

Status: Point in time view as at 21/01/2021.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, Cross Heading: Planning and Compulsory Purchase Act 2004 (c. 5). (See end of Document for details)

SCHEDULE 9

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).

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