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**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Wales) Act 1994, SCHEDULE 5. (See end of Document for details)

## SCHEDULES

VALID FROM 01/04/1996

### SCHEDULE 5

Section 20(3).

#### UNITARY DEVELOPMENT PLANS IN WALES

#### PART I

##### MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 Part II of the planning Act is amended as provided in this Part of this Schedule.
- 2 In section 12 (preparation of unitary development plan), at the end add—
- “(11) Any provision made by regulations under this section in its application by virtue of section 10 may differ from that made under this section in its application by virtue of section 10A.”
- 3 In sections 15 and 18 (adoption of unitary development plan by local planning authority, and calling in of unitary development plan for approval by Secretary of State), in subsection (3) in each case, after “unitary development plan” insert “for an area in England”.
- 4 After section 23 (joint unitary development plans), insert the following sections—
- “23A Joint unitary development plans: Wales.**
- (1) A joint unitary development plan or joint proposals for the alteration or replacement of such a plan may be prepared by two or more local planning authorities in Wales for their areas if—
- (a) each of those areas adjoins each of the others; or
- (b) the Secretary of State has given his approval.
- (2) Subsection (1) does not apply in relation to a joint plan for any area which consists of or includes a National Park.
- (3) The previous provisions of this Chapter shall, in relation to any joint plan or proposals of a kind mentioned in subsection (1), have effect subject to the following provisions of this section.
- (4) Each of the local planning authorities by whom a joint unitary development plan is prepared shall have the duty imposed under section 13(2) of making copies of the plan available for inspection.

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- (5) Objections to such a plan may be made to any of those authorities and the statement required by section 13(3) to accompany copies of the plan shall state that objections may be so made.
- (6) It shall be for each of the local planning authorities by whom a joint unitary development plan is prepared to adopt the plan under section 15(1) and, subject to the provisions of this Chapter, they may do so as respects the part of their area to which the plan relates, but any modifications subject to which the plan is adopted must have the agreement of all those authorities.
- (7) Where a unitary development plan has been prepared jointly, the power of preparing proposals in respect of the plan under section 21 may be exercised as respects their respective areas by any of the authorities by whom it was prepared and the Secretary of State may under that section direct any of them to prepare proposals as respects their respective areas.
- (8) The date of the coming into operation of a unitary development plan prepared jointly by two or more local planning authorities or for the alteration or replacement of such a plan in pursuance of proposals so prepared shall be a date jointly agreed by those authorities.

#### *National Parks in Wales*

### **23B Unitary development plans for National Parks in Wales.**

- (1) A unitary development plan shall be prepared for each National Park in Wales.
- (2) A Welsh National Park development plan shall relate to an area prescribed in relation to the National Park in question by order made by the Secretary of State.
- (3) The prescribed area in relation to a National Park which falls wholly within, but does not comprise the whole of, the area of a single local planning authority shall be—
  - (a) where the local planning authority have so elected, the whole of the area of the local planning authority; and
  - (b) in any other case—
    - (i) the whole of the area of the National Park; or
    - (ii) a composite area.
- (4) The prescribed area in relation to any other Welsh National Park shall be—
  - (a) the whole of the area of the National Park; or
  - (b) a composite area.
- (5) For the purposes of this section and section 23C, “composite area”, in relation to a National Park, means an area which consists of the whole of the Park together with any one or more other areas in Wales.

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- (6) The Secretary of State shall not under subsection (2) prescribe an area which is a composite area except with the consent of every local planning authority in whose area the prescribed area or any part of it would fall.
- (7) Any order made by the Secretary of State under subsection (2) may make such saving or transitional provision as he considers appropriate.
- (8) Where, by an order under subsection (2), the Secretary of State prescribes a composite area which comprises or includes part only of the area of a local planning authority, the provisions of this Chapter shall apply in relation to—
  - (a) the Welsh National Park development plan in question, or
  - (b) any proposals for its alteration or replacement,subject to such modifications, if any, as may be prescribed by the order.
- (9) Subsections (3) and (4) of section 10A do not apply for the purposes of—
  - (a) subsection (3) or (8) of this section, or
  - (b) section 23C(1), (2) or (4).
- (10) For the purposes of this Act, “Welsh National Park development plan” means a unitary development plan prepared for a National Park in Wales.

### **23C Joint unitary development plans for National Parks in Wales.**

- (1) A Welsh National Park development plan for a National Park which neither coincides with nor falls wholly within the area of a single local planning authority shall be a joint unitary development plan.
- (2) A Welsh National Park development plan for any other National Park shall be a joint unitary development plan if it relates to a composite area unless the composite area coincides with or falls wholly within the area of a single local planning authority.
- (3) Any Welsh National Park development plan which is required to be a joint plan shall be prepared by the authorities who will be the appropriate authorities in relation to the plan.
- (4) For the purposes of this section, an authority are an appropriate authority in relation to a joint plan if—
  - (a) they are a local planning authority; and
  - (b) their area or any part of their area falls within the area to which the plan relates.
- (5) Any proposals prepared under section 21 for the alteration or replacement of a joint plan of a kind mentioned in subsection (1) or (2) shall be joint proposals prepared by the appropriate authorities in relation to that plan, and any direction given by the Secretary of State under that section in relation to that plan shall be given jointly to those authorities.
- (6) Subsections (3) to (6) and (8) of section 23A apply in relation to any joint plan or proposals of a kind mentioned in subsection (1), (2) or (5) as they apply in relation to any joint plan or proposals of a kind mentioned in section 23A(1).”

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5 In section 26 (regulations and directions), after subsection (3) insert—  
 “(3A) Any provision made by regulations under this section in its application  
 by virtue of section 10 may differ from that made under this section in its  
 application by virtue of section 10A.”

6 After section 27 insert the following section—

**“27A Meaning of “development plan” in relation to Wales.**

For the purposes of the enactments mentioned in section 27, the  
 development plan for any area in Wales shall be taken as consisting of—

- (a) the provisions of the unitary development plan for the time being  
 in force for that area, together with a copy of the relevant local  
 planning authority’s resolution of adoption or of the Secretary  
 of State’s notice of approval or, where part of the plan has been  
 adopted and the remainder approved, copies of the resolution and  
 the notice; and
- (b) any alteration to that plan, together with a copy of the relevant  
 local planning authority’s resolution of adoption, or the Secretary  
 of State’s notice of approval, of the alteration or, where part of the  
 alteration has been adopted and the remainder approved, copies  
 of the resolution and the notice.”

7 For section 29 (application of Chapter II to non-metropolitan areas), substitute—

**“29 Application of Chapter II to non-metropolitan areas in England.**

- (1) This Chapter applies only to—
  - (a) the area of any local planning authority in England outside  
 Greater London and the metropolitan counties; and
  - (b) any part of a National Park in a metropolitan county in England.
- (2) Subsection (1) is subject to the transitional provisions in—
  - (a) Schedule 2; and
  - (b) Part III of Schedule 5 to the Local Government (Wales) Act  
 1994.”

**PART II**

COMMENCEMENT OF UNITARY DEVELOPMENT PLANS

8 In Schedule 2 to the planning Act (development plans: transitional provisions),  
 after Part I insert—

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## “PART IA

### WALES

#### *Continuation of structure, local and old development plans*

- 1 (1) Every existing plan which relates to any part of Wales shall continue in force on and after 1st April 1996.
- (2) When a unitary development plan has become fully operative for the area of a local planning authority in Wales—
- (a) any existing plan which is for the time being in force; and
  - (b) any interim plan,
- shall cease to have effect in respect of its plan area to the extent that it is comprised in the area of that local planning authority.
- (3) Any existing plan or interim plan shall, while it continues in force in respect of the area, or part of the area, of any local planning authority in Wales, be treated for the purposes of—
- (a) this Act,
  - (b) any other enactment relating to town and country planning,
  - (c) the <sup>M1</sup>Land Compensation Act 1961, and
  - (d) the <sup>M2</sup>Highways Act 1980,
- as being, or as being comprised in, the development plan in respect of that area or, as the case may be, that part of that area.
- (4) Sub-paragraphs (1) to (3) have effect subject to the provisions of this Part of this Schedule and the 1994 Act transitional provisions.
- (5) In this paragraph—
- “the 1994 Act transitional provisions” means the provisions of Part III of Schedule 5 to the Local Government (Wales) Act 1994;
  - “existing plan” means a—
    - (a) structure plan;
    - (b) local plan; or
    - (c) old development plan,to the extent that it was in force in respect of any area in Wales immediately before 1st April 1996 (and includes any alteration made to, or replacement of, the plan after that date under the 1994 Act transitional provisions);
  - “interim plan” means any modified plan (within the meaning of the 1994 Act transitional provisions) which comes into force in respect of any area in Wales on or after 1st April 1996 under those provisions;
  - “old development plan” means any plan which was in force immediately before 1st April 1996 by virtue of

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Schedule 7 to the <sup>M3</sup>Town and Country Planning Act 1971 and Part III of this Schedule; and

“plan area”, in relation to an existing plan or interim plan, means the area in respect of which it was in force immediately before 1st April 1996 or, as the case may be, comes into force on or after that date.

*Revocation of structure plan*

- 2 (1) Where under Chapter I of Part II of this Act the Secretary of State approves all or any of Part I of a unitary development plan for the whole or part of the area of a local planning authority in Wales (“the relevant whole or part area”), he may by order—
- (a) wholly or partly revoke an existing plan which is a structure plan in respect of the plan area, to the extent that it is comprised in the relevant whole or part area or any part of it; and
  - (b) make such consequential amendments to that existing plan as appear to him to be necessary or expedient.
- (2) Before making an order under this paragraph, the Secretary of State shall consult the local planning authority for the area to which the unitary development plan relates.

*Incorporation of current policy in unitary development plan*

- 3 (1) This paragraph applies where—
- (a) a unitary development plan is being prepared for the area of a local planning authority in Wales;
  - (b) the local planning authority preparing that plan have published in the prescribed manner a statement in the prescribed form identifying a policy included in the plan as an existing policy;
  - (c) one or more local plans is or, as the case may be, are together in force throughout the policy area; and
  - (d) a local inquiry or other hearing is held for the purpose of considering any objection to the plan.
- (2) The person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that—
- (a) the objection is to a policy identified in the statement published under sub-paragraph (1)(b);
  - (b) the policy so identified is an existing policy; and
  - (c) there has been no significant change in circumstances affecting the existing policy since it first formed part of any plan mentioned in sub-paragraph (1)(c).
- (3) In this paragraph—
- “existing policy” means a policy the substance of which (however expressed) was contained in the local plan or local plans mentioned in sub-paragraph (1)(c);
  - “policy” includes a proposal; and

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“policy area” means so much of the area of the local planning authority to which the policy concerned relates.

*Meaning of “local plan”*

- 4 In this Part of this Schedule, “local plan” includes—
- (a) a minerals local plan;
  - (b) a waste local plan;
  - (c) a local plan adopted or approved before the commencement of Part I of Schedule 4 to the <sup>M4</sup>Planning and Compensation Act 1991 or under Part III of that Schedule.”

**Marginal Citations**

- M1** 1961 c. 33.
- M2** 1980 c. 66.
- M3** 1971 c. 78.
- M4** 1991 c. 34.

**PART III**

TRANSITIONAL PROVISIONS

**Modifications etc. (not altering text)**

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

*Introductory*

- 9 (1) The provisions of this Part of this Schedule apply in relation to the area of any local planning authority in Wales during the period—
- (a) beginning on 1st April 1996, and
  - (b) ending when a unitary development plan has become fully operative for that area.
- (2) For the purposes of sub-paragraph (1), a unitary development plan for the area of a local planning authority in Wales has become fully operative—
- (a) when it has become operative under Chapter I of Part II of the planning Act; or
  - (b) where different parts of it have become operative at different times, when all parts of it have become so operative.
- (3) Sub-paragraphs (4) and (5) apply where the area of a local planning authority in Wales includes—
- (a) the whole or any part of an area prescribed under section 23B(2) of the planning Act in relation to a National Park, and
  - (b) other land.

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	<p>(4) The provisions of this Part of this Schedule apply separately in relation to—</p> <ul style="list-style-type: none"> <li>(a) the Park area or, if there is more than one, each Park area, and</li> <li>(b) the remaining area.</li> </ul> <p>(5) Any reference in this Part of this Schedule to the area of the local planning authority (including any reference which falls to be so construed) shall be construed—</p> <ul style="list-style-type: none"> <li>(a) in its application in relation to any Park area, as a reference to that Park area, and</li> <li>(b) in its application in relation to the remaining area, as a reference to that area.</li> </ul> <p>(6) In this paragraph—</p> <p style="padding-left: 40px;">“the Park area”, in relation to a National Park, means the part of the local planning authority’s area which is within the area prescribed under section 23B(2) of the planning Act in relation to that Park or, where there is more than one such part, those parts taken as a whole;</p> <p style="padding-left: 40px;">“the remaining area” means the part of the local planning authority’s area which is not within an area so prescribed in relation to any National Park.</p> <p style="text-align: center;"><i>Application in relation to National Parks</i></p>
10	<p>The functions of a local planning authority under this Part of this Schedule are functions to which Part I of Schedule 17 to the 1972 Act (discharge of planning and countryside functions in National Parks) applies.</p> <p style="text-align: center;"><i>Interpretation</i></p>
11	<p>(1) In this Part of this Schedule—</p> <p style="padding-left: 40px;">“affected area”, in relation to a new planning authority, means—</p> <ul style="list-style-type: none"> <li>(a) in the case of a required plan (or proposed required plan) or a structure plan, the plan area, and</li> <li>(b) in the case of alteration proposals or structure plan alteration proposals, the related area,</li> </ul> <p style="padding-left: 40px;">to the extent that, on 1st April 1996, it became comprised in the area of the new planning authority;</p> <p style="padding-left: 40px;">“alteration proposals” means proposals for the alteration or replacement of a required plan (or of a plan which is treated as such a plan by virtue of paragraph 44(2) of Schedule 4 to the <sup>M5</sup>Planning and Compensation Act 1991)—</p> <ul style="list-style-type: none"> <li>(a) previously permitted to be prepared under section 39(1) of the planning Act; or</li> <li>(b) previously required to be prepared by a direction of the Secretary of State under section 39(2) of that Act;</li> </ul> <p style="padding-left: 40px;">“modified plan”, in relation to a required plan (or proposed required plan) and any area, means that plan to the extent that it relates or is to relate to the area;</p> <p style="padding-left: 40px;">“modified proposals”, in relation to alteration proposals and any area, means those proposals to the extent that they relate or are to relate to the area;</p>



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

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

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

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

“previously” means immediately before 1st April 1996;

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

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

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

became comprised on 1st April 1996;

“required plan” means—

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

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

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

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

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

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

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

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

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### Marginal Citations

M5 1991 c. 34.

### *Preparation of modified schemes*

- 12 (1) Where any planning scheme was previously in course of preparation, any relevant authority may submit to the Secretary of State a request for approval to prepare a modified scheme for the affected area.
- (2) The Secretary of State may approve any such request if he is satisfied that the planning scheme was previously in course of preparation in relation to the affected area, and that—
- (a) it is expedient that preparation of the planning scheme be continued in the preparation of the modified scheme;
  - (b) continued preparation of the planning scheme in relation to the affected area is likely to be of assistance to the new planning authority in preparing the unitary development plan for their area; or
  - (c) the adoption or approval of a modified scheme is otherwise expedient or desirable.
- (3) Any approval under sub-paragraph (2)—
- (a) may be given subject to such conditions as the Secretary of State thinks fit, including conditions as to the period within which the modified scheme is to be prepared and a copy of it submitted to him;
  - (b) may be accompanied by a direction modifying in such manner, and for such period, as the Secretary of State thinks fit the duty of the new planning authority to prepare a unitary development plan under Chapter I of Part II of the planning Act.
- (4) Where the Secretary of State gives a direction under sub-paragraph (3)(b), Chapter I of Part II of the planning Act shall have effect in relation to the new planning authority subject to that direction.
- (5) Where a planning scheme for any area in Wales had previously been prepared but not adopted or approved under Chapter II of Part II of the planning Act, the Secretary of State may, on an application made to him by a relevant authority, give permission to prepare a modified scheme for the affected area.
- (6) The Secretary of State shall, whenever he gives any approval under sub-paragraph (2) or permission under sub-paragraph (5), direct that such of—
- (a) the provisions of Chapter II of Part II of the planning Act, and
  - (b) any regulations made under any provision of that Chapter,
- as may be specified in the direction shall apply for the purpose of the preparation, adoption or approval of the modified scheme in relation to the affected area.
- (7) The provisions applied by a direction under sub-paragraph (6)—
- (a) may include any requirement with respect to a modified scheme (or its preparation) corresponding to one already satisfied with respect to the planning scheme;
  - (b) may be applied subject to such modifications as may be specified in the direction; and

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(c) may be applied for such limited period (if any) as may be specified in the direction.

(8) For the purposes of this paragraph—

“planning scheme” means a required plan, alteration proposals or structure plan alteration proposals; and

“modified scheme”, in relation to a planning scheme—

(a) which is a required plan, means a modified plan,

(b) which consists of alteration proposals, means modified proposals,

(c) which consists of structure plan alteration proposals, means modified structure plan proposals.

#### *Default powers*

13 (1) This paragraph applies where—

(a) a new planning authority have been given approval or permission under paragraph 12(2) or (5);

(b) the Secretary of State has required that proposals for a modified plan or modified proposals or modified structure plan proposals be submitted to him; or

(c) a new planning authority have prepared, but have not adopted, a modified plan, modified proposals or modified structure plan proposals.

(2) Where this paragraph applies—

(a) if at any time the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the new planning authority are not taking the steps necessary to enable them to submit or adopt the proposals for a modified plan or the modified proposals or modified structure plan proposals within a reasonable period, or

(b) in a case where a condition was imposed in the approval given under paragraph 12(2) for the submission of a copy of the plan or proposals within a specified period, if that copy has not been submitted within that period,

the Secretary of State may take such steps, which may include the alteration of any plan, as he thinks fit.

(3) The provisions of Chapter II of Part II of the planning Act shall, so far as applicable, apply with any necessary modifications in relation to the doing of anything under this paragraph by the Secretary of State and the thing so done.

(4) The new planning authority shall on demand repay to the Secretary of State so much of any expenses incurred by him in connection with the doing of anything which should have been done by them as he certifies to have been incurred by him in the performance of their functions.

#### *Effect of adoption or approval of modified plan*

14 (1) Upon the adoption or approval of a modified plan for which the related required plan was previously the only required plan or the last of the required plans for the affected area—

(a) any local plan which was continued in operation in relation to that area by paragraph 44(1) of Schedule 4 to the <sup>M6</sup>Planning and Compensation Act 1991 (a “saved local plan”), and

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- (b) any plan which was previously in force by virtue of Schedule 7 to the <sup>M7</sup>Town and Country Planning Act 1971 and Part III of Schedule 2 to the planning Act (an “old development plan”), shall cease to have effect in relation to that area.
- (2) If the Secretary of State so directs, any specified provisions of a saved local plan or of an old development plan shall continue in operation—
- (a) for such period as may be specified or determined in accordance with the direction;
  - (b) in relation to the affected area or any specified part of the affected area to which the saved local plan or the old development plan relates.
- (3) The Secretary of State may at any time revoke any direction given under sub-paragraph (2).
- (4) Before giving or revoking any such direction the Secretary of State shall consult the new planning authority.
- (5) Any provision of a saved local plan or old development plan in force for any area in Wales by virtue of a direction under this paragraph shall have effect subject to the provisions of any modified plan in force for that area.
- (6) For the purposes of this paragraph, “specified” means specified in the direction given under sub-paragraph (2).

#### **Marginal Citations**

**M6** 1991 c. 34.

**M7** 1971 c. 78.

#### *Other plans to prevail over old development plans and saved local plans*

- 15 (1) Where an old development plan is in force for any area in Wales, the provisions of—
- (a) any structure plan,
  - (b) any part of the unitary development plan, or
  - (c) any local plan,
- in force in respect of that area shall, to the extent that they conflict with it, prevail over any provision of the old development plan for the purposes of Parts III, V, VI, VII, VIII and IX of the planning Act, the <sup>M8</sup>Planning (Listed Buildings and Conservation Areas) Act 1990 and the <sup>M9</sup>Planning (Hazardous Substances) Act 1990.
- (2) Where a saved local plan is in force in respect of any area in Wales, the provisions of—
- (a) any local plan, minerals local plan, or waste local plan,
  - (b) any part of a unitary development plan,
- in force in that area shall, to the extent that they conflict with it, prevail for all purposes over any provision of the saved local plan.

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#### Marginal Citations

M8 1990 c. 9.

M9 1990 c. 10.

#### *Local plans to prevail over structure plans*

- 16 (1) The provisions of a local plan in force by virtue of paragraph 1 of Part IA of Schedule 2 to the planning Act (continuation of structure, local and old development plans) for any area in Wales prevail for all purposes over any conflicting provisions in the structure plan so in force for that area unless the local plan is one which—
- (a) before 1st April 1996 had been stated under section 35C of the planning Act not to be in general conformity with the structure plan; and
  - (b) has been neither altered nor replaced after the statement was supplied.
- (2) Where, in relation to a modified plan in force for any area in Wales, the required plan was a local plan, the provisions of that modified plan prevail for all purposes over any conflicting provisions in the structure plan in force for that area.

#### *Development plans for compensation purposes*

- 17 (1) This paragraph applies where, in relation to any area in Wales, there is no local plan in force.
- (2) For any of the purposes of the <sup>M10</sup>Land Compensation Act 1961, the development plan or current development plan shall as respects that area be taken as being—
- (a) if any part of the unitary development plan is in force for that area, that part of that plan; or
  - (b) if no part of such a plan is in force for that area, whichever of the structure plan and the old development plan (if any) in force for that area gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land in question.
- (3) For any of the purposes of the Act of 1961, land situated in an area defined in the current development plan as an area of comprehensive development (“the defined area”) shall be taken to be situated in whichever of the following areas leads to such assumptions as are mentioned in sub-paragraph (2)(b)—
- (a) any area which is wholly or partly within the defined area and is selected by the structure plan as an action area; and
  - (b) the area so defined in the old development plan.

#### Marginal Citations

M10 1961 c. 33.

#### *Revocation of old development plan*

- 18 The Secretary of State may, after consultation with a new planning authority, by order wholly or partly revoke an old development plan continued in force under paragraph 1 of Part IA of Schedule 2 to the planning Act in respect of the whole

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or any part of so much of the area to which it relates as is comprised in the area of the new planning authority.

*Temporary duty in relation to existing structure plan*

- 19 It is the duty of a local planning authority in Wales, when exercising their functions under section 70 of the planning Act (determination of applications for planning permission) in relation to an application for planning permission, to seek the achievement of the general objective of the structure plan (if any) for the time being in force in their area (or, where different structure plans apply in respect of different parts of their area, in that part of their area to which the application relates).

*Unitary development plan to prevail over other plans*

- 20 Where a unitary development plan is operative in part, but has not become fully operative, in the area of a new planning authority, to the extent that they conflict with any provision of any—

- (a) structure plan,
- (b) local plan,
- (c) minerals local plan,
- (d) waste local plan, or
- (e) modified plan,

in force for that area or any part of it, the provisions of the unitary development plan shall prevail for the purposes of Parts III, V, VI, VII, VIII and IX of the planning Act and of the <sup>M11</sup>Planning (Listed Buildings and Conservation Areas) Act 1990 and the <sup>M12</sup>Planning (Hazardous Substances) Act 1990.

**Marginal Citations**

**M11** 1990 c. 9.

**M12** 1990 c. 10.

*Planning blight: structure plans*

- 21 (1) Paragraph 1 of Schedule 13 to the planning Act (blighted land) shall apply with the omission of Notes (2), (5A) and (7) and as modified by sub-paragraphs (2) to (6).
- (2) References to a structure plan in force for the district in which land is situated are to be read as if they were references to a structure plan in force where that land is situated by virtue of Part IA of Schedule 2 to the planning Act.
- (3) Note (1) to that paragraph shall apply as if—
- (a) in paragraph (a), after “inspection” there were inserted “ before 1st April 1996 ” and at the end there were added “ and not withdrawn before that date ”;
  - (b) after that paragraph there were inserted—
    - “(aa) modified structure plan proposals made available for inspection under that section as it is applied by virtue of Part III of Schedule 5 to the Local Government (Wales) Act 1994;”;

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(c) in paragraph (b), after “published” there were inserted “ either before 1st April 1996 ” and at the end there were added “ or after that date in accordance with regulations or a direction made by virtue of that Part of that Schedule ”.

(4) Note (3) to that paragraph shall apply as if, after paragraph (b), there were inserted—

“or

(c) copies of the unitary development plan for the area in which the land is situated have been made available under section 13(2).”.

(5) Note (4) to that paragraph shall apply as if at the end there were added “ or paragraph 13 of Schedule 5 to the Local Government (Wales) Act 1994 ”.

(6) In Note (5) to that paragraph—

(a) the reference to a local plan is to be read as if it were a reference to—

(i) a local plan within the meaning of paragraph 4 of Part IA of Schedule 2 to the planning Act; or

(ii) a modified plan in force where that land is situated; and

(b) any reference to a district for which a local plan is in operation is to be read as if it were a reference to the area in which the plan mentioned in paragraph (a)(i) or (ii) is in force by virtue of Part IA of Schedule 2 to the planning Act.

*Planning blight: local plans and modified plans*

22 (1) Paragraph 2 of Schedule 13 to the planning Act (blighted land) shall apply as modified by sub-paragraphs (2) to (5).

(2) Paragraph (a) shall apply as if for “for the district” there were substituted “ where the land is situated ”.

(3) Note (1) to that paragraph shall apply as if—

(a) for the words from “includes a reference” to “also” there were substituted “ is a reference to a local plan within the meaning of paragraph 4 of Part IA of Schedule 2 or a modified plan within the meaning of Part III of Schedule 5 to the Local Government (Wales) Act 1994, and, until copies of the unitary development plan for the area in which the land is situated have been made available under section 13(2), ”;

(b) in paragraph (a), after “proposals have” there were inserted “ before 1st April 1996 ”, and after “1991” there were inserted “ and not withdrawn before that date ”; and

(c) in paragraph (b)—

(i) after “published” there were inserted “ either before 1st April 1996 ”, and

(ii) at the end of that paragraph there were added “ or after that date in accordance with regulations or a direction made by virtue of Part III of Schedule 5 to the Local Government (Wales) Act 1994 ”.

(4) Note (3) to that paragraph shall apply as if, in paragraph (b), the words “the local planning authority decide to abandon” were omitted.

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- (5) Note (4) to that paragraph shall apply as if, at the end, there were added “or paragraph 13 of Schedule 5 to the Local Government (Wales) Act 1994”.

*Regulations and directions*

- 23 (1) The Secretary of State may by regulations make provision corresponding to any provision which he could previously have made by regulations under any provision of Chapter II of Part II of the planning Act.
- (2) The Secretary of State may by regulations provide for—
- (a) any regulations made or directions given under any provision of that Chapter and previously in force to continue to apply for such period as may be prescribed; and
  - (b) any regulations made under sub-paragraph (1) or applied under paragraph (a) or by or under any other provision of this Schedule to apply in relation to—
    - (i) modified plans, modified proposals or, as the case may be, modified structure plan proposals, or
    - (ii) the preparation of any such plan or proposals, subject to such modifications (if any) as may be prescribed.
- (3) The Secretary of State may by a direction given under this paragraph make provision corresponding to any provision which he could previously have made by a direction given under any provision of Chapter II of Part II of the planning Act.
- (4) Any power exercisable by virtue of sub-paragraph (1) or (3) to make regulations or give a direction in relation to required plans, proposals for the alteration or replacement of a required plan or structure plan, or the preparation of any such plan or proposals, shall be exercisable, with the necessary modifications, in relation to—
- (a) modified plans, modified proposals or, as the case may be, modified structure plan proposals, or
  - (b) the preparation of any such plan or proposals.



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