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

SCHEDULES

SCHEDULE 5

UNITARY DEVELOPMENT PLANS IN WALES

PART III

TRANSITIONAL PROVISIONS

Modifications etc. (not altering text)

- C1** Sch. 5 Pt. III applied (1.4.1996) (*temp.*) by 1990 c. 8, s. 28A(1)(b) (as inserted (1.4.1996) by 1994 c. 19, s. 20(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, Sch. 2)
Sch. 5 Pt. III: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

Interpretation

11 (1) In this Part of this Schedule—

“affected area”, in relation to a new planning authority, means—

- (a) in the case of a required plan (or proposed required plan) or a structure plan, the plan area, and
- (b) in the case of alteration proposals or structure plan alteration proposals, the related area,

to the extent that, on 1st April 1996, it became comprised in the area of the new planning authority;

“alteration proposals” means proposals for the alteration or replacement of a required plan (or of a plan which is treated as such a plan by virtue of paragraph 44(2) of Schedule 4 to the ^{M1}Planning and Compensation Act 1991)—

- (a) previously permitted to be prepared under section 39(1) of the planning Act; or
- (b) previously required to be prepared by a direction of the Secretary of State under section 39(2) of that Act;

“modified plan”, in relation to a required plan (or proposed required plan) and any area, means that plan to the extent that it relates or is to relate to the area;

“modified proposals”, in relation to alteration proposals and any area, means those proposals to the extent that they relate or are to relate to the area;

“modified structure plan proposals”, in relation to structure plan alteration proposals and any area, means those proposals to the extent that they relate or are to relate to the area;

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“new planning authority” means a new principal council or a joint planning board who are the local planning authority for any area in Wales;

“old development plan” has the meaning given by paragraph 14(1)(b);

“plan area”, in relation to a required plan (or proposed required plan) or structure plan, means the area to which the plan relates (or is to relate);

“previously” means immediately before 1st April 1996;

“related area”, in relation to alteration proposals or structure plan alteration proposals, means, to the extent that the proposals relate or are to relate to it, the plan area of the relevant required plan or, as the case may be, structure plan;

“relevant authority” means a new planning authority in whose area any part of—

- (a) in the case of a proposed required plan, the plan area; or
- (b) in the case of alteration proposals or structure plan alteration proposals, the related area,

became comprised on 1st April 1996;

“required plan” means—

- (a) a local plan which previously had been prepared or was required to be prepared under section 36(1) of the planning Act;
- (b) a minerals local plan which previously had been prepared or was required to be prepared under section 37(1) or (3) of that Act; or
- (c) a waste local plan which previously had been prepared or was required to be prepared under section 38(2) or (4) of that Act;

and for this purpose a plan which was permitted to be prepared jointly is not to be treated on that ground alone as not being required to be prepared;

“saved local plan” has the meaning given by paragraph 14(1)(a);

“structure plan” means a structure plan previously in force under section 31 of the planning Act; and

“structure plan alteration proposals” means proposals for the alteration or replacement of a structure plan—

- (a) previously permitted to be prepared under section 32(1) of the planning Act; or
- (b) previously required to be prepared by a direction of the Secretary of State under section 32(2) of that Act.

(2) For the purposes of this Part of this Schedule—

- (a) even if the part of a required plan that relates to a part of the plan area has been prepared, the plan is to be treated as being in course of preparation in relation to that part of the area if the plan as a whole is in course of preparation; and
- (b) even if the part of alteration proposals or structure plan alteration proposals that relates to a part of their related area has been prepared, those proposals are to be treated as being in course of preparation in relation to that part of the area if the proposals as a whole are in course of preparation.

Marginal Citations

M1 1991 c. 34.

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