

Status: Point in time view as at 05/05/2017.

Changes to legislation: Planning (Wales) Act 2015, SCHEDULE 5 is up to date with all changes known to be in force on or before 09 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 5

(introduced by section 51)

COSTS AND PROCEDURE ON APPEALS ETC: FURTHER AMENDMENTS

Highways Act 1980 (c. 66)

1 The Highways Act 1980 is amended as follows.

Commencement Information

- I1** Sch. 5 para. 1 partly in force; Sch. 5 para. 1 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I2 Sch. 5 para. 1 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

2 (1) Section 121 is amended as follows.

(2) In subsection (5D), after “above” insert “ in England ”.

(3) In subsection (5E), after “above” insert “ in England ”.

(4) After subsection (5E) insert—

“(5F) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under subsection (5A) above in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”

Commencement Information

- I3** Sch. 5 para. 2 partly in force; Sch. 5 para. 2 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I4 Sch. 5 para. 2 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

3 In Schedule 6, in paragraph 2B—

(a) in sub-paragraph (1), after “above” insert “ in England ”;

(b) in sub-paragraph (3), after “above” insert “ in England ”;

(c) after sub-paragraph (3) insert—

“(4) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under sub-paragraph (2) above in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”

Commencement Information

- I5** Sch. 5 para. 3 partly in force; Sch. 5 para. 3 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I6 Sch. 5 para. 3 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

Wildlife and Countryside Act 1981 (c. 69)

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

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Commencement Information

- I7** Sch. 5 para. 4 partly in force; Sch. 5 para. 4 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I8** Sch. 5 para. 4 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

5 In section 28F, after subsection (11) insert—

“(12) In relation to Wales this section has effect as if for subsections (10) and (11) there were substituted—

“(10) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under this section in Wales as it applies in relation to a hearing or inquiry mentioned in that section.””

Commencement Information

- I9** Sch. 5 para. 5 partly in force; Sch. 5 para. 5 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I10** Sch. 5 para. 5 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

6 In section 28L, after subsection (13) insert—

“(14) In relation to Wales this section has effect as if for subsections (12) and (13) there were substituted—

“(12) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under this section in Wales as it applies in relation to a hearing or inquiry mentioned in that section.””

Commencement Information

- I11** Sch. 5 para. 6 partly in force; Sch. 5 para. 6 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I12** Sch. 5 para. 6 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

7 In Schedule 15, in paragraph 10A—

- (a) in sub-paragraph (1), after “8” insert “ in England ”;
- (b) in sub-paragraph (3), after “8” insert “ in England ”;
- (c) after sub-paragraph (3) insert—

“(4) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under paragraph 7 or 8 in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”

Commencement Information

- I13** Sch. 5 para. 7 partly in force; Sch. 5 para. 7 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

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I14 Sch. 5 para. 7 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

Town and Country Planning Act 1990 (c. 8)

8 TCPA 1990 is amended as follows.

Commencement Information

I15 Sch. 5 para. 8 partly in force; Sch. 5 para. 8 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I16 Sch. 5 para. 8 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

9 In section 175, in subsection (7), after “any proceedings” insert “ in England ”.

Commencement Information

I17 Sch. 5 para. 9 partly in force; Sch. 5 para. 9 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I18 Sch. 5 para. 9 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

10 In section 196, in subsection (8), after “any proceedings” insert “ in England ”.

Commencement Information

I19 Sch. 5 para. 10 partly in force; Sch. 5 para. 10 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I20 Sch. 5 para. 10 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

11 In section 208, omit subsection (11).

Commencement Information

I21 Sch. 5 para. 11 partly in force; Sch. 5 para. 11 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I22 Sch. 5 para. 11 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

12 (1) Section 320 is amended as follows.

(2) In subsection (1)—

(a) after “Secretary of State” insert “ or the Welsh Ministers ”;

(b) after “his” insert “ or their ”.

(3) In subsection (2), for “held by virtue of this section” substitute “ 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 ”.

(4) In subsection (3), for “held in England” substitute “ caused to be held by the Secretary of State ”.

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- I23** Sch. 5 para. 12 partly in force; Sch. 5 para. 12 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I24** Sch. 5 para. 12 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

- 13 (1) Section 322 is amended as follows.
- (2) Omit subsection (1AA).
- (3) In subsection (2), after “proceedings” insert “ in England ”.
- (4) In the heading, after “held” insert “: England”.

Commencement Information

- I25** Sch. 5 para. 13 partly in force; Sch. 5 para. 13 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I26** Sch. 5 para. 13 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

- 14 (1) Section 322A is amended as follows.
- (2) In subsection (1)(a), after “proceedings” insert “ in England ”.
- (3) Omit subsection (1B).

Commencement Information

- I27** Sch. 5 para. 14 partly in force; Sch. 5 para. 14 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I28** Sch. 5 para. 14 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

- 15 (1) Section 323 is amended as follows.
- (2) In subsection (1), after “proceedings” insert “ in England ”.
- (3) Omit subsection (1B).
- (4) In the heading, after “applications” insert “ : England ”.

Commencement Information

- I29** Sch. 5 para. 15 partly in force; Sch. 5 para. 15 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I30** Sch. 5 para. 15 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)

- 16 (1) Schedule 6 is amended as follows.
- (2) In paragraph 6—
- (a) in sub-paragraph (4), after “paragraph” insert “ in England ”;
- (b) after sub-paragraph (4) insert—
- “(4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.”;

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(c) in sub-paragraph (5), after “proceedings” insert “ in England ”.

(3) In paragraph 8, in sub-paragraph (1), after “hearing held” insert “ in England ”.

Commencement Information

- I31** Sch. 5 para. 16 partly in force; Sch. 5 para. 16 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I32** Sch. 5 para. 16(1) in force at 1.3.2016 for specified purposes by [S.I. 2016/52](#), [art. 4\(b\)](#) (with [art. 17](#))
- I33** Sch. 5 para. 16(1)(3) in force at 5.5.2017 in so far as not already in force by [S.I. 2017/546](#), [art. 3\(e\)](#)
- I34** Sch. 5 para. 16(2) in force at 1.3.2016 in so far as not already in force by [S.I. 2016/52](#), [art. 4\(b\)](#) (with [art. 17](#))

17 In Schedule 7, in paragraph 8—

- (a) in sub-paragraph (6), after “hearing held” insert “ in England ”;
- (b) after sub-paragraph (6) insert—

“(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.”

Commencement Information

- I35** Sch. 5 para. 17 partly in force; Sch. 5 para. 17 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I36** Sch. 5 para. 17 in force at 5.5.2017 in so far as not already in force by [S.I. 2017/546](#), [art. 3\(e\)](#)

18 In Schedule 8, in paragraph 5—

- (a) in sub-paragraph (3), after “inquiry held” insert “ in England ”;
- (b) after sub-paragraph (3) insert—

“(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 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.”;

- (c) in sub-paragraph (4), after “sub-paragraph (1)” insert “ in England, and subsections (2) and (3) of that section shall apply in relation to an inquiry held under that sub-paragraph in Wales, ”.

Commencement Information

- I37** Sch. 5 para. 18 partly in force; Sch. 5 para. 18 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I38** Sch. 5 para. 18 in force at 1.3.2016 for specified purposes by [S.I. 2016/52](#), [art. 4\(c\)](#) (with [art. 17](#))
- I39** Sch. 5 para. 18 in force at 5.5.2017 in so far as not already in force by [S.I. 2017/546](#), [art. 3\(e\)](#)

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Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 19 The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

Commencement Information

- I40** Sch. 5 para. 19 partly in force; Sch. 5 para. 19 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I41** Sch. 5 para. 19 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 4(d) (with art. 17)
- I42** Sch. 5 para. 19 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)

- 20 In section 41, in subsection (8), after “any proceedings” insert “ in England ”.

Commencement Information

- I43** Sch. 5 para. 20 partly in force; Sch. 5 para. 20 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I44** Sch. 5 para. 20 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(e) (with art. 17)

- 21 (1) Section 89 is amended as follows.
- (2) In subsection (1)—
- (a) in the entry relating to section 322, after “held” insert “ : England ”;
 - (b) after the entry relating to section 322A, insert— “ section 322C (costs: Wales), ”;
 - (c) in the entry relating to section 323, after “applications” insert “ : England ”;
 - (d) after the entry relating to section 323, insert— “ section 323A (procedure for certain proceedings: Wales) ”.
- (3) Omit subsection (1ZB).

Commencement Information

- I45** Sch. 5 para. 21 partly in force; Sch. 5 para. 21 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I46** Sch. 5 para. 21(1) in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 4(f) (with art. 17)
- I47** Sch. 5 para. 21(1)(2)(c)(d)(3) in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)
- I48** Sch. 5 para. 21(2)(a)(b) in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(f) (with art. 17)

- 22 In Schedule 3, in paragraph 6—
- (a) in sub-paragraph (4), after “paragraph” insert “ in England ”;
 - (b) after sub-paragraph (4) insert—

“(4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.”;
 - (c) in sub-paragraph (5), for “such inquiry” substitute “ inquiry held by virtue of this paragraph ”;
 - (d) in sub-paragraph (8), after “proceedings” insert “ in England ”.

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Commencement Information

- I49** Sch. 5 para. 22 partly in force; Sch. 5 para. 22 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I50** Sch. 5 para. 22 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(g) (with art. 17)

Planning (Hazardous Substances) Act 1990 (c. 10)

23 The Planning (Hazardous Substances) Act 1990 is amended as follows.

Commencement Information

- I51** Sch. 5 para. 23 partly in force; Sch. 5 para. 23 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I52** Sch. 5 para. 23 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 4(h) (with art. 17)
- I53** Sch. 5 para. 23 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)

24 In section 25, in subsection (5), after “any proceedings” insert “ in England ”.

Commencement Information

- I54** Sch. 5 para. 24 partly in force; Sch. 5 para. 24 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I55** Sch. 5 para. 24 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(i) (with art. 17)

25 (1) Section 37 is amended as follows.

(2) In subsection (2)—

- (a) in the entry relating to section 322, after “held” insert “ : England ”;
- (b) after the entry relating to section 322A, insert— “ section 322C (costs: Wales) ”;
- (c) in the entry relating to section 323, after “applications” insert “ : England ”;
- (d) after the entry relating to section 323, insert— “ section 323A (procedure for certain proceedings: Wales) ”.

(3) Omit subsection (4).

Commencement Information

- I56** Sch. 5 para. 25 partly in force; Sch. 5 para. 25 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I57** Sch. 5 para. 25(1)(2)(a)(b) in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(j) (with art. 17)
- I58** Sch. 5 para. 25(2)(c)(d)(3) in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)

26 In the Schedule, in paragraph 6—

- (a) in sub-paragraph (4), after “paragraph” insert “ in England ”;
- (b) after sub-paragraph (4) insert—

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

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- (c) in sub-paragraph (5), for “such inquiry” substitute “ inquiry held by virtue of this paragraph ”;
- (d) in sub-paragraph (8), after “proceedings” insert “ in England ”.

Commencement Information

- I59** Sch. 5 para. 26 partly in force; Sch. 5 para. 26 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I60** Sch. 5 para. 26 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(k) (with art. 17)

Tribunals and Inquiries Act 1992 (c. 53)

- 27 In section 16 of the Tribunals and Inquiries Act 1992, in subsection (1), in the definition of “statutory inquiry”, after paragraph (b) insert— “ but does not include an inquiry or hearing held or to be held in Wales under any provision of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990, ”.

Commencement Information

- I61** Sch. 5 para. 27 partly in force; Sch. 5 para. 27 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I62** Sch. 5 para. 27 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)

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