

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 Development Management etc

Section 41 – Power to make provisions enabling joint planning boards to exercise development management functions in National Parks

160. The Welsh Ministers have power under section 2(1B) of the TCPA 1990 to establish a joint planning board as the local planning authority for a united district comprising two or more areas each of which is the whole or part of a Welsh county or county borough. By virtue of section 2(1D) of the TCPA 1990, a joint planning board's united district cannot include any part of a National Park; and section 4A confirms that a National Park authority is the sole local planning authority for its National Park.
161. **Section 41** of the Act enables the Welsh Ministers, by regulations, to remove this restriction and extend the joint planning board provisions in section 2 of the TCPA 1990 to include the areas of National Parks. Regulations under section 41 of the Act allow the Welsh Ministers to establish a united district that includes all or part of a National Park, and to establish a joint planning board to be the local planning authority in place of the National Park Authority for certain purposes.
162. **Section 41** enables the establishment of a joint planning board as the local planning authority for any part of its area formed by a National Park for the purposes of the TCPA 1990 (which provides for matters including the determination of planning applications), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990 but not for the purposes of the PCPA 2004 (which provides for matters including the preparation of local development plans). The effect of this is that if part or all of a National Park area is within the area of a joint planning board, the National Park Authority, not the joint planning board, prepares the local development plan for the National Park area.
163. The regulation making powers in this section allow the Welsh Ministers to determine, for any part of a joint planning board's area including a National Park, whether the joint planning board or the National Park Authority is the hazardous substances authority. The section also enables the Welsh Ministers, when exercising their regulation making powers, to amend legislation of certain descriptions.