validity of anything done by a strategic planning panel is not affected by—

(a) a vacancy among its members, or

(b) a defect in the appointment of a member.

Meetings

13 (1) A meeting of a strategic planning panel must be open to the public, except during any item of business from which the panel excludes the public.

(2) The circumstances (if any) in which the public may be excluded from a meeting must be set out in the panel's standing orders.

(3) Before each meeting of a strategic planning panel, the panel must publish notice of the meeting.

(4) The notice must state—

(a) the time and place of the meeting, and

(b) the business to be considered at the meeting (other than items during which the public is to be excluded).

(5) The panel must also publish any reports or other documents to be considered by the panel at the meeting (other than those relating to items during which the public is to be excluded).

(6) As soon as practicable after each meeting of a strategic planning panel, the panel must publish a record of the business at the meeting That was open to the public.

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PART 3

FINANCIAL ARRANGEMENTS

Qualifying expenditure

14 (1) The qualifying expenditure of a strategic planning panel is to be met by the constituent local planning authorities in accordance with paragraphs 15 to 17.

(2) “Qualifying expenditure” means expenditure of a description prescribed by regulations made by the Welsh Ministers.

Apportionment of qualifying expenditure

15 (1) A strategic planning panel must make a determination specifying the proportion of its qualifying expenditure that is to be met by each constituent local planning authority.

(2) Not later than 31 December before the start of its second financial year, the panel must send a draft of the determination to each constituent local planning authority and to the Welsh Ministers.

(3) The panel must have regard to any representations it receives about the draft.

(4) Not later than 15 February before the start of its second financial year, the panel must send a copy of its determination to each constituent local planning authority and to the Welsh Ministers.

(5) The panel—
(a) may revise the determination, and
(b) must send a copy of the determination as revised to each constituent local planning authority and to the Welsh Ministers.

(6) Before revising its determination, the panel must—
(a) send a draft of the revised determination to each constituent local planning authority and to the Welsh Ministers, and
(b) have regard to any representations it receives about the draft.

(7) If the constituent local planning authorities give the panel notice that they have agreed the apportionment between them of the panel’s qualifying

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expenditure, the panel must make or revise its determination so as to give effect to the agreement.

(8) A determination under this paragraph may be revised only in relation to financial years which have not yet ended.

Annual work programme and estimate of qualifying expenditure

16 (1) A strategic planning panel must, for each financial year other than its first financial year, prepare a work programme which contains—

(a) a description of the activities which the panel intends to undertake during the year, and

(b) estimates of—

(i) the overall expenditure which the panel expects to incur during the year in the exercise of its functions, and

(ii) the qualifying expenditure which the panel expects to incur during the year.

(2) Not later than 31 December before the start of each financial year for which it is required to prepare a work programme, the panel must send a draft of its work programme for that year to each constituent local planning authority and to the Welsh Ministers.

(3) The panel must have regard to any representations that it receives about the draft.

(4) Not later than 15 February before the start of each financial year for which it is required to prepare a work programme, the panel must—

(a) publish its work programme for that year, and

(b) send a copy to each constituent local planning authority and to the Welsh Ministers.

(5) A strategic planning panel may, at any time during a financial year, revise its work programme for that year (including any estimate contained in it).

(6) Before revising a work programme, the panel must—

(a) send a draft of the revised work programme to each constituent local planning authority and to the Welsh Ministers, and

(b) have regard to any representations that it receives about the draft.

(7) If the panel revises a work programme, it must—

(a) publish the work programme as revised, and

(b) send a copy to each constituent local planning authority and to the Welsh Ministers.

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Payments by constituent local planning authorities

17 (1) Not later than 15 February before the start of each financial year other than its first financial year, a strategic planning panel must give each constituent local planning authority notice of the amount which the authority is required to pay to the panel for that financial year.

(2) The amount is to be calculated as follows—

- (a) take the estimate of the panel's qualifying expenditure set out in its work programme for the year published under paragraph 16;
- (b) calculate the amount representing the authority's proportion of that expenditure in accordance with the panel's determination under paragraph 15;
- (c) make any adjustments prescribed by regulations made by the Welsh Ministers.

(3) The authority must pay the amount to the panel.

(4) Sub-paragraphs (5) to (7) apply if during a financial year—

- (a) a strategic planning panel revises its determination under paragraph 15 or the estimate of its qualifying expenditure contained in the work programme published for that financial year under paragraph 16, and
- (b) making the calculation in sub-paragraph (2) for that financial year in accordance with the revised determination or estimate would give a different amount, for any constituent local planning authority, from that specified in the most recent notice given to the authority under this paragraph.

(5) The panel must give the authority notice of the revised amount which the authority is required to pay to the panel for the financial year.

(6) If the authority has not already made a payment to the panel in accordance with this paragraph, it must instead pay the panel the revised amount.

(7) If the authority has already made a payment to the panel in accordance with this paragraph—

- (a) where the revised amount is greater than the amount that has been paid, the authority must pay the difference to the panel;
- (b) where the revised amount is less than the amount that has been paid, the panel must pay the difference to the authority.

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Payments by Welsh Ministers

- 18 (1) The Welsh Ministers may make grants, loans or other payments to a strategic planning panel.
- (2) Payments may be made subject to conditions (including conditions as to repayment).
- (3) A strategic planning panel may not borrow money otherwise than from the Welsh Ministers.

Accounts and audit

- 19 (1) A strategic planning panel must for each financial year—
- (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Welsh Ministers as to—
- (a) the information to be contained in the statement,
 - (b) the manner in which the information is to be presented, and
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) Not later than 30 November after the end of each financial year, a strategic planning panel must submit its statement of accounts for that year to—
- (a) the Auditor General for Wales,
 - (b) the constituent local planning authorities, and
 - (c) the Welsh Ministers.
- (4) The Auditor General for Wales must examine, certify and report on each statement of accounts.
- (5) Not later than 4 months after a statement of accounts is submitted, the Auditor General must send copies of the certified statement and the report on it to—
- (a) the constituent local planning authorities, and
 - (b) the Welsh Ministers.

Annual report

- 20 (1) A strategic planning panel must, for each financial year, prepare a report on the exercise of its functions during that year.

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- (2) Not later than 30 November after the end of each financial year, the panel must—
(a) publish the report for that year, and
(b) send copies of the report to—
(i) the constituent local planning authorities, and
(ii) the Welsh Ministers.

Financial year

- 21 (1) The first financial year of a strategic planning panel is the period beginning with the day on which the panel is established and ending with the following 31 March.
- (2) But the regulations establishing the panel may provide that the first financial year is instead to end with the second 31 March following the day on which the panel is established.
- (3) After the first financial year, each financial year of the panel is the period of 12 months ending with 31 March.

PART 4

SUPPLEMENTARY

Guidance

- 22 In exercising functions under this Schedule, a strategic planning panel and a constituent local planning authority must have regard to any guidance issued by the Welsh Ministers.

Default powers of Welsh Ministers

- 23 (1) This paragraph applies if the Welsh Ministers think that a strategic planning panel or a constituent local planning authority is failing or omitting to do anything that it is necessary for it to do for the purpose of complying with a relevant requirement.
- (2) The Welsh Ministers may direct the panel or the authority to take such steps as they think appropriate for the purpose of complying with the relevant requirement.
- (3) A strategic planning panel or constituent local planning authority must comply with a direction given to it under this paragraph.

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- (4) If the panel or authority fails to comply with the direction, the Welsh Minister may themselves do anything that could be done by the panel or the authority (as the case may be) for the purpose of complying with the relevant requirement.
- (5) Before doing anything under sub-paragraph (4), the Welsh Ministers must give the panel or authority notice of their intention to do so.
- (6) The Welsh Ministers may require the panel or authority to reimburse them for any expenditure they incur in connection with anything they do under sub-paragraph (4).
- (7) A relevant requirement is a requirement imposed by any of the following provisions of this Schedule—
 - (a) paragraphs 3 and 4 (appointment of members of a strategic planning panel);
 - (b) paragraph 9 (appointment of chair and deputy chair);
 - (c) paragraph 12(1) (making standing orders);
 - (d) paragraphs 15 to 17 (arrangements relating to qualifying expenditure of a panel).

Provision in connection with establishment etc of strategic planning panel

- 24 (1) The regulations establishing a panel may confer power on the Welsh Ministers to give directions—
- (a) requiring a constituent local planning authority to provide the panel with staff or other services for the purpose of enabling the panel to exercise its functions in its first financial year, and
 - (b) specifying terms on which the services are to be provided if the authority and the panel cannot agree the terms.
- (2) Regulations under section 60D may include provision for the transfer of property, rights and liabilities—
- (a) from a constituent local planning authority or any other person to a strategic planning panel in connection with the establishment of the panel or the addition of any land to its strategic planning area;
 - (b) from a strategic planning panel to a constituent local planning authority or any other person in connection with the abolition of the panel or the removal of any land from its strategic planning area.
- (3) The provision that may be made by virtue of sub-paragraph (2) includes provision for the transfer of rights and liabilities relating to contracts of employment.

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Interpretation

25 In this Schedule—

“constituent local planning authority” has the meaning given by paragraph 3(3);

“eligible member”, in relation to a constituent local planning authority, has the meaning given by paragraph 3(4) and (5);

“financial year” and “first financial year” each have the meaning given by paragraph 21;

“local planning authority member”, in relation to a strategic planning panel, means a member appointed under paragraph 3;

“nominated member”, in relation to a strategic planning panel, means a member appointed under paragraph 4;

“notice” means notice in writing;

“qualifying expenditure” has the meaning given by paragraph 14(2).

Power to amend provisions about strategic planning panels

26 The Welsh Ministers may by regulations amend this Schedule.

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Town and Country Planning Act 1990

AMENDMENTS TO BE MADE BY THE PLANNING (WALES) BILL

Purpose

This document is intended to show how provisions of the Town and Country Planning Act 1990, as they apply in relation to Wales on the 6 October 2014, would look as amended by the Planning (Wales) Bill. Material to be deleted by the Planning (Wales) Bill is in strikethrough, e.g. ~~omitted material looks like this~~. Material to be added by the Planning (Wales) Bill is underlined, e.g. added material looks like this.

Warning: this text has been prepared by officials of the Planning Department. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bill. It has been produced solely to help people understand the effect of the Planning (Wales) Bill. It is not intended for use in any other context.

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Town and Country Planning Act 1990

58.— Granting of planning permission: general.

- (1) Planning permission may be granted—
 - (a) by a development order, a local development order or a neighbourhood development order ;
 - (b) by the local planning authority (or, in the cases provided in this Part, by the Secretary of State or the Welsh Ministers) on application to the authority or, in the cases provided in this Part, on application to the Secretary of State or the Welsh Ministers) in accordance with a development order;
 - (c) on the adoption or approval of a simplified planning zone scheme or alterations to such a scheme in accordance with section 82 or, as the case may be, section 86; or
 - (d) on the designation of an enterprise zone or the approval of a modified scheme under Schedule 32 to the Local Government, Planning and Land Act 1980 in accordance with section 88 of this Act.
- (2) Planning permission may also be deemed to be granted under section 90 (development with government authorisation).
- (3) This section is without prejudice to any other provisions of this Act providing for the granting of permission.

59.— Development orders: general.

- (1) The Secretary of State shall by order (in this Act referred to as a “development order”) provide for the granting of planning permission.
- (2) A development order may either—
 - (a) itself grant planning permission for development specified in the order or for development of any class specified; or
 - (b) in respect of development for which planning permission is not granted by the order itself, provide for the granting of planning permission by the local planning authority (or, in the cases provided in the following provisions, by the Secretary of State or the Welsh Ministers) on application to the authority (or, in the cases provided in the following provisions, on application to the Secretary of State or the Welsh Ministers) in accordance with the provisions of the order.
- (3) A development order may be made either—

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- (a) as a general order applicable, except so far as the order otherwise provides, to all land, or
- (b) as a special order applicable only to such land or descriptions of land as may be specified in the order.

(4) In this Act, references to a development order are—

- (a) in relation to England, references to a development order made by the Secretary of State;
- (b) in relation to Wales, references to a development order made by the Welsh Ministers.

Consultation England: consultation before applying for planning permission

61W Requirement England: requirement to carry out pre-application consultation

(1) Where—

- (a) a person proposes to make an application for planning permission for the development of any land in England, and
- (b) the proposed development is of a description specified in a development order,

the person must carry out consultation on the proposed application in accordance with subsections (2) and (3).

(2) The person must publicise the proposed application in such manner as the person reasonably considers is likely to bring the proposed application to the attention of a majority of the persons who live at, or otherwise occupy, premises in the vicinity of the land.

(3) The person must consult each specified person about the proposed application.

(4) Publicity under subsection (2) must—

- (a) set out how the person (“P”) may be contacted by persons wishing to comment on, or collaborate with P on the design of, the proposed development, and
- (b) give such information about the proposed timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed development may do so in good time.

(5) In subsection (3) “specified person” means a person specified in, or of a description specified in, a development order.

(6) Subsection (1) does not apply—

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- (a) if the proposed application is an application under section 293A, or
 - (b) in cases specified in a development order.
- (7) A person subject to the duty imposed by subsection (1) must, in complying with that subsection, have regard to the advice (if any) given by the local planning authority about local good practice.

Wales: pre-application procedure

61Z Wales: requirement to carry out pre-application consultation

- (1) This section applies where—
- (a) a person (the “applicant”) proposes to make an application for planning permission for the development of land within the area of a local planning authority in Wales, and
 - (b) the proposed development is development of a description specified in a development order.
- (2) The applicant must carry out consultation on the proposed application in accordance with subsections (3) and (4).
- (3) The applicant must publicise the proposed application in such manner as the applicant reasonably considers likely to bring it to the attention of a majority of the persons who own or occupy premises in the vicinity of the land.
- (4) The applicant must consult each specified person about the proposed application.
- (5) Publicity under subsection (3) must—
- (a) set out how the applicant may be contacted by persons wishing to comment on the proposed development;
 - (b) give such information about the proposed timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed development may do so in good time.
- (6) For the purposes of subsection (4), a specified person is a person specified in, or a person of a description specified in, a development order.
- (7) Subsection (2) does not apply—
- (a) if the proposed application is an application under section 293A, or
 - (b) in cases specified in a development order.
- (8) A development order may make provision about, or in connection with, consultation required to be carried out under this section (including by way of publicising an application under subsection (3)).

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(9) That provision may include —

- (a) provision about how the consultation is to be carried out (including about the form and content of documents, and information and other materials that are to be provided to a person for the purposes of, or in connection with, the consultation);
- (b) provision about responding to the consultation (including provision requiring a person consulted to respond to the consultation, or to respond to the consultation in a particular way, or to respond within a particular time);
- (c) provision about the timetable (including deadlines) for consultation;
- (d) provision for a person consulted by virtue of subsection (4) to make a report to the Welsh Ministers about the person's compliance with any requirement imposed by virtue of paragraph (b) or (c) (including provision as to the form and content of the report and the time at which it is to be made).

61Z1 Wales: pre-application services

(1) The Welsh Ministers may by regulations make provision for and in connection with the provision of pre-application services by a local planning authority in Wales or the Welsh Ministers.

(2) Regulations under this section may, in particular, make provision—

- (a) about circumstances in which pre-application services are required to be provided (including provision about the form and content of requests for pre-application services, and information that is to accompany a request);
- (b) about the nature of the services required to be provided, and when and how they are to be provided;
- (c) for information and documents relating to services provided under the regulations, or relating to requests for such services, to be published or otherwise made available to the public, or to persons specified in the regulations, by a local planning authority or the Welsh Ministers;
- (d) about other steps required to be taken by any person in connection with, or for the purposes of, the provision of services under the regulations.

(3) References in this section and section 61Z2 to pre-application services are to services provided to a person, in respect of a qualifying application proposed to be made by the person in respect of the development of land in Wales, for the purpose of assisting the person in making the application.

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(4) A “qualifying application” is an application, under or by virtue of this Part, that is of a description specified in regulations made by the Welsh Ministers.

61Z2 Pre-application services: records and statement of services

(1) The Welsh Ministers may by regulations make provision requiring—

- (a) records to be kept of requests for pre-application services;
- (b) records to be kept of pre-application services provided;
- (c) a statement, giving information about the range of pre-application services provided by an authority or the Welsh Ministers, to be prepared and published or otherwise made available.

(2) The regulations may, in particular, include provision about—

- (a) the form and content of the records to be kept;
- (b) the form and content of the statement;
- (c) the way in which records are to be kept;
- (d) the publication of the statement and the persons to whom, and circumstances in which, it is to be made available.

(3) Regulations under this section or section 61Z1 may contain incidental, supplementary and consequential provision.

62 Applications for planning permission

(1) A development order may make provision as to applications for planning permission made to a local planning authority.

(2) Provision referred to in subsection (1) includes provision as to—

- (a) the form and manner in which the application must be made;
- (b) particulars of such matters as are to be included in the application;
- (c) documents or other materials as are to accompany the application.

(2A) In subsections (1) and (2) references to applications for planning permission include references to applications for approval under section 61L(2).

(3) The local planning authority may require that an application for planning permission must include—

- (a) such particulars as they think necessary;
- (b) such evidence in support of anything in or relating to the application as they think necessary.

(4) But a requirement under subsection (3) must not be inconsistent with provision made under subsection (1).

(4A) Also, a requirement under subsection (3) in respect of an application for planning permission for development of land in England—

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- (a) must be reasonable having regard, in particular, to the nature and scale of the proposed development; and
 - (b) may require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.
- (5) A development order must require that an application for planning permission of such description as is specified in the order must be accompanied by such of the following as is so specified—
- (a) a statement about the design principles and concepts that have been applied to the development;
 - (b) a statement about how issues relating to access to the development have been dealt with.
- (6) The form and content of a statement mentioned in subsection (5) is such as is required by the development order.

(6A) Subsections (5) and (6) do not apply in relation to Wales

- (7) In subsection (8) “a relevant application” means the application for planning permission in a case where a person—
- (a) has been required by section 61W(1) to carry out consultation on a proposed application for planning permission, and
 - (b) is going ahead with making an application for planning permission (whether or not in the same terms as the proposed application).
- (8) A development order must require that a relevant application be accompanied by particulars of—
- (a) how the person complied with section 61W(1),
 - (b) any responses to the consultation that were received by the person, and
 - (c) the account taken of those responses.
- (9) In subsection (10), a “relevant Welsh application” means an application for planning permission, in a case where a person—
- (a) has been required by section 61Z to carry out consultation on a proposed application for planning permission for the development of land, and
 - (b) is going ahead with making an application for planning permission for the development (whether or not in the same terms as the proposed application).
- (10) A development order must require a relevant Welsh application to be accompanied by a report (the “pre-application consultation report”) giving particulars of—
- (a) how the applicant complied with section 61Z;

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- (b) any responses to the consultation received from persons consulted under section 61Z(3) or (4);
- (c) the account taken of those responses.

(11) A development order may make provision about the form and content of the pre-application consultation report.

Wales: appeal against notice that application does not comply with validation requirement

62ZA Wales: notice that application does not comply with validation requirement

(1) This section applies where an application for planning permission is made to a local planning authority in Wales.

(2) If the authority think the application (or anything accompanying it) does not comply with a validation requirement imposed under section 62, they must give the applicant notice to that effect.

(3) The notice must—

- (a) identify the requirement in question, and
- (b) set out the authority's reasons for thinking the application does not comply with it.

(4) A development order may make provision about the giving of notice under this section (including provision about information to be included in the notice and how and when the notice is to be given).

(5) A requirement imposed under section 62 is a validation requirement in relation to an application if the effect of the application failing to comply with the requirement is that—

- (a) the local planning authority must not entertain the application (see section 327A), or
- (b) the period prescribed under section 78(2) does not begin to run in relation to the application.

62ZB Right to appeal to Welsh Ministers against notice

(1) If a local planning authority give an applicant notice under section 62ZA, the applicant may appeal to the Welsh Ministers.

(2) The appeal may be brought on any one or more of the following grounds—

- (a) that the application complies with the requirement identified in the notice;

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- (b) that the application is not one to which the requirement applies;
 - (c) that the requirement is not a validation requirement in relation to the application;
 - (d) in the case of a requirement imposed under subsection (3) of section 62, that the requirement does not comply with subsection (4A) of that section.
- (3) The appeal must be made by giving notice that complies with any requirements prescribed by a development order.
- (4) The requirements may relate to how and when the notice is to be given and the information that is to accompany it.
- (5) The appeal is to be determined on the basis of representations in writing.
- (6) The Welsh Ministers must either—
 - (a) dismiss the appeal, or
 - (b) quash or vary the notice to which it relates.
- (7) The Welsh Ministers' decision on the appeal is final.

62ZC Appeals under section 62ZB: determination by appointed person

- (1) Unless a direction otherwise is given under section 62ZD(1), an appeal under section 62ZB is to be determined by a person appointed by the Welsh Ministers.
- (2) In this section and section 62ZD, "appointed person" means a person appointed under subsection (1).
- (3) At any time before an appointed person determines an appeal, the Welsh Ministers may—
 - (a) revoke the person's appointment, and
 - (b) appoint another person under subsection (1) to determine the appeal.
- (4) An appointed person has the same powers and duties in relation to an appeal as the Welsh Ministers have under sections 62ZB(6) and 322C and under any regulations made under section 323A.
- (5) An appointed person's decision on an appeal is to be treated as the decision of the Welsh Ministers.
- (6) The validity of an appointed person's decision on an appeal may not be questioned by the appellant or the local planning authority in legal proceedings on the ground that the appeal ought to have been determined by

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the Welsh Ministers and not by an appointed person, unless the appellant or the authority challenge the appointed person's power to determine the appeal before the person's decision is given.

62ZD Appeals under section 62ZB: determination by Welsh Ministers in place of appointed person

(1) The Welsh Ministers may direct that an appeal under section 62ZB which would otherwise be determined by an appointed person is instead to be determined by the Welsh Ministers.

(2) The Welsh Ministers must serve a copy of the direction on—
(a) the person (if any) appointed to determine the appeal,
(b) the appellant, and
(c) the local planning authority.

(3) In determining the appeal, the Welsh Ministers may take into account any report made to them by a person previously appointed to determine the appeal.

(4) The Welsh Ministers may by a further direction revoke a direction under subsection (1) at any time before the appeal is determined.

(5) The Welsh Ministers must serve a copy of a direction under subsection (4) on—
(a) the person (if any) previously appointed to determine the appeal,
(b) the appellant, and
(c) the local planning authority.

(6) Where the Welsh Ministers give a direction under subsection (4)—
(a) they must appoint a person (the "new appointee") under section 62ZC(1) to determine the appeal;
(b) anything done by or on behalf of the Welsh Ministers in connection with the appeal that might have been done by an appointed person is, unless the new appointee directs otherwise, to be treated as having been done by the new appointee;
(c) subject to that, section 62ZC applies to the appeal as if no direction under subsection (1) had been given."

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Wales: developments of national significance

62D Developments of national significance: applications to be made to Welsh Ministers

- (1) A nationally significant development application is to be made to the Welsh Ministers instead of to the local planning authority.
- (2) A nationally significant development application is an application for planning permission for the development of land in Wales, where the development to which the application relates is of national significance.
- (3) Development is of national significance for this purpose if it meets criteria specified in regulations made by the Welsh Ministers for the purposes of this section.
- (4) Development is also of national significance for this purpose if it is development that the National Development Framework for Wales specifies, under section 60(3) of the Planning and Compulsory Purchase Act 2004, is to constitute development of national significance for the purposes of this section.
- (5) The planning permission that may be granted on an application under this section does not include outline planning permission (and for this purpose “outline planning permission” has the meaning given in section 92).
- (6) An application within subsection (7) is not to be treated as being a nationally significant development application, unless it is an application of a description prescribed in regulations made by the Welsh Ministers.
- (7) An application is within this subsection if it is an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

62E Notification of proposed application under section 62D

- (1) A person who proposes to make an application to the Welsh Ministers under section 62D must notify the Welsh Ministers of the proposed application.
- (2) The notification must comply with any requirements specified in a development order.
- (3) Those requirements may include requirements as to—
 - (a) the form and content of a notification;
 - (b) information that is to accompany the notification (including information about secondary consents in respect of which the person considers a

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decision should be made by the Welsh Ministers under section 62F, or otherwise relating to secondary consents);

(c) the way in which and time in which the notification is to be given.

(4) On receiving notification of an application from a person in accordance with this section, the Welsh Ministers must give notice to the person that the notification has been accepted.

(5) Any step taken in respect of an application that is proposed to be made under section 62D, if taken before the date on which notice is given under subsection (4) in respect of the application, is not to be treated for the purposes of this Act as constituting consultation with any person about the application.

(6) A development order may make provision about the giving of notice by the Welsh Ministers under subsection (4).

(7) That provision may include provision—

(a) about the form and content of the notice to be given under subsection (4);

(b) about the way in which it is to be given;

(c) about the period within which it is to be given (including provision about circumstances in which the Welsh Ministers may extend that period in a particular case).

(8) In this section and sections 62F and 62G, “secondary consent” has the meaning given in section 62H.

62F Developments of national significance: secondary consents

(1) Subsections (2) to (5) apply where—

(a) an application (a “section 62D application”) is made to the Welsh Ministers under section 62D, and

(b) the Welsh Ministers consider that—

(i) a secondary consent is connected to the section 62D application,
and

(ii) having regard to their functions in respect of that section 62D application, the decision on that consent should be made by them.

(2) Where the decision in respect of the secondary consent would (but for this section) be made by a person other than the Welsh Ministers, it is to be made by the Welsh Ministers.

(3) For this purpose—

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- (a) any application that is required to be made in respect of the secondary consent, and has not yet been made, is to be made to the Welsh Ministers instead of the person to whom it would otherwise be made, and
 - (b) if an application has already been made in respect of the secondary consent to a person other than the Welsh Ministers, it is to be referred to the Welsh Ministers instead of being dealt with by that person.
- (4) Subject to the following provisions of this Act, in a case where (but for this section) the secondary consent would have been dealt with by another person, the secondary consent is to be dealt with by the Welsh Ministers as though the Welsh Ministers were that person.
- (5) The decision of the Welsh Ministers on the secondary consent is final.
- (6) A secondary consent is connected to a section 62D application, for the purposes of this section, if the secondary consent—
- (a) is required in order for the development to which the section 62D application relates to be carried out,
 - (b) would facilitate the carrying out of that development, or
 - (c) would facilitate any re-development or improvement, or the achievement of any other purpose, carried out on or in relation to land in connection with that development.

62G Developments of national significance: supplementary provision about secondary consents

- (1) The Welsh Ministers may give directions requiring the relevant person to do things in relation to a secondary consent in respect of which, by virtue of section 62F(2), a decision is to be made by the Welsh Ministers.
- (2) The relevant person is the person by whom (but for section 62F) the decision as to whether to grant the secondary consent would have been made.
- (3) The power to give directions under this section includes power to vary or revoke the directions.
- (4) Regulations made by the Welsh Ministers may make provision for regulating the manner in which a secondary consent, or an application for secondary consent, is to be dealt with by the Welsh Ministers under section 62F.
- (5) That provision may include provision—
- (a) about consultation to be carried out by the Welsh Ministers before a secondary consent is granted or refused;
 - (b) requiring a person to provide a substantive response to any consultation carried out by virtue of the regulations (including about the

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requirements of a substantive response and the period within which it is to be provided).

(6) Regulations made by the Welsh Ministers may provide for an applicable enactment or requirement—

- (a) to apply, with or without modifications, in respect of a secondary consent within subsection (1), or an application for such a consent, or
- (b) not to apply in respect of such a consent or application.

(7) For this purpose an applicable enactment or requirement, in relation to a secondary consent within subsection (1), or an application for such a consent, is—

- (a) any provision of or made under this Act, or of or under any other enactment, in respect of consents of that kind;
- (b) any requirements imposed by or under this Act, or any other enactment, in respect of consents of that kind.

62H Developments of national significance: meaning of secondary consent

(1) For the purposes of this Act, a “secondary consent” is—

- (a) a consent that is required under legislation, or is given under legislation, and that relates to, or is given in connection with, the development or use of land in Wales, or
- (b) a notice that is required by legislation to be given in relation to, or in connection with, the development or use of land in Wales,

and which, in either case, is of a description prescribed by regulations made by the Welsh Ministers.

(2) A description of consent or notice may be prescribed under subsection (2) only if—

- (a) provision for that consent or notice would be within the legislative competence of the National Assembly for Wales, if the provision were contained in an Act of the National Assembly, and
- (b) the consent or notice is one that legislation provides is to be given by a body exercising functions of a public nature (whether or not the body also exercises any other function).

(3) For the purposes of subsection (1)—

- (a) references to a consent include references to a permit, certificate, licence or other authorisation;
- (b) “legislation” means any of the following (whenever enacted or made)—
 - (i) an Act of Parliament;
 - (ii) a Measure or Act of the National Assembly for Wales;
 - (iii) subordinate legislation within the meaning of the Interpretation Act 1978 (including subordinate legislation made under an Act

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of Parliament or a Measure or Act of the National Assembly for Wales).

62I Requirement to submit local impact report

- (1) This section applies where—
 - (a) an application has been made to the Welsh Ministers under section 62D, and
 - (b) the Welsh Ministers have taken steps, in respect of the application, that are specified in a development order for the purposes of this section.
- (2) The Welsh Ministers must give notice in writing to each relevant local planning authority, requiring the authority to submit a local impact report in respect of the application to the Welsh Ministers.
- (3) The notice must specify the deadline for receipt of the report by the Welsh Ministers.
- (4) An authority to which notice is given under this section must comply with it.
- (5) A local planning authority is a relevant local planning authority for the purposes of subsection (2) if the land to which the application relates, or any part of that land, is in the authority's area.

62J Duty to have regard to local impact report

- (1) In dealing with an application made to them under section 62D, the Welsh Ministers must have regard to any local impact report submitted to them by a local planning authority, in respect of the application, pursuant to a notice under section 62I.
- (2) The Welsh Ministers must also have regard in dealing with the application to any voluntary local impact report submitted to them.
- (3) A voluntary local impact report, in relation to an application, is a local impact report submitted to the Welsh Ministers, in respect of the application, by a local planning authority in Wales otherwise than pursuant to a notice under section 62I.
- (4) A development order may make provision about the submission of voluntary local impact reports to the Welsh Ministers (including provision about the manner in which a voluntary impact report is to be submitted, and the time at which it may be submitted).

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(5) The duty imposed by subsection (2) does not apply in respect of a voluntary local impact report submitted otherwise than in accordance with any provision made as described in subsection (4).

62K Local impact report: supplementary

- (1) For the purposes of sections 62I and 62J, a local impact report, in respect of an application, is a report in writing that—
- (a) gives details of the likely impact of the proposed development on the area (or any part of the area) of the authority submitting the report, and
 - (b) complies with any requirements specified in a development order as to the form and content of local impact reports (including any requirements specified as to information to be provided in respect of secondary consents).
- (2) For this purpose the “proposed development” is the development in respect of which the application in question is made.

Wales: option to make application to Welsh Ministers

62L Option to make application directly to Welsh Ministers

- (1) If the following conditions are met, a qualifying application that would otherwise have to be made to the local planning authority may (if the applicant so chooses) instead be made to the Welsh Ministers.
- (2) The first condition is that the local planning authority is designated by the Welsh Ministers for the purposes of this section.
- (3) The second condition is that—
- (a) the development to which the application relates, in the case of a qualifying application within subsection (4)(a), or
 - (b) the development for which the outline planning permission has been granted, in the case of a qualifying application within subsection (4)(b),
- is development of a description prescribed by regulations made by the Welsh Ministers.
- (4) A qualifying application, for the purposes of this section, is—
- (a) an application for planning permission for the development of land in Wales, provided that the development to which it relates is not development of national significance for the purposes of section 62D;

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- (b) an application for approval of a matter that, for the purposes of section 92, is a reserved matter in the case of an outline planning permission for the development of land in Wales.
- (5) But an application within subsection (6) that would otherwise be a qualifying application for the purposes of this section is not to be treated as such unless it is an application of a description prescribed in regulations made by the Welsh Ministers.
- (6) An application is within this subsection if it is an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (7) The power to make a designation for the purposes of this section, or to revoke a designation, is exercisable by notice in writing to the authority concerned.
- (8) The Welsh Ministers must publish (in whatever way they think fit)—
 - (a) the criteria to be applied in deciding whether to designate an authority for the purposes of this section;
 - (b) the criteria to be applied in deciding whether to revoke a designation;
 - (c) a copy of any notice given to an authority under subsection (7).
- (9) An urban development corporation is not to be designated for the purposes of this section.

62M Option to make application to Welsh Ministers: connected applications

- (1) This section applies where an application (the “principal application”) is made to the Welsh Ministers under section 62L.
- (2) A connected application that would otherwise have to be made to the local planning authority or hazardous substances authority may (if the applicant so chooses) instead be made to the Welsh Ministers, provided that it is made on the same day as the principal application.
- (3) A connected application, for this purpose, is an application under the Planning Acts that—
 - (a) relates to land in Wales,
 - (b) is an application of a description prescribed by regulations made by the Welsh Ministers, and
 - (c) is considered by the person making it to be connected to the principal application.

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(4) Subsection (5) applies if an application is made to the Welsh Ministers under this section, on the basis that it is a connected application, instead of to a local planning authority or hazardous substances authority, but the Welsh Ministers consider—

- (a) that the application is not connected to the principal application, or
- (b) that, although the application is connected to the principal application, the decision on the application should not be made by the Welsh Ministers.

(5) The Welsh Ministers must refer the application to the local planning authority or hazardous substances authority.

(6) An application referred to an authority under subsection (5)—

- (a) is to be treated as from the date of its referral as being an application made to the authority concerned (instead of an application made to the Welsh Ministers), and
- (b) is to be determined by the authority accordingly.

(7) A development order may make provision about the referral of applications under subsection (5) (including provision about what constitutes the referral of an application for the purposes of subsection (6)).

Applications made to Welsh Ministers: general

62N Applications to the Welsh Ministers: supplementary

(1) A decision of the Welsh Ministers on an application made to them under section 62D, 62L or 62M is final.

(2) The Welsh Ministers may give directions requiring a local planning authority to do things in relation to an application made to the Welsh Ministers under section 62D or 62L that would otherwise have been made to the authority.

(3) The Welsh Ministers may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made to the Welsh Ministers under section 62M that would otherwise have been made to the authority.

(4) Directions given under this section—

- (a) may relate to a particular application or description of application, or to applications generally;
- (b) may be given to a particular authority or description of authority, or to authorities generally.

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(5) The power to give directions under this section includes power to vary or revoke the directions.

62O Notifying community councils of applications made to Welsh Ministers

(1) This section applies if—

(a) an application is made to the Welsh Ministers under section 62D, 62F, 62L or 62M, and

(b) a community council would be entitled under paragraph 2 of Schedule 1A to be notified of the application (requirement to notify community council of certain planning applications).

(2) The Welsh Ministers (instead of the local planning authority) must notify the community council of the application, as specified in paragraph 2(4) of Schedule 1A.

(3) The relevant local planning authority must comply with any request made by the Welsh Ministers for the purposes of this section to supply information to them about requests received by the authority under paragraph 2(1) of Schedule 1A.

(4) The “relevant local planning authority”, for this purpose, is—

(a) in the case of an application under section 62D or section 62L, the local planning authority to which (but for the section in question) the application would have been made;

(b) in the case of an application under section 62F or 62M which (but for the section in question) would have been made to a local planning authority, that authority.

62P Determining how an application made to Welsh Ministers is to be considered

(1) This section applies where an application has been made to the Welsh Ministers under section 62D, 62L or 62M.

(2) The Welsh Ministers must make a determination as to the procedure by which the application is to be considered.

(3) That determination must be made before the end of a period prescribed in regulations made by the Welsh Ministers.

(4) It must provide for the application to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—

(a) at a local inquiry;

(b) at a hearing;

(c) on the basis of representations in writing.

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- (5) The determination may be varied by a subsequent determination under subsection (2) at any time before the Welsh Ministers' decision on the application is made.
- (6) The Welsh Ministers must notify the following persons of a determination made under this section in respect of an application—
- (a) the applicant;
 - (b) the local planning authority to which, but for section 62D, 62L or 62M (as applicable), the application would have been made;
 - (c) any representative persons they consider appropriate.
- (7) "Representative persons" are persons who—
- (a) are prescribed, or are of a description prescribed, in regulations made by the Welsh Ministers, and
 - (b) appear to the Welsh Ministers to be representative of interested persons.
- (8) "Interested persons", for the purposes of subsection (7), are persons, other than the applicant and the authority referred to in subsection (6)(b), who appear to the Welsh Ministers to have an interest in the application.
- (9) The Welsh Ministers must publish the criteria that are to be applied in making a determination under subsection (2).
- (10) In the case of an application made to the Welsh Ministers under section 62D, subsections (2) to (8) apply as though references to the application included references to any secondary consent in respect of which, by virtue of its connection to the application under section 62D, section 62F(2) applies.

62Q Power to make provision by development order in respect of applications to Welsh Ministers

- (1) A development order may make provision for regulating the manner in which an application for planning permission made to the Welsh Ministers under section 62D, 62F, 62L or 62M, or an application for approval made to the Welsh Ministers under section 62F, 62L or 62M, is to be dealt with by the Welsh Ministers.
- (2) That provision may include provision about—
- (a) consultation to be carried out by the Welsh Ministers;
 - (b) the variation of an application.

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62R Exercise of functions by appointed person

Schedule 4D has effect with respect to the exercise of functions by appointed persons in connection with developments of national significance and applications made to the Welsh Ministers.

70.— Determination of applications: general considerations.

- (1) Where an application is made to a local planning authority for planning permission—
- (a) subject to section 62D(5) and sections 91 and 92, they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or
 - (b) they may refuse planning permission.
- (2) In dealing with such an application the authority shall have regard to—
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- (2A) Subsection (2)(b) does not apply in relation to Wales.
- (3) Subsection (1) has effect subject to section 65 and to the following provisions of this Act, to sections 66, 67, 72 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to section 15 of the Health Services Act 1976.

(4) In this section—

“local finance consideration” means—

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“relevant authority” means—

- (a) a district council;
- (b) a county council in England;
- (c) the Mayor of London;
- (d) the council of a London borough;
- (e) a Mayoral development corporation;
- (f) an urban development corporation;

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- (g) a housing action trust;
- (h) the Council of the Isles of Scilly;
- (i) the Broads Authority;
- (j) a National Park authority in England;
- (k) the Homes and Communities Agency; or
- (l) a joint committee established under section 29 of the Planning and Compulsory Purchase Act 2004.

70A.— Power of local planning authority to decline to determine applications.

- (1) A local planning authority may decline to determine an application for planning permission for the development of any land if—
 - (a) within the period of two years ending with the date on which the application is received, the ~~Secretary of State has refused a similar application referred to him under section 77 or has~~ Welsh Ministers have refused a similar application made to them under section 62D, 62F, 62L or 62M, or referred to them under section 77, or have dismissed an appeal against the refusal of a similar application; and
 - (b) in the opinion of the authority there has been no significant change since the refusal or, as the case may be, dismissal mentioned in paragraph (a) in the development plan, so far as material to the application, or in any other material considerations.
- (2) For the purposes of this section an application for planning permission for the development of any land shall only be taken to be similar to a later application if the development and the land to which the applications relate are in the opinion of the local planning authority the same or substantially the same.
- (3) The reference in subsection (1)(a) to an appeal against the refusal of an application includes an appeal under section 78(2) in respect of an application.¹

70C Power to decline to determine retrospective application

- (1) A local planning authority ~~in England~~ may decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice

¹ Pursuant to Planning and Compulsory Purchase Act 2004 section 43(1) section 70A (1) – (3) is substituted by new section 70A (1) –(8) and section 70B. New section 70A (1)-(8) and section 70B are not shown here as the substituted provision has not been brought into force in relation to Wales .

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relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.

- (2) For the purposes of the operation of this section in relation to any particular application for planning permission, a “pre-existing enforcement notice” is an enforcement notice issued before the application was received by the local planning authority.

71.— Consultations in connection with determinations under s. 70.

- (1) A development order may provide that a local planning authority shall not determine an application for planning permission before the end of such period as may be prescribed.
- (2) A development order may require a local planning authority—
- (a) to take into account in determining such an application such representations, made within such period, as may be prescribed; and
 - (b) to give to any person whose representations have been taken into account such notice as may be prescribed of their decision.
- (2ZA) In subsections (1) and (2) references to an application for planning permission include references to an application for approval under section 61L(2).
- (2A) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.
- (3) Before a local planning authority grant planning permission for the use of land as a caravan site, they shall, unless they are also the authority with power to issue a site licence for that land, consult the local authority with that power.
- (3A) Subsection (3) does not apply in relation to planning permission granted by a neighbourhood development order.
- (4) In this section—

“prescribed” means prescribed by a development order; and

“site licence” means a licence under Part 1 of the Caravan Sites and Control of Development Act 1960 authorising the use of land as a caravan site or under Part 2 of the Mobile Homes (Wales) Act 2013 authorising the use of the land as a site for mobile homes (within the meaning of the Act).

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71ZA Decision notices: Wales

- (1) A development order may include provision as to—
(a) the form of decision notices,
(b) the manner in which decision notices are to be given, and
(c) the particulars to be contained in decision notices.
- (2) A decision notice must specify any plans or other documents in accordance with which the development to which it relates is to be carried out.
- (3) Where the decision notice relating to a development specifies any plans or other documents in accordance with which the development is to be carried out, the planning permission relating to the development is deemed to be granted subject to the condition that the development must be carried out in accordance with those plans or other documents.
- (4) Subsection (5) applies where, after planning permission is granted in respect of a development in Wales—
(a) a local planning authority or the Welsh Ministers give any consent, agreement or approval required by any condition or limitation subject to which the planning permission was granted, or
(b) such a condition or limitation is imposed, removed or altered.
- (5) The local planning authority must give a revised version of the decision notice to such persons as may be specified by a development order.
- (6) The revised version of the notice must contain such details relating to the giving of the consent, agreement or approval, or to the imposition, removal or alteration of the limitation or condition, as may be specified by a development order.
- (7) In this section “decision notice” means a notice of a decision to grant planning permission in respect of a development in Wales.

71ZB Notification of initiation of development and display of notice: Wales

- (1) Before beginning any development to which a relevant planning permission relates, a person must give to the local planning authority notice—
(a) stating the date on which the development is to begin;
(b) giving details of the planning permission and of such other matters as may be specified by a development order.
- (2) A person carrying out development to which a relevant planning permission relates must display at or near the place where the development is being

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carried out, at all times when it is being carried out, a copy of any notice of a decision to grant it.

(3) A notice under subsection (1) must be in the form specified by a development order; and a copy of a notice to grant planning permission displayed under subsection (2) must be in a form specified by, and must be displayed in accordance with, such an order.

(4) A notice of a decision to grant a relevant planning permission must set out the duties imposed by subsections (1) to (3).

(5) A relevant planning permission is deemed to be granted subject to the condition that the duties imposed by subsections (1) to (3) must be complied with.

(6) For the purposes of this section a relevant planning permission is a planning permission of a description specified by a development order for the development of land in Wales.

73.— Determination of applications to develop land without compliance with conditions previously attached.

- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
 - (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- (4) This section does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun.
- (5) Planning permission must not be granted under this section for the development of land in England to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—

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- (a) a development must be started;
- (b) an application for approval of reserved matters (within the meaning of section 92) must be made.²

Applications made to the Welsh Ministers: applicable provisions

75A Provisions applying for purpose of applications made to the Welsh Ministers

- (1) A development order may provide for an applicable enactment or requirement—
 - (a) to apply, with or without modifications, to an application made to the Welsh Ministers under section 62D, 62L or 62M, or
 - (b) not to apply to such an application.

- (2) For this purpose an applicable enactment or requirement, in relation to an application made to the Welsh Ministers under section 62D, 62L or 62M, is—
 - (a) any provision of or made under this Act, or any other enactment, relating to applications of that kind when made to the relevant authority;
 - (b) any requirements imposed by a development order in respect of applications of that kind when made to the relevant authority.

- (3) The “relevant authority”, in relation to an application made to the Welsh Ministers under section 62D, 62L or 62M, is the authority to which, but for the section in question, the application would have been made.

78.— Right to appeal against planning decisions and failure to take such decisions.

- (1) Where a local planning authority—
 - (a) refuse an application for planning permission or grant it subject to conditions;
 - (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
 - (c) refuse an application for any approval of that authority required under a development order, a local development order or a neighbourhood development order or grant it subject to conditions,

the applicant may by notice appeal to the Secretary of State.

² Section 73(5) is inserted by the Planning and Compulsory Purchase Act 2004 section 51(3) and is not in force in Wales. Section 73(5) is amended by the Planning (Wales) Bill and is therefore shown here.

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- (2) A person who has made such an application to the local planning authority may also appeal to the Secretary of State if the local planning authority have done none of the following —
- (a) given notice to the applicant of their decision on the application;
 - (aa) given notice to the applicant that they have exercised their power under section 70A or 70C to decline to determine the application;
 - (b) given notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 77,

within such period as may be prescribed by the development order or within such extended period as may at any time be agreed upon in writing between the applicant and the authority.

- (3) Any appeal under this section shall be made by notice served within such time and in such manner as may be prescribed by a development order.
- (4) The time prescribed for the service of such a notice must not be less than—
- (a) 28 days from the date of notification of the decision; or
 - (b) in the case of an appeal under subsection (2), 28 days from the end of the period prescribed as mentioned in subsection (2) or, as the case may be, the extended period mentioned in that subsection.

(4A) A notice of appeal under this section must be accompanied by such information as may be prescribed by a development order.

(4AA) An appeal under this section may not be brought or continued against the refusal of an application for planning permission if—

- (a) the land to which the application relates is in Wales;
- (b) granting the application would involve granting planning permission in respect of matters specified in an enforcement notice as constituting a breach of planning control; and
- (c) on the determination of an appeal against that notice under section 174, planning permission for those matters was not granted under section 177.

(4AB) An appeal under this section may not be brought or continued against the grant of an application for planning permission subject to a condition, if—

- (a) the land to which the application relates is in Wales;
- (b) an appeal against an enforcement notice has been brought under section 174 on the ground that the condition ought to be discharged; and
- (c) on the determination of that appeal, the condition was not discharged under section 177.”

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~~(4B) The power to make a development order under subsection (4A) is exercisable by—~~

- ~~(a) the Secretary of State, in relation to England;~~
- ~~(b) the Welsh Ministers, in relation to Wales.~~

(4BA) Once notice of an appeal under this section to the Welsh Ministers has been served, the application to which it relates may not be varied.

~~(4C) Section 333(5) does not apply in relation to a development order under subsection (4A) made by the Welsh Ministers.~~

~~(4D) A development order under subsection (4A) made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.~~

(5) For the purposes of the application of sections 79(1) and (3), 253(2)(c), 266(1)(b), 288(10)(b) and 319A(7)(b) in relation to an appeal under subsection (2), it shall be assumed that the authority decided to refuse the application in question.

79.— Determination of appeals.

(1) On an appeal under section 78 the Secretary of State may—
(a) allow or dismiss the appeal, or
(b) reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(1A) On an appeal under section 78, the Welsh Ministers may decide whether a requirement imposed under subsection (3) of section 62 in relation to the application complies with subsection (4A) of that section.

(1B) But subsection (1A) does not apply if the Welsh Ministers have previously decided whether the requirement complies with section 62(4A) on an appeal under section 62ZB.

83.— Making of simplified planning zone schemes.

(1) Every local planning authority shall consider, as soon as practicable after 2nd November 1987, the question for which part or parts of their area a simplified

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planning zone scheme is desirable, and then shall keep that question under review.³

(2) If as a result of their original consideration or of any such review a local planning authority decide that it is desirable to prepare a scheme for any part of their area they shall do so; and a local planning authority may at any time decide—

- (a) to make a simplified planning zone scheme, or
- (b) to alter a scheme adopted by them, or
- (c) with the consent of the Secretary of State, to alter a scheme approved by him.⁴

(3) Schedule 7 has effect with respect to the making and alteration of simplified planning zone schemes and other related matters.

(3A) A simplified planning zone scheme for an area in Wales must be in general conformity with—

- (a) the National Development Framework for Wales (see sections 60 to 60C of the Planning and Compulsory Purchase Act 2004), and
- (b) the strategic development plan for any strategic planning area that includes all or part of the simplified planning zone (see sections 60I and 60J of that Act).

87.— Exclusion of certain descriptions of land or development.

(1) The following descriptions of land may not be included in a simplified planning zone—

- (a) land in a National Park;
- (b) land in a conservation area;
- (c) land within the Broads;
- (d) land in an area designated under section 82 of the Countryside and Rights of Way Act 2000 as an area of outstanding natural beauty;
- (e) land identified in the development plan for the district as part of a green belt;

³ Subsection (1) is repealed pursuant to the Planning and Compulsory Purchase Act 2004 section 45(1), 120 and Schedule 9. The repeal is not yet in force in relation to Wales.

New subsections (1A)–(1C) are inserted pursuant to the [Planning and Compulsory Purchase Act 2004, s 45\(2\)](#). New subsections (1A) – (1C) are not shown here as they are not yet in force in relation to Wales.

⁴ Subsection (2) has been substituted by new subsections (2) and (2A) pursuant to the [Planning and Compulsory Purchase Act 2004 s 45\(3\)](#) in relation to Wales. New subsections (2) and (2A) are not shown here as they are not yet in force in relation to Wales.

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- (f) land within a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981).
- (2) Where land included in a simplified planning zone becomes land of a description mentioned in subsection (1), that subsection does not operate to exclude it from the zone.
- (3) The Secretary of State may by order provide that no simplified planning zone scheme shall have effect to grant planning permission—
 - (a) in relation to an area of land specified in the order or to areas of land of a description so specified, or
 - (b) for development of a description specified in the order.
- (4) An order under subsection (3) has effect to withdraw such planning permission under a simplified planning zone scheme already in force with effect from the date on which the order comes into force, except in a case where the development authorised by the permission has been begun.
- (5) A simplified planning zone scheme does not have effect to grant planning permission for the development of land in Wales, where the development is of national significance for the purposes of section 62D.

88.— Planning permission for development in enterprise zones.

- (1) An order designating an enterprise zone under Schedule 32 to the Local Government, Planning and Land Act 1980 shall (without more) have effect on the date on which the order designating the zone takes effect to grant planning permission for development specified in the scheme or for development of any class so specified.
- (2) The approval of a modified scheme under paragraph 11 of that Schedule shall (without more) have effect on the date on which the modifications take effect to grant planning permission for development specified in the modified scheme or for development of any class so specified.
- (3) Planning permission so granted shall be subject to such conditions or limitations as may be specified in the scheme or modified scheme or, if none is specified, shall be unconditional.
- (4) Subject to subsection (5), where planning permission is so granted for any development or class of development the enterprise zone authority may direct that the permission shall not apply in relation—
 - (a) to a specified development; or
 - (b) to a specified class of development; or
 - (c) to a specified class of development in a specified area within the enterprise zone.

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- (5) An enterprise zone authority shall not give a direction under subsection (4) unless—
 - (a) they have submitted it to the Secretary of State, and
 - (b) he has notified them that he approves of their giving it.
- (6) If the scheme or the modified scheme specifies, in relation to any development it permits, matters which will require approval by the enterprise zone authority, the permission shall have effect accordingly.
- (7) The Secretary of State may by regulations make provision as to—
 - (a) the procedure for giving a direction under subsection (4); and
 - (b) the method and procedure relating to the approval of matters specified in a scheme or modified scheme as mentioned in subsection (6).
- (8) Such regulations may modify any provision of the planning Acts or any instrument made under them or may apply any such provision or instrument (with or without modification) in making any such provision as is mentioned in subsection (7).
- (9) Nothing in this section prevents planning permission being granted in relation to land in an enterprise zone otherwise than by virtue of this section (whether the permission is granted in pursuance of an application made under this Part or by a development order, a local development order or a neighbourhood development order).
- (10) Nothing in this section prejudices the right of any person to carry out development apart from this section.
- (11) An enterprise zone scheme does not have effect to grant planning permission for the development of land in Wales, where the development is of national significance for the purposes of section 62D.

90.— Development with government authorisation.

- (1) Where the authorisation of a government department is required by virtue of an enactment in respect of development to be carried out by a local authority or National Park authority, or by statutory undertakers who are not a local authority or National Park authority, that department may, on granting that authorisation, direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.
- (2) On granting or varying a consent under section 36 or 37 of the Electricity Act 1989 in relation to a generating station or electric line in England or Wales,

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the Secretary of State may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for—

- (a) so much of the operation or change of use to which the consent relates as constitutes development;
- (b) any development ancillary to the operation or change of use to which the consent relates.

(2ZA) On varying a consent under section 36 or 37 of the Electricity Act 1989 in relation to a generating station or electric line in England or Wales, the Secretary of State may give one or more of the following directions (instead of, or as well as, a direction under subsection (2))—

- (a) a direction for an existing planning permission deemed to be granted by virtue of a direction under subsection (2) (whenever made) to be varied as specified in the direction;
- (b) a direction for any conditions subject to which any such existing planning permission was deemed to be granted to be varied as specified in the direction;
- (c) a direction for any consent, agreement or approval given in respect of a condition subject to which any such existing planning permission was deemed to be granted to be treated as given in respect of a condition subject to which a new or varied planning permission is deemed to be granted.

(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes provision for development, the Secretary of State may direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

(3) The provisions of this Act (except Part XII) shall apply in relation to any planning permission deemed to be granted by virtue of a direction under this section as if it had been granted by the Secretary of State on an application referred to him under section 77 (so that section 71ZA applies as if references to the decision notice were to the direction).

91.— General condition limiting duration of planning permission.

(1) Subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted, subject to the condition that the development to which it relates must be begun not later than the expiration of—

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- (a) ~~five years~~ ~~[three years]~~ the applicable period beginning with the date on which the permission is granted or, as the case may be, deemed to be granted; or
 - (b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.
- (2) The period mentioned in subsection (1)(b) shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.
- (3) If planning permission is granted without the condition required by subsection (1), it shall (subject to subsections (3ZA) and (3ZB)) be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the ~~expiration of five years beginning with the date of the grant~~ expiration of the applicable period, beginning with the date of the grant".

(3ZA) Subsection (3ZB) applies if—

- (a) a section 73 permission is granted for the development of land in Wales, but without the condition required by subsection (1), and
- (b) the previous permission was granted, or deemed to have been granted (whether by virtue of this section or otherwise) subject to a condition as to the time within which development was to be begun.

(3ZB) The section 73 permission shall be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the date on or before which the previous permission required development to be begun.

(3ZC) The previous permission, in relation to a section 73 permission, is the previous planning permission referred to in section 73(1).

(3ZD) References in subsections (3ZA) to (3ZC) to a section 73 permission are to a planning permission granted under section 73.

(3A) Subsection (3B) applies if any proceedings are begun to challenge the validity in respect of the development of land in England of a grant of planning permission or of a deemed grant of planning permission.⁵

(4) Nothing in this section applies—

- (a) to any planning permission granted by a development order, a local development order or a neighbourhood development order;

⁵ New subsections (3A), (3B) and (3C) are inserted by the Planning and Compulsory Purchase Act 2004 section 51(1) and are not in force in relation to Wales. Subsection (3A) is amended by the Planning (Wales) Bill and is therefore shown here.

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- (b) to any planning permission granted for development carried out before the grant of that permission;
- (c) to any planning permission granted for a limited period;
- (d) to any planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste which is granted (or deemed to be granted) subject to a condition that the development to which it relates must be begun before the expiration of a specified period after—
 - (i) the completion of other development consisting of the winning and working of minerals already being carried out by the applicant for the planning permission; or
 - (ii) the cessation of depositing of mineral waste already being carried out by the applicant for the planning permission;
- (e) to any planning permission granted by an enterprise zone scheme;
- (f) to any planning permission granted by a simplified planning zone scheme; or
- (g) to any outline planning permission, as defined by section 92.

(5) The applicable period—

- (a) in relation to England, is three years;
- (b) in relation to Wales, is five years.

92.— Outline planning permission.

- (1) In this section and section 91 “outline planning permission” means planning permission granted, in accordance with the provisions of a development order, with the reservation for subsequent approval by the local planning authority, the Welsh Ministers or the Secretary of State of matters not particularised in the application (“reserved matters”).
- (2) Subject to the following provisions of this section, where outline planning permission is granted for development consisting in or including the carrying out of building or other operations, it shall be granted subject to conditions to the effect—
 - (a) that, in the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and
 - ~~(b) that the development to which the permission relates must be begun not later than—~~
 - ~~(i) the expiration of five years from the date of the grant of outline planning permission; or~~
 - ~~(ii) if later, the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.~~
 - (b) that, in the case of outline planning permission for the development of land in England, the development to which the permission relates must

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be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

(c) that, in the case of outline planning permission for the development of land in Wales, the development must be begun no later than—

(i) the expiration of five years from the date of the grant of outline planning permission, or

(ii) if later, the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

(3) If outline planning permission is granted without the conditions required by subsection (2), it shall (subject to subsections (3A) to (3D)) be deemed to have been granted subject to those conditions.

(3A) If outline planning permission is granted under section 73 for the development of land in Wales, but without the condition required by subsection (2)(a), it shall be deemed to have been granted subject to the following condition.

(3B) The condition is that, in the case of any reserved matter, application for approval must be made not later than the date on or before which the previous permission required application for approval, in the case of any matter reserved under the previous permission, to be made.

(3C) If outline planning permission is granted under section 73 for the development of land in Wales, but without a condition required by subsection (2)(c), it shall be deemed to have been granted subject to the following condition.

(3D) The condition is that the development to which the permission relates must be begun not later than the date on or before which the previous permission required development to be begun.

(3E) The previous permission, in relation to outline planning permission granted under section 73, is the previous planning permission referred to in subsection (1) of that section.

(4) The authority concerned with the terms of an outline planning permission may, in applying subsection (2), substitute, or direct that there be substituted, for the periods of ~~three years, five years or two years~~ referred to in that subsection such other periods respectively (whether longer or shorter) as they consider appropriate.

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- (5) They may also specify, or direct that there be specified, separate periods under paragraph (a) of subsection (2) in relation to separate parts of the development to which the planning permission relates; and, if they do so, the condition required by paragraph (b) or (c) of that subsection shall then be framed correspondingly by reference to those parts, instead of by reference to the development as a whole.
- (6) In considering whether to exercise their powers under subsections (4) and (5), the authority shall have regard to the provisions of the development plan and to any other material considerations.

93.— Provisions supplementary to ss. 91 and 92.

- (1) The authority referred to in section 91(1)(b) or 92(4) is—
 - (a) the local planning authority, the Welsh Ministers or the Secretary of State, in the case of planning permission granted by them,
 - (b) in the case of planning permission deemed to be granted under section 90(1), the department on whose direction planning permission is deemed to be granted, and
 - (c) in the case of planning permission deemed to be granted under section 90(2), the Secretary of State.
- (2) For the purposes of section 92, a reserved matter shall be treated as finally approved—
 - (a) when an application for approval is granted, or
 - (b) in a case where the application is made to the local planning authority and on an appeal to the Secretary of State against the authority's decision on the application the Secretary of State grants the approval, when the appeal is determined.
- (3) Where a local planning authority grant planning permission, the fact that any of the conditions of the permission are required by the provisions of section 91 or 92 to be imposed, or are deemed by those provisions to be imposed, shall not prevent the conditions being the subject of an appeal under section 78 against the decision of the authority.
- (4) In the case of planning permission (whether outline or other) which has conditions attached to it by or under section 91 or 92—
 - (a) development carried out after the date by which the conditions require it to be carried out shall be treated as not authorised by the permission; and
 - (b) an application for approval of a reserved matter, if it is made after the date by which the conditions require it to be made, shall be treated as not made in accordance with the terms of the permission.

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99.— Procedure for s. 97 orders: unopposed cases.

- (1) This section applies where—
 - (a) the local planning authority have made an order under section 97; and
 - (b) the owner and the occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to it.
- (2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement must specify—
 - (a) the period within which persons affected by the order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and
 - (b) the period at the expiration of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this section without being confirmed by the Secretary of State.
- (3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).
- (4) The period referred to in subsection (2)(a) must not be less than 28 days from the date the advertisement first appears.
- (5) The period referred to in subsection (2)(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).
- (6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than three days after the publication.
- (7) If—
 - (a) no person claiming to be affected by the order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and
 - (b) the Secretary of State has not directed within that period that the order be submitted to him for confirmation,

the order shall take effect at the expiry of the period referred to in subsection(2)(b), without being confirmed by the Secretary of State as required by section 98(1).
- (8) This section does not apply—

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- (a) to an order revoking or modifying a planning permission granted or deemed to have been granted by the Secretary of State or the Welsh Ministers under this Part or Part VII, or
- (b) to an order modifying any conditions to which a planning permission is subject by virtue of section 91 or 92.

Consultation etc in respect of certain applications relating to planning permission: Wales

100A Wales: consultation etc in respect of certain applications relating to planning permission

- (1) A development order may provide that a local planning authority in Wales to which an application within subsection (5) (a “relevant application”) is made are not to determine the application before the end of a period specified in the order.
- (2) If a local planning authority in Wales to which a relevant application is made consult a statutory consultee about the application, the consultee must give a substantive response.
- (3) That response must be given before the end of—
 - (a) a period specified in a development order, or
 - (b) if the consultee and the authority agree otherwise in writing, whatever period is specified in their agreement.
- (4) A development order may make provision—
 - (a) about information that is to be provided by a local planning authority to a statutory consultee for the purposes of, or in connection with, consultation about a relevant application;
 - (b) about the requirements of a substantive response;
 - (c) requiring a statutory consultee consulted about a relevant application to give a report to the Welsh Ministers about the consultee’s compliance with subsections (2) and (3) (including provision as to the form and content of the report, and the time at which it is to be made).
- (5) An application is within this subsection if it is—
 - (a) an application for approval of reserved matters (within the meaning of section 92);
 - (b) an application for consent, agreement or approval required by any condition or limitation subject to which planning permission has been granted;
 - (c) an application under section 96A(4) (non-material changes to planning permission).

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(6) References in this section to a statutory consultee, in relation to a relevant application, are to a person whom, by virtue of section 71 or section 74, the local planning authority was required to consult before determining the original application.

(7) The original application, in relation to a relevant application, is—

(a) in the case of an application within subsection (5)(a) or (b), the application for the planning permission in accordance with which the application for approval, consent or agreement is made;

(b) in the case of an application within subsection (5)(c), the application for the planning permission to which the application under section 96A(4) relates.

102.— Orders requiring discontinuance of use or alteration or removal of buildings or works.

(1) If, having regard to the development plan and to any other material considerations, it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity)—

(a) that any use of land should be discontinued or that any conditions should be imposed on the continuance of a use of land; or

(b) that any buildings or works should be altered or removed,

they may by order—

(i) require the discontinuance of that use, or

(ii) impose such conditions as may be specified in the order on the continuance of it, or

(iii) require such steps as may be so specified to be taken for the alteration or removal of the buildings or works,

as the case may be.

(2) An order under this section may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be specified in the order.

(2A) Section 71ZA applies where planning permission is granted by an order under this section as if the references to the decision notice were to the order.

(3) Section 97 shall apply in relation to any planning permission granted by an order under this section as it applies in relation to planning permission

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granted by the local planning authority on an application made under this Part.

- (4) The planning permission which may be granted by an order under this section includes planning permission, subject to such conditions as may be specified in the order, for development carried out before the date on which the order was submitted to the Secretary of State under section 103.
- (5) Planning permission for such development may be granted so as to have effect from—
 - (a) the date on which the development was carried out; or
 - (b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.
- (6) Where the requirements of an order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local planning authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacement.
- (7) Subject to section 103(8), in the case of planning permission granted by an order under this section, the authority referred to in sections 91(1)(b) and 92(4) is the local planning authority making the order.
- (8) The previous provisions of this section do not apply to the use of any land for development consisting of the winning and working of minerals or involving the depositing of refuse or waste materials except as provided in Schedule 9, and that Schedule shall have effect for the purpose of making provision as respects land which is or has been so used.

116.— Modification of compensation provisions in respect of mineral working etc.

- (1) Regulations made by virtue of this section with the consent of the Treasury may provide that where an order is made under—
 - (a) section 97 modifying planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste; or
 - (b) paragraph 1, 3, 5 or 6 of Schedule 9 with respect to such winning and working or depositing,

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sections 107, 115, 117, 279 and 280 shall have effect subject, in such cases as may be prescribed, to such modifications as may be prescribed.

- (2) Any such regulations may make provision—
- (a) as to circumstances in which compensation is not to be payable;
 - (b) for the modification of the basis on which any amount to be paid by way of compensation is to be assessed;
 - (c) for the assessment of any such amount on a basis different from that on which it would otherwise have been assessed,

and may also make different provision for different cases and incidental or supplementary provision.

- (3) No such regulations shall be made by the Secretary of State unless a draft of the instrument is laid before and approved by a resolution of each House of Parliament.

- (4) Before making any such regulations the Secretary of State or (as the case may be) the Welsh Ministers shall consult such persons as appear to him or them to be representative—
- (a) of persons carrying out mining operations;
 - (b) of owners of interests in land containing minerals; and
 - (c) of mineral planning authorities.

Miscellaneous and supplementary provisions.

164A Power of Welsh Ministers to acquire land identified by National Development Framework for Wales where blight notice served

Where a blight notice has been served in respect of land falling within paragraph 1C of Schedule 13, the Welsh Ministers have power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.

170.— “Appropriate enactment” for purposes of Chapter II.

- (1) Subject to the following provisions of this section, in this Chapter “the appropriate enactment”, in relation to land falling within any paragraph of Schedule 13, means the enactment which provides for the compulsory acquisition of land as being land falling within that paragraph or, as respects paragraph 22(b), the enactment under which the compulsory purchase order referred to in that paragraph was made.
- (2) In relation to land falling within paragraph 1B, 1C, 2, 3 or 4 of that Schedule, an enactment shall for the purposes of subsection (1) be taken to be an

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enactment which provides for the compulsory acquisition of land as being land falling within that paragraph if—

- (a) the enactment provides for the compulsory acquisition of land for the purposes of the functions which are indicated in the development plan as being the functions for the purposes of which the land is allocated or is proposed to be developed; or
- (b) where no particular functions are so indicated in the development plan, the enactment provides for the compulsory acquisition of land for the purposes of any of the functions of the government department, local authority National Park authority or other body for the purposes of whose functions the land is allocated or is defined as the site of proposed development.

(2A) In relation to land falling within—

- (a) paragraph 1B of that Schedule by virtue of Note (2)(c) or (d) to that paragraph, or
- (b) paragraph 1C of that Schedule by virtue of Note (1)(b) to that paragraph.

“the appropriate enactment” is to be determined in accordance with subsection (2) as if references in that subsection to the development plan were references to any such plan, revision or draft as is mentioned in the Note in question.

- (3) In relation to land falling within paragraph 2, 3 or 4 of that Schedule by virtue of Note (1) to that paragraph, “the appropriate enactment” shall be determined in accordance with subsection (2) as if references in that subsection to the development plan were references to any such plan, proposal or modifications as are mentioned in paragraph (a), (b) or (c) of that Note.
- (4) In relation to land falling within paragraph 5 or 6 of that Schedule, “the appropriate enactment” shall be determined in accordance with subsection (2) as if references in that subsection to the development plan were references to the resolution or direction in question.
- (5) In relation to land falling within paragraph 7, 8 or 9 of that Schedule, until such time as a development corporation is established for the new town or, as the case may be, an urban development corporation is established for the urban development area, this Chapter shall have effect as if “the appropriate enactment” were section 165(1).
- (6) In relation to land falling within paragraph 10 or 11 of that Schedule, “the appropriate enactment” shall be section 290 of the Housing Act 1985.

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- (7) In relation to land falling within paragraph 19 of that Schedule, “the appropriate enactment” shall be section 239(6) of the Highways Act 1980.
- (8) In relation to land falling within paragraph 22 of that Schedule by virtue of Note (1) to that paragraph, “the appropriate enactment” shall be the enactment which would provide for the compulsory acquisition of the land or of the rights over the land if the relevant compulsory purchase order were confirmed or made.
- (8A) In relation to land falling within paragraph 24(a) or (b) of that Schedule, “the appropriate enactment” is the order granting development consent.
- (8B) In relation to land falling within paragraph 24(c) of that Schedule, “the appropriate enactment” is an order in the terms of the order applied for.
- (8C) In relation to land falling within paragraph 25 of that Schedule, “the appropriate enactment” is section 165A.
- (9) Where, in accordance with the circumstances by virtue of which any land falls within any paragraph of that Schedule, it is indicated that the land is proposed to be acquired for highway purposes, any enactment under which a highway authority are or (subject to the fulfilment of the relevant conditions) could be authorised to acquire that land compulsorily for highway purposes shall, for the purposes of subsection (1), be taken to be an enactment providing for the compulsory acquisition of that land as being land falling within that paragraph.
- (10) In subsection (9) the reference to the fulfilment of the relevant conditions is a reference to such one or more of the following as are applicable to the circumstances in question—
- (a) the coming into operation of any requisite order or scheme made, or having effect as if made, under the provisions of Part II of the Highways Act 1980;
 - (b) the coming into operation of any requisite scheme made, or having effect as if made, under section 106(3) of that Act;
 - (c) the making or approval of any requisite plans.
- (11) If, apart from this subsection, two or more enactments would be the appropriate enactment in relation to any land for the purposes of this Chapter, the appropriate enactment for those purposes shall be taken to be that one of those enactments under which, in the circumstances in question, it is most likely that (apart from this Chapter) the land would have been acquired by the appropriate authority.

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- (12) If any question arises as to which enactment is the appropriate enactment in relation to any land for the purposes of this Chapter, that question shall be referred—
- (a) where the appropriate authority are a government department, to the Minister in charge of that department;
 - (b) where the appropriate authority are statutory undertakers, to the appropriate Minister; and
 - (c) in any other case, to the Secretary of State,

and the decision of the Minister or, as the case may be, the Secretary of State shall be final.

171A.— Expressions used in connection with enforcement.

- (1) For the purposes of this Act—
- (a) carrying out development without the required planning permission; or
 - (b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

- (2) For the purposes of this Act—
- (a) the issue of an enforcement notice (defined in section 172);
(aa) the issue of an enforcement warning notice (defined in section 173ZA); or
 - (b) the service of a breach of condition notice (defined in section 187A),

constitutes taking enforcement action.

- (3) In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

173ZA Enforcement warning notice: Wales

- (1) This section applies where it appears to the local planning authority that—
- (a) there has been a breach of planning control in respect of any land in Wales, and
 - (b) there is a reasonable prospect that, if an application for planning permission in respect of the development concerned were made, planning permission would be granted.

- (2) The authority may issue a notice under this section (an “enforcement warning notice”).

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- (3) A copy of an enforcement warning notice is to be served—
- (a) on the owner and the occupier of the land to which the notice relates, and
 - (b) on any other person having an interest in the land, being an interest that, in the opinion of the authority, would be materially affected by the taking of any further enforcement action.
- (4) The notice must—
- (a) state the matters that appear to the authority to constitute the breach of planning control, and
 - (b) state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken.
- (5) The issue of an enforcement warning notice does not affect any other power exercisable in respect of any breach of planning control.

174.— Appeal against enforcement notice.

- (1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.
- (2) An appeal may be brought on any of the following grounds—
- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
 - (b) that those matters have not occurred;
 - (c) that those matters (if they occurred) do not constitute a breach of planning control;
 - (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
 - (e) that copies of the enforcement notice were not served as required by section 172;
 - (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
 - (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

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- (2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—
- (a) the relevant demolition was urgently necessary in the interests of safety or health;
 - (b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and
 - (c) the relevant demolition was the minimum measure necessary.
- (2D) An appeal against an enforcement notice may not be brought on the ground that planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if—
- (a) the land to which the enforcement notice relates is in Wales, and
 - (b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).
- (2E) An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—
- (a) the land to which the enforcement notice relates is in Wales, and
 - (b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.
- (2F) For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—
- (a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;
 - (b) an appeal has been dismissed under section 79(6A).
- (3) An appeal under this section shall be made —
- (a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
 - (b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date ; or
 - (c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.

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- (4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—
 - (a) specifying the grounds on which he is appealing against the enforcement notice; and
 - (b) giving such further information as may be prescribed.
- (5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.
- (6) In this section “relevant occupier” means a person who—
 - (a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence ; and
 - (b) continues so to occupy the land when the appeal is brought

175.— Appeals: supplementary provisions.

- (1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—
 - (a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
 - (b) specify the matters to be included in such a statement;
 - (c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;
 - (d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
- (2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.
- (3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

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- (4) Where an appeal is brought under section 174 the enforcement notice shall subject to any order under section 289(4A) be of no effect pending the final determination or the withdrawal of the appeal.
- (5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
- (6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.
- (7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings in England before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

177.— Grant or modification of planning permission on appeals against enforcement notices.

- (1) On the determination of an appeal under section 174, the Secretary of State may—
 - (a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;
 - (b) discharge any condition or limitation subject to which planning permission was granted;
 - (c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.
- (1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—
 - (a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and

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(b) references to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194.

(1C) ~~If the land to which the enforcement notice relates is in England, subsection~~ Subsection (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).

(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

(5) ~~Where an appeal against an enforcement notice is brought under section 174 and—~~

- ~~(a) the land to which the enforcement notice relates is in Wales, or~~
- ~~(b) that land is in England and~~

Where—

- (a) an appeal against an enforcement notice is brought under section 174,
and
- (b) the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where—

- (a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;
- (b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and
- (c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

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then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

- (6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.
- (7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.
- (8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

188.— Register of enforcement and stop notices and other enforcement action

- (1) Every district planning authority, every local planning authority for an area in Wales and the council of every metropolitan district or London borough shall keep, in such manner as may be prescribed by a development order, a register containing such information as may be so prescribed with respect—
 - (za) to planning enforcement orders;
 - (a) to enforcement notices;
 - (aa) to enforcement warning notices,
 - (b) to stop notices, and
 - (c) to breach of condition notices

which relate to land in their area.

- (2) A development order may make provision—
 - (a) for the entry relating to any, enforcement notice, enforcement warning notice, stop notice or breach of condition notice, and everything relating to any such notice, to be removed from the register in such circumstances as may be specified in the development order; and
 - (b) for requiring a county planning authority to supply to a district planning authority such information as may be so specified with regard to enforcement notices issued and stop notices and breach of condition notices served by, the county planning authority.
- (3) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

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195.— Appeals against refusal or failure to give decision on application.

- (1) Where an application is made to a local planning authority for a certificate under section 191 or 192 and—
- (a) the application is refused or is refused in part, or
 - (b) the authority do not give notice to the applicant of their decision on the application within such period as may be prescribed by a development order or within such extended period as may at any time be agreed upon in writing between the applicant and the authority,

the applicant may by notice appeal to the Secretary of State.

- (1B) A notice of appeal under this section must be—
- (a) served within such time and in such manner as may be prescribed by a development order;
 - (b) accompanied by such information as may be prescribed by such an order.

- (1C) The time prescribed for the service of a notice of appeal under this section must not be less than—
- (a) 28 days from the date of notification of the decision on the application; or
 - (b) in the case of an appeal under subsection (1)(b), 28 days from—
 - (i) the end of the period prescribed as mentioned in subsection (1)(b), or
 - (ii) as the case may be, the extended period mentioned in subsection (1)(b).

- ~~(1D) The power to make a development order under subsection (1B) is exercisable by—~~
- ~~(a) the Secretary of State, in relation to England;~~
 - ~~(b) the Welsh Ministers, in relation to Wales.~~

(1DA) Once notice of an appeal under this section to the Welsh Ministers has been served, the application to which it relates may not be varied.

- ~~(1E) Section 333(5) does not apply in relation to a development order under subsection (1B) made by the Welsh Ministers.~~

- ~~(1F) A development order under subsection (1B) made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.~~

- (2) On any such appeal, if and so far as the Secretary of State is satisfied—
- (a) in the case of an appeal under subsection (1)(a), that the authority's refusal is not well-founded, or

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(b) in the case of an appeal under subsection (1)(b), that if the authority had refused the application their refusal would not have been well-founded,

he shall grant the appellant a certificate under section 191 or, as the case may be, 192 accordingly or, in the case of a refusal in part, modify the certificate granted by the authority on the application.

- (3) If and so far as the Secretary of State is satisfied that the authority's refusal is or, as the case may be, would have been well-founded, he shall dismiss the appeal.
- (4) References in this section to a refusal of an application in part include a modification or substitution of the description in the application of the use, operations or other matter in question.
- (5) For the purposes of the application of section 288(10)(b) in relation to an appeal in a case within subsection (1)(b) it shall be assumed that the authority decided to refuse the application in question.
- (6) Schedule 6 applies to appeals under this section.

196.— Further provisions as to references and appeals to the Secretary of State.

- (1) Before determining an appeal to him under section 195(1) , the Secretary of State shall, if either the appellant or the local planning authority so wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (2) Where the Secretary of State grants a certificate under section 191 or 192 on such an appeal, he shall give notice to the local planning authority of that fact.
- (3) The decision of the Secretary of State on such appeal shall be final.
- (4) The information which may be prescribed as being required to be contained in a register kept under section 69 shall include information with respect to certificates under section 191 or 192 granted by the Secretary of State.
- (8) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings in England before the Secretary of State on an appeal under section 195 as if those proceedings were an inquiry held by the Secretary of State under section 250.

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202A Tree preservation regulations: general

- (1) The appropriate national authority may by regulations make provision in connection with tree preservation orders.
- (2) Sections 202B to 202G make further provision about what may, in particular, be contained in regulations under subsection (1).
- (3) In this section and those sections “tree preservation order” includes an order under section 202(1).
- (4) In this Act “tree preservation regulations” means regulations under subsection (1).
- (5) In subsection (1) “the appropriate national authority”—
 - (a) in relation to England means the Secretary of State, and
 - (b) in relation to Wales means the Welsh Ministers.⁶
- ~~(6) Section 333(3) does not apply in relation to tree preservation regulations made by the Welsh Ministers.~~
- ~~(7) Tree preservation regulations made by the Welsh Ministers are subject to annulment in pursuance of a resolution of the National Assembly for Wales.~~

208.— Appeals against s. 207 notices.

- (1) A person on whom a notice under section 207(1) is served may appeal to the Secretary of State against the notice on any of the following grounds—
 - (a) that the provisions of section 206 or, as the case may be, the conditions mentioned in section 207(1)(b) are not applicable or have been complied with;
 - (aa) that in all the circumstances of the case the duty imposed by section 206(1) should be dispensed with in relation to any tree;
 - (b) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified in it;
 - (c) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;
 - (d) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose.

⁶ Section 202A is inserted by the Planning Act 2008 section 192(1) and (7) and is not yet in force in Wales. Section 202A is amended by the Planning (Wales) Bill and so is shown here.

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- (2) An appeal under subsection (1) shall be made either—
- (a) by giving written notice of the appeal to the Secretary of State before the end of the period specified in accordance with section 207(3); or
 - (b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before the end of that period.
- (4) The notice shall—
- (a) indicate the grounds of the appeal,
 - (b) state the facts on which the appeal is based, and
 - (c) be accompanied by such information as may be prescribed.
- (4A) The power to make regulations under subsection (4)(c) is exercisable by—
- (a) the Secretary of State, in relation to England;
 - (b) the Welsh Ministers, in relation to Wales.
- ~~(4B) Section 333(3) does not apply in relation to regulations under subsection (4)(c) made by the Welsh Ministers.~~
- ~~(4C) Regulations under subsection (4)(c) made by the Welsh Ministers are subject to annulment in pursuance of a resolution of the National Assembly for Wales.~~
- (5) On an appeal under subsection (1) the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (6) Where such an appeal is brought, the notice under section 207(1) shall be of no effect pending the final determination or the withdrawal of the appeal.
- (7) On such an appeal the Secretary of State may—
- (a) correct any defect, error or misdescription in the notice; or
 - (b) vary any of its requirements,
- if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
- (8) Where the Secretary of State determines to allow the appeal, he may quash the notice.
- (8A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.
- (9) Schedule 6 applies to appeals under this section.

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(10) Where any person has appealed to the Secretary of State under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

~~(11) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under this section as if those proceedings were an inquiry held by the Secretary of State under section 250.~~

217.— Appeal to magistrates' Court against a section 215 notice.

(1) A person on whom a notice under section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds—

- (a) that the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;
- (b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of land which is not in contravention of Part III;
- (c) that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;
- (d) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.

(2) Any appeal under this section shall be made

- (a) in the case of a notice relating to land in Wales, to the Welsh Ministers;
- (b) in the case of a notice relating to land in England to a magistrates' court.

(3) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.

(4) On such an appeal the Welsh Ministers or (as the case may be) the magistrates' court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.

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- (5) On the determination of such an appeal the Welsh Ministers or (as the case may be) the magistrates' court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.
- (6) Where any person has appealed ~~to a magistrates' court~~ under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
- (7) The Welsh Ministers may by regulations make provision, in respect of appeals made to them under this section—
- (a) as to steps to be taken in connection with bringing an appeal (including as to the form and content of any notice required to be given, and persons to whom copies of it are to be provided);
 - (b) about information to be provided to the Welsh Ministers in connection with an appeal;
 - (c) as to the procedure by which an appeal under this section is to be considered (including provision about circumstances in which the appellant or the local planning authority must be given the opportunity of appearing before and being heard by a person appointed by the Welsh Ministers for the purpose).

218 Further appeal to the Crown Court :England

Where an appeal has been brought to a magistrates' court under section 217, an appeal against the decision of the magistrates' court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under section 215.

253.— Procedure in anticipation of planning permission.

- (1) Where—
- (a) the Secretary of State would, if planning permission for any development had been granted under Part III, have power to make an order under section 247 or 248 authorising the stopping up or diversion of a highway in order to enable that development to be carried out, then, notwithstanding that such permission has not been granted, the Secretary of State may publish notice of the draft of such an order in accordance with section 252.

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(1A) Where—

- (a) the Welsh Ministers would, if planning permission for any development had been granted under Part 3, have power to make an order under section 247 or 248 authorising the stopping up or diversion of a highway in order to enable that development to be carried out, and
- (b) subsection (2), (3) or (4) applies,

then, notwithstanding that such permission has not been granted, the Welsh Ministers may publish notice of the draft of such an order in accordance with section 252.

(2) This subsection applies where the relevant development is the subject of an application for planning permission and either—

- (a) that application is made by a local authority National Park authority or statutory undertakers; or
- (aa) that application has been made to the Welsh Ministers under section 62D, 62F, 62L or 62M; or
- (b) that application stands referred to the Welsh Ministers in pursuance of a direction under section 77; or
- (c) the applicant has appealed to the Welsh Ministers under section 78 against a refusal of planning permission or of approval required under a development order or a local development order or against a condition of any such permission or approval.

(3) This subsection applies where—

- (a) the relevant development is to be carried out by a local authority National Park authority or statutory undertakers and requires, by virtue of an enactment, the authorisation of a government department; and
- (b) the developers have made an application to the department for that authorisation and also requested a direction under section 90(1) that planning permission be deemed to be granted for that development.

(4) This subsection applies where the council of a county or county borough, a National Park authority or a joint planning board certify that they have begun to take such steps, in accordance with regulations made by virtue of section 316, as are required to enable them to obtain planning permission for the relevant development.

(5) Section 252(8) shall not be construed as authorising the Secretary of State, or the Welsh Ministers to make an order under section 247 or 248 of which notice has been published by virtue of subsection (1) or, as the case may be, (1A) until planning permission is granted for the development which occasions the making of the order.

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257.— Footpaths, bridleways and restricted byways affected by development: orders by other authorities.

- (1) Subject to section 259 , a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out—
 - (a) in accordance with planning permission granted or section 293A or
 - (b) by a government department.

- (1A) Subject to section 259, a competent authority may by order authorise the stopping up or diversion ~~in England~~ of any footpath, bridleway or restricted byway if they are satisfied that—
 - (a) an application for planning permission in respect of development has been made under Part 3, and
 - (b) if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out.

- (2) An order under this section may, if the competent authority is satisfied that it should do so, provide—
 - (a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
 - (b) for authorising or requiring works to be carried out in relation to any footpath, bridleway or restricted byway for whose stopping up or diversion, creation or improvement provision is made by the order;
 - (c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath, bridleway or restricted byway ;
 - (d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.

- (3) An order may be made under this section authorising the stopping up or diversion of a footpath, bridleway or restricted byway which is temporarily stopped up or diverted under any other enactment.

- (4) In this section “competent authority” means—
 - (a) in the case of development authorised by a planning permission, the local planning authority who granted the permission or, in the case of a permission granted by the Secretary of State or by the Welsh Ministers, who would have had power to grant it;
 - (b) in the case of development carried out by a government department, the local planning authority who would have had power to grant

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planning permission on an application in respect of the development in question if such an application had fallen to be made

- (c) in the case of development in respect of which an application for planning permission has been made under Part 3, the local planning authority to whom the application has been made or, in the case of an application made to the Secretary of State under section 62A or to the Welsh Ministers under section 62D, 62F, 62L or 62M, the local planning authority to whom the application would otherwise have been made.

259.— Confirmation of orders made by other authorities.

- (1) An order made under section 257 or 258 shall not take effect unless confirmed by the ~~Secretary of State~~ appropriate national authority or unless confirmed, as an unopposed order, by the authority who made it.
- (1A) An order under section 257(1A) may not be confirmed unless the ~~Secretary of State~~ appropriate national authority or (as the case may be) the authority is satisfied—
- (a) that planning permission in respect of the development has been granted, and
 - (b) it is necessary to authorise the stopping up or diversion in order to enable the development to be carried out in accordance with the permission.
- (2) The ~~Secretary of State~~ appropriate national authority shall not confirm any order under section 257(1) or 258 unless satisfied as to every matter as to which the authority making the order are required under section 257 or, as the case may be, section 258 to be satisfied.
- (3) The time specified—
- (a) in an order under section 257 as the time from which a footpath ,
bridleway or restricted byway is to be stopped up or diverted; or
 - (b) in an order under section 258 as the time from which a right of way is to be extinguished,
- shall not be earlier than confirmation of the order.
- (4) Schedule 14 shall have effect with respect to the confirmation of orders under section 257 or 258 and the publicity for such orders after they are confirmed.
- (5) The appropriate national authority, for the purposes of this section, is —
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers.

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284.— Validity of development plans and certain orders, decisions and directions.

- (1) Except in so far as may be provided by this Part, the validity of—
- (a) ...
 - (b) a simplified planning zone scheme or an alteration of such a scheme, whether before or after the adoption or approval of the scheme or alteration; or
 - (c) an order under any provision of Part X except section 251(1), whether before or after the order has been made; or
 - (d) an order under section 277, whether before or after the order has been made; or
 - (e) any such order as is mentioned in subsection (2), whether before or after it has been confirmed; or
 - (f) any such action on the part of the Secretary of State or the Welsh Ministers as is mentioned in subsection (3),

shall not be questioned in any legal proceedings whatsoever.

- (2) The orders referred to in subsection (1)(e) are—
- (a) any order under section 97 or under the provisions of that section as applied by or under any other provision of this Act;
 - (b) any order under section 102;
 - (c) any tree preservation order;
 - (d) any order made in pursuance of section 221(5);
 - (e) any order under paragraph 1, 3, 5 or 6 of Schedule 9.
- (3) The action referred to in subsection (1)(f) is action on the part of the Secretary of State or the Welsh Ministers of any of the following descriptions—
- (ya) any decision on an application made to the Secretary of State under section 62A;
 - (za) any decision on an application referred to the Secretary of State under section 76A;
 - (a) any decision on an application *for planning permission*⁷ referred to ~~him~~ the Secretary of State or the Welsh Ministers under section 77;
 - (aa) any decision on an application made to the Welsh Ministers under section 62D;
 - (ab) any decision on a secondary consent dealt with by the Welsh Ministers under section 62F, unless, by virtue of an enactment not contained in this Act—
 - (i) an appeal against that decision may be made to a person other than the Welsh Ministers, or
 - (ii) the validity of the decision may otherwise be questioned

⁷ The words “for planning permission”, shown in italics, are repealed pursuant to the Planning Act 2008 ss191 (1),(3), 238, Schedule 13. The repeal is not yet in force in relation to Wales.

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- by way of application to a person other than the Welsh Ministers:
- (ac) any decision on an application made to the Welsh Ministers under section 62L or section 62M (not including a decision to refer an application under section 62M(5)):
 - (b) any decision on an appeal under section 78;
 - (c) ...
 - (d) any decision to confirm a completion notice under section 95;
 - (e) any decision to grant planning permission under paragraph (a) of section 177(1) or to discharge a condition or limitation under paragraph (b) of that section;
 - (f) any decision to confirm or not to confirm a purchase notice including—
 - (i) any decision not to confirm such a notice in respect of part of the land to which it relates, or
 - (ii) any decision to grant any permission, or give any direction, instead of confirming such a notice, either wholly or in part;
 - (g) any decision on an appeal under section 195(1);
 - (h) any decision relating—
 - (i) to an application for consent under a tree preservation order,⁸
 - (ii) to an application for consent under any regulations made in accordance with section 220 or 221, or
 - (iii) to any certificate or direction under any such order or regulations,

whether it is a decision on appeal or a decision on an application referred to the Secretary of State or the Welsh Ministers for determination in the first instance;

- (i) any decision on an application for planning permission under section 293A.
- (4) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State or the Welsh Ministers to take any such action as is mentioned in subsection (3).

288.— Proceedings for questioning the validity of other orders, decisions and directions.

- (1) If any person—
- (a) is aggrieved by any order to which this section applies and wishes to question the validity of that order on the grounds—
 - (i) that the order is not within the powers of this Act, or

⁸ The words “tree preservation order” are substituted with new words “tree preservation regulations” pursuant to the Planning Act 2008, s 192(8), Sch 8, paras 7, 17. The substituted words are not shown here as the substitution is not yet in force in relation to Wales.

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- (ii) that any of the relevant requirements have not been complied with in relation to that order; or
- (b) is aggrieved by any action on the part of the Secretary of State or the Welsh Ministers to which this section applies and wishes to question the validity of that action on the grounds—
 - (i) that the action is not within the powers of this Act, or
 - (ii) that any of the relevant requirements have not been complied with in relation to that action,

he may make an application to the High Court under this section.

- (2) Without prejudice to subsection (1), if the authority directly concerned with any order to which this section applies, or with any action on the part of the Secretary of State or the Welsh Ministers to which this section applies, wish to question the validity of that order or action on any of the grounds mentioned in subsection (1), the authority may make an application to the High Court under this section.
- (3) An application under this section must be made within six weeks from the date on which the order is confirmed (or, in the case of an order under section 97 which takes effect under section 99 without confirmation, the date on which it takes effect) or, as the case may be, the date on which the action is taken.
- (4) This section applies to any such order as is mentioned in subsection (2) of section 284 and to any such action on the part of the Secretary of State or the Welsh Ministers as is mentioned in subsection (3) of that section.
- (5) On any application under this section the High Court—
 - (a) may, subject to subsection (6), by interim order suspend the operation of the order or action, the validity of which is questioned by the application, until the final determination of the proceedings;
 - (b) if satisfied that the order or action in question is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to it, may quash that order or action.
- (6) Paragraph (a) of subsection (5) shall not apply to applications questioning the validity of tree preservation orders.
- (7) In relation to a tree preservation order, or to an order made in pursuance of section 221(5), the powers conferred on the High Court by subsection (5) shall be exercisable by way of quashing or (where applicable) suspending the operation of the order either in whole or in part, as the court may determine.

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- (8) References in this section to the confirmation of an order include the confirmation of an order subject to modifications as well as the confirmation of an order in the form in which it was made.
- (9) In this section “the relevant requirements”, in relation to any order or action to which this section applies, means any requirements of this Act or of the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under this Act or under that Act which are applicable to that order or action.
- (10) Any reference in this section to the authority directly concerned with any order or action to which this section applies—
- (a) in relation to any such decision as is mentioned in section 284(3)(f), is a reference to the council on whom the notice in question was served and, in a case where the Secretary of State ~~has modified~~ or the Welsh Ministers have modified such a notice, wholly or in part, by substituting another local authority or statutory undertakers for that council, includes a reference to that local authority or those statutory undertakers;
 - (b) in any other case, is a reference to the authority who made the order in question or made the decision or served the notice to which the proceedings in question relate, or who referred the matter to the Secretary of State or the Welsh Ministers, or, where the order or notice in question was made or served by ~~him~~, the Secretary of State or the Welsh Ministers, the authority named in the order or notice.

289.— Appeals to High Court relating to enforcement notices and notices under s. 207 and 215

- (1) Where the Secretary of State gives a decision in proceedings on an appeal under Part VII against an enforcement notice the appellant or the local planning authority or any other person having an interest in the land to which the notice relates may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Secretary of State to state and sign a case for the opinion of the High Court.
- (2) Where the Secretary of State gives a decision in proceedings on an appeal under Part VIII against a notice under section 207, the appellant or the local planning authority or any person (other than the appellant) on whom the notice was served may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Secretary of State to state and sign a case for the opinion of the High Court.
- (2A) Where the Welsh Ministers give a decision in proceedings on an appeal under Part 8 against a notice under section 215, the appellant or the local planning authority or any other person having an interest in the land to which

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the notice relates may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Welsh Ministers to sign and state a case for the opinion of the High Court.

- (3) At any stage of the proceedings on any such appeal as is mentioned in subsection (1), the Secretary of State may state any question of law arising in the course of the proceedings in the form of a special case for the decision of the High Court.
- (4) A decision of the High Court on a case stated by virtue of subsection (3) shall be deemed to be a judgment of the court within the meaning of section 16 of the Senior Courts Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).
- (4A) In proceedings brought by virtue of this section in respect of an enforcement notice, the High Court or, as the case may be, the Court of Appeal may, on such terms if any as the Court thinks fit (which may include terms requiring the local planning authority to give an undertaking as to damages or any other matter), order that the notice shall have effect, or have effect to such extent as may be specified in the order, pending the final determination of those proceedings and any re-hearing and determination by the Secretary of State.
- (4B) Where proceedings are brought by virtue of this section in respect of any notice under section 207 or 215, the notice shall be of no effect pending the final determination of those proceedings and any re-hearing and determination by the Secretary of State.
- (5) In relation to any proceedings in the High Court or the Court of Appeal brought by virtue of this section the power to make rules of court shall include power to make rules—
- (a) prescribing the powers of the High Court or the Court of Appeal with respect to the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the Secretary of State or the Welsh Ministers; and
 - (b) providing for the Secretary of State or the Welsh Ministers, either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.
- (5A) Rules of court may also provide for the High Court or, as the case may be, the Court of Appeal to give directions as to the exercise, until such proceedings in respect of an enforcement notice are finally concluded and any re-hearing and determination by the Secretary of State has taken place, of any other powers in respect of the matters to which such a notice relates.

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(6) No proceedings in the High Court shall be brought by virtue of this section except with the leave of that Court and no appeal to the Court of Appeal shall be so brought except with the leave of the Court of Appeal or of the High Court.

(7) In this section “decision” includes a direction or order, and references to the giving of a decision shall be construed accordingly.

293.— Preliminary definitions.

(1) In this Part—

“Crown land” means land in which there is a Crown interest or a Duchy interest;

“Crown interest” means any of the following—

- (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;
- (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
- (c) such other interest as the Secretary of State specifies by order;

“Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall;

“private interest” means an interest which is neither a Crown interest nor a Duchy interest.

(2) For the purposes of this Part “the appropriate authority” , in relation to any land—

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners;
- (b) in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land;
- (ba) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;
- (c) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;
- (d) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
- (e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department;

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- (f) in relation to Westminster Hall and the Chapel of St Mary Undercroft, means the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;
 - (g) in relation to Her Majesty's Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, means the Lord Great Chamberlain.
- (2A) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no interest a reference to the appropriate authority must be construed as a reference to the person who makes the application.
- (3) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.
- (3A) References to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.
- (3B) In subsection (2A) the Crown includes—
- (a) the Duchy of Lancaster;
 - (b) the Duchy of Cornwall;
 - (c) a person who is an appropriate authority by virtue of subsection (2)(f) and (g).
- (5) An order made by the Secretary of State for the purposes of paragraph (c) of the definition of Crown interest in subsection (1) must be made by statutory instrument.
- (6) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

293A Urgent Crown development: application

- (1) This section applies to a development if the appropriate authority certifies—
- (a) that the development is of national importance, and
 - (b) that it is necessary that the development is carried out as a matter of urgency.
- (2) The appropriate authority may, instead of making an application for planning permission ~~to the local planning authority~~ in accordance with Part 3, make an application for planning permission to the Secretary of State under this section.

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- (3) If the appropriate authority proposes to make ~~the application to the Secretary of State~~ an application under this section it must publish in one or more newspapers circulating in the locality of the proposed development a notice—
 - (a) describing the proposed development, and
 - (b) stating that the authority proposes to make the application to the Secretary of State.
- (4) For the purposes of an application under this section the appropriate authority must provide to the Secretary of State—
 - (a) any matter required to be provided by an applicant for planning permission in pursuance of regulations made under section 71A;
 - (b) a statement of the authority's grounds for making the application.
- (5) If the appropriate authority makes an application under this section subsections (6) to (9) below apply.
- (6) The Secretary of State may require the authority to provide him with such further information as he thinks necessary to enable him to determine the application.
- (7) As soon as practicable after he is provided with any document or other matter in pursuance of subsection (4) or (6) the Secretary of State must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.
- (8) The Secretary of State must in accordance with such requirements as are contained in a development order publish notice of the application and of the fact that such documents and other material are available for inspection.
- (9) The Secretary of State must consult—
 - (a) the local planning authority for the area to which the proposed development relates,
 - (aa) the strategic planning panel for any strategic planning area to which the proposed development relates, and
 - (b) such other persons as are specified or described in a development order,

about the application.
- (10) Subsection (7) does not apply to the extent that the document or other matter is subject to a direction under section 321(3) (matters related to national security).
- (11) Subsections (4) to (7) of section 77 apply to an application under this section as they apply to an application in respect of which a direction under section 77 has effect.

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303.- Fees for planning applications etc.

- (1) The appropriate authority may by regulations make provision for the payment of a fee or charge to a local planning authority in respect of—
- (a) the performance by the local planning authority of any function they have;
 - (b) anything done by them which is calculated to facilitate or is conducive or incidental to the performance of any such function.
- (1A) The Secretary of State may by regulations make provision for the payment of a fee to the Secretary of State in respect of—
- (a) any application made to the Secretary of State under section 62A;
 - (b) the giving of advice about applying under section 62A for any permission, approval or consent or for anything else for which an application may be made under that section.
- (1B) The Welsh Ministers may by regulations make provision for the payment of a fee or charge to the Welsh Ministers in respect of—
- (a) the performance by the Welsh Ministers of any function they have in respect of an application under section 62D (developments of national significance), section 62L (option to make application directly to Welsh Ministers) or section 62M (connected applications);
 - (b) anything done by the Welsh Ministers which is calculated to facilitate, or is conducive or incidental to, the performance of any such function.
- (1C) References in subsection (1B) to functions that the Welsh Ministers have in respect of an application include references—
- (a) in the case of an application under section 62D, to any functions that the Welsh Ministers have in respect of a secondary consent to which, by virtue of the connection between the consent and the application under section 62D, section 62F(2) applies;
 - (b) to any functions that the Welsh Ministers have, by virtue of provision under section 61Z1, in respect of an application proposed to be made to the Welsh Ministers under section 62D, 62F, 62L or 62M.”
- (2) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority or the local planning authority (or of fees to both the appropriate authority and the local planning authority) in respect of any application for planning permission deemed to be made under section 177(5).
- (3) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority in respect of any application for planning permission which is deemed to be made to the appropriate authority under—
- (a) any provision of this Act other than section 177(5), or
 - (b) any order or regulations made under this Act.

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- (4) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority in respect of an application for planning permission made under section 293A (urgent Crown development).
- (5) Regulations under this section may in particular—
- (a) make provision as to when a fee or charge payable under the regulations is to be paid;
 - (b) make provision as to who is to pay a fee or charge payable under the regulations;
 - (c) make provision as to how a fee or charge payable under the regulations is to be calculated (including who is to make the calculation);
 - (d) prescribe circumstances in which a fee or charge payable under the regulations is to be remitted or refunded (wholly or in part);
 - (e) prescribe circumstances in which no fee or charge is to be paid;
 - (f) make provision as to the effect of paying or failing to pay a fee or charge in accordance with the regulations;
 - (g) prescribe circumstances in which a fee or charge payable under the regulations to one local planning authority is to be transferred to another local planning authority.
- (6) Regulations under this section may—
- (a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;
 - (b) in the case of regulations made by virtue of subsection (5)(f) or paragraph (a) of this subsection, amend, repeal or revoke any provision made by or under this Act or by or under any other Act.
- (7) In this section “the appropriate authority” means—
- (a) the Secretary of State in relation to England;
 - (b) the Welsh Ministers in relation to Wales.
- (8) No regulations shall be made under this section by the Secretary of State unless a draft of the regulations has been laid before and approved by resolution of—
- (a) each House of Parliament, ~~in the case of regulations made by the Secretary of State;~~
 - (b) ~~the National Assembly for Wales, in the case of regulations made by the Welsh Ministers.~~
- ~~(9) Section 333(3) does not apply in relation to regulations made under this section by the Welsh Ministers.~~
- (10) If a local planning authority calculate the amount of fees or charges in pursuance of provision made by regulations under subsection (1) the

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authority must secure that, taking one financial year with another, the income from the fees or charges does not exceed the cost of performing the function or doing the thing (as the case may be).

(11) A financial year is the period of 12 months beginning with 1 April.

303ZA Fees for appeals

(1) The appropriate authority may by regulations make provision for the payment of a fee to the appropriate authority in respect of an appeal to the appropriate authority under any provision made by or under—

- (a) this Act;
- (b) the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2) The regulations may in particular—

- (a) make provision as to when a fee payable under the regulations is to be paid;
- (b) make provision as to how such a fee is to be calculated (including who is to make the calculation);
- (c) prescribe circumstances in which such a fee is to be remitted or refunded (wholly or in part);
- (d) prescribe circumstances in which no fee is to be paid;
- (e) make provision as to the effect of paying or failing to pay a fee in accordance with the regulations.

(3) A fee payable to the appropriate authority under regulations made under this section is payable—

- (a) by the appellant;
- (b) in addition to any fee payable to the appropriate authority under regulations made under section 303.

(4) Regulations under this section may—

- (a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;
- (b) in the case of regulations made by virtue of subsection (2)(e) or paragraph (a) of this subsection, amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

(5) In this section “the appropriate authority” means—

- (a) the Secretary of State in relation to England;
- (b) the Welsh Ministers in relation to Wales.

(6) No regulations shall be made under this section by the Secretary of State unless a draft of the regulations has been laid before and approved by resolution of—

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- ~~(a) each House of Parliament⁹, in the case of regulations made by the Secretary of State;~~
- ~~(b) the National Assembly for Wales, in the case of regulations made by the Welsh Ministers.~~

~~(7) Section 333(3) does not apply in relation to regulations made under this section by the Welsh Ministers.~~

303A.— Responsibility of local planning authorities for costs of holding certain inquiries etc.

(1) This section applies if the appropriate authority appoints a person to carry out or hold a qualifying procedure.

(1A) A qualifying procedure is—

- (a) an independent examination under section 20 or 64 of the Planning and Compulsory Purchase Act 2004;
- (b) a local inquiry or other hearing under paragraph 8(1)(a) of Schedule 7;
- (c) the consideration of objections under paragraph 8(1)(b) of that Schedule.

(1B) The Where a local planning authority cause a qualifying procedure to be carried out or held, the appropriate authority is—

- (a) the Secretary of State if the local planning authority causing the procedure to be carried out or held is in England;
- (b) the National Assembly for Wales if the local planning authority causing the procedure to be carried out or held is in Wales.

(1C) Where the qualifying procedure is an independent examination of a strategic development plan under section 64 of the Planning and Compulsory Purchase Act 2004, the appropriate authority is the Welsh Ministers.

(2) The appropriate authority may require the whole or any part of the costs borne by it in relation to the qualifying procedure to be paid by the local planning authority or strategic planning panel causing the qualifying procedure to be held.

(3) The appropriate authority may cause the amount of any such costs to be certified; and any amount so certified and required by it to be paid by a local planning authority or strategic planning panel shall be recoverable from that authority or panel as a civil debt.

⁹ Section 303ZA was inserted by the Planning Act 2008 and is not yet in force in relation to Wales.

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- (4) What may be recovered under this section by the appropriate authority is the entire administrative cost of, or incidental to, the qualifying procedure, so far as borne by it, including, in particular, such reasonable amount or element as it may determine in respect of the general staff costs and overheads of its department.
- (5) For the purposes of subsection (4), the appropriate authority may by regulations prescribe a standard daily amount in relation to any description of qualifying procedure and any description of person appointed to hold it and where, in relation to a qualifying procedure of that description, a person of that description is or has been so appointed, what may be recovered in respect of that qualifying procedure by virtue of the appointment of that person is—
- (a) the prescribed standard amount from time to time applicable in the case of that qualifying procedure and that person in respect of each day, or an appropriate proportion of that amount in respect of a part of a day, on which that person is engaged in the holding of, or is otherwise engaged on work connected with, the qualifying procedure;
 - (b) any costs actually incurred on travelling or subsistence allowances payable to that person in connection with the qualifying procedure ;
 - (c) any costs attributable to the appointment of an assessor to assist that person; and
 - (d) any other costs attributable to the appointment of that person.
- (6) The cost of, or incidental to, a qualifying procedure which does not take place may be recovered by the appropriate authority from the local planning authority or strategic planning panel from which it would have been recoverable, had the qualifying procedure taken place, to the same extent, and in the same way, as the cost of, or incidental to, a qualifying procedure which does take place.
- (9A) References to a local planning authority or strategic planning panel causing a qualifying inquiry to be held include references to a requirement under the Planning and Compulsory Purchase Act 2004 on the authority to submit a plan to the appropriate authority or panel for independent examination.
- (10) In this section—
- (a) any reference to costs borne by the appropriate authority includes a reference to costs which, apart from this section, would fall, or would have fallen, to be borne by it; and
 - (b) any reference to any remuneration or allowance being paid or payable to a person includes a reference to its being paid or payable for him.
- (11) This section applies in relation to costs arising before, as well as costs arising after, its coming into force.

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306.— Contributions by local authorities and statutory undertakers.

- (1) Without prejudice to section 274 of the Highways Act 1980 (contributions by local authorities to expenses of highway authorities), any local authority may contribute towards any expenses incurred by a local highway authority—
- (a) in the acquisition of land under Part IX of this Act or Chapter V of Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990,
 - (b) in the construction or improvement of roads on land so acquired, or
 - (c) in connection with any development required in the interests of the proper planning of the area of the local authority.

- (2) Any local authority and any statutory undertakers may contribute towards—
- (a) any expenses incurred by a local planning authority for the purposes of carrying out a review under section 13 or 61 of the Planning and Compulsory Purchase Act 2004 (duty of local planning authority to keep under review certain matters affecting development);
 - (ab) any expenses incurred by a county council for the purposes of carrying out a review under section 14 of that Act (duty of county council to keep under review certain matters affecting development);
 - (b) any expenses incurred by a local planning authority or a mineral planning authority in or in connection with the performance of any of their functions under Part III, the provisions of Part VI relating to purchase notices, Part VII except sections 196A and 196B, Part VIII (except section 207), Part IX or Schedule 5 or 9.

(2A) Each of the persons specified in subsection (2B) may contribute towards any expenses incurred by a strategic planning panel for the purposes of carrying out a review under section 60H of the Planning and Compulsory Purchase Act 2004 (duty of strategic planning panel to keep under review certain matters affecting development).

(2B) The persons are—

- (a) a local authority in Wales;
 - (b) a statutory undertaker authorised to carry on an undertaking in Wales.
- (3) Where any expenses are incurred by a local authority in the payment of compensation payable in consequence of anything done under Part III, the provisions of Part VI relating to purchase notices, Part VII except sections 196A and 196B, Part VIII, or Schedule 5 or 9, the Secretary of State may, if it appears to him to be expedient to do so, require any other local authority

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to contribute towards those expenses such sum as appears to him to be reasonable, having regard to any benefit accruing to that authority by reason of the proceeding giving rise to the compensation.

- (4) Subsection (3) shall apply in relation to payments made by a local authority to any statutory undertakers in accordance with financial arrangements to which effect is given under section 275(5)(c), as it applies in relation to compensation payable by such an authority in consequence of anything done under Part III, Part VIII or Schedule 5 or 9, and the reference in that subsection to the proceeding giving rise to the compensation shall be construed accordingly.
- (5) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a joint advisory committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the committee.
- (6) This section shall have effect as if the references to a local authority included references to a National Park authority.

316.— Land of interested planning authorities and development by them.

- (1) The provisions of Parts III, VII and VIII of this Act shall apply in relation to—
 - (a) land of interested planning authorities; and
 - (b) the development of any land by interested planning authorities or by such authorities jointly with any other persons,

subject to regulations made by virtue of this section.

- (2) The regulations may, in relation to such land or such development—
 - (a) provide for any of those provisions to apply subject to prescribed exceptions or modifications or not to apply;
 - (b) make new provision as to any matter dealt with in any of those provisions;
 - (c) make different provisions in relation to different classes of land or development.
- (3) Without prejudice to subsection (2), the regulations may provide—
 - (a) subject to subsection (5), for applications for planning permission to develop such land, or for such development, to be determined by the authority concerned, by another interested planning authority or by the Secretary of State; and
 - (b) for the procedure to be followed on such applications,

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and, in the case of applications falling to be determined by an interested planning authority, they may regulate the authority's arrangements for the discharge of their functions, notwithstanding any provision made by or under sections 319ZA to 319ZC or anything in section 101 of the Local Government Act 1972.

- (4) The regulations shall—
- (a) provide for section 71(3), and any provision made by virtue of section 65 or 71 by a development order, to apply to applications for planning permission to develop ~~such land, or for such development land of an interested planning authority other than the Welsh Ministers, or for the development of land by an interested planning authority other than the Welsh Ministers,~~ subject to prescribed exceptions or modifications, or
 - (b) make corresponding provision.
- (5) In the case of any application for planning permission to develop land of an interested planning authority other than the Welsh Ministers where—
- (a) the authority do not intend to develop the land themselves or jointly with any other person; and
 - (b) if it were not such land, the application would fall to be determined by another body,
- the regulations shall provide for the application to be determined by that other body, unless the application is referred to the Secretary of State under section 77.
- (6) In this section “interested planning authority”, in relation to any land, means any body which exercises any of the functions of a local planning authority in relation to that land or the Welsh Ministers and for the purposes of this section land is land of an authority if the authority have any interest in it.
- (7) This section applies to any consent required in respect of any land as it applies to planning permission to develop land.
- (8) Subsection (1) does not apply to sections 76, 90(2) and (5) and 223.
- (9) The power to make regulations under this section relating to land of the Welsh Ministers or to the development of land by the Welsh Ministers is exercisable by the Welsh Ministers.

Wales: discharge of functions of local planning authority relating to applications

319ZA Requirement for functions to be discharged by committee, subcommittee or officer

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- (1) The Welsh Ministers may by regulations require a relevant local planning authority to make arrangements under section 101 of the 1972 Act for a relevant function to be discharged by a committee, subcommittee or officer of the authority.
- (2) The regulations may prescribe the terms of the arrangements (which may include exceptions) and any permitted variations in those terms.
- (3) Where arrangements required by the regulations are in force in relation to a relevant function, the function may only be exercised in accordance with the arrangements (and section 101(4) of the 1972 Act does not apply).

319ZB Size and composition of committee discharging functions

- (1) The Welsh Ministers may by regulations prescribe requirements relating to the size and composition of a committee or sub-committee by which a relevant function is to be discharged.
- (2) A relevant local planning authority may not arrange for a relevant function to be discharged by a committee or sub-committee of the authority which fails to satisfy a requirement of regulations under this section.
- (3) If a committee or sub-committee discharging a relevant function fails to satisfy such a requirement, paragraph 43 of Schedule 12 to the 1972 Act (validity of proceedings) does not apply in relation to the failure.

319ZC Sections 319ZA and 319ZB: supplementary

- (1) Sections 101 and 102 of the 1972 Act have effect subject to sections 319ZA and 319ZB and any regulations made under them.
- (2) Where arrangements are in force under section 101(5) of the 1972 Act for two or more relevant local planning authorities to discharge any of their relevant functions jointly, sections 319ZA and 319ZB apply in relation to those functions as if—
 - (a) references to a committee or sub-committee of a relevant local planning authority were references to a joint committee or sub-committee of those authorities;
 - (b) references to an officer of a relevant local planning authority were references to an officer of any of those authorities.
- (3) Regulations under sections 319ZA and 319ZB may—
 - (a) make different provision for different local planning authorities;

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(b) make special provision for cases where two or more authorities have made arrangements under section 101(1)(b) or (5) of the 1972 Act for the discharge of any of their relevant functions.

319ZD Interpretation of sections 319ZA to 319ZC

In sections 319ZA to 319ZC—

“the 1972 Act” means the Local Government Act 1972;

“relevant function” means a function exercisable by a relevant local planning authority in relation to an application under this Act;

“relevant local planning authority” means a local planning authority in Wales which is—

- (a) a county council or county borough council,
- (b) a joint planning board, or
- (c) a National Park authority.”

320.— Local inquiries.

- (1) The Secretary of State or the Welsh Ministers may cause a local inquiry to be held for the purposes of the exercise of any of his or their functions under any of the provisions of this Act.
- (2) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) apply to an inquiry held by virtue of this section caused to be held under this section by the Secretary of State; and subsections (2) and (3) of that section apply to an inquiry caused to be held under this section by the Welsh Ministers.
- (3) In its application by subsection (2) to an inquiry held in England caused to be held by the Secretary of State, section 250(4) of that Act has effect as if—
 - (a) after “the costs incurred by him in relation to the inquiry” there were inserted “,or such portion of those costs as he may direct,”, and
 - (b) after “the amount of the costs so incurred” there were inserted “or, where he directs a portion of them to be paid, the amount of that portion”.

321B Special provision in relation to planning inquiries: Wales

- (1) This section applies if the matter in respect of which a local inquiry to which section 321 applies is to be held relates to Wales.

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- (2) The references in section 321(5) and (6) to the Attorney General must be read as references to the Counsel General to the Welsh Assembly Government
- (3) The Assembly may by regulations make provision as mentioned in section 321(7) in connection with a local inquiry to which this section applies.
- (4) If the Assembly acts under subsection (3) rules made by the Lord Chancellor under section 321(7) do not have effect in relation to the inquiry.
- ~~(6) Section 333(3) does not apply to regulations made under subsection (4).~~

322.— Orders as to costs of parties where no local inquiry held

- (1) This section applies to proceedings under this Act where the Secretary of State is required, before reaching a decision, to give any person an opportunity of appearing before and being heard by a person appointed by him.
- (1A) This section also applies to proceedings under this Act to which section 319A applies.
- (1B) Section 250(4) of the Local Government Act 1972 applies to costs incurred by the Secretary of State, or a person appointed by the Secretary of State, in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to a local inquiry.
- (1C) In its application for that purpose, section 250(4) of that Act has effect as if—
 - (a) after “the costs incurred by him in relation to the inquiry” there were inserted “, or such portion of those costs as he may direct,”, and
 - (b) after “the amount of the costs so incurred” there were inserted “or, where he directs a portion of them to be paid, the amount of that portion”.
- (1D) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to an inquiry.
- (2) The Secretary of State has the same power to make orders under section 250(5) of the Local Government Act 1972 (orders with respect to the costs of the parties) in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as he has in relation to a local inquiry.

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322A.— Orders as to costs: supplementary.

- (1) This section applies where—
 - (a) for the purpose of any proceedings in England under this Act—
 - (i) the Secretary of State is required, before a decision is reached, to give any person an opportunity, or ask any person whether he wishes, to appear before and be heard by a person appointed by him; and
 - (ii) arrangements are made for a local inquiry or hearing to be held;
 - (b) the inquiry or hearing does not take place; and
 - (c) if it had taken place, the Secretary of State or a person appointed by him would have had power to make an order under section 250(5) of the Local Government Act 1972 requiring any party to pay any costs of any other party.

- (1A) This section also applies where—
 - (a) arrangements are made for a local inquiry or a hearing to be held pursuant to a determination under section 319A;
 - (b) the inquiry or hearing does not take place; and
 - (c) if it had taken place, the Secretary of State or a person appointed by the Secretary of State would have had power to make an order under section 250(5) of the Local Government Act 1972 requiring any party to pay any costs of any other party.

- (2) Where this section applies the power to make such an order may be exercised, in relation to costs incurred for the purposes of the inquiry or hearing, as if it had taken place.

- (3) Where this section applies in the case of an inquiry or hearing which was to take place in England but did not, section 250(4) of that Act applies to costs incurred by the Secretary of State or a person appointed by the Secretary of State as if—
 - (a) in the case of an inquiry, the inquiry had taken place;
 - (b) in the case of a hearing, the hearing were an inquiry which had taken place.

- (4) In its application for that purpose, section 250(4) of that Act has effect as if—
 - (a) after “the costs incurred by him in relation to the inquiry” there were inserted “, or such portion of those costs as he may direct,”, and
 - (b) after “the amount of the costs so incurred” there were inserted “or, where he directs a portion of them to be paid, the amount of that portion”.

- (5) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to a hearing of the kind referred to

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in subsection (1) or (1A) which was to take place in England but did not as it applies to costs incurred in relation to an inquiry which was to take place but did not.

322C Costs: Wales

- (1) This section applies in relation to any application, appeal or reference under this Act to the Welsh Ministers (whether it is considered at an inquiry or hearing or on the basis of written representations).
- (2) The costs incurred by the Welsh Ministers in relation to the application, appeal or reference (or so much of them as the Welsh Ministers may direct) are to be paid by the applicant, appellant or person making the reference, or such local planning authority or other party to the application, appeal or reference, as the Welsh Ministers may direct.
- (3) Costs incurred by the Welsh Ministers in relation to an application, appeal or reference include the entire administrative cost incurred in connection with it so that, in particular, there shall be treated as costs incurred by the Welsh Ministers such reasonable sum as the Welsh Ministers may determine in respect of general staff costs and overheads of the Welsh Government.
- (4) The costs to which subsection (2) applies include costs in respect of an inquiry or hearing that does not in the event take place and costs incurred in reviewing planning obligations (within the meaning of section 106).
- (5) The Welsh Ministers may by regulations prescribe a standard daily amount for cases involving an inquiry or hearing of any description or cases of any description considered on the basis of representations in writing; and where an inquiry or hearing of that description takes place or a case of that description is considered on the basis of representations in writing, the costs incurred by the Welsh Ministers are to be taken to be—

 - (a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which a prescribed person is engaged in dealing with the case,
 - (b) costs actually incurred in connection with dealing with the case on travelling or subsistence allowances or the provision of accommodation or other facilities,
 - (c) any costs attributable to the appointment of prescribed persons to assist in dealing with the case,
 - (d) any legal costs or disbursements incurred or made by or on behalf of the Welsh Ministers in connection with the case.

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(6) The Welsh Ministers may make orders as to the costs of the applicant or appellant or any other party to the application, appeal or reference, and as to the person or persons by whom the costs are to be paid.

323.— Procedure on certain appeals and applications: England

(1) The Secretary of State may by regulations prescribe the procedure to be followed in connection with proceedings in England under this Act where he is required, before reaching a decision, to give any person an opportunity of appearing before and being heard by a person appointed by him and which are to be disposed of without an inquiry or hearing to which rules under section 9 of the Tribunals and Inquiries Act 1992 apply.

(1A) The Secretary of State may by regulations prescribe the procedure to be followed in connection with proceedings under this Act which, pursuant to a determination under section 319A, are to be considered on the basis of representations in writing.

(2) Regulations under this section may in particular make provision as to the procedure to be followed—

- (a) where steps have been taken with a view to the holding of an inquiry or hearing to which rules under section 9 of the Tribunals and Inquiries Act 1992 would apply which does not take place, or
- (b) where steps have been taken with a view to the determination of any matter by a person appointed by the Secretary of State and the proceedings are the subject of a direction that the matter shall instead be determined by the Secretary of State, or
- (c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,

and may provide that such steps shall be treated as compliance, in whole or in part, with the requirements of the regulations.

(3) Regulations under this section may also—

- (a) provide for a time limit within which any party to the proceedings must submit representations in writing and any supporting documents;
- (b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Secretary of State to give directions setting the time limit in a particular case or class of case;
- (c) empower the Secretary of State to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit; and
- (d) empower the Secretary of State, after giving the parties written notice of his intention to do so, to proceed to a decision notwithstanding that

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no written representations were made within the time limit, if it appears to him that he has sufficient material before him to enable him to reach a decision on the merits of the case.

- (4) Regulations made by the Secretary of State under this section may include provision as to the circumstances in which, in proceedings in England such as are mentioned in subsection (1) or (1A)—
- (a) directions may be given under section 250(4) of the Local Government Act 1972 as applied by a prescribed provision of this Act;
 - (b) orders for costs may be made under section 250(5) of that Act as so applied.

323A Procedure for certain proceedings: Wales

- (1) The Welsh Ministers may by regulations prescribe the procedure to be followed in connection with—
- (a) an inquiry or hearing held or to be held by or on behalf of the Welsh Ministers under or by virtue of any provision of this Act;
 - (b) proceedings on an application, appeal or reference that, under or by virtue of any provision of this Act, is to be considered by or on behalf of the Welsh Ministers on the basis of representations in writing.
- (2) The regulations may include provision—
- (a) about the procedure to be followed in connection with matters preparatory or subsequent to an inquiry or hearing or to the making of representations in writing;
 - (b) about the conduct of proceedings.
- (3) The regulations may include provision about the procedure to be followed—
- (a) where steps have been taken with a view to the holding of an inquiry or hearing which does not take place,
 - (b) where steps have been taken with a view to the determination of any matter by a person appointed by the Welsh Ministers and the proceedings are the subject of a direction that the matter must instead be determined by the Welsh Ministers, or
 - (c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,
- and may provide that such steps are to be treated as compliance, in whole or in part, with the requirements of the regulations.
- (4) The regulations may—
- (a) provide for a time limit within which any party to the proceedings must submit representations in writing and any supporting documents;

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- (b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Welsh Ministers to give directions setting the time limit in a particular case or class of case;
 - (c) enable the Welsh Ministers to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit; and
 - (d) enable the Welsh Ministers, after giving the parties written notice of their intention to do so, to proceed to a decision even though no written representations were made within the time limit, if it appears to them that they have sufficient material before them to enable them to reach a decision on the merits of the case.
- (5) The regulations may also make provision as to the circumstances in which—
- (a) a direction under section 322C(2) may be given;
 - (b) an order for costs under section 322C(4) may be made.
- (6) The Welsh Ministers may by regulations provide that in prescribed circumstances a matter may not be raised in proceedings on an appeal made under or by virtue of this Act to the Welsh Ministers unless it has been previously raised before a prescribed time or it is shown that it could not have been raised before that time.”

324.— Rights of entry.

- (1) Any person duly authorised in writing by the Secretary of State or by a local planning authority may at any reasonable time enter any land for the purpose of surveying it in connection with—
- (a) the preparation, revision, adoption or approval of a local development document under Part 2 of the Planning and Compulsory Purchase Act 2004 or a local development plan under Part 6 of that Act;
 - (aa) the preparation, making, modification or revocation of a neighbourhood development plan under Part 3 of that Act;
 - (b) any application under Part III or sections 220 or 221 or under any order or regulations made under any of those provisions, for any permission, consent or determination to be given or made in connection with that land or any other land under that Part or any of those sections or under any such order or regulations;
 - (ba) any application made to the Welsh Ministers under section 62M;
 - (bb) any secondary consent in respect of which, by virtue of section 62F(2), a decision is to be made by the Welsh Ministers;
 - (c) any proposal by the local planning authority or by the Secretary of State to make, issue or serve any order or notice under Part III (other than sections 94 and 96), or Chapter 2 or 3 of Part VIII or under any order or regulations made under any of those provisions.

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(1A) For the purposes of subsection (1)(c) the reference to a proposal by the local planning authority to make any order under Part 3 includes a reference to a proposal submitted (or to be submitted) to the authority for the making by them of a neighbourhood development order.

(1B) Any person duly authorised in writing by the Welsh Ministers or by a strategic planning panel may at any reasonable time enter any land for the purpose of surveying it in connection with the preparation, revision, adoption or approval of a strategic development plan under Part 6 of the Planning and Compulsory Purchase Act 2004.

(5) Any person who is an officer of the Valuation Office or is duly authorised in writing by a local planning authority may at any reasonable time enter any land for the purpose of surveying it or estimating its value, in connection with a claim for compensation in respect of that land or any other land which is payable by the local planning authority under Part IV, section 186, Chapter 2 or 3 of Part VIII, section 205(1) or Part XI (other than section 279(2) or (3) or 280(1)(c)).

(6) Any person who is an officer of the Valuation Office or is duly authorised in writing by a local authority or Minister authorised to acquire land under section 226 or 228 or by a local authority who have power to acquire land under Part IX may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that land or any other land or in connection with any claim for compensation in respect of any such acquisition.

(7) Any person duly authorised in writing by the Secretary of State or by a local planning authority may at any reasonable time enter any land in respect of which an order or notice has been made or served as mentioned in subsection (1)(c) for the purpose of ascertaining whether the order or notice has been complied with.

(8) Subject to section 325, any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals in it.

333.— Regulations and orders.

(1) The Secretary of State may make regulations under this Act—
(a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by any local authority or National Park authority;

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(b) for any purpose for which regulations are authorised or required to be made under this Act (other than a purpose for which regulations are authorised or required to be made by another Minister).

(2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.

(2A) Regulations may make different provision for different purposes.

(3) Any statutory instrument containing regulations made under this Act (except regulations under section 88 or paragraph 15(5) or 16 of Schedule 4B and regulations which by virtue of this Act are of no effect unless approved by a resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3A) No regulations may be made under paragraph 15(5) or 16 of Schedule 4B unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.

(3B) Subsection (3) does not apply to a statutory instrument containing regulations made by the Welsh Ministers.

(3C) A statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(3D) Subsection (3C) does not apply to a statutory instrument if—

(a) it contains only regulations under section 88(7),

(b) it contains (whether alone or with other provision) regulations under section 315, or

(c) it is within subsection (3F).

(3E) The Welsh Ministers may not make a statutory instrument within subsection (3F) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.

(3F) A statutory instrument is within this subsection if it contains (whether alone or with other provision) regulations under—

(a) section 62D(3);

(b) section 116;

(c) section 303;

(d) section 303ZA;

(e) section 316, if the regulations relate to land of the Welsh Ministers or to the development of land by the Welsh Ministers.

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(4) The power to make development orders and orders under sections 2, 2A, 2F, 28, 55(2)(f), 61A(5), 87, 106BA(14), 149(3)(a), 319 and 319A(9) shall be exercisable by statutory instrument.

(4A) The power of the Welsh Ministers to make an order under section 293(1)(c) is exercisable by statutory instrument.

(4B) A development order made by the Welsh Ministers may make different provision for different purposes, for different cases (including different classes of development) and for different areas.

(5) Any statutory instrument—

- (a) which contains an order under subsection (1) of section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section; or
- (b) which contains a development order made by the Secretary of State or an order made by the Secretary of State under section 2A, 2F, 28, 61A(5) ~~(unless it is made by the National Assembly for Wales)~~, 87 or 149(3)(a),

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5ZA) No order may be made under section 106BA(14) unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

(5A) No order may be made under section 319A(9) unless a draft of the instrument containing the order has been laid before, and approved by resolution of, each House of Parliament.

(5B) A statutory instrument containing any of the following is subject to annulment in pursuance of a resolution of the National Assembly for Wales—

- (a) an order under subsection (1B) of section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section,
- (b) a development order made by the Welsh Ministers, or
- (c) an order under section 87(3) or 149(3)(a) made by the Welsh Ministers.

(5C) The Welsh Ministers may not make a statutory instrument containing an order under section 293(1)(c) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.”

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- (6) Without prejudice to subsection (5) or (5B), where a development order makes provision for excluding or modifying any enactment contained in a public general Act (other than any of the enactments specified in Schedule 17) the order shall not have effect until that provision is approved by a resolution of each House of Parliament (in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers).
- (7) Without prejudice to section 14 of the Interpretation Act 1978, any power conferred by any of the provisions of this Act to make an order, shall include power to vary or revoke any such order by a subsequent order.

336.— Interpretation.

- (1) In this Act, except in so far as the context otherwise requires and subject to the following provisions of this section and to any transitional provision made by the Planning (Consequential Provisions) Act 1990—
- “the 1944 Act” means the Town and Country Planning Act 1944;
 - “the 1947 Act” means the Town and Country Planning Act 1947;
 - “the 1954 Act” means the Town and Country Planning Act 1954;
 - “the 1959 Act” means the Town and Country Planning Act 1959;
 - “the 1962 Act” means the Town and Country Planning Act 1962;
 - “the 1968 Act” means the Town and Country Planning Act 1968;
 - “the 1971 Act” means the Town and Country Planning Act 1971;
 - “acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;
 - “address”, in relation to electronic communications, means any number or address used for the purposes of such communications;
 - “advertisement” means any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use, and anything else principally used, or designed or adapted principally for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly ;
 - “aftercare condition” has the meaning given in paragraph 2(2) of Schedule 5;
 - “aftercare scheme” has the meaning given in paragraph 2(3) of Schedule 5;
 - “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands

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- where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;
- “the appropriate Minister” has the meaning given in section 265;
- “authority possessing compulsory purchase powers”, in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected or a body (being a parish council, community council or parish meeting) on whose behalf a district council or county council or county borough council could be or have been so authorised ;
- “authority to whom Part II of the 1959 Act applies” means a body of any of the descriptions specified in Part I of Schedule 4 to the 1959 Act;
- “breach of condition notice” has the meaning given in section 187A;
- “breach of planning control” has the meaning given in section 171A
- “bridleway” has the same meaning as in the Highways Act 1980;
- “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988;
- “building” Includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;
- “buildings or works” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly and references to the removal of buildings or works include demolition of buildings and filling in of trenches;
- “building operations” has the meaning given by section 55;
- “caravan site” has the meaning given in section 1(4) of the Caravan Sites and Control of Development Act 1960;
- “clearing”, in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation to it as may be prescribed;
- “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;
- “compulsory acquisition” does not include the vesting in a person by an Act of Parliament of property previously vested in some other person;
- “conservation area” means an area designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- “depositing of mineral waste” means any process whereby a mineral-working deposit is created or enlarged and “depositing of refuse or waste materials” includes the depositing of mineral waste;
- “development” has the meaning given in section 55, and “develop” shall be construed accordingly;
- “development consent” means development consent under the Planning Act 2008;
- “development order” has the meaning given in section 59;

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- “development plan” must be construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004;
- “disposal” means disposal by way of sale, exchange or lease, or by way of the creation of any easement, right or privilege, or in any other manner, except by way of appropriation, gift or mortgage, and “dispose of” shall be construed accordingly;
- “electronic communication” has the same meaning as in the Electronic Communications Act 2000;
- “enactment” includes an enactment in any local or private Act of Parliament and an order, rule, regulation, byelaw or scheme made under an Act of Parliament;
- “enforcement notice” means a notice under section 172;
- “engineering operations” includes the formation or laying out of means of access to highways;
- “enterprise zone scheme” means a scheme or modified scheme having effect to grant planning permission in accordance with section 88;
- “erection”, in relation to buildings as defined in this subsection, includes extension, alteration and re-erection;
- “footpath” has the same meaning as in the Highways Act 1980;
- “fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;
- “functions” includes powers and duties;
- “government department” includes any Minister of the Crown;
- “the Greater London Development Plan” means the development plan submitted to the Minister of Housing and Local Government under section 25 of the London Government Act 1963 and approved by the Secretary of State under section 5 of the 1962 Act or the corresponding provision of the 1971 Act;
- “highway” has the same meaning as in the Highways Act 1980;
- “improvement”, in relation to a highway, has the same meaning as in the Highways Act 1980;
- “joint planning board” has the meaning given in section 2;
- “land” means any corporeal hereditament, including a building, and, in relation to the acquisition of land under Part IX, includes any interest in or right over land;
- “lease” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and “leasehold interest” means the interest of the tenant under a lease as so defined;
- “local authority” (except in section 252 and subject to subsection (10)) below and section 71(7) of the Environment Act 1995 means —
 - (a) a billing authority or a precepting authority (except the Receiver for the Metropolitan Police District), as defined in section 69 of the Local Government Finance Act 1992 or the Mayor's Office for Policing and Crime;

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- (aa) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (ab) the London Fire and Emergency Planning Authority;
 - (b) a levying body within the meaning of section 74 of the Local Government Finance Act 1988; and
 - (c) a body as regards which section 75 of that Act applies;
- and includes any joint board or joint committee if all the constituent authorities are local authorities within paragraph (a), (b) or (c);
- “local highway authority” means a highway authority other than the Secretary of State;
- “local planning authority” shall be construed in accordance with Part I;
- “London borough” includes the City of London, references to the council of a London borough or the clerk to such a council being construed, in relation to the City, as references to the Common Council of the City and the town clerk of the City respectively;
- “means of access” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;
- “mineral planning authority” has the meaning given in section 1 ;
- “mineral-working deposit” means any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land;
- “minerals” includes all substances of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale ;
- “Minister” means any Minister of the Crown or other government department;
- “mortgage” includes any charge or lien on any property for securing money or money's worth;
- “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;
- “operational land” has the meaning given in section 263;
- “owner”, in relation to any land, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let ;
- “the planning Acts” means this Act, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Planning (Consequential Provisions) Act 1990;
- “planning contravention notice” has the meaning given in section 171C;
- “planning decision” means a decision made on an application under Part III or section 293A;
- “planning permission” means permission under Part III;
- “planning permission granted for a limited period” has the meaning given in section 72(2);

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- “prescribed” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;
- “gas transporter” has the same meaning as in Part I of the Gas Act 1986;
- “purchase notice” has the meaning given in section 137;
- “replacement of open space”, in relation to any area, means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used;
- “restoration condition” has the meaning given in paragraph 2(2) of Schedule 5;
- “restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;
- “simplified planning zone” and “simplified planning zone scheme” shall be construed in accordance with sections 82 and 83;
- “spatial development strategy” shall be construed in accordance with Part VIII of the Greater London Authority Act 1999 (planning);
- “statutory undertakers” and “statutory undertaking” have the meanings given in section 262;
- “steps for the protection of the environment” has the meaning given in paragraph 5(4) of Schedule 9;
- “stop notice” has the meaning given in section 183;
- “strategic planning panel” means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004;
- “suspension order” has the meaning given in paragraph 5 of Schedule 9; and
- “supplementary suspension order” has the meaning given in paragraph 6 of Schedule 9;
- “tenancy” has the same meaning as in the Landlord and Tenant Act 1954;
- “tree preservation order” has the meaning given in section 198;
- “universal postal service provider” means a universal service provider within the meaning of Part 3 of the Postal Services Act 2011; and references to the provision of a universal postal service shall be construed in accordance with that Part ;
- “urban development area” and “urban development corporation” have the same meanings as in Part XVI of the Local Government, Planning and Land Act 1980;
- “use”, in relation to land, does not include the use of land for the carrying out of any building or other operations on it;
- “Valuation Office” means the Valuation Office of the Inland Revenue Department;
- “war damage” has the meaning given in the War Damage Act 1943;
- “waste” includes anything that—
- (a) is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste, and
 - (b) is not excluded from the scope of that definition by Article 2(1), (2) or (3);
- “the winning and working of minerals” includes the extraction of minerals from a minerals working deposit.

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Please note: The following part of this document details amendments made to the Schedules to the Town and Country Planning Act 1990 by the Planning (Wales) Bill. Schedules and paragraphs the Schedules that are not amended are not shown.

SCHEDULE 1A

DISTRIBUTION OF LOCAL PLANNING AUTHORITY FUNCTIONS: WALES

Paragraph 8

Compensation

8.

(1) Claims for payment of compensation under section 107 (including that section as applied by section 108) and sections 115(1) to (4) and 186 shall, subject to sub-paragraph (3) be made to and paid by the local planning authority who took the action by virtue of which the claim arose or, where that action was taken by the Secretary of State, the local planning authority from whom the appeal was made to him or who referred the matter to him or, in the case of an order made or notice served by him by virtue of section 100, 104 or 185, the appropriate authority, and references in those sections to a local planning authority shall be construed accordingly.

(2) In this paragraph “appropriate authority” means—

- (a) in the case of a claim for compensation under section 107 or 108, the local planning authority who granted, or are to be treated for the purposes of section 107 as having granted, the planning permission the revocation or modification of which gave rise to the claim; and
- (b) in the case of a claim for compensation under section 115(1) to (4) or 186, the local planning authority named in the relevant order or stop notice of the Secretary of State.

(2A) Sub-paragraph (2B) applies where the planning permission the revocation or modification of which gave rise to the claim was granted by the Welsh Ministers by virtue of section 62D, 62F, 62L or 62M.

(2B) The local planning authority to which the application for planning permission would, but for the section in question, have been made, are to be treated for the purposes of sub-paragraph (2)(a) as having granted the permission.

(3) The Secretary of State may, after consultation with all the authorities concerned, direct that where a local planning authority is liable to pay compensation under any of the provisions mentioned in sub-paragraph (1)

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in any particular case or class of case they shall be entitled to be reimbursed the whole of the compensation or such proportion of it as he may direct from one or more authorities specified in the direction.

SCHEDULE 4A – LOCAL DEVELOPMENT ORDERS: PROCEDURE

Paragraph 5

5.

- (1) The report made by a local planning authority under section 76 of the Planning and Compulsory Purchase Act 2004 must include a report as to the extent to which the local development order is achieving its purposes.
- (2) The National Assembly for Wales may prescribe the form and content of the report as it relates to the local development order.

SCHEDULE 4D

EXERCISE OF FUNCTIONS BY APPOINTED PERSON IN CONNECTION WITH DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND APPLICATIONS MADE TO THE WELSH MINISTERS

Exercise of functions in respect of development of national significance and connected applications

1.

- (1) Unless a direction otherwise is given under paragraph 9, a specified function, so far as exercisable in respect of—
 - (a) an application that a person proposes to make under section 62D,
 - (b) an application made under section 62D, or
 - (c) a secondary consent (within the meaning given by section 62H) in respect of which section 62F(2) applies,

is to be exercised by a person appointed for the purpose by the Welsh Ministers under this paragraph.

- (2) A “specified function”, for the purposes of sub-paragraph (1), is a function exercisable by the Welsh Ministers, under or by virtue of this Act, that is

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prescribed in regulations made for the purposes of this paragraph by the Welsh Ministers.

(3) Regulations under this paragraph may contain incidental or consequential provision.

Applications under section 62L or 62M: exercise of functions

2.

Unless a direction otherwise is given under paragraph 9—

(a) an application made under section 62L or 62M is to be determined by a person appointed for the purpose by the Welsh Ministers under this paragraph;

(b) functions exercisable by the Welsh Ministers, by virtue of section 61Z1, in respect of an application that a person proposes to make under section 62L or 62M, are to be exercised by a person appointed for the purpose by the Welsh Ministers under this paragraph.

Revocation of appointments

3.

Where a person has been appointed under paragraph 1 or 2 in respect of an application or consent, the Welsh Ministers may at any time—

(a) revoke the appointment, and

(b) appoint another person, in respect of the application or consent, under paragraph 1 or 2 (as the case may be).

Exercise of functions by appointed person

4.

(1) This paragraph applies for the purposes of paragraphs 5 to 13.

(2) References to an appointed person are to a person appointed to exercise functions under paragraph 1 or 2.

(3) References to a relevant application or consent are to an application or consent, or a proposed application, in respect of which functions are exercisable by a person other than the Welsh Ministers by virtue of the person's appointment under paragraph 1 or 2.

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5.

A person appointed under paragraph 2 to determine an application has, so far as the context permits, the same powers and duties that the Welsh Ministers have by virtue of provision made by a development order by virtue of section 75A.

6.

(1) Sub-paragraph (2) applies where any enactment (other than this Schedule)—

(a) refers (or is to be read as referring) to the Welsh Ministers in a context relating to or capable of relating to an application under section 62L or section 62M, or

(b) refers (or is to be read as referring) to anything (other than the making of an application) done or authorised or required to be done by, to or before the Welsh Ministers in connection with any such application.

(2) So far as the context permits, the enactment is to be read, in relation to an application determined or to be determined by a person appointed under paragraph 2, as if the reference to the Welsh Ministers were or included a reference to an appointed person.

Determination by appointed person

7.

Where a decision on a relevant application or consent is determined by an appointed person, that person's decision is to be treated as being the decision of the Welsh Ministers (including for the purposes of section 284).

8.

(1) It is not a ground of application to the High Court under section 288 that the determination ought to have been made by the Welsh Ministers instead of an appointed person, unless the applicant challenges the person's power to make the determination before the person's decision is given.

(2) But in the case of an application under section 62D or a secondary consent to which section 62F(2) applies, the restriction imposed by sub-paragraph (1) applies only if the function of making the decision in question is a function specified in regulations under paragraph 1.

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Power of Welsh Ministers to exercise functions in place of appointed person

9.

The Welsh Ministers may direct that functions specified in the direction are to be exercised, in respect of a relevant application or consent, by them instead of by a person appointed under paragraph 1 or paragraph 2.

10.

A copy of a direction given under paragraph 9 in respect of a relevant application or consent is to be served on—

- (a) the person (if any) appointed, in respect of the application or consent, under paragraph 1 or 2;
- (b) the applicant;
- (c) in the case of an application under section 62L or 62M, the local planning authority or hazardous substances authority concerned.

11.

(1) Sub-paragraph (2) applies where, in consequence of a direction under paragraph 9, a decision on an application or consent is to be made by the Welsh Ministers instead of a person appointed under paragraph 1 or 2.

(2) In making their decision, the Welsh Ministers may take into account any report made to them by any person previously appointed under paragraph 1 or 2 in respect of the application.

12.

Subject to that, for the purpose of the exercise of functions by the Welsh Ministers in consequence of a direction under paragraph 9, the application or consent concerned is to be treated as though no appointment under paragraph 1 or 2 had ever been made.

13.

(1) The Welsh Ministers may by a further direction revoke a direction under paragraph 9 at any time before the decision on the application or consent concerned has been made.

(2) On giving a direction under this paragraph, the Welsh Ministers must serve a copy of the direction on—

- (a) the person, if any, previously appointed under paragraph 1 or 2 in respect of the application or consent;
- (b) the applicant;
- (c) in the case of an application under section 62L or 62M, the local planning authority or hazardous substances authority concerned.

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- (3) Where a direction is given under this paragraph—
- (a) the Welsh Ministers must appoint a person (the “new appointee”) under paragraph 1 or 2, as the case may be, in respect of the application or consent;
 - (b) anything done by or on behalf of the Welsh Ministers in connection with the application or consent that might have been done by a person appointed under paragraph 1 or 2 is, unless the new appointee directs otherwise, to be treated as having been done by that person, and
 - (c) subject to that, this Schedule applies as if no direction under paragraph 9 had been given.”

SCHEDULE 6

DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

Paragraphs 6 and 8

Local inquiries and hearings

6.

- (1) Whether or not the parties to an appeal have asked for an opportunity to appear and be heard, an appointed person—
- (a) may hold a local inquiry in connection with the appeal; and
 - (b) shall do so if the Secretary of State so directs.

(1A) Sub-paragraph (1) does not apply in the case of an appeal to which section 319A applies; but an appointed person may hold a hearing or local inquiry in connection with such an appeal pursuant to a determination under that section.

- (2) Where an appointed person—
- (a) holds a hearing by virtue of paragraph 2(4) or this paragraph; or
 - (b) holds an inquiry by virtue of this paragraph,

an assessor may be appointed by the Secretary of State to sit with the appointed person at the hearing or inquiry to advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal.

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- (3) Subject to sub-paragraph (4), the costs of any such hearing or inquiry shall be defrayed by the Secretary of State.
- (4) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) apply to an inquiry held under this paragraph in England with the following adaptations—
 - (a) with the substitution in subsection (4) (recovery of costs of holding the inquiry) for the references to the Minister causing the inquiry to be held of references to the Secretary of State; and
 - (b) with the substitution in subsection (5) (orders as to the costs of the parties) for the reference to the Minister causing the inquiry to be held of a reference to the appointed person or the Secretary of State.

(4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.:

- (5) The appointed person or the Secretary of State has the same power to make orders under section 250(5) of that Act (orders with respect to costs of the parties) in relation to proceedings in England under this Schedule which do not give rise to an inquiry as he has in relation to such an inquiry.

Supplementary provisions

8.

- (1) The Tribunals and Inquiries Act 1992 shall apply to a local inquiry or other hearing held in England in pursuance of this Schedule as it applies to a statutory inquiry held by the Secretary of State, but as if in section 10(1) of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.
- (2) Where an appointed person is an officer of the Department for Communities and Local Government or the Welsh Office the functions of determining an appeal and doing anything in connection with it conferred on him by this Schedule shall be treated for the purposes of the Parliamentary Commissioner Act 1967—
 - (a) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of that Department; and
 - (b) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to Wales, as functions of the Welsh Office.

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SCHEDULE 7

SIMPLIFIED PLANNING ZONES

Paragraph 8

Section 83

Procedure for dealing with objections.

8.

- (1) Where objections to the proposed scheme or alterations are made, the local planning authority may—
 - (a) for the purpose of considering the objections, cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, appointed by the authority, or
 - (b) require the objections to be considered by a person appointed by the Secretary of State.
- (2) A local planning authority shall exercise the power under sub-paragraph (1), or paragraph (a) or (b) of that sub-paragraph, if directed to do so by the Secretary of State.
- (4) Regulations may—
 - (a) make provision with respect to the appointment, and qualifications for appointment, of persons for the purposes of this paragraph;
 - (b) include provision enabling the Secretary of State to direct a local planning authority to appoint a particular person, or one of a specified list or class of persons;
 - (c) make provision with respect to the remuneration and allowances of the person appointed.
- (5) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (power to summon and examine witnesses) apply to an inquiry held under this paragraph.
- (6) The Tribunals and Inquiries Act 1992 applies to a local inquiry or other hearing held in England under this paragraph as it applies to a statutory inquiry held by the Secretary of State, with the substitution in section 10(1) (statement of reasons for decision) for the references to a decision taken

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by the Secretary of State of references to a decision taken by a local authority.

(6A) The power to make regulations under section 323A applies in relation to a local inquiry or other hearing held in Wales under this paragraph as it applies in relation to an inquiry or hearing held by the Welsh Ministers under this Act and as if references in section 323A(3) and (4) to the Welsh Ministers included references to a local planning authority.

SCHEDULE 8

PLANNING INQUIRY COMMISSIONS

Section 101(4)

Part I

Constitution and Procedure on References

Paragraph 5

Local inquiries held by Planning Inquiry Commission.

5.

- (1) A Planning Inquiry Commission shall, for the purpose of complying with paragraph 3(2), hold a local inquiry; and they may hold such an inquiry, if they think it necessary for the proper discharge of their functions, notwithstanding that neither the applicant nor the local planning authority want an opportunity to appear and be heard.
- (2) Where a Planning Inquiry Commission are to hold a local inquiry under subparagraph (1) in connection with a matter referred to them, and it appears to the responsible Minister or Ministers, in the case of some other matter falling to be determined by a Minister of the Crown and required or authorised by an enactment other than this paragraph to be the subject of a local inquiry, that the two matters are so far cognate that they should be considered together, he or, as the case may be, they may direct that the two inquiries be held concurrently or combined as one inquiry.
- (3) An inquiry held in England by a commission under this paragraph shall be treated for the purposes of the Tribunals and Inquiries Act 1992 as one held by a Minister in pursuance of a duty imposed by a statutory provision.

(3ZA) The power to make regulations under section 323A applies in relation to an inquiry held in Wales by a commission under this paragraph as it

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applies in relation to an inquiry held by the Welsh Ministers under this Act and as if references in section 323A(3) and (4) to the Welsh Ministers included references to a commission.

- (4) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) shall apply in relation to an inquiry held under sub-paragraph (1) in England, and subsections (2) and (3) of that section shall apply in relation to an inquiry held under that sub-paragraph in Wales, as they apply in relation to an inquiry caused to be held by a Minister under subsection (1) of that section, with the substitution for references to the Minister causing the inquiry to be held (other than the first reference in subsection (4)) of references to the responsible Minister or Ministers.

SCHEDULE 13 – BLIGHTED LAND

Section 149

Paragraphs 1B and 1C

Land allocated for public authority functions in development plans etc

1B

Land in Wales which is identified for the purposes of relevant public functions by a local development plan or strategic development plan for the area in which the land is situated.

Notes

- (1) Relevant public functions are—
- (a) the functions of the ~~National Assembly for Wales~~ Welsh Ministers, a government department, local authority, National Park authority or statutory undertakers;
 - (b) the establishment or running by a public telecommunications operator of a telecommunications system.
- (2) For the purposes of this paragraph a local development plan or strategic development plan is—
- (a) a local development plan or strategic development plan which is adopted or approved for the purposes of Part 6 of the Planning and Compulsory Act 2004 (in this paragraph, the 2004 Act);
 - (b) a revision of ~~local development plan~~ such a plan in pursuance of section 70 of the 2004 Act which is adopted or approved for purposes of Part 6 of the 2004 Act;

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- (c) a local development plan or strategic development plan which has been submitted to the ~~National Assembly~~ Welsh Ministers for independent examination under section 64(1) of the 2004 Act;
 - (d) a revision of ~~a local development plan~~ such a plan in pursuance of section 70 of the 2004 Act if the plan has been submitted to the Welsh Ministers for independent examination under section 64(1) of that Act.
- (3) But Note (2)(c) and (d) does not apply if the plan is withdrawn under section 66 or 66A of the 2004 Act at any time after it has been submitted for independent examination.
- (4) In Note (2)(c) and (d) the submission of a ~~local development plan~~ to the ~~National Assembly~~ Welsh Ministers for independent examination is to be taken to include the holding of an independent examination by the ~~National Assembly~~ Welsh Ministers under section 65 or section 71 of the 2004 Act.

1C

Land in Wales which is identified for the purposes of relevant public functions (within the meaning of paragraph 1B) by the National Development Framework for Wales.

Notes

- (1) In this paragraph, the reference to the National Development Framework for Wales is a reference to—
- (a) the National Development Framework for Wales, or a revised Framework, which is published under sections 60 to 60C of the Planning and Compulsory Purchase Act 2004, and
 - (b) a draft of the Framework, or of a revised Framework, which has been laid before the National Assembly for Wales under section 60B(2) of that Act.
- (2) This paragraph does not apply to land that falls within paragraph 1B.
- (3) Note (1)(b) ceases to apply in relation to a draft of a revised Framework if the Welsh Ministers lay before the National Assembly for Wales a copy of a notice that they have decided not to proceed with the revision of the Framework.

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SCHEDULE 16

PROVISIONS OF THE PLANNING ACTS REFERRED TO IN SECTIONS 314 TO 319

PART I

Section 1(1) to (3), (5) and (6).

Section 2.

Section 9.

Section 55.

Section 57.

Section 59.

Section 60 except subsection (4).

~~Sections 61 and 62~~

Section 61.

Sections 61Z to 61ZZ.

Section 62.

Sections 62D to 62R.

Section 69(1), (2) and (5).

Section 70.

Section 70A.

Sections 71ZA and 71ZB.

Section 72(1) to (4).

Section 73A.

Section 74.

Section 75.

Section 77 with the omission in subsection (4) of the reference to sections 65, 66 and 67.

Sections 78 and 79(1) to (5) with the omission in subsection (4) of section 79 of the reference to sections 66 and 67.

Section 90(1), (3) and (4).

Sections 96 to 98 except subsection (5) of section 97.

Section 100.

Section 100A

Sections 102 to 104 except subsection (8) of section 102.

Sections 106 to 106BC.

Section 107.

Section 108.

Section 115.

Sections 117 and 118.

Section 137 except subsections (6) and (7).

Section 138.

Section 139(1) to (4).

Sections 140 and 141.

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Sections 143 and 144.
Section 148.
Section 175(5).
Sections 178 to 182.
Section 185.
Section 186(6) and (7).
Section 188.
Section 189.
Section 190 (in so far as it applies to orders under section 102).
Section 192
Section 196A to 196C
Sections 198 to 200.
Sections 202 and 203.
Section 205.
Section 208(10).
Section 209(6).
Section 210.
Section 211(4).
Sections 214A to 214D.
Sections 215 to 224.
Section 227.
Sections 229 to 233.
Sections 235 to 247.
Sections 251 and 252.
Sections 254 to 256.
Section 260.
Section 263.
Section 265(1) and (4).
Sections 266 to 272.
Sections 274 to 278.
Section 279 except subsection (4).
Section 280 except subsections (6) and (8)(b).
Sections 281 to 283.
Section 284(1) except paragraphs (e) and (f).
Section 285.
Section 287.
Section 289.
Section 292 with the omission in subsection (2) of the references to section 288.
Section 293(1) to (3).
Section 294(1).
Section 296(1) (the reference in paragraph (c) to Part III not being construed as referring to section 65), and (2) to (4).
Section 297.
Sections 305 and 306.
Section 314.

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Section 315.

Sections 316 and 316A.

Section 318 except subsections (2)(a), (4) and (5).

Section 324(1), (3) and (5) to (9).

Section 325.

Section 330.

Section 334.

Paragraphs 13 and 20(3) of Schedule 1.

Schedule 3.

Paragraphs 1 to 3 of Schedule 4.

Schedule 17.

Any other provisions of the planning Acts in so far as they apply, or have effect for the purposes of, any of the provisions specified above.