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

SCHEDULES

SCHEDULE 5

UNITARY DEVELOPMENT PLANS IN WALES

PART I

MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 Part II of the planning Act is amended as provided in this Part of this Schedule.
- 2 In section 12 (preparation of unitary development plan), at the end add—

“(11) Any provision made by regulations under this section in its application by virtue of section 10 may differ from that made under this section in its application by virtue of section 10A.”
- 3 In sections 15 and 18 (adoption of unitary development plan by local planning authority, and calling in of unitary development plan for approval by Secretary of State), in subsection (3) in each case, after “unitary development plan” insert “ for an area in England ”.
- 4 After section 23 (joint unitary development plans), insert the following sections—

“23A Joint unitary development plans: Wales.

- (1) A joint unitary development plan or joint proposals for the alteration or replacement of such a plan may be prepared by two or more local planning authorities in Wales for their areas if—
 - (a) each of those areas adjoins each of the others; or
 - (b) the Secretary of State has given his approval.
- (2) Subsection (1) does not apply in relation to a joint plan for any area which consists of or includes a National Park.
- (3) The previous provisions of this Chapter shall, in relation to any joint plan or proposals of a kind mentioned in subsection (1), have effect subject to the following provisions of this section.
- (4) Each of the local planning authorities by whom a joint unitary development plan is prepared shall have the duty imposed under section 13(2) of making copies of the plan available for inspection.
- (5) Objections to such a plan may be made to any of those authorities and the statement required by section 13(3) to accompany copies of the plan shall state that objections may be so made.
- (6) It shall be for each of the local planning authorities by whom a joint unitary development plan is prepared to adopt the plan under section 15(1) and,

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

subject to the provisions of this Chapter, they may do so as respects the part of their area to which the plan relates, but any modifications subject to which the plan is adopted must have the agreement of all those authorities.

- (7) Where a unitary development plan has been prepared jointly, the power of preparing proposals in respect of the plan under section 21 may be exercised as respects their respective areas by any of the authorities by whom it was prepared and the Secretary of State may under that section direct any of them to prepare proposals as respects their respective areas.
- (8) The date of the coming into operation of a unitary development plan prepared jointly by two or more local planning authorities or for the alteration or replacement of such a plan in pursuance of proposals so prepared shall be a date jointly agreed by those authorities.

National Parks in Wales

23B Unitary development plans for National Parks in Wales.

- (1) A unitary development plan shall be prepared for each National Park in Wales.
- (2) A Welsh National Park development plan shall relate to an area prescribed in relation to the National Park in question by order made by the Secretary of State.
- (3) The prescribed area in relation to a National Park which falls wholly within, but does not comprise the whole of, the area of a single local planning authority shall be—
 - (a) where the local planning authority have so elected, the whole of the area of the local planning authority; and
 - (b) in any other case—
 - (i) the whole of the area of the National Park; or
 - (ii) a composite area.
- (4) The prescribed area in relation to any other Welsh National Park shall be—
 - (a) the whole of the area of the National Park; or
 - (b) a composite area.
- (5) For the purposes of this section and section 23C, “composite area”, in relation to a National Park, means an area which consists of the whole of the Park together with any one or more other areas in Wales.
- (6) The Secretary of State shall not under subsection (2) prescribe an area which is a composite area except with the consent of every local planning authority in whose area the prescribed area or any part of it would fall.
- (7) Any order made by the Secretary of State under subsection (2) may make such saving or transitional provision as he considers appropriate.
- (8) Where, by an order under subsection (2), the Secretary of State prescribes a composite area which comprises or includes part only of the area of a local planning authority, the provisions of this Chapter shall apply in relation to—
 - (a) the Welsh National Park development plan in question, or

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

- (b) any proposals for its alteration or replacement,
subject to such modifications, if any, as may be prescribed by the order.
- (9) Subsections (3) and (4) of section 10A do not apply for the purposes of—
 - (a) subsection (3) or (8) of this section, or
 - (b) section 23C(1), (2) or (4).
- (10) For the purposes of this Act, “Welsh National Park development plan” means
a unitary development plan prepared for a National Park in Wales.

23C Joint unitary development plans for National Parks in Wales.

- (1) A Welsh National Park development plan for a National Park which neither coincides with nor falls wholly within the area of a single local planning authority shall be a joint unitary development plan.
- (2) A Welsh National Park development plan for any other National Park shall be a joint unitary development plan if it relates to a composite area unless the composite area coincides with or falls wholly within the area of a single local planning authority.
- (3) Any Welsh National Park development plan which is required to be a joint plan shall be prepared by the authorities who will be the appropriate authorities in relation to the plan.
- (4) For the purposes of this section, an authority are an appropriate authority in relation to a joint plan if—
 - (a) they are a local planning authority; and
 - (b) their area or any part of their area falls within the area to which the plan relates.
- (5) Any proposals prepared under section 21 for the alteration or replacement of a joint plan of a kind mentioned in subsection (1) or (2) shall be joint proposals prepared by the appropriate authorities in relation to that plan, and any direction given by the Secretary of State under that section in relation to that plan shall be given jointly to those authorities.
- (6) Subsections (3) to (6) and (8) of section 23A apply in relation to any joint plan or proposals of a kind mentioned in subsection (1), (2) or (5) as they apply in relation to any joint plan or proposals of a kind mentioned in section 23A(1).”

5 In section 26 (regulations and directions), after subsection (3) insert—

“(3A) Any provision made by regulations under this section in its application by virtue of section 10 may differ from that made under this section in its application by virtue of section 10A.”

6 After section 27 insert the following section—

“27A Meaning of “development plan” in relation to Wales.

For the purposes of the enactments mentioned in section 27, the development plan for any area in Wales shall be taken as consisting of—

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

- (a) the provisions of the unitary development plan for the time being in force for that area, together with a copy of the relevant local planning authority's resolution of adoption or of the Secretary of State's notice of approval or, where part of the plan has been adopted and the remainder approved, copies of the resolution and the notice; and
- (b) any alteration to that plan, together with a copy of the relevant local planning authority's resolution of adoption, or the Secretary of State's notice of approval, of the alteration or, where part of the alteration has been adopted and the remainder approved, copies of the resolution and the notice."

7 For section 29 (application of Chapter II to non-metropolitan areas), substitute—

"29 Application of Chapter II to non-metropolitan areas in England.

- (1) This Chapter applies only to—
 - (a) the area of any local planning authority in England outside Greater London and the metropolitan counties; and
 - (b) any part of a National Park in a metropolitan county in England.
- (2) Subsection (1) is subject to the transitional provisions in—
 - (a) Schedule 2; and
 - (b) Part III of Schedule 5 to the Local Government (Wales) Act 1994."

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Wales) Act 1994, Part I.