

Changes to legislation: *Planning (Wales) Act 2015 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

^{F1}SCHEDULE 1

(introduced by section 4(2))

Textual Amendments

- F1** Sch. 1 omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 11](#)

SCHEDULE 2

(introduced by section 16)

DEVELOPMENT PLANNING: FURTHER AMENDMENTS

Welsh Development Agency Act 1975 (c. 70)

- 1 The Welsh Development Agency Act 1975 is amended as follows.

Commencement Information

- I1** Sch. 2 para. 1 partly in force; Sch. 2 para. 1 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
I2 Sch. 2 para. 1 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), [reg. 2\(b\)](#)

- 2 In section 21A (powers of land acquisition), in subsection (5)—
- (a) omit the “and” at the end of paragraph (b);
 - (b) after paragraph (c) insert—

“; and
 - (d) any strategic planning panel in whose strategic planning area the land, or any part of the land, is situated.”

Commencement Information

- I3** Sch. 2 para. 2 partly in force; Sch. 2 para. 2 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
I4 Sch. 2 para. 2 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), [reg. 2\(c\)](#)

- 3 In section 21C (powers to advise on land matters), in subsection (3)—
- (a) omit the “or” at the end of paragraph (b);
 - (b) after paragraph (c) insert—

“; or
 - (d) a strategic planning panel in making an assessment of land in its strategic planning area which is, in its opinion, available and suitable for development.”

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Commencement Information

- I5** Sch. 2 para. 3 partly in force; Sch. 2 para. 3 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
I6 Sch. 2 para. 3 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), **reg. 2(c)**

- 4 (1) Schedule 4 (acquisition of land) is amended as follows.
- (2) In Part 1, in paragraph 3A—
- (a) omit the “and” at the end of paragraph (b);
- (b) after paragraph (c) insert—
- “; and
- (d) any strategic planning panel in whose strategic planning area the land, or any part of the land, is situated.”
- (3) In Part 4, in paragraph 19(1), for “and every National Park authority for a National Park in Wales” substitute “, every National Park authority for a National Park in Wales and every strategic planning panel”.

Commencement Information

- I7** Sch. 2 para. 4 partly in force; Sch. 2 para. 4 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
I8 Sch. 2 para. 4 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), **reg. 2(c)**

Wildlife and Countryside Act 1981 (c. 69)

- 5 The Wildlife and Countryside Act 1981 is amended as follows.

Commencement Information

- I9** Sch. 2 para. 5 partly in force; Sch. 2 para. 5 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
I10 Sch. 2 para. 5 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), **reg. 2(c)**

- 6 (1) Section 27AA (sites of special scientific interest and limestone pavements: application of provisions in Wales) is amended as follows.
- (2) The existing provision becomes subsection (1).
- (3) After subsection (1) insert—
- “(2) Subsection (3) applies where—
- (a) any provision of sections 28 to 34 requires the Natural Resources Body for Wales to give a notification or notice to the local planning authority in whose area land is situated, and
- (b) all or part of the land is included in a strategic planning area designated under section 60D of the Planning and Compulsory Purchase Act 2004.

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(3) The Natural Resources Body for Wales must also give the notification or notice to the strategic planning panel for the strategic planning area.”

Commencement Information

- I11** Sch. 2 para. 6 partly in force; Sch. 2 para. 6 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
I12 Sch. 2 para. 6 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), [reg. 2\(c\)](#)

7 In section 37A (notification of designation of Ramsar sites), after subsection (2A) insert—

“(2B) Subject to subsection (3), upon receipt of a notification under subsection (1) relating to a wetland all or part of which is in a strategic planning area designated under section 60D of the Planning and Compulsory Purchase Act 2004, the Natural Resources Body for Wales shall, in turn, notify the strategic planning panel for that area.”

Commencement Information

- I13** Sch. 2 para. 7 partly in force; Sch. 2 para. 7 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
I14 Sch. 2 para. 7 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), [reg. 2\(c\)](#)

Town and Country Planning Act 1990 (c. 8)

8 TCPA 1990 is amended as follows.

Commencement Information

- I15** Sch. 2 para. 8 partly in force; Sch. 2 para. 8 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
I16 Sch. 2 para. 8 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), [reg. 2\(c\)](#)

9 In section 293A (urgent Crown development: application), in subsection (9), before “and” insert—

“(aa) the strategic planning panel for any strategic planning area to which the proposed development relates,”.

Commencement Information

- I17** Sch. 2 para. 9 partly in force; Sch. 2 para. 9 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
I18 Sch. 2 para. 9 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), [reg. 2\(c\)](#)

10 (1) Section 303A (responsibility of local planning authorities for costs of holding certain inquiries etc) is amended as follows.

(2) In subsection (1B), for “The” substitute “ Where a local planning authority cause a qualifying procedure to be carried out or held, the ”.

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(3) After subsection (1B) insert—

“(1C) Where the qualifying procedure is an independent examination of a strategic development plan under section 64 of the Planning and Compulsory Purchase Act 2004, the appropriate authority is the Welsh Ministers.”

F2(4)

F2(5)

F2(6)

F2(7)

Textual Amendments

F2 Sch. 2 para. 10(4)-(7) omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 12\(a\)](#)

Commencement Information

I19 Sch. 2 para. 10 partly in force; Sch. 2 para. 10 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I20 Sch. 2 para. 10(1)-(6) in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), [reg. 2\(c\)](#)

11 In section 306 (contributions by local authorities and statutory undertakers), after subsection (2) insert—

“(2A) Each of the persons specified in subsection (2B) may contribute towards any expenses incurred by a strategic planning panel for the purposes of carrying out a review under section 60H of the Planning and Compulsory Purchase Act 2004 (duty of strategic planning panel to keep under review certain matters affecting development).

(2B) The persons are—

- (a) a local authority in Wales;
- (b) a statutory undertaker authorised to carry on an undertaking in Wales.”

Commencement Information

I21 Sch. 2 para. 11 partly in force; Sch. 2 para. 11 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I22 Sch. 2 para. 11 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), [reg. 2\(c\)](#)

12 In section 324 (rights of entry), after subsection (1A) insert—

“(1B) Any person duly authorised in writing by the Welsh Ministers or by a strategic planning panel may at any reasonable time enter any land for the purpose of surveying it in connection with the preparation, revision, adoption or approval of a strategic development plan under Part 6 of the Planning and Compulsory Purchase Act 2004.”

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Commencement Information

- I23** Sch. 2 para. 12 partly in force; Sch. 2 para. 12 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I24** Sch. 2 para. 12 in force at 7.1.2021 in so far as not already in force by S.I. 2021/7, reg. 2(c)

^{F3}13

Textual Amendments

- F3** Sch. 2 para. 13 omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 12\(b\)](#)

14 In Schedule 4A (local development orders: procedure), in paragraph 5(1), after “report made” insert “ by a local planning authority ”.

Commencement Information

- I25** Sch. 2 para. 14 partly in force; Sch. 2 para. 14 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I26** Sch. 2 para. 14 in force at 7.1.2021 in so far as not already in force by S.I. 2021/7, reg. 2(c)

15 In Schedule 13 (blighted land), in paragraph 1B, in note (3), after “section 66” insert “ or 66A ”.

Commencement Information

- I27** Sch. 2 para. 15 partly in force; Sch. 2 para. 15 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I28** Sch. 2 para. 15 in force at 4.12.2020 in so far as not already in force by S.I. 2020/1216, reg. 2(b)

Water Resources Act 1991 (c. 57)

16 In Schedule 6 to the Water Resources Act 1991 (orders relating to abstraction of small quantities and compulsory registration of protected rights), in paragraph 1—
(a) in sub-paragraph (4)(a), for “or National Park authority” substitute “ , National Park authority or strategic planning panel ”;
^{F4}(b)

Textual Amendments

- F4** Sch. 2 para. 16(b) omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 12\(c\)](#)

Commencement Information

- I29** Sch. 2 para. 16 partly in force; Sch. 2 para. 16 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I30** Sch. 2 para. 16 in force at 7.1.2021 in so far as not already in force by S.I. 2021/7, reg. 2(c)

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F5
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Textual Amendments

F5 Sch. 2 paras. 17-19 and cross-heading omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 12\(d\)](#)

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Textual Amendments

F6 Sch. 2 paras. 20-22 and cross-heading omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 12\(e\)](#)

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F6 22

Planning and Compulsory Purchase Act 2004 (c. 5)

23 PCPA 2004 is amended as follows.

Commencement Information

I31 Sch. 2 para. 23 partly in force; Sch. 2 para. 23 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I32 Sch. 2 para. 23 in force at 4.12.2020 in so far as not already in force by [S.I. 2020/1216](#), [reg. 2\(b\)](#)

24 In section 19 (preparation of English local development documents), in subsection (2)(e), for “Wales Spatial Plan” substitute “ National Development Framework for Wales, ”.

Commencement Information

I33 Sch. 2 para. 24 partly in force; Sch. 2 para. 24 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I34 Sch. 2 para. 24 in force at 4.12.2020 in so far as not already in force by [S.I. 2020/1216](#), [reg. 2\(b\)](#)

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- 25 In section 62 (local development plan), in subsection (5) (matters to which local planning authority must have regard in preparing plan), for paragraph (b) substitute—
- “(b) the National Development Framework for Wales;
 - (ba) the strategic development plan for any strategic planning area that—
 - (i) includes all or part of the area of the authority, or
 - (ii) adjoins that area;”.

Commencement Information

- I35** Sch. 2 para. 25 partly in force; Sch. 2 para. 25 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I36** Sch. 2 para. 25 in force at 4.12.2020 in so far as not already in force by [S.I. 2020/1216](#), [reg. 2\(b\)](#)

- 26 In section 74 (urban development corporations), for “section 60” substitute “sections 60 to 60C”.

Commencement Information

- I37** Sch. 2 para. 26 partly in force; Sch. 2 para. 26 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I38** Sch. 2 para. 26 in force at 4.12.2020 in so far as not already in force by [S.I. 2020/1216](#), [reg. 2\(b\)](#)

- 27 (1) Section 113 (validity of strategies, plans and documents) is amended as follows.
- (2) In subsection (1)—
- (a) for paragraph (b) substitute—
 - “(b) the National Development Framework for Wales;
 - (ba) a strategic development plan;”;
 - (b) in paragraph (e), after “(b),” insert “(ba),”.
- (3) In subsection (9), for paragraph (b) substitute—
- “(b) sections 60 to 60C above in the case of the National Development Framework for Wales or a revised Framework;
 - (ba) in the case of a strategic development plan or any revision of it—
 - (i) section 60I above, and
 - (ii) sections 63 to 68, 68A(1), 69 to 71 and 73 to 78 above, as they apply in relation to strategic development plans (see section 60J);”.
- (4) In subsection (11), for paragraph (b) substitute—
- “(b) for the purposes of the National Development Framework for Wales (or a revised Framework), the date when it is published by the Welsh Ministers;
 - (ba) for the purposes of a strategic development plan (or a revision of it), the date when it is adopted by the strategic planning panel or approved by the Welsh Ministers (as the case may be);”.

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Commencement Information

- I39** Sch. 2 para. 27 partly in force; Sch. 2 para. 27 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I40** Sch. 2 para. 27 in force at 4.12.2020 in so far as not already in force by [S.I. 2020/1216](#), **reg. 2(b)**

Natural Environment and Rural Communities Act 2006 (c. 16)

^{F7}28

Textual Amendments

- F7** Sch. 2 para. 28 omitted (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), **Sch. 2 para. 11**

Government of Wales Act 2006 (c. 32)

29 In Schedule 10 to the Government of Wales Act 2006 (minor and consequential amendments), omit paragraph 66 and the cross-heading before it.

Commencement Information

- I41** Sch. 2 para. 29 partly in force; Sch. 2 para. 29 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I42** Sch. 2 para. 29 in force at 4.12.2020 in so far as not already in force by [S.I. 2020/1216](#), **reg. 2(b)**

Planning and Energy Act 2008 (c. 21)

30 The Planning and Energy Act 2008 is amended as follows.

Commencement Information

- I43** Sch. 2 para. 30 partly in force; Sch. 2 para. 30 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I44** Sch. 2 para. 30 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), **reg. 2(c)**

- 31 (1) Section 1 (energy policies) is amended as follows.
 - (2) In subsection (1), after “development plan documents,” insert “ a strategic planning panel may in their strategic development plan, ”.
 - ^{F8}(3)
 - ^{F8}(4)
 - (5) In subsection (6), after “included in” insert “ a strategic development plan or ”.

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Textual Amendments

F8 Sch. 2 para. 31(3)(4) omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 12\(f\)](#)

Commencement Information

I45 Sch. 2 para. 31 partly in force; Sch. 2 para. 31 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I46 Sch. 2 para. 31 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), [reg. 2\(c\)](#)

^{F9}32

Textual Amendments

F9 Sch. 2 para. 32 omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 12\(g\)](#)

Commencement Information

I47 Sch. 2 para. 32 in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), [reg. 2\(c\)](#)

Marine and Coastal Access Act 2009 (c. 23)

33 Schedule 6 to the Marine and Coastal Access Act 2009 (marine plans: preparation and adoption) is amended as follows.

Commencement Information

I48 Sch. 2 para. 33 partly in force; Sch. 2 para. 33 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I49 Sch. 2 para. 33 in force at 4.12.2020 in so far as not already in force by [S.I. 2020/1216](#), [reg. 2\(b\)](#)

34 (1) Paragraph 1 (marine plan authority to notify related planning authorities of decision to prepare plan) is amended as follows.

(2) In sub-paragraph (2), at the end insert—

“(f) any strategic planning panel whose strategic planning area adjoins or is adjacent to the marine planning area.”

(3) In sub-paragraph (3)—

(a) in the definition of “local planning authority”, before “or” insert—

“(aa) a local planning authority for the purposes of Part 6 of the Planning and Compulsory Purchase Act 2004 (see section 78 of that Act);”;

^{F10}(b)

Textual Amendments

F10 Sch. 2 para. 34(3)(b) omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 12\(h\)](#)

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Commencement Information

- I50** Sch. 2 para. 34 partly in force; Sch. 2 para. 34 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I51 Sch. 2 para. 34(1)(3)(a) in force at 4.12.2020 in so far as not already in force by [S.I. 2020/1216](#), **reg. 2(b)**
I52 Sch. 2 para. 34(2), (3)(b) in force at 7.1.2021 in so far as not already in force by [S.I. 2021/7](#), **reg. 2(c)**

- 35 (1) Paragraph 3 (marine plans to be compatible with certain other plans) is amended as follows.
- (2) In sub-paragraph (2), in the words after paragraph (b), for “relevant Planning Act plan” substitute “development plan”.
- (3) Omit sub-paragraphs (4) and (5).
- (4) In sub-paragraph (6), omit the definition of “the Wales Spatial Plan”.

Commencement Information

- I53** Sch. 2 para. 35 partly in force; Sch. 2 para. 35 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I54 Sch. 2 para. 35 in force at 4.12.2020 in so far as not already in force by [S.I. 2020/1216](#), **reg. 2(b)**

- 36 In paragraph 9 (matters to which marine plan authority is to have regard in preparing marine plan), in sub-paragraph (2)(b), for “Planning Act plans” substitute “development plans”.

Commencement Information

- I55** Sch. 2 para. 36 partly in force; Sch. 2 para. 36 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I56 Sch. 2 para. 36 in force at 4.12.2020 in so far as not already in force by [S.I. 2020/1216](#), **reg. 2(b)**

SCHEDULE 3

(introduced by section 26(2))

DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND APPLICATIONS MADE
 TO WELSH MINISTERS: EXERCISE OF FUNCTIONS BY APPOINTED PERSON

- 1 In TCPA 1990, after Schedule 4C insert—

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“SCHEDULE
4D

EXERCISE OF FUNCTIONS BY APPOINTED PERSON IN
CONNECTION WITH DEVELOPMENTS OF NATIONAL SIGNIFICANCE
AND APPLICATIONS MADE TO THE WELSH MINISTERS

*Exercise of functions in respect of development of
national significance and connected applications*

- 1 (1) Unless a direction otherwise is given under paragraph 9, a specified function, so far as exercisable in respect of—
- (a) an application that a person proposes to make under section 62D,
 - (b) an application made under section 62D, or
 - (c) a secondary consent (within the meaning given by section 62H) in respect of which section 62F(2) applies,
- is to be exercised by a person appointed for the purpose by the Welsh Ministers under this paragraph.
- (2) A “specified function”, for the purposes of sub-paragraph (1), is a function exercisable by the Welsh Ministers, under or by virtue of this Act, that is prescribed in regulations made for the purposes of this paragraph by the Welsh Ministers.
- (3) Regulations under this paragraph may contain incidental or consequential provision.

Applications under section 62M or 62O: exercise of functions

- 2 Unless a direction otherwise is given under paragraph 9—
- (a) an application made under section 62M or 62O is to be determined by a person appointed for the purpose by the Welsh Ministers under this paragraph;
 - (b) functions exercisable by the Welsh Ministers, by virtue of section 61Z1, in respect of an application that a person proposes to make under section 62M or 62O, are to be exercised by a person appointed for the purpose by the Welsh Ministers under this paragraph.

Revocation of appointments

- 3 Where a person has been appointed under paragraph 1 or 2 in respect of an application or consent, the Welsh Ministers may at any time—
- (a) revoke the appointment, and
 - (b) appoint another person, in respect of the application or consent, under paragraph 1 or 2 (as the case may be).

Exercise of functions by appointed person

- 4 (1) This paragraph applies for the purposes of paragraphs 5 to 14.

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- (2) References to an appointed person are to a person appointed to exercise functions under paragraph 1 or 2.
- (3) References to a relevant application or consent are to an application or consent, or a proposed application, in respect of which functions are exercisable by a person other than the Welsh Ministers by virtue of the person's appointment under paragraph 1 or 2.
- 5 A person appointed under paragraph 2 to determine an application has, so far as the context permits, the same powers and duties that the Welsh Ministers have by virtue of provision made by a development order by virtue of section 75A.
- 6 (1) Sub-paragraph (2) applies where any enactment (other than this Schedule)—
- (a) refers (or is to be read as referring) to the Welsh Ministers in a context relating to or capable of relating to an application under section 62M or section 62O, or
 - (b) refers (or is to be read as referring) to anything (other than the making of an application) done or authorised or required to be done by, to or before the Welsh Ministers in connection with any such application.
- (2) So far as the context permits, the enactment is to be read, in relation to an application determined or to be determined by a person appointed under paragraph 2, as if the reference to the Welsh Ministers were or included a reference to an appointed person.

Determination by appointed person

- 7 Where a decision on a relevant application or consent is determined by an appointed person, that person's decision is to be treated as being the decision of the Welsh Ministers (including for the purposes of section 284).
- 8 (1) It is not a ground of application to the High Court under section 288 that the determination ought to have been made by the Welsh Ministers instead of an appointed person, unless the applicant challenges the person's power to make the determination before the person's decision is given.
- (2) But in the case of an application under section 62D or a secondary consent to which section 62F(2) applies, the restriction imposed by sub-paragraph (1) applies only if the function of making the decision in question is a function specified in regulations under paragraph 1.

Power of Welsh Ministers to exercise functions in place of appointed person

- 9 The Welsh Ministers may direct that functions specified in the direction are to be exercised, in respect of a relevant application or consent, by them instead of by a person appointed under paragraph 1 or paragraph 2.
- 10 A copy of a direction given under paragraph 9 in respect of a relevant application or consent is to be served on—
- (a) the person (if any) appointed, in respect of the application or consent, under paragraph 1 or 2;
 - (b) the applicant;

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- (c) in the case of an application under section 62M or 62O, the local planning authority or hazardous substances authority concerned.
- 11 (1) Sub-paragraph (2) applies where, in consequence of a direction under paragraph 9, a decision on an application or consent is to be made by the Welsh Ministers instead of a person appointed under paragraph 1 or 2.
- (2) In making their decision, the Welsh Ministers may take into account any report made to them by any person previously appointed under paragraph 1 or 2 in respect of the application.
- 12 Subject to that, for the purpose of the exercise of functions by the Welsh Ministers in consequence of a direction under paragraph 9, the application or consent concerned is to be treated as though no appointment under paragraph 1 or 2 had ever been made.
- 13 (1) The Welsh Ministers may by a further direction revoke a direction under paragraph 9 at any time before the decision on the application or consent concerned has been made.
- (2) On giving a direction under this paragraph, the Welsh Ministers must serve a copy of the direction on—
- (a) the person, if any, previously appointed under paragraph 1 or 2 in respect of the application or consent;
- (b) the applicant;
- (c) in the case of an application under section 62M or 62O, the local planning authority or hazardous substances authority concerned.
- (3) Where a direction is given under this paragraph—
- (a) the Welsh Ministers must appoint a person (the “new appointee”) under paragraph 1 or 2, as the case may be, in respect of the application or consent,
- (b) anything done by or on behalf of the Welsh Ministers in connection with the application or consent that might have been done by a person appointed under paragraph 1 or 2 is, unless the new appointee directs otherwise, to be treated as having been done by that person, and
- (c) subject to that, this Schedule applies as if no direction under paragraph 9 had been given.

Power of Welsh Ministers to appoint assessor

- 14 Where an appointed person holds a hearing or inquiry in relation to a relevant application or consent, the Welsh Ministers may appoint an assessor to assist the appointed person at the hearing or inquiry.”

Commencement Information

- I57** Sch. 3 para. 1 partly in force; Sch. 3 para. 1 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I58** Sch. 3 para. 1 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(d)

- 2 In section 59 of PCPA 2004 (correction of errors: supplementary), after subsection (2) insert—

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“(2A) An inspector is also a person appointed under Schedule 4D of the principal Act to determine an application instead of the Welsh Ministers.”

Commencement Information

- I59** Sch. 3 para. 2 partly in force; Sch. 3 para. 2 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I60 Sch. 3 para. 2 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(d)

SCHEDULE 4

(introduced by section 27)

APPLICATIONS TO WELSH MINISTERS: FURTHER AMENDMENTS

1 TCPA 1990 is amended as follows.

Commencement Information

- I61** Sch. 4 para. 1 partly in force; Sch. 4 para. 1 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I62 Sch. 4 para. 1 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

2 In section 58 (granting of planning permission: general), in subsection (1)(b)—
 (a) after “by the Secretary of State” insert “ or the Welsh Ministers ”;
 (b) after “to the Secretary of State” insert “ or the Welsh Ministers ”.

Commencement Information

- I63** Sch. 4 para. 2 partly in force; Sch. 4 para. 2 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I64 Sch. 4 para. 2 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

3 In section 59 (development orders: general), in subsection (2)(b)—
 (a) after “by the Secretary of State” insert “ or the Welsh Ministers ”;
 (b) after “to the Secretary of State” insert “ or the Welsh Ministers ”.

Commencement Information

- I65** Sch. 4 para. 3 partly in force; Sch. 4 para. 3 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I66 Sch. 4 para. 3 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

4 Before section 62A insert— “ England: option to make application directly to Secretary of State ”.

Commencement Information

- I67** Sch. 4 para. 4 partly in force; Sch. 4 para. 4 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

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I68 Sch. 4 para. 4 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

5 In section 70 (determination of applications), in subsection (1)(a), after “subject to” insert “ section 62D(5) and ”.

Commencement Information

I69 Sch. 4 para. 5 partly in force; Sch. 4 para. 5 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I70 Sch. 4 para. 5 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

6 In section 70A (power to decline to determine application), as it applies in relation to Wales, in subsection (1)(a), for “Secretary of State has refused a similar application referred to him under section 77 or has” substitute “ Welsh Ministers have refused a similar application made to them under section 62D, 62F, 62M or 62O, or referred to them under section 77, or have ”.

Commencement Information

I71 Sch. 4 para. 6 partly in force; Sch. 4 para. 6 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I72 Sch. 4 para. 6 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

7 After section 75 insert—

“Applications made to the Welsh Ministers: applicable provisions

75A Provisions applying for purpose of applications made to the Welsh Ministers

- (1) A development order may provide for an applicable enactment or requirement—
 - (a) to apply, with or without modifications, to an application made to the Welsh Ministers under section 62D, 62M or 62O, or
 - (b) not to apply to such an application.
- (2) For this purpose an applicable enactment or requirement, in relation to an application made to the Welsh Ministers under section 62D, 62M or 62O, is—
 - (a) any provision of or made under this Act, or any other enactment, relating to applications of that kind when made to the relevant authority;
 - (b) any requirements imposed by a development order in respect of applications of that kind when made to the relevant authority.
- (3) The “relevant authority”, in relation to an application made to the Welsh Ministers under section 62D, 62M or 62O, is the authority to which, but for the section in question, the application would have been made.”

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Commencement Information

- I73** Sch. 4 para. 7 partly in force; Sch. 4 para. 7 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I74 Sch. 4 para. 7 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

8 In section 87 (exclusion of certain land or descriptions of development from simplified planning zone scheme), after subsection (4) insert—

“(5) A simplified planning zone scheme does not have effect to grant planning permission for the development of land in Wales, where the development is of national significance for the purposes of section 62D.”

Commencement Information

- I75** Sch. 4 para. 8 partly in force; Sch. 4 para. 8 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I76 Sch. 4 para. 8 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

9 In section 88 (planning permission for development in enterprise zones), after subsection (10) insert—

“(11) An enterprise zone scheme does not have effect to grant planning permission for the development of land in Wales, where the development is of national significance for the purposes of section 62D.”

Commencement Information

- I77** Sch. 4 para. 9 partly in force; Sch. 4 para. 9 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I78 Sch. 4 para. 9 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

10 In section 92 (outline planning permission), in subsection (1), after “authority” insert “, the Welsh Ministers”.

Commencement Information

- I79** Sch. 4 para. 10 partly in force; Sch. 4 para. 10 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I80 Sch. 4 para. 10 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

11 In section 93 (provisions supplementary to sections 91 and 92), in subsection (1)(a), after “authority” insert “, the Welsh Ministers”.

Commencement Information

- I81** Sch. 4 para. 11 partly in force; Sch. 4 para. 11 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I82 Sch. 4 para. 11 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

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- 12 In section 99 (procedure for orders revoking or modifying planning permission: unopposed cases), in subsection (8)(a), after “Secretary of State” insert “ or the Welsh Ministers ”.

Commencement Information

- I83** Sch. 4 para. 12 partly in force; Sch. 4 para. 12 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I84 Sch. 4 para. 12 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

- 13 In section 253 (procedure in anticipation of planning permission), in subsection (2), after paragraph (a) insert—
“(aa) that application has been made to the Welsh Ministers under section 62D, 62F, 62M or 62O; or”.

Commencement Information

- I85** Sch. 4 para. 13 partly in force; Sch. 4 para. 13 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I86 Sch. 4 para. 13 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

- 14 In section 257 (footpaths etc affected by other development: orders by other authorities), in subsection (4)—
(a) in paragraph (a), after “Secretary of State” insert “ or by the Welsh Ministers ”;
(b) in paragraph (c), after “62A” insert “ or to the Welsh Ministers under section 62D, 62F, 62M or 62O ”.

Commencement Information

- I87** Sch. 4 para. 14 partly in force; Sch. 4 para. 14 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I88 Sch. 4 para. 14 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

- 15 (1) Section 284 (actions which may be questioned in legal proceedings only so far as provided by Part 12) is amended as follows.
(2) In subsection (1)(f), after “Secretary of State” insert “ or the Welsh Ministers ”.
(3) In subsection (3)—
(a) in the opening words, after “action on the part of the Secretary of State” insert “ or the Welsh Ministers ”;
(b) in paragraph (a), for “him” substitute “ the Secretary of State or the Welsh Ministers ”;
(c) after paragraph (a) insert—
“(aa) any decision on an application made to the Welsh Ministers under section 62D;
(ab) any decision on a secondary consent dealt with by the Welsh Ministers under section 62F, unless, by virtue of an enactment not contained in this Act—

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- (i) an appeal against that decision may be made to a person other than the Welsh Ministers, or
 - (ii) the validity of the decision may otherwise be questioned by way of application to a person other than the Welsh Ministers;
 - (ac) any decision on an application made to the Welsh Ministers under section 62M or section 62O (not including a decision to refer an application under section 62O(5));”;
 - (d) in paragraph (h), after “Secretary of State” insert “ or the Welsh Ministers ”.
- (4) In subsection (4), after “Secretary of State” insert “ or the Welsh Ministers ”.

Commencement Information

- I89** Sch. 4 para. 15 partly in force; Sch. 4 para. 15 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I90** Sch. 4 para. 15 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

- 16 (1) Section 288 (proceedings for questioning the validity of other orders, etc) is amended as follows.
- (2) In subsection (1)(b), after “Secretary of State” insert “ or the Welsh Ministers ”.
 - (3) In subsection (2), after “Secretary of State” insert “ or the Welsh Ministers ”.
 - (4) In subsection (4), after “Secretary of State” insert “ or the Welsh Ministers ”.
 - (5) In subsection (10)—
 - (a) in paragraph (a), for “has modified” substitute “ or the Welsh Ministers have modified ”;
 - (b) in paragraph (b)—
 - (i) after “Secretary of State” insert “ or the Welsh Ministers ”;
 - (ii) for “him” substitute “ the Secretary of State or the Welsh Ministers ”.

Commencement Information

- I91** Sch. 4 para. 16 partly in force; Sch. 4 para. 16 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I92** Sch. 4 para. 16 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

- 17 (1) Section 293A (urgent Crown development: application) is amended as follows.
- (2) In subsection (2), omit “to the local planning authority”.
 - (3) In subsection (3), for “the application to the Secretary of State” substitute “ an application under this section ”.

Commencement Information

- I93** Sch. 4 para. 17 partly in force; Sch. 4 para. 17 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I94** Sch. 4 para. 17 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

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- 18 In section 303 (fees for planning applications, etc), after subsection (1A) insert—
- “(1B) The Welsh Ministers may by regulations make provision for the payment of a fee or charge to the Welsh Ministers in respect of—
- (a) the performance by the Welsh Ministers of any function they have in respect of an application under section 62D (developments of national significance), section 62M (option to make application directly to Welsh Ministers) or section 62O (connected applications);
 - (b) anything done by the Welsh Ministers which is calculated to facilitate, or is conducive or incidental to, the performance of any such function.
- (1C) References in subsection (1B) to functions that the Welsh Ministers have in respect of an application include references—
- (a) in the case of an application under section 62D, to any functions that the Welsh Ministers have in respect of a secondary consent to which, by virtue of the connection between the consent and the application under section 62D, section 62F(2) applies;
 - (b) to any functions that the Welsh Ministers have, by virtue of provision under section 61Z1, in respect of an application proposed to be made to the Welsh Ministers under section 62D, 62F, 62M or 62O.”

Commencement Information

- I95** Sch. 4 para. 18 partly in force; Sch. 4 para. 18 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I96** Sch. 4 para. 18 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

- 19 (1) Section 316 (land of interested planning authorities and development by them) is amended as follows
- (2) In subsection (4), for “such land, or for such development,” substitute “ land of an interested planning authority other than the Welsh Ministers, or for the development of land by an interested planning authority other than the Welsh Ministers, ”.
 - (3) In subsection (5), after “interested planning authority” insert “ other than the Welsh Ministers ”.
 - (4) In subsection (6), after “that land” insert “ or the Welsh Ministers ”.
 - (5) After subsection (8) insert—
- “(9) The power to make regulations under this section relating to land of the Welsh Ministers or to the development of land by the Welsh Ministers is exercisable by the Welsh Ministers.”

Commencement Information

- I97** Sch. 4 para. 19 partly in force; Sch. 4 para. 19 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I98** Sch. 4 para. 19 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

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20 (1) Section 319B (determination of procedure for certain proceedings) is amended as follows.

(2) After subsection (5) insert—

“(5A) In a case where an application has been made to the Welsh Ministers under section 62D, 62M or 62O, they must also notify any representative persons they consider appropriate.”

(3) In subsection (7), before paragraph (a) insert—

“(za) an application made to the Welsh Ministers under section 62D, including proceedings relating to any secondary consent in respect of which, by virtue of its connection to that application, section 62F(2) applies;

(zb) an application made to the Welsh Ministers under section 62M or 62O;”.

(4) After subsection (8) insert—

“(8A) For the purposes of this section as it applies where an application has been made to the Welsh Ministers under section 62D, 62M or 62O—

“the local planning authority” means the local planning authority to which, but for the section in question, the application would have been made;

“representative persons” are prescribed persons, or persons of a prescribed description, who appear to the Welsh Ministers to be representative of interested persons;

“interested persons” are persons, other than the applicant and the local planning authority, who appear to the Welsh Ministers to have an interest in the proceedings.”

Commencement Information

I99 Sch. 4 para. 20 partly in force; Sch. 4 para. 20 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I100 Sch. 4 para. 20 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

21 In section 324 (rights of entry), in subsection (1), after paragraph (b) insert—

“(ba) any application made to the Welsh Ministers under section 62O;

(bb) any secondary consent in respect of which, by virtue of section 62F(2), a decision is to be made by the Welsh Ministers;”.

Commencement Information

I101 Sch. 4 para. 21 partly in force; Sch. 4 para. 21 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I102 Sch. 4 para. 21 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

22 In Schedule 1A (distribution of local planning authority functions: Wales), in paragraph 8 (claims for payment of compensation where planning permission revoked or modified), after sub-paragraph (2) insert—

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“(2A) Sub-paragraph (2B) applies where the planning permission the revocation or modification of which gave rise to the claim was granted by the Welsh Ministers by virtue of section 62D, 62F, 62M or 62O.

(2B) The local planning authority to which the application for planning permission would, but for the section in question, have been made, are to be treated for the purposes of sub-paragraph (2)(a) as having granted the permission.”

Commencement Information

I103 Sch. 4 para. 22 partly in force; Sch. 4 para. 22 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I104 Sch. 4 para. 22 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

23 (1) In Schedule 16, Part 1 (provisions which may be modified in relation to development relating to minerals etc.) is amended as follows.

(2) For the entry relating to sections 61 and 62 substitute—

“Section 61.

Sections 61Z to 61Z2.

Section 62.

Sections 62D to 62S.”

(3) After the entry relating to section 70A insert— “ Sections 71ZA and 71ZB. ”

(4) After the entry relating to section 100 insert— “ Section 100A. ”

Commencement Information

I105 Sch. 4 para. 23 partly in force; Sch. 4 para. 23 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I106 Sch. 4 para. 23 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(e)

SCHEDULE 5

(introduced by section 51)

COSTS AND PROCEDURE ON APPEALS ETC: FURTHER AMENDMENTS

Highways Act 1980 (c. 66)

1 The Highways Act 1980 is amended as follows.

Commencement Information

I107 Sch. 5 para. 1 partly in force; Sch. 5 para. 1 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I108 Sch. 5 para. 1 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)

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- 2 (1) Section 121 is amended as follows.
- (2) In subsection (5D), after “above” insert “ in England ”.
- (3) In subsection (5E), after “above” insert “ in England ”.
- (4) After subsection (5E) insert—
- “(5F) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under subsection (5A) above in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”

Commencement Information

- I109** Sch. 5 para. 2 partly in force; Sch. 5 para. 2 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
- I110** Sch. 5 para. 2 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)

- 3 In Schedule 6, in paragraph 2B—
- (a) in sub-paragraph (1), after “above” insert “ in England ”;
- (b) in sub-paragraph (3), after “above” insert “ in England ”;
- (c) after sub-paragraph (3) insert—
- “(4) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under sub-paragraph (2) above in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”

Commencement Information

- I111** Sch. 5 para. 3 partly in force; Sch. 5 para. 3 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
- I112** Sch. 5 para. 3 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)

Wildlife and Countryside Act 1981 (c. 69)

- 4 The Wildlife and Countryside Act 1981 is amended as follows.

Commencement Information

- I113** Sch. 5 para. 4 partly in force; Sch. 5 para. 4 in force for specified purposes at 6.9.2015, see s. 58(2)(b) (4)(b)
- I114** Sch. 5 para. 4 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)

- 5 In section 28F, after subsection (11) insert—
- “(12) In relation to Wales this section has effect as if for subsections (10) and (11) there were substituted—
- “(10) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under this section

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in Wales as it applies in relation to a hearing or inquiry mentioned in that section.””

Commencement Information

I115 Sch. 5 para. 5 partly in force; Sch. 5 para. 5 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I116 Sch. 5 para. 5 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)

6 In section 28L, after subsection (13) insert—

“(14) In relation to Wales this section has effect as if for subsections (12) and (13) there were substituted—

“(12) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under this section in Wales as it applies in relation to a hearing or inquiry mentioned in that section.””

Commencement Information

I117 Sch. 5 para. 6 partly in force; Sch. 5 para. 6 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I118 Sch. 5 para. 6 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)

7 In Schedule 15, in paragraph 10A—

- (a) in sub-paragraph (1), after “8” insert “ in England ”;
- (b) in sub-paragraph (3), after “8” insert “ in England ”;
- (c) after sub-paragraph (3) insert—

“(4) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under paragraph 7 or 8 in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”

Commencement Information

I119 Sch. 5 para. 7 partly in force; Sch. 5 para. 7 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I120 Sch. 5 para. 7 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)

Town and Country Planning Act 1990 (c. 8)

8 TCPA 1990 is amended as follows.

Commencement Information

I121 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)

I122 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)

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

Commencement Information

I123 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)

I124 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

I125 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)

I126 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

I127 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)

I128 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 ”.

Commencement Information

I129 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)

I130 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”.

Changes to legislation: *Planning (Wales) Act 2015 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

- I131** 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)
- I132** 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

- I133** 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)
- I134** 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

- I135** 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)
- I136** 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.”;
- (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

- I137** 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)
- I138** 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)
- I139** 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)
- I140** 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)

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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

- I141** 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)
- I142** 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

- I143** 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)
- I144** Sch. 5 para. 18 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 4(c) (with art. 17)
- I145** 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)

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

19 The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

Commencement Information

- I146** Sch. 5 para. 19 partly in force; Sch. 5 para. 19 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I147** Sch. 5 para. 19 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 4(d) (with art. 17)
- I148** Sch. 5 para. 19 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)

20 In section 41, in subsection (8), after “any proceedings” insert “ in England ”.

Changes to legislation: *Planning (Wales) Act 2015 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

- I149** Sch. 5 para. 20 partly in force; Sch. 5 para. 20 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I150** Sch. 5 para. 20 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(e) (with art. 17)

21 (1) Section 89 is amended as follows.

(2) In subsection (1)—

- (a) in the entry relating to section 322, after “held” insert “ : England ”;
- (b) after the entry relating to section 322A, insert— “ section 322C (costs: Wales), ”;
- (c) in the entry relating to section 323, after “applications” insert “ : England ”;
- (d) after the entry relating to section 323, insert— “ section 323A (procedure for certain proceedings: Wales) ”.

(3) Omit subsection (1ZB).

Commencement Information

- I151** Sch. 5 para. 21 partly in force; Sch. 5 para. 21 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I152** Sch. 5 para. 21(1) in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 4(f) (with art. 17)
- I153** Sch. 5 para. 21(1)(2)(c)(d)(3) in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)
- I154** Sch. 5 para. 21(2)(a)(b) in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(f) (with art. 17)

22 In Schedule 3, 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.”;
- (c) in sub-paragraph (5), for “such inquiry” substitute “ inquiry held by virtue of this paragraph ”;
- (d) in sub-paragraph (8), after “proceedings” insert “ in England ”.

Commencement Information

- I155** Sch. 5 para. 22 partly in force; Sch. 5 para. 22 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I156** Sch. 5 para. 22 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(g) (with art. 17)

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

23 The Planning (Hazardous Substances) Act 1990 is amended as follows.

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Commencement Information

- I157** Sch. 5 para. 23 partly in force; Sch. 5 para. 23 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I158** Sch. 5 para. 23 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 4(h) (with art. 17)
- I159** Sch. 5 para. 23 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)

24 In section 25, in subsection (5), after “any proceedings” insert “ in England ”.

Commencement Information

- I160** Sch. 5 para. 24 partly in force; Sch. 5 para. 24 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I161** Sch. 5 para. 24 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(i) (with art. 17)

25 (1) Section 37 is amended as follows.

(2) In subsection (2)—

- (a) in the entry relating to section 322, after “held” insert “ : England ”;
- (b) after the entry relating to section 322A, insert— “ section 322C (costs: Wales) ”;
- (c) in the entry relating to section 323, after “applications” insert “ : England ”;
- (d) after the entry relating to section 323, insert— “ section 323A (procedure for certain proceedings: Wales) ”.

(3) Omit subsection (4).

Commencement Information

- I162** Sch. 5 para. 25 partly in force; Sch. 5 para. 25 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I163** Sch. 5 para. 25(1)(2)(a)(b) in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(j) (with art. 17)
- I164** Sch. 5 para. 25(2)(c)(d)(3) in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)

26 In the Schedule, 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.”;
- (c) in sub-paragraph (5), for “such inquiry” substitute “ inquiry held by virtue of this paragraph ”;
- (d) in sub-paragraph (8), after “proceedings” insert “ in England ”.

Commencement Information

- I165** Sch. 5 para. 26 partly in force; Sch. 5 para. 26 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I166** Sch. 5 para. 26 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 4(k) (with art. 17)

Changes to legislation: Planning (Wales) Act 2015 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Tribunals and Inquiries Act 1992 (c. 53)

- 27 In section 16 of the Tribunals and Inquiries Act 1992, in subsection (1), in the definition of “statutory inquiry”, after paragraph (b) insert— “ but does not include an inquiry or hearing held or to be held in Wales under any provision of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990, ”.

Commencement Information

- I167** Sch. 5 para. 27 partly in force; Sch. 5 para. 27 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I168 Sch. 5 para. 27 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(e)

SCHEDULE 6

(introduced by section 53(3))

TOWN AND VILLAGE GREENS: NEW SCHEDULE 1B TO THE COMMONS ACT 2006

Commencement Information

- I169** Sch. 6 partly in force; Sch. 6 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I170 Sch. 6 in force at 22.10.2018 in so far as not already in force by S.I. 2018/1022, art. 2(b) (with art. 3)

“SCHEDULE 1B

EXCLUSION OF RIGHT UNDER SECTION 15: WALES

Trigger events

1. An application for planning permission for development of the land is granted under the 1990 Act, or a direction that planning permission for development of the land is deemed to be granted is given under section 90 of that Act.

Terminating events

- (a) Where the planning permission is subject to a condition that the development to which it relates must be begun within a particular period, that period expires without the development having been begun.
- (b) On the expiry of the period specified in a completion notice, the planning permission ceases to have effect in relation to the land by virtue of section 95(4) of the 1990 Act.
- (c) An order made by the local planning authority or the Welsh Ministers under section 97 of the 1990 Act revokes the planning permission or modifies it so that it does not apply in relation to the land.
- (d) The planning permission is quashed by a court.

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- | | |
|---|---|
| <p>2. A local development order which grants planning permission for operational development of the land is adopted for the purposes of paragraph 3 of Schedule 4A to the 1990 Act.</p> | <ul style="list-style-type: none"> (a) The permission granted by the order for operational development of the land ceases to apply by virtue of a condition or limitation specified in the order under section 61C(1) of the 1990 Act. (b) A direction is issued under powers conferred by the order under section 61C(2) of the 1990 Act, with the effect that the grant of permission by the order does not apply to operational development of the land. (c) The order is revised under paragraph 2 of Schedule 4A to the 1990 Act so that it does not grant planning permission for operational development of the land. (d) The order is revoked under section 61A(6) or 61B(8) of the 1990 Act. (e) The order is quashed by a court. |
| <p>3. An order granting development consent for development of the land is made under section 114 of the 2008 Act.</p> | <ul style="list-style-type: none"> (a) The order granting development consent ceases to have effect by virtue of section 154(2) of the 2008 Act. (b) An order made by the Secretary of State under paragraph 2 or 3 of Schedule 6 to the 2008 Act changes the order granting development consent so that it does not apply in relation to the land. (c) An order made by the Secretary of State under paragraph 3 of Schedule 6 to the 2008 Act revokes the order granting development consent. (d) The order granting development consent is quashed by a court. |
-

Interpretation

- | | |
|---|--|
| 1 | <p>In this Schedule—</p> <p style="padding-left: 40px;">“operational development” means any development within the meaning of the 1990 Act other than development which consists only of the making of a material change in the use of any buildings or other land;</p> <p style="padding-left: 40px;">“the 1990 Act” means the Town and Country Planning Act 1990;</p> <p style="padding-left: 40px;">“the 2008 Act” means the Planning Act 2008.</p> |
| 2 | <p>An event specified in the entry in the second column of the Table corresponding to paragraph 2 is not a terminating event in circumstances where the local development</p> |

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order permits the completion of operational development of the land which began before the occurrence of the event.”

SCHEDULE 7

(introduced by section 55)

REGULATIONS AND ORDERS MADE BY WELSH MINISTERS

Regulations under PCPA 2004

- 1 (1) Section 122 of PCPA 2004 (regulations and orders) is amended as follows.
 - (2) In subsection (1)(b), for “National Assembly for Wales” substitute “Welsh Ministers”.
 - (3) In subsection (5)(g), for “National Assembly for Wales” substitute “Welsh Ministers”.
 - (4) After subsection (6) insert—
 - “(6A) Subsection (6) does not apply in relation to a statutory instrument containing subordinate legislation made by the Welsh Ministers.
 - (6B) The Welsh Ministers must not make a statutory instrument containing subordinate legislation which includes provision amending or repealing an enactment contained in primary legislation unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
 - (6C) A statutory instrument containing subordinate legislation made by the Welsh Ministers to which subsection (6B) does not apply is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
 - (5) After subsection (10) insert—
 - “(11) In subsection (6B), “primary legislation” means—
 - (a) an Act of Parliament;
 - (b) an Act or Measure of the National Assembly for Wales.”

- 2 In Schedule 11 to the Government of Wales Act 2006 (c. 32) (transitional provisions), in paragraph 35(4), in Table 2, omit the entries relating to PCPA 2004.

Regulations under TCPA 1990

- 3 In section 333 of TCPA 1990 (regulations and orders), after subsection (3A) insert—
 - “(3B) Subsection (3) does not apply to a statutory instrument containing regulations made by the Welsh Ministers.
 - (3C) A statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
 - (3D) Subsection (3C) does not apply to a statutory instrument if—

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- (a) it contains only regulations under section 88(7),
 - (b) it contains (whether alone or with other provision) regulations under section 315, or
 - (c) it is within subsection (3F).
- (3E) The Welsh Ministers may not make a statutory instrument within subsection (3F) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
- (3F) A statutory instrument is within this subsection if it contains (whether alone or with other provision) regulations under—
 - (a) section 9, if the regulations include provision amending an Act of Parliament or an Act or Measure of the National Assembly for Wales;
 - (b) section 62D(3);
 - (c) section 62H;
 - (d) section 116;
 - (e) section 303;
 - (f) section 303ZA;
 - (g) section 316, if the regulations relate to land of the Welsh Ministers or to the development of land by the Welsh Ministers;
 - (h) section 319ZB.”
- 4 (1) TCPA 1990 is further amended as follows.
 - (2) In section 116 (modification of compensation provisions in respect of mineral working etc)—
 - (a) in subsection (3), after “shall be made” insert “ by the Secretary of State ”;
 - (b) in subsection (4)—
 - (i) after “Secretary of State” insert “ or (as the case may be) the Welsh Ministers ”;
 - (ii) after “him” insert “ or them ”.
 - (3) In section 202A (tree preservation regulations: general), which is inserted by section 192(7) of the Planning Act 2008 (c. 29), omit subsections (6) and (7).
 - (4) In section 208 (appeals against notices under section 207), omit subsections (4B) and (4C).
 - (5) In section 303 (fees for planning applications etc)—
 - (a) in subsection (8)—
 - (i) after “under this section” insert “ by the Secretary of State ”;
 - (ii) omit the words after “each House of Parliament”;
 - (b) omit subsection (9).
 - (6) In section 303ZA (fees for appeals), which is inserted by section 200 of the Planning Act 2008—
 - (a) in subsection (6)—
 - (i) after “under this section” insert “ by the Secretary of State ”;
 - (ii) omit the words after “each House of Parliament”;
 - (b) omit subsection (7).

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- (7) In section 321B (special provision in relation to planning inquiries: Wales), omit subsection (6).

Orders under TCPA 1990

- 5 In section 59 of TCPA 1990 (development orders: general), after subsection (3) insert—

“(4) In this Act, references to a development order are—

- (a) in relation to England, references to a development order made by the Secretary of State;
- (b) in relation to Wales, references to a development order made by the Welsh Ministers.”

- 6 (1) Section 333 of TCPA 1990 is amended as follows.

(2) In subsection (4), after “power” insert “ of the Secretary of State ”.

(3) For subsection (4A) substitute—

“(4A) The power of the Welsh Ministers to make development orders and orders under sections 2(1B), 55(2)(f), 87(3), 149(3)(a), 293(1)(c) and 319B(9) is exercisable by statutory instrument.

(4B) A development order made by the Welsh Ministers may make different provision for different purposes, for different cases (including different classes of development) and for different areas.”

(4) In subsection (5)—

- (a) in paragraph (a), after “an order under” insert “ subsection (1) of ”;
- (b) in paragraph (b)—
 - (i) after “a development order” insert “ made by the Secretary of State ”;
 - (ii) after “an order” insert “ made by the Secretary of State ”;
 - (iii) omit “(unless it is made by the National Assembly for Wales)”.

(5) After subsection (5A) insert—

“(5B) A statutory instrument containing any of the following is subject to annulment in pursuance of a resolution of the National Assembly for Wales—

- (a) an order under subsection (1B) of section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section,
- (b) a development order made by the Welsh Ministers, or
- (c) an order under section 87(3) or 149(3)(a) made by the Welsh Ministers.

(5C) The Welsh Ministers may not make a statutory instrument containing an order under section 62L(9), 293(1)(c) or 319B(9) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.”

(6) In subsection (6)—

- (a) after “subsection (5)” insert “ or (5B) ”;

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- (b) after “each House of Parliament” insert “ (in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers) ”.

- 7 (1) TCPA 1990 is further amended as follows.
- (2) In section 78 (right to appeal against planning decisions and failure to take such decisions), omit subsections (4B) to (4D).
- (3) In section 195 (appeals against refusal or failure to give decision on application for certificate), omit subsections (1D) to (1F).
- (4) In section 293 (application of Act to Crown land: preliminary definitions), in subsection (5), after “order made” insert “ by the Secretary of State ”.
- (5) In section 319B (determination of procedure for certain proceedings), omit subsection (11).

Regulations and orders under the Commons Act 2006

- 8 (1) Section 59 of the Commons Act 2006 (c. 26) (orders and regulations) is amended as follows.
- (2) In subsection (3A), after “order under section 15C(5)” insert “ made by the Secretary of State ”.
- (3) After subsection (4) insert—
- “(5) A statutory instrument containing regulations under section 29(1) or an order under section 15C(5), 54 or 55 may not be made by the Welsh Ministers unless a draft has been laid before and approved by a resolution of the National Assembly for Wales.
- (6) Subject to subsection (5), a statutory instrument containing any order or regulations made under this Act by the Welsh Ministers other than an order under section 56 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- 9 In section 61(1) of that Act (interpretation), in the definition of “appropriate national authority”, for “National Assembly for Wales” substitute “ Welsh Ministers ”.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 39(3) omitted by [2023 asc 3 Sch. 13 para. 190](#)
- s. 47(3) omitted by [2023 asc 3 Sch. 13 para. 191](#)
- Sch. 5 para. 19-22 omitted by [2023 asc 3 Sch. 13 para. 192](#)
- Sch. 5 para. 19 cross-heading omitted by [2023 asc 3 Sch. 13 para. 192](#)