

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, Cross Heading: Planning. (See end of Document for details)

SCHEDULES

SCHEDULE 17

SAVINGS AND TRANSITIONAL PROVISIONS

PART II

TRANSITIONAL PROVISIONS

Planning

PROSPECTIVE

^{F1}13

Textual Amendments

^{F1} Sch. 17 para. 13 repealed (1.4.1997) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, Sch.

- 14 (1) This paragraph applies where an old authority have, by virtue of paragraph 5 of Schedule 17 to the 1972 Act, made arrangements which, immediately before 1st April 1996, are in force for the discharge of any of their functions through a National Park Committee.
- (2) The abolition of the old authority shall not affect the validity of anything done by the National Park Committee before the abolition of the authority.
- (3) Anything which, on 1st April 1996, is in the process of being done by or in relation to an old authority in the exercise of, or in connection with, any functions discharged through a National Park Committee may be continued by or in relation to the successor authority.
- (4) For the purposes of this paragraph “successor authority” means—
- (a) where a joint or special planning board is established for the area of the National Park in question, that board; and
 - (b) in any other case, the local planning authority by whom the functions become exercisable (acting through a National Park Committee).

Commencement Information

^{II} Sch. 17 para. 14 in force at 3.4.1995, see s. 66 and S.I. 1995/852, art. 9(1), Sch. 5 (subject to art. 9(2)-(5))

- 15 (1) This paragraph applies where, immediately before 1st April 1996—

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- (a) a planning obligation is in force, in relation to any land in Wales, under section 106 of the planning Act (planning obligations: general) or any provision in any earlier enactment from which that provision was derived; and
 - (b) the enforcing authority are the county planning authority or the district planning authority for the area in which the land is situated.
- (2) On and after 1st April 1996 the enforcing authority shall be the new planning authority and—
- (a) the provision in the instrument by which the planning obligation was entered into identifying the enforcing authority in accordance with section 106(9)(d) shall be read as if it instead so identified the new planning authority, and
 - (b) section 106 shall have effect accordingly.
- (3) In this paragraph—
- “enforcing authority” means the authority by whom the obligation is enforceable;
- “new planning authority” means—
- (a) the local planning authority who are a county council, county borough council, joint planning board or special planning board in whose area that land becomes situated on 1st April 1996; but
 - (b) where a part of the land becomes situated in the area of each of two or more such authorities, such of those authorities as they may agree between them, or, in default of agreement, as may be determined by the Secretary of State.
- (4) This paragraph has effect in relation to planning obligations entered into under section 299A of the planning Act (Crown planning obligations) as it has effect in relation to planning obligations entered into under section 106 of that Act, but as if for references to section 106, and to subsection (9)(d) of that section, there were substituted references to section 299A of that Act, and to subsection (2)(d) of section 299A, respectively.

Modifications etc. (not altering text)

C1 Sch. 17 para. 15 applied (with modifications) (23.11.1995) by S.I. 1995/2803, art. 17, Sch. 4

- 16 (1) Except as provided by section 287 of the planning Act (proceedings for questioning validity of development plans) as applied by this paragraph, the validity of—
- (a) a modified plan, or
 - (b) any alteration made to or replacement of a local plan, a minerals local plan, a waste local plan or a structure plan under Part III of Schedule 5,
- whether before or after the plan, alteration or replacement has been approved or adopted, shall not be questioned in any legal proceedings.
- (2) Section 287 of the planning Act applies in relation to any such plan, alteration or replacement as it applies in relation to—
- (a) a local plan, minerals local plan, or waste local plan adopted or approved, or
 - (b) any alteration made to or replacement of any such plan or a structure plan, before 1st April 1996, but with the omission of subsection (3) and as modified by sub-paragraphs (3) to (5).

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- (3) Subsection (1)(a) shall apply as if after “Part II” there were inserted “ or by or under Part III of Schedule 5 to the Local Government (Wales) Act 1994 ”.
 - (4) Subsections (1)(b) and (2)(b) shall apply as if any reference to Part II of the planning Act included a reference to Part III of Schedule 5.
 - (5) Subsection (5)(a) shall apply as if for “under section 26 or, as the case may be, section 53” there were substituted “ under Part III of Schedule 5 to the Local Government (Wales) Act 1994 ”.
 - (6) Terms used in this paragraph have the same meanings as they have in Part III of Schedule 5.
- 17 (1) In section 306 of the planning Act (contributions by local authorities and statutory undertakers), subsection (2)(a) applies—
- (a) in relation to the preparation of a modified plan as it applies in relation to the preparation of a local plan; and
 - (b) as if the reference to Part II of the planning Act included a reference to Part III of Schedule 5.
- (2) In section 324 of the planning Act (rights of entry), subsection (1)(a) applies—
- (a) in relation to a modified plan as it applies in relation to a local plan; and
 - (b) as if any reference to Part II of the planning Act included a reference to Part III of Schedule 5.
- (3) In this paragraph “modified plan” has the meaning given by paragraph 11 of Schedule 5.

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