
Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 18(7).

EXERCISE OF PLANNING FUNCTIONS IN WALES

After Schedule 1 to the planning Act insert the following Schedule—

“SCHEDULE 1A

DISTRIBUTION OF LOCAL PLANNING AUTHORITY FUNCTIONS: WALES

- 1 (1) Where a local planning authority are not the local highway authority, the Secretary of State may include in a development order such provisions as he thinks fit enabling the local highway authority to impose restrictions on the grant by the local planning authority of planning permission for the following descriptions of development relating to land in the area of the local highway authority—
 - (a) the formation, laying out or alteration of any means of access to—
 - (i) a road classified under section 12(3) of the ^{M1}Highways Act 1980 or section 27 of the ^{M2}Local Government Act 1966; or
 - (ii) a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the local planning authority;
 - (b) any other operations or use of land which appear to the local highway authority to be likely to—
 - (i) result in a material increase in the volume of traffic entering or leaving such a classified or proposed road;
 - (ii) prejudice the improvement or construction of such a road; or
 - (iii) result in a material change in the character of traffic entering, leaving or using such a road.
 - (2) The reference to a local planning authority in sub-paragraph (1) shall not be construed as including a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 of the ^{M3}Local Government, Planning and Land Act 1980, and no provision of a development order which is included in it by virtue of that sub-paragraph is to be construed as applying to such a corporation.
 - (3) The Secretary of State may include in a development order provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority of planning permission for such descriptions of development as may be specified in the order.
- 2 (1) A local planning authority who have the function of determining applications for planning permission shall, if requested to do so by the council for any community or group of communities situated in their area, notify that council of—
 - (a) any relevant planning application; and
 - (b) any alteration to that application accepted by the authority.

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- (2) In sub-paragraph (1) “relevant planning application” means an application which—
- (a) relates to land in the community or (as the case may be) one of the communities concerned; and
 - (b) is an application for—
 - (i) planning permission; or
 - (ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.
- (3) Any request made for the purposes of sub-paragraph (1) shall be in writing and shall state that the community council wishes to be notified of all relevant applications or all applications of a description specified in the request.
- (4) An authority shall comply with the duty to notify a community council of an application by—
- (a) sending the council a copy of the application; or
 - (b) indicating to the council the nature of the development which is the subject of the application and identifying the land to which it relates,
- and any notification falling within paragraph (b) shall be in writing.
- (5) An authority shall comply with their duty to notify a community council of an alteration by—
- (a) sending a copy of the alteration to the council; or
 - (b) informing the council in writing of its general effect,
- but they need not notify a community council of an alteration which in their opinion is trivial.
- (6) A development order may require a local planning authority who are dealing with an application of which a community council is entitled to be notified—
- (a) to give to the council an opportunity to make representations to them as to the manner in which the application should be determined;
 - (b) to take into account any such representations;
 - (c) to notify the council of the terms of their decision or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.
- 3 Paragraphs 4 to 10 apply only in relation to any area for which, by virtue of any provision of or made under section 6, 7 or 8, there is more than one local planning authority.
- 4 In sections 178(1), 181(4)(b) and 190(2), (3) and (5) any reference to the local planning authority shall be construed as a reference to the authority who issued the notice or made the order in question or, in the case of a notice issued or an order made by the Secretary of State, the authority named in the notice or order.
- 5 The functions of a local planning authority under section 187B are exercisable by any body having the function of taking enforcement action in respect of the breach in question.
- 6 Where a local planning authority have made a tree preservation order under section 198 or the Secretary of State has made such an order by virtue of section 202, the powers of varying or revoking the order and the powers of dispensing with section 206 or serving, or appearing on an appeal relating to, a notice under section 207 shall be exercisable

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only by the authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order.

- 7 (1) The copy of the notice required to be served by paragraph 4(5) of Schedule 8 on a local planning authority shall, in the case of a proposal that a government department should give a direction under section 90(1) or that development should be carried out by or on behalf of a government department, be served on the local planning authority who, in the opinion of the Secretary of State, would have been responsible for dealing with an application for planning permission for the development in question if such an application had fallen to be made.
- (2) References in paragraphs 3(2) and 5(1) of that Schedule to the local planning authority shall be construed as references to the local planning authority on whom that copy is required to be served.

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.
- (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) 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.
- 9 Claims for payment of compensation under a tree preservation order by virtue of section 203, and claims for payment of compensation under section 204 by virtue of directions given in pursuance of such an order, shall be made to and paid by the local planning authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order; and the reference in section 204(2) to the authority exercising functions under the tree preservation order shall have effect subject to the provisions of this paragraph.
- 10 The local planning authority by whom compensation is to be paid under section 279(1) (a) to statutory undertakers shall be the authority who referred the application for planning permission to the Secretary of State and the appropriate Minister, or from whose decision the appeal was made to them or who served the enforcement notice appealed against, as the case may be.

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Miscellaneous

- 11 In relation to land in the area of a joint planning board, a person entering into a planning obligation under section 106 or 299A may identify the council of the county or county borough in which the land is situated as the authority by whom the obligation is enforceable.”

Marginal Citations

M1 1980 c. 66.

M2 1966 c. 42.

M3 1980 c. 65.

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