

Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, SCHEDULE 2. (See end of Document for details)

SCHEDULE 2

(introduced by section 16)

DEVELOPMENT PLANNING: FURTHER AMENDMENTS

Welsh Development Agency Act 1975 (c. 70)

1 The Welsh Development Agency Act 1975 is amended as follows.

Annotations:

Commencement Information

- II** Sch. 2 para. 1 partly in force; Sch. 2 para. 1 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

2 In section 21A (powers of land acquisition), in subsection (5)—

- (a) omit the “and” at the end of paragraph (b);
- (b) after paragraph (c) insert—

“; and

- (d) any strategic planning panel in whose strategic planning area the land, or any part of the land, is situated.”

Annotations:

Commencement Information

- I2** Sch. 2 para. 2 partly in force; Sch. 2 para. 2 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

3 In section 21C (powers to advise on land matters), in subsection (3)—

- (a) omit the “or” at the end of paragraph (b);
- (b) after paragraph (c) insert—

“; or

- (d) a strategic planning panel in making an assessment of land in its strategic planning area which is, in its opinion, available and suitable for development.”

Annotations:

Commencement Information

- I3** Sch. 2 para. 3 partly in force; Sch. 2 para. 3 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

4 (1) Schedule 4 (acquisition of land) is amended as follows.

(2) In Part 1, in paragraph 3A—

- (a) omit the “and” at the end of paragraph (b);
- (b) after paragraph (c) insert—

“; and

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(d) any strategic planning panel in whose strategic planning area the land, or any part of the land, is situated.”

(3) In Part 4, in paragraph 19(1), for “and every National Park authority for a National Park in Wales” substitute “, every National Park authority for a National Park in Wales and every strategic planning panel ”.

Annotations:

Commencement Information

I4 Sch. 2 para. 4 partly in force; Sch. 2 para. 4 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

Wildlife and Countryside Act 1981 (c. 69)

5 The Wildlife and Countryside Act 1981 is amended as follows.

Annotations:

Commencement Information

I5 Sch. 2 para. 5 partly in force; Sch. 2 para. 5 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

6 (1) Section 27AA (sites of special scientific interest and limestone pavements: application of provisions in Wales) is amended as follows.

(2) The existing provision becomes subsection (1).

(3) After subsection (1) insert—

“(2) Subsection (3) applies where—

- (a) any provision of sections 28 to 34 requires the Natural Resources Body for Wales to give a notification or notice to the local planning authority in whose area land is situated, and
- (b) all or part of the land is included in a strategic planning area designated under section 60D of the Planning and Compulsory Purchase Act 2004.

(3) The Natural Resources Body for Wales must also give the notification or notice to the strategic planning panel for the strategic planning area.”

Annotations:

Commencement Information

I6 Sch. 2 para. 6 partly in force; Sch. 2 para. 6 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

7 In section 37A (notification of designation of Ramsar sites), after subsection (2A) insert—

“(2B) Subject to subsection (3), upon receipt of a notification under subsection (1) relating to a wetland all or part of which is in a strategic planning area designated under section 60D of the Planning and Compulsory Purchase Act

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2004, the Natural Resources Body for Wales shall, in turn, notify the strategic planning panel for that area.”

Annotations:

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- I7** Sch. 2 para. 7 partly in force; Sch. 2 para. 7 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

Town and Country Planning Act 1990 (c. 8)

8 TCPA 1990 is amended as follows.

Annotations:

Commencement Information

- I8** Sch. 2 para. 8 partly in force; Sch. 2 para. 8 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

9 In section 293A (urgent Crown development: application), in subsection (9), before “and” insert—

“(aa) the strategic planning panel for any strategic planning area to which the proposed development relates,”.

Annotations:

Commencement Information

- I9** Sch. 2 para. 9 partly in force; Sch. 2 para. 9 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

10 (1) Section 303A (responsibility of local planning authorities for costs of holding certain inquiries etc) is amended as follows.

(2) In subsection (1B), for “The” substitute “ Where a local planning authority cause a qualifying procedure to be carried out or held, the ”.

(3) After subsection (1B) insert—

“(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.”

(4) In subsection (2), after “local planning authority” insert “ or strategic planning panel ”.

(5) In subsection (3)—

- (a) after “local planning authority” insert “ or strategic planning panel ”;
- (b) after “that authority” insert “ or panel ”.

(6) In subsection (6), after “local planning authority” insert “ or strategic planning panel ”.

(7) In subsection (9A)—

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- (a) after “local planning authority” insert “ or strategic planning panel ”;
- (b) after “the authority” insert “ or panel ”.

Annotations:

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I10 Sch. 2 para. 10 partly in force; Sch. 2 para. 10 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 11 In section 306 (contributions by local authorities and statutory undertakers), after subsection (2) insert—

“(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.”

Annotations:

Commencement Information

I11 Sch. 2 para. 11 partly in force; Sch. 2 para. 11 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 12 In section 324 (rights of entry), after subsection (1A) insert—

“(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.”

Annotations:

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I12 Sch. 2 para. 12 partly in force; Sch. 2 para. 12 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 13 In section 336 (interpretation), in subsection (1), after the definition of “stop notice” insert—

““strategic planning panel” means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004;”.

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I13 Sch. 2 para. 13 partly in force; Sch. 2 para. 13 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 14 In Schedule 4A (local development orders: procedure), in paragraph 5(1), after “report made” insert “ by a local planning authority ”.

Annotations:

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I14 Sch. 2 para. 14 partly in force; Sch. 2 para. 14 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 15 In Schedule 13 (blighted land), in paragraph 1B, in note (3), after “section 66” insert “ or 66A ”.

Annotations:

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I15 Sch. 2 para. 15 partly in force; Sch. 2 para. 15 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

Water Resources Act 1991 (c. 57)

- 16 In Schedule 6 to the Water Resources Act 1991 (orders relating to abstraction of small quantities and compulsory registration of protected rights), in paragraph 1—
- (a) in sub-paragraph (4)(a), for “or National Park authority” substitute “ , National Park authority or strategic planning panel ”;
 - (b) in sub-paragraph (6), after paragraph (b) insert—
 - “(ba) references to a strategic planning panel are to a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004;”.

Annotations:

Commencement Information

I16 Sch. 2 para. 16 partly in force; Sch. 2 para. 16 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

Coal Industry Act 1994 (c. 21)

- 17 The Coal Industry Act 1994 is amended as follows.

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I17 Sch. 2 para. 17 partly in force; Sch. 2 para. 17 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 18 In section 39 (right to withdraw support from land: notice), in subsection (5), after “Town and Country Planning Act 1990” insert “ and any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004, ”.

Annotations:

Commencement Information

I18 Sch. 2 para. 18 partly in force; Sch. 2 para. 18 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 19 In section 41 (revocation of right to withdraw support), in subsection (6), in the definition of “planning authority”, after “Town and Country Planning Act 1990” insert “ and any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004, ”.

Annotations:

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I19 Sch. 2 para. 19 partly in force; Sch. 2 para. 19 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

Environment Act 1995 (c. 25)

- 20 (1) Section 66 of the Environment Act 1995 (National Park Management Plans) is amended as follows.
- (2) In subsection (7)(a), after “principal council” insert “ and strategic planning panel ”.
- (3) After subsection (9) insert—
- “(10) In this section “strategic planning panel” means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”

Annotations:

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I20 Sch. 2 para. 20 partly in force; Sch. 2 para. 20 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

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Countryside and Rights of Way Act 2000 (c. 37)

- 21 In section 85 of the Countryside and Rights of Way Act 2000 (areas of outstanding natural beauty: general duty of public bodies etc), in subsection (2), in the definition of “public body”, at the end insert—
“(d) a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004;”.

Annotations:

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- I21** Sch. 2 para. 21 partly in force; Sch. 2 para. 21 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

Finance Act 2003 (c. 14)

- 22 In section 66 of the Finance Act 2003 (stamp duty land tax: exemption for transfers involving public bodies), in subsection (4), under the heading “Other planning authorities”, after the existing entry insert— “ A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004 ”.

Annotations:

Commencement Information

- I22** Sch. 2 para. 22 partly in force; Sch. 2 para. 22 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

Planning and Compulsory Purchase Act 2004 (c. 5)

- 23 PCPA 2004 is amended as follows.

Annotations:

Commencement Information

- I23** Sch. 2 para. 23 partly in force; Sch. 2 para. 23 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 24 In section 19 (preparation of English local development documents), in subsection (2)(e), for “Wales Spatial Plan” substitute “ National Development Framework for Wales, ”.

Annotations:

Commencement Information

- I24** Sch. 2 para. 24 partly in force; Sch. 2 para. 24 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 25 In section 62 (local development plan), in subsection (5) (matters to which local planning authority must have regard in preparing plan), for paragraph (b) substitute —

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- “(b) 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;”.

Annotations:

Commencement Information

I25 Sch. 2 para. 25 partly in force; Sch. 2 para. 25 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 26 In section 74 (urban development corporations), for “section 60” substitute “sections 60 to 60C”.

Annotations:

Commencement Information

I26 Sch. 2 para. 26 partly in force; Sch. 2 para. 26 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 27 (1) Section 113 (validity of strategies, plans and documents) is amended as follows.
- (2) In subsection (1)—
- (a) for paragraph (b) substitute—
 - “(b) the National Development Framework for Wales;
 - (ba) a strategic development plan;”;
 - (b) in paragraph (e), after “(b),” insert “(ba),”.
- (3) In subsection (9), for paragraph (b) substitute—
- “(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);”.
- (4) In subsection (11), for paragraph (b) substitute—
- “(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);”.

Annotations:

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I27 Sch. 2 para. 27 partly in force; Sch. 2 para. 27 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

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Natural Environment and Rural Communities Act 2006 (c. 16)

^{F1}28

Annotations:

Amendments (Textual)

- F1** Sch. 2 para. 28 omitted (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), [Sch. 2 para. 11](#)

Government of Wales Act 2006 (c. 32)

29 In Schedule 10 to the Government of Wales Act 2006 (minor and consequential amendments), omit paragraph 66 and the cross-heading before it.

Annotations:

Commencement Information

- I28** [Sch. 2 para. 29](#) partly in force; [Sch. 2 para. 29](#) in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

Planning and Energy Act 2008 (c. 21)

30 The Planning and Energy Act 2008 is amended as follows.

Annotations:

Commencement Information

- I29** [Sch. 2 para. 30](#) partly in force; [Sch. 2 para. 30](#) in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

- 31 (1) Section 1 (energy policies) is amended as follows.
- (2) In subsection (1), after “development plan documents,” insert “ a strategic planning panel may in their strategic development plan, ”.
- (3) In subsection (3)(b), after “in the case of” insert “ a strategic planning panel or ”.
- (4) In subsection (4), after paragraph (a) insert—
“(aa) section 60I of that Act, in the case of a strategic planning panel;”.
- (5) In subsection (6), after “included in” insert “ a strategic development plan or ”.

Annotations:

Commencement Information

- I30** [Sch. 2 para. 31](#) partly in force; [Sch. 2 para. 31](#) in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

^{F2}32 In section 2 (interpretation), at the end insert—

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““strategic planning panel” means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”

Annotations:

Amendments (Textual)

F2 Sch. 2 para. 32 partly in force; Sch. 2 para. 32 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

Marine and Coastal Access Act 2009 (c. 23)

33 Schedule 6 to the Marine and Coastal Access Act 2009 (marine plans: preparation and adoption) is amended as follows.

Annotations:

Commencement Information

I31 Sch. 2 para. 33 partly in force; Sch. 2 para. 33 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

34 (1) Paragraph 1 (marine plan authority to notify related planning authorities of decision to prepare plan) is amended as follows.

(2) In sub-paragraph (2), at the end insert—

“(f) any strategic planning panel whose strategic planning area adjoins or is adjacent to the marine planning area.”

(3) In sub-paragraph (3)—

(a) in the definition of “local planning authority”, before “or” insert—

“(aa) a local planning authority for the purposes of Part 6 of the Planning and Compulsory Purchase Act 2004 (see section 78 of that Act),”;

(b) at the end insert—

““strategic planning panel” means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”

Annotations:

Commencement Information

I32 Sch. 2 para. 34 partly in force; Sch. 2 para. 34 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

35 (1) Paragraph 3 (marine plans to be compatible with certain other plans) is amended as follows.

(2) In sub-paragraph (2), in the words after paragraph (b), for “relevant Planning Act plan” substitute “development plan”.

(3) Omit sub-paragraphs (4) and (5).

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(4) In sub-paragraph (6), omit the definition of “the Wales Spatial Plan”.

Annotations:

Commencement Information

I33 Sch. 2 para. 35 partly in force; Sch. 2 para. 35 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

36 In paragraph 9 (matters to which marine plan authority is to have regard in preparing marine plan), in sub-paragraph (2)(b), for “Planning Act plans” substitute “development plans”.

Annotations:

Commencement Information

I34 Sch. 2 para. 36 partly in force; Sch. 2 para. 36 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

Changes to legislation:

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