

## SCHEDULES

### SCHEDULE 6

#### MINOR AND CONSEQUENTIAL AMENDMENTS: PLANNING

##### PART I

###### THE 1972 ACT: NATIONAL PARKS AND COUNTRYSIDE FUNCTIONS

- 1 In section 184 of the 1972 Act (National Park and countryside functions), for subsection (1) substitute—
  - “(1) The functions conferred on a local planning authority by or under the National Parks and Access to the Countryside Act 1949 and the Countryside Act 1968 shall—
    - (a) as respects England elsewhere than in the metropolitan counties, Greater London and the Isles of Scilly, be exercisable in accordance with the following provisions of this section; and
    - (b) as respects Wales, be exercisable in accordance with subsections (6) to (8) below.”
- 2 Schedule 17 to the 1972 Act is amended as provided in paragraphs 3 to 14.
- 3 In paragraph 2 (functions which may be conferred on joint board), after “National Park” insert “in England”.
- 4 In paragraph 4 (functions which may be conferred on joint and special planning boards), for “1 or 3” substitute “1, 3 or 3A”.
- 5 In paragraph 6 (functions not to be discharged by National Park Committees), in paragraph (a), at the beginning insert “in the case of a council or councils for a planning area or areas in England,”.
- 6 In paragraph 9 (discharge of functions by district planning authority), after “A National Park Committee” insert “for a National Park in England”.
- 7 In paragraph 12A(1) (district council members for National Park Committees), after “a National Park” insert “in England”.
- 8 In paragraph 13 (modification of section 101), in paragraphs (b) and (c), after “county” insert “, county borough” (in both places).
- 9 In paragraph 14(b) (members of National Park Committees), after “county” insert “, county borough”.
- 10 In paragraph 19, after “Countryside Commission and” insert “, in the case of a National Park in England,”.
- 11 In paragraph 20 (functions to which Part I of that Schedule applies), after “county council” insert “, county borough council”.

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- 12 In paragraph 21A (planning areas), at the end add “but, in relation to Wales, means a county or county borough”.
- 13 After paragraph 35 (application of section 61 of National Parks and Access to the Countryside Act 1949) insert—
- “35A In relation to Wales, paragraph 35 above has effect as if—
- (a) for “1974” there were substituted “1996”;
- (b) for “and the county council” there were substituted “and the principal council”.”
- 14 In paragraph 37 (identification of local planning authority), after “in relation to land” insert “in England”.

## PART II

### OTHER ENACTMENTS

#### *The National Parks and Access to the Countryside Act 1949 (c. 97)*

- 15 (1) In section 57 of the National Parks and Access to the Countryside Act 1949 (penalty for displaying on footpaths notices deterring public use), in subsection (3), after “district” insert “or, where they are not the highway authority, the council of the Welsh county or county borough”.
- (2) The provisions of section 69 of that Act (suspension of public access to avoid exceptional risk of fire) shall be subsection (1) of that section and at the end of that section add—
- “(2) The reference in subsection (1) of this section to the county planning authority is to be read, in relation to Wales, as a reference to the local planning authority.”
- (3) In Schedule 1 to that Act (orders designating National Parks and other orders)—
- (a) in paragraph 1(3)(a), for “area of every county planning authority whose area” substitute “every county or county borough which”;
- (b) in paragraph 2(5), after “county planning authority” insert “or, in Wales, the local planning authority”.

#### *The Local Government, Planning and Land Act 1980 (c. 65)*

- 16 (1) In section 148 of the Local Government, Planning and Land Act 1980 (planning control), in subsection (4) for “References” substitute “Except in relation to land in Wales, references”.
- (2) In Schedule 28 to that Act (powers of urban development corporations), in paragraph 11(2)(i), after “district planning authority” insert “or, in Wales, the local planning authority”.

#### *The Acquisition of Land Act 1981 (c. 67)*

- 17 (1) In section 17 of the Acquisition of Land Act 1981 (special parliamentary procedure for purposes of acquisition of local authority and statutory undertakers' land)—

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- (a) in subsection (3), after “Planning Board,” insert “a Welsh planning board,”; and
- (b) in subsection (4), after the definition of “statutory undertakers” add—
  - ““a Welsh planning board” means a board constituted under—
  - (a) section 2(1B) of the Town and Country Planning Act 1990;
  - or
  - (b) paragraph 3A of Schedule 17 to the Local Government Act 1972.”

(2) In paragraph 4 of Schedule 3 to that Act (acquisition of new rights over special kinds of land)—

- (a) in sub-paragraph (3), after “Planning Board,” insert “a Welsh planning board,”; and
- (b) in sub-paragraph (4), after the definition of “statutory undertakers” add—
  - ““a Welsh planning board” means a board constituted under—
  - (a) section 2(1B) of the Town and Country Planning Act 1990;
  - or
  - (b) paragraph 3A of Schedule 17 to the Local Government Act 1972.”

*The Litter Act 1983 (c. 35)*

18 In section 10 of the Litter Act 1983 (interpretation), in the definition of “Park board”—

- (a) after “1972;” at the end of paragraph (a), insert—
  - “(aa) in the case of a National Park in Wales, a joint planning board constituted under section 2(1B) of the Town and Country Planning Act 1990 for an area which comprises or includes the whole or any part of the area of that Park;”;
- (b) in paragraph (b), after “reconstituted” insert “or constituted”, after “3” insert “or 3A” and for “that Schedule” substitute “Schedule 17 to the Act of 1972”.

*The Housing Act 1985 (c. 68)*

19 In section 573 of the Housing Act 1985 (meaning of “public sector authority”), in subsection (1), after “the Lake District Special Planning Board” insert—

- “a Welsh planning board,”
- and, after that subsection, insert—
- “(1A) For the purposes of subsection (1), “a Welsh planning board” means a board constituted under—
  - (a) section 2(1B) of the Town and Country Planning Act 1990; or
  - (b) paragraph 3A of Schedule 17 to the Local Government Act 1972.”

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*The Local Government Act 1988 (c. 9)*

- 20 In Schedule 2 to the Local Government Act 1988 (public authorities for the purposes of public supply or works contracts), after “The Peak Park Joint Planning Board” insert—

“A joint planning board constituted under section 2(1B) of the Town and Country Planning Act 1990.

A special planning board constituted under paragraph 3A of Schedule 17 to the Local Government Act 1972.”

*The Local Government Finance Act 1988 (c. 41)*

- 21 In Section 74 of the Local Government Finance Act 1988 (power of Secretary of State to make regulations authorising a levying body to issue a levy) at the end add—

“(7) For the purposes of this section—

- (a) a Welsh joint planning board constituted under section 2(1B) of the Town and Country Planning Act 1990; and
- (b) a special planning board constituted under paragraph 3A of Schedule 17 to the Local Government Act 1972,

shall be treated as a levying body with respect to which regulations may be made under subsection (2) above.”

*The Electricity Act 1989 (c. 29)*

- 22 In Schedule 8 to the Electricity Act 1989 (consents for generating stations and overhead lines), in paragraph 2(6), in paragraph (a) omit “and Wales” and after that paragraph insert—

“(aa) in relation to Wales, means a local planning authority;”.

*The Local Government and Housing Act 1989 (c. 42)*

- 23 (1) In section 21(1) of the Local Government and Housing Act 1989 (interpretation of Part I), in paragraph (m), for “1 or paragraph 3” substitute “1, 3 or 3A” and at the end add “or under section 2(1B) of the Town and Country Planning Act 1990”.
- (2) In section 39(1) of that Act (application of Part IV), in paragraph (h), for “1 or paragraph 3” substitute “1, 3 or 3A” and at the end add “or under section 2(1B) of the Town and Country Planning Act 1990”.
- (3) In section 67(3) of that Act (local authorities for the purposes of Part V), in paragraph (o), for “1 or paragraph 3” substitute “1, 3 or 3A” and at the end add “or under section 2(1B) of the Town and Country Planning Act 1990”.
- (4) In section 152(2) of that Act (relevant authorities for the purposes of imposing certain charges), in paragraph (k), for “1 or paragraph 3” substitute “1, 3 or 3A” and after “1972” add “or under section 2(1B) of the Town and Country Planning Act 1990”.

*The Town and Country Planning Act 1990 (c. 8)*

- 24 (1) In section 4 of the planning Act (National Parks)—

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- (a) in subsections (1) and (2), after “National Park” insert “in England” (in each place); and
- (b) in subsection (3)—
  - (i) after “section 2” insert “, a special planning board is constituted under paragraph 3A of Schedule 17 to the Local Government Act 1972”; and
  - (ii) for “Schedule 17 to the Local Government Act 1972” substitute “that Schedule”.
- (2) In section 110(2) of that Act (registration of compensation for depreciation), after “district” insert “, Welsh county, county borough”.
- (3) In section 137(2) of that Act (service of purchase notice), after “district” insert “, Welsh county, county borough”.
- (4) In section 140(2) of that Act (notice to be given by Secretary of State where purchase notice referred to him), in paragraph (c)—
  - (a) at the beginning, insert “in England”, and
  - (b) after “to that board;” insert—
    - “(cc) in Wales, to the local planning authority, where it is a joint planning board;”.
- (5) In section 188(1) of that Act (register of enforcement and stop notices), after “planning authority” insert “, every local planning authority for an area in Wales”.
- (6) In section 226 of that Act (compulsory acquisition of land for development and other planning purposes), in subsection (6)—
  - (a) in paragraph (a), after first “county” insert “in England”; and
  - (b) in paragraph (b), after “the district;” insert—
    - “(bb) if the land is in Wales, consult with the council of the county or county borough;”,and, in subsection (8), after “counties,” insert “county boroughs,”.
- (7) In section 227(1) of that Act (acquisition of land by agreement), after “county,” insert “county borough,”.
- (8) In section 231(1) of that Act (power of Secretary of State to require acquisition or development of land), after “county,” insert “county borough,”.
- (9) In section 247(3)(b) of that Act (highways affected by development: orders by Secretary of State), after “county council,” insert “county borough council,”.
- (10) In section 252 of that Act (procedure for making of orders under Part X), in subsection (12), in the definition of “local authority”—
  - (a) after “county,” insert “county borough,”; and
  - (b) after first “parish” insert “, community”.
- (11) In section 253(4) of that Act (procedure in relation to orders for stopping up or diversion of highways in anticipation of planning permission), after “county,” insert “county borough,”.
- (12) In section 307(1) of that Act (assistance for acquisition of property where objection made to blight notice in certain cases), after “county,” insert “county borough,”.
- (13) In section 336 of that Act (interpretation), in subsection (1)—

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- (a) in the definition of “authority possessing compulsory purchase powers”, after “or county council” insert “or county borough council”;
  - (b) in the definition of “development plan”, for “27” substitute “27, 27A”; and
  - (c) in the definition of “mineral planning authority”, for “1(4)” substitute “1”.
- (14) After section 336(1) of that Act insert—
- “(1A) In this Act—
- (a) any reference to a county (other than one to a county planning authority) shall be construed, in relation to Wales, as including a reference to a county borough;
  - (b) any reference to a county council shall be construed, in relation to Wales, as including a reference to a county borough council; and
  - (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.”
- (15) In paragraph 8 of Schedule 1 to that Act (local planning authorities: distribution of functions), in sub-paragraphs (1) and (2)(a), omit “or community”.
- (16) In paragraph 3 of Schedule 13 to that Act (blighted land), for “for the district in which it” substitute “where the land”.
- (17) In paragraph 1 of Schedule 14 to that Act (procedure for footpaths and bridleways orders)—
- (a) in sub-paragraph (2)(b)(ii), after first “rural parish” insert “or community”; and
  - (b) in sub-paragraph (3), in the definition of “council”, after “county council,” insert “a county borough council.”.
- (18) In Part I of Schedule 16 to that Act (provisions referred to in sections 314 to 319 of that Act), for “Section 1(1), (2), (3) and (5)” substitute “Section 1(1) to (3), (5) and (6)”.
- (19) In paragraph 4 of Schedule 17 to that Act (enactments exempted from section 333(6)), after “a county council” insert “, county borough council”.

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

- 25 (1) In section 2 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (publication of lists)—
- (a) in subsection (1), after “any district” insert “, Welsh county, county borough,”, omit “and” at the end of paragraph (a), and at the end of that subsection add “and
  - (c) in the case of a Welsh county or county borough—
    - (i) with the county council or (as the case may be) the county borough council; and
    - (ii) with the local planning authority, if different from that council.”, and
  - (b) in subsection (3)(a), after “district” insert “, Welsh county, county borough,”.

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- (2) In section 3 of that Act (temporary listing: building preservation notices), in subsection (1), for “, other than” substitute “in Wales, or to a local planning authority in England who are not”.
- (3) In section 32(1) of that Act (purchase notice on refusal or conditional grant of listed building consent), after “district” insert “, Welsh county, county borough”.
- (4) In section 34(2) of that Act (procedure on reference of listed building purchase notice to Secretary of State), in paragraph (c)—
  - (a) at the beginning insert “in England”; and
  - (b) after “to that board;” insert—
    - “(cc) in Wales, to the local planning authority, where it is a joint planning board;”.
- (5) In section 46(5) of that Act (issue of listed building enforcement notice by the Secretary of State), after “an area” insert “in England”.
- (6) In section 47(7) of that Act (compulsory acquisition of listed building in need of repair), in paragraph (a) of the definition of “the appropriate authority”, after “county” insert “, county borough”.
- (7) In section 52(1) of that Act (acquisition of land by agreement), after “county,” insert “county borough”.
- (8) In section 57(7) of that Act (local authorities who may contribute to preservation of listed buildings etc.), in paragraph (a), after “county,” insert “county borough”.
- (9) In section 79(3) of that Act (local authorities for purposes of town scheme agreements), after paragraph (a) insert—
  - “(aa) a county borough council;”.
- (10) In Schedule 4 to that Act (further provisions as to exercise of functions by different authorities), the provisions of paragraph 1 shall be sub-paragraph (1) of that paragraph, and at the end of that paragraph add—
  - “(2) This Schedule shall apply in relation to Wales as if—
    - (a) paragraphs 2 to 5 were omitted;
    - (b) in paragraph 7, each reference to a district planning authority (or which is to be construed as such a reference) were a reference to the local planning authority.”

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

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- (1) In section 1 of the Planning (Hazardous Substances) Act 1990 (hazardous substances authorities: general), after “district” insert “, Welsh county, county borough”.
  - (2) In section 3(1) of that Act (hazardous substances authorities: other special cases), after “non-metropolitan county” insert “in England”.

*The Planning (Consequential Provisions) Act 1990 (c. 11)*

- 27
- In Schedule 3 to the Planning (Consequential Provisions) Act 1990 (transitional provisions and savings), in paragraph 8(1), after “district planning authority” insert “or, in Wales, the local planning authority”.

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*The Environmental Protection Act 1990 (c. 43)*

- 28 In section 88 of the Environmental Protection Act 1990 (fixed penalty notices for leaving litter), in subsection (10), in the definition of “Park board”, omit “or” immediately before paragraph (b) and at the end add—
- “(c) a joint planning board constituted under section 2(1B) of the Town and Country Planning Act 1990; or
  - (d) a special planning board constituted under paragraph 3A of Schedule 17 to the Local Government Act 1972;”.

*The Local Government (Overseas Assistance) Act 1993 (c. 25)*

- 29 In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (certain bodies on which powers are conferred by the Act), in paragraph (g), for “1 or 3” substitute “1, 3 or 3A” and at the end add “or under section 2(1B) of the Town and Country Planning Act 1990”.