

**Changes to legislation:** There are currently no known outstanding effects for the Planning (Wales) Act 2015, Cross Heading: Town and Country Planning Act 1990 (c. 8). (See end of Document for details)

## SCHEDULE 5

### COSTS AND PROCEDURE ON APPEALS ETC: FURTHER AMENDMENTS

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

8 TCPA 1990 is amended as follows.

#### Commencement Information

- I1 Sch. 5 para. 8 partly in force; Sch. 5 para. 8 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I2 Sch. 5 para. 8 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

9 In section 175, in subsection (7), after “any proceedings” insert “ in England ”.

#### Commencement Information

- I3 Sch. 5 para. 9 partly in force; Sch. 5 para. 9 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I4 Sch. 5 para. 9 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

10 In section 196, in subsection (8), after “any proceedings” insert “ in England ”.

#### Commencement Information

- I5 Sch. 5 para. 10 partly in force; Sch. 5 para. 10 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I6 Sch. 5 para. 10 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

11 In section 208, omit subsection (11).

#### Commencement Information

- I7 Sch. 5 para. 11 partly in force; Sch. 5 para. 11 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I8 Sch. 5 para. 11 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

12 (1) Section 320 is amended as follows.

(2) In subsection (1)—

- (a) after “Secretary of State” insert “ or the Welsh Ministers ”;
- (b) after “his” insert “ or their ”.

(3) In subsection (2), for “held by virtue of this section” substitute “ caused to be held under this section by the Secretary of State; and subsections (2) and (3) of that section apply to an inquiry caused to be held under this section by the Welsh Ministers ”.

(4) In subsection (3), for “held in England” substitute “ caused to be held by the Secretary of State ”.

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- I9** Sch. 5 para. 12 partly in force; Sch. 5 para. 12 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I10** Sch. 5 para. 12 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

- 13 (1) Section 322 is amended as follows.
- (2) Omit subsection (1AA).
- (3) In subsection (2), after “proceedings” insert “ in England ”.
- (4) In the heading, after “held” insert “: England”.

**Commencement Information**

- I11** Sch. 5 para. 13 partly in force; Sch. 5 para. 13 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I12** Sch. 5 para. 13 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

- 14 (1) Section 322A is amended as follows.
- (2) In subsection (1)(a), after “proceedings” insert “ in England ”.
- (3) Omit subsection (1B).

**Commencement Information**

- I13** Sch. 5 para. 14 partly in force; Sch. 5 para. 14 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I14** Sch. 5 para. 14 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(a) (with art. 17)

- 15 (1) Section 323 is amended as follows.
- (2) In subsection (1), after “proceedings” insert “ in England ”.
- (3) Omit subsection (1B).
- (4) In the heading, after “applications” insert “ : England ”.

**Commencement Information**

- I15** Sch. 5 para. 15 partly in force; Sch. 5 para. 15 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I16** Sch. 5 para. 15 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)

- 16 (1) Schedule 6 is amended as follows.
- (2) In paragraph 6—
- (a) in sub-paragraph (4), after “paragraph” insert “ in England ”;
- (b) after sub-paragraph (4) insert—
- “(4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.”;

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(c) in sub-paragraph (5), after “proceedings” insert “ in England ”.

(3) In paragraph 8, in sub-paragraph (1), after “hearing held” insert “ in England ”.

#### Commencement Information

- I17** Sch. 5 para. 16 partly in force; Sch. 5 para. 16 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I18** Sch. 5 para. 16(1) in force at 1.3.2016 for specified purposes by [S.I. 2016/52](#), [art. 4\(b\)](#) (with [art. 17](#))
- I19** Sch. 5 para. 16(1)(3) in force at 5.5.2017 in so far as not already in force by [S.I. 2017/546](#), [art. 3\(e\)](#)
- I20** Sch. 5 para. 16(2) in force at 1.3.2016 in so far as not already in force by [S.I. 2016/52](#), [art. 4\(b\)](#) (with [art. 17](#))

17 In Schedule 7, in paragraph 8—

- (a) in sub-paragraph (6), after “hearing held” insert “ in England ”;
- (b) after sub-paragraph (6) insert—

“(6A) The power to make regulations under section 323A applies in relation to a local inquiry or other hearing held in Wales under this paragraph as it applies in relation to an inquiry or hearing held by the Welsh Ministers under this Act and as if references in section 323A(3) and (4) to the Welsh Ministers included references to a local planning authority.”

#### Commencement Information

- I21** Sch. 5 para. 17 partly in force; Sch. 5 para. 17 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I22** Sch. 5 para. 17 in force at 5.5.2017 in so far as not already in force by [S.I. 2017/546](#), [art. 3\(e\)](#)

18 In Schedule 8, in paragraph 5—

- (a) in sub-paragraph (3), after “inquiry held” insert “ in England ”;
- (b) after sub-paragraph (3) insert—

“(3ZA) The power to make regulations under section 323A applies in relation to an inquiry held in Wales by a commission under this paragraph as it applies in relation to an inquiry held by the Welsh Ministers under this Act and as if references in section 323A(3) and (4) to the Welsh Ministers included references to a commission.”;

- (c) in sub-paragraph (4), after “sub-paragraph (1)” insert “ in England, and subsections (2) and (3) of that section shall apply in relation to an inquiry held under that sub-paragraph in Wales, ”.

#### Commencement Information

- I23** Sch. 5 para. 18 partly in force; Sch. 5 para. 18 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I24** Sch. 5 para. 18 in force at 1.3.2016 for specified purposes by [S.I. 2016/52](#), [art. 4\(c\)](#) (with [art. 17](#))
- I25** Sch. 5 para. 18 in force at 5.5.2017 in so far as not already in force by [S.I. 2017/546](#), [art. 3\(e\)](#)

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