

Status: Point in time view as at 21/01/2021.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, SCHEDULE 9. (See end of Document for details)

SCHEDULE 9

(introduced by section 88)

AMENDMENTS RELATED TO CORPORATE JOINT COMMITTEES

PART 1

CREATION OF STRATEGIC PLANNING FUNCTIONS FOR CERTAIN CORPORATE JOINT COMMITTEES AND REPEAL OF POWERS TO ESTABLISH STRATEGIC PLANNING PANELS ETC.

Planning and Compulsory Purchase Act 2004 (c. 5)

- 1 The Planning and Compulsory Purchase Act 2004 is amended as follows.
- 2 In section 38(4) (development plan), for paragraph (b) substitute—
 - “(b) any strategic development plan for an area that includes all or part of that area, and”.
- 3 Omit sections 60D to 60J (strategic planning panels and strategic development plans) and the cross-heading which precedes them.
- 4 Before the cross-heading which precedes section 61 insert—

“Strategic planning by corporate joint committees

Corporate joint committees to which this Part applies

- 60K In this Part, references to a corporate joint committee are to a corporate joint committee to which this Part applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

Corporate joint committees: area survey

- 60L (1) A corporate joint committee must keep under review the matters which may be expected to affect the development, or the planning of the development, of its area.
- (2) Subsections (2) to (5) of section 61 apply in relation to a corporate joint committee 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 corporate joint committee;
 - (b) references to a neighbouring area are to be construed as references to a neighbouring area which is the area of another corporate joint committee.

Corporate joint committee areas: strategic development plans

- 60M(1) A corporate joint committee must prepare a plan for its area to be known as a strategic development plan.
- (2) The plan must set out—

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- (a) the committee's objectives in relation to the development and use of land in its area;
- (b) the committee's policies for the implementation of those objectives.
- (3) The 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 its plan the committee must have regard to—
 - (a) current national policies;
 - (b) the National Development Framework for Wales;
 - (c) any strategic development plan for an area that adjoins the committee's area;
 - (d) the local development plan for each area all or part of which is included in the committee's area;
 - (e) the resources likely to be available for implementing the plan;
 - (f) any other matters prescribed by the Welsh Ministers in regulations.
- (7) The committee must also—
 - (a) carry out an appraisal of the sustainability of the plan;
 - (b) prepare a report of the findings of the appraisal.
- (8) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area.
- (9) A plan is a strategic development plan only in so far as it is—
 - (a) adopted by resolution of the corporate joint committee as its strategic development plan, or
 - (b) approved by the Welsh Ministers under section 65 or 71 (as they apply by virtue of section 60N).
- (10) The plan ceases to be a strategic development plan on the expiry of the period specified under subsection (4).

Strategic development plans: application of provisions of this Part

- 60N(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 prepared by a corporate joint committee.
 - (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)—

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- (a) references to a local planning authority are to be construed as references to a corporate joint committee;
 - (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 60M.
- (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 60M(7).”
- 5 In section 62 (local development plan)—
- (a) in subsection (3A), in paragraph (b) omit “strategic planning”;
 - (b) in subsection (5), in paragraph (ba) omit “strategic planning”.
- 6 In section 68A (duty to consider whether to review local development plan), in subsection (2), for “a strategic planning area, a local planning authority for an area all or part of which is included in the strategic planning area” substitute “ all or part of their area, a local planning authority ”.
- 7 In section 113 (validity of strategies, plans and documents)—
- (a) in subsection (9), in paragraph (ba)—
 - (i) in sub-paragraph (i) for “60I” substitute “ 60M ”;
 - (ii) in sub-paragraph (ii) for “60J” substitute “ 60N ”;
 - (b) in subsection (11), in paragraph (ba), for “strategic planning panel” substitute “ corporate joint committee ”.
- 8 Omit Schedule 2A (strategic planning panels).

Planning (Wales) Act 2015 (anaw 4)

- 9 The Planning (Wales) Act 2015 is amended as follows.
- 10 Omit sections 4 to 6 and the cross-heading which precedes them.
- 11 Omit Schedule 1 (strategic planning panels).
- 12 In Schedule 2 (development planning: further amendments), omit the following—
- (a) paragraph 10(4) to (7);
 - (b) paragraph 13;
 - (c) paragraph 16(b);
 - (d) paragraphs 17 to 19 and the cross-heading which precedes them;
 - (e) paragraphs 20 to 22 and the cross-heading which precedes them;
 - (f) paragraph 31(3) and (4);
 - (g) paragraph 32;
 - (h) paragraph 34(3)(b).

Local Authorities (Goods and Services) Act 1970 (c. 39)

- 13 In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies), in subsection (4), in the definition of “public body”, omit “any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004,”.

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Local Government Act 1972 (c. 70)

- 14 In section 80 of the Local Government Act 1972 (disqualifications for election and holding office as a member of local authority), omit subsection (2AB).

Welsh Development Agency Act 1975 (c. 70)

- 15 The Welsh Development Agency Act 1975 is amended as follows.
- 16 In section 21A (powers of land acquisition), in subsection (5), in paragraph (d), for “strategic planning panel in whose strategic planning” substitute “ corporate joint committee in whose ”.
- 17 In section 21C (powers to advise on land matters), in subsection (3), in paragraph (d) —
- (a) for “strategic planning panel” substitute “ corporate joint committee ”;
 - (b) in the second place in which they appear, omit the words “strategic planning”.
- 18 In section 27 (interpretation), in subsection (1), in the appropriate place insert—
- ““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”.
- 19 In Schedule 4 (acquisition of land)—
- (a) in Part 1 (compulsory acquisition), in paragraph 3A(d), for “strategic planning panel in whose strategic planning” substitute “ corporate joint committee in whose ”;
 - (b) in Part 4 (other provisions), in paragraph 19(1), for “strategic planning panel” substitute “ corporate joint committee ”.

Wildlife and Countryside Act 1981 (c. 69)

- 20 The Wildlife and Countryside Act 1981 is amended as follows.
- 21 In section 27AA (sites of special scientific interest and limestone pavements: application of provisions in Wales)—
- (a) in subsection (2), in paragraph (b), for the words from “a strategic planning area” to the end substitute “ the area of a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 ”;
 - (b) in subsection (3), for the words from “the strategic planning panel” to the end, substitute “ that corporate joint committee ”.
- 22 In section 37A (notification of designation of Ramsar sites), in subsection (2B)—
- (a) for “a strategic planning area designated under section 60D of the Planning and Compulsory Purchase Act 2004” substitute “ the area of a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 ”;
 - (b) for “the strategic planning panel for that area” substitute “ that corporate joint committee ”.

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Town and Country Planning Act 1990 (c. 8)

- 23 The Town and Country Planning Act 1990 is amended as follows.
- 24 In section 83 (making of simplified planning zone schemes), in subsection (3A), in paragraph (b)—
- (a) omit “strategic planning”;
 - (b) for “sections 60I and 60J” substitute “ sections 60M and 60N ”.
- 25 In section 293A (urgent Crown development: application for planning permission), in subsection (9), in paragraph (aa), for “the strategic planning panel for any strategic planning” substitute “ any corporate joint committee for the ”.
- 26 (1) Section 303A (responsibility of local planning authorities for costs of holding certain inquiries etc.) is amended as follows.
- (2) In subsection (2), for “or strategic planning panel” substitute “ or corporate joint committee ”.
 - (3) In subsection (3)—
 - (a) for “or strategic planning panel” substitute “ or corporate joint committee ”;
 - (b) for “or panel” substitute “ or committee ”.
 - (4) In subsection (6), for “or strategic planning panel” substitute “ or corporate joint committee ”.
 - (5) In subsection (9A)—
 - (a) after “local planning authority”, in the first place it occurs, insert “ or corporate joint committee ”;
 - (b) in paragraph (a), after “local planning authority” insert “ or corporate joint committee ”.
- 27 In section 306 (contributions by local authorities and statutory undertakers), in subsection (2A)—
- (a) for “strategic planning panel” substitute “ corporate joint committee ”;
 - (b) for the words from “60H” to the end substitute “ 60L of the Planning and Compulsory Purchase Act 2004 (corporate joint committees: area survey) ”.
- 28 In section 324 (rights of entry)—
- (a) subsection (1B) (as inserted by Schedule 2 to the Planning (Wales) Act 2015 (anaw 4)) is renumbered as subsection (1BA);
 - (b) in that subsection, for “strategic planning panel” substitute “ corporate joint committee ”.
- 29 In section 336 (interpretation), in subsection (1)—
- (a) in the appropriate place insert—

““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
 - (b) omit the definition of “strategic planning panel”.

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Water Resources Act 1991 (c. 57)

- 30 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 “strategic planning panel” substitute “corporate joint committee”;
 - (b) in sub-paragraph (6), for paragraph (ba) substitute—
 - “(ba) references to a corporate joint committee are to a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”.

Coal Industry Act 1994 (c. 21)

- 31 The Coal Industry Act 1994 is amended as follows.
- 32 In section 39 (right to withdraw support from land: notice), in subsection (5), for the words “and any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004” substitute “and any corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.
- 33 In section 41 (revocation of right to withdraw support), in subsection (6), in the definition of “planning authority” for the words “and any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004” substitute “and any corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.

Environment Act 1995 (c. 25)

- 34 (1) Section 66 of the Environment Act 1995 (National Park Management Plans) is amended as follows.
- (2) In subsection (7), in paragraph (a), for “and strategic planning panel” substitute “and corporate joint committee”.
 - (3) For subsection (10) substitute—
 - “(10) In this section “corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

Local Government Act 2000 (c. 22)

- 35 In section 83 of the Local Government Act 2000 (conduct of members and employees of local authorities in Wales: interpretation), omit subsection (9A).

Freedom of Information Act 2000 (c. 36)

- 36 In Part 2 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: local government), omit paragraph 33A.

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

- 37 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 (3), in the definition of “public body” omit paragraph (d) (as inserted by paragraph 21 of Schedule 2 to the Planning (Wales) Act 2015 (anaw 4), which incorrectly purported to insert that paragraph into subsection (2)).

Finance Act 2003 (c. 14)

- 38 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” omit the entry— “ A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004. ”.

Planning and Energy Act 2008 (c. 21)

- 39 The Planning and Energy Act 2008 is amended as follows.
- 40 (1) Section 1 (energy policies) is amended as follows.
- (2) In subsection (1), for “strategic planning panel” substitute “ corporate joint committee ”.
- (3) In subsection (3)(b), for “a strategic planning panel or” substitute “ a corporate joint committee or ”.
- (4) In subsection (4), for paragraph (aa) substitute—
“(aa) section 60M of that Act, in the case of a corporate joint committee;”.
- 41 In section 2 (interpretation)—
- (a) in the appropriate place insert—
““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
- (b) omit the definition of “strategic planning panel”.

Marine and Coastal Access Act 2009 (c. 23)

- 42 (1) Paragraph 1 of Schedule 6 to the Marine and Coastal Access Act 2009 (marine plans: preparation and adoption) is amended as follows.
- (2) In sub-paragraph (2), in paragraph (f), for “strategic planning panel whose strategic planning” substitute “ corporate joint committee whose ”.
- (3) In sub-paragraph (3)—
- (a) in the appropriate place insert—
““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
- (b) omit the definition of “strategic planning panel”.

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Equality Act 2010 (c. 15)

- 43 In Part 2 of Schedule 19 to the Equality Act 2010 (public authorities subject to public sector equality duty: relevant Welsh authorities), under the sub-heading “Local government”, omit the entry— “ A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004. ”

Welsh Language (Wales) Measure 2011 (nawm 1)

- 44 (1) Schedule 6 to the Welsh Language (Wales) Measure 2011 (persons liable to be required to comply with standards: public bodies etc.) is amended as follows.
- (2) In the table, under the heading “LOCAL GOVERNMENT ETC.”, omit the entry for strategic planning panels.
- (3) In paragraph 2, omit the definition of “strategic planning panel”.

Local Government (Wales) Measure 2011 (nawm 4)

- 45 In section 144 of the Local Government (Wales) Measure 2011 (payments and pensions: relevant authorities, members etc.), in subsection (2), omit paragraph (da).

Environment (Wales) Act 2016 (anaw 3)

- 46 In section 6 of the Environment (Wales) Act 2016 (biodiversity and resilience of ecosystems duty)—
- (a) in subsection (9), in the definition of “public authority”, in paragraph (e)—
- (i) for “authority,” substitute “ authority and ”;
- (ii) omit “and a strategic planning panel”;
- (b) in subsection (10), omit the definition of “strategic planning panel”.

Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (anaw 1)

- 47 In the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017, in Schedule 20 (relief for acquisitions by public bodies and health bodies), omit paragraph 1(4)(k).

Public Services Ombudsman (Wales) Act 2019 (anaw 3)

- 48 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2019 (listed authorities), under the sub-heading “Local government, fire and police”, omit the entry— “ A strategic planning panel. ”

PART 2

REPEAL OF POWER TO ESTABLISH JOINT TRANSPORT AUTHORITIES

Transport (Wales) Act 2006 (c. 5)

- 49 In the Transport (Wales) Act 2006—
- (a) omit section 5 (power to establish joint transport authorities);

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- (b) in section 6 (financial assistance: local transport functions), in subsection (1) omit paragraph (a), and the “and” which follows it.

Government of Wales Act 2006 (c. 32)

- 50 In table 1 in paragraph 35(3) of Schedule 11 to the Government of Wales Act 2006 (transitional provisions), omit the entry for section 5(1) of the Transport (Wales) Act 2006.

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