



# Local Government (Wales) Act 1994

## 1994 CHAPTER 19

### PART II

#### FUNCTIONS

##### *Planning*

#### **18 New principal councils to be local planning authorities in Wales.**

- (1) In this Act references to the planning Act are references to the <sup>M1</sup>Town and Country Planning Act 1990.
- (2) Section 1 of the planning Act (local planning authorities) is amended as follows.
- (3) After subsection (1), insert—
  - “(1A) Subsection (1) does not apply in relation to Wales.
  - (1B) In Wales—
    - (a) the local planning authority for a county is the county council; and
    - (b) the local planning authority for a county borough is the county borough council.”
- (4) After subsection (4), insert—
  - “(4A) Subsection (4) does not apply in relation to Wales.
  - (4B) As to any site in Wales, the local planning authority is also the mineral planning authority.”
- (5) At the end of the section add—
  - “(6) The exercise, in relation to Wales, of functions conferred on local planning authorities is subject to section 4(3) and Schedule 1A.”
- (6) In subsection (3), omit the words “and in Wales” and in subsection (5)—

*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)*

- (a) in paragraph (a), for “subsections (1) to (4) have” substitute “ this section has ”; and
- (b) in paragraph (b), for “(1) and (2)” substitute “ (1) to (2) ”.

(7) Schedule 4 inserts a new Schedule 1A in the planning Act.

**Commencement Information**

**II** S. 18 wholly in force at 1.4.1996; s. 18 not in force at Royal Assent see s. 66; s. 18(1)-(6) in force at 3.4.1995 for certain purposes and 1.4.1996 insofar as not already in force by S.I. 1995/852, art. 4(1), Sch. 2 (subject to art. 4(2)-(6)); s. 18(7) in force at 1.4.1996 by S.I. 1995/3198, art. 4, Sch. 2

**Marginal Citations**

**M1** 1990 c. 8.

**19 Joint and special planning boards in Wales.**

(1) In section 2 of the planning Act (joint planning boards), after subsection (1) insert—

“(1A) Subsection (1) does not apply in relation to Wales.

(1B) If it appears to the Secretary of State that it is expedient that a joint board should be established as the local planning authority for two or more areas, each of which is the whole or part of a Welsh county or county borough, he may by order—

- (a) constitute those areas or parts as a united district for the purposes of this Act; and
- (b) constitute a joint board as the local planning authority for that united district.

(1C) A joint board constituted under subsection (1) or (1B) shall be known as a “joint planning board”.

<sup>F1</sup>(2) .....

<sup>F1</sup>(3) .....

(4) In section 2 of the planning Act—

- (a) in subsection (1), omit the words “(in this Act referred to as a “joint planning board”)”;
- (b) in subsection (2), for the words “such an order” substitute “ an order under subsection (1) or (1B) ”;
- (c) in subsection (3), after “county” insert “ or county borough ” (in both places); and
- (d) in subsection (4), after “(1)” insert “ or (1B) ”.

**Textual Amendments**

**F1** S. 19(2)(3) repealed (1.4.1997) by 1995 c. 25, s. 120, Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, Sch.

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## **20 Unitary development plans and National Parks.**

(1) After section 10 of the planning Act (application of Chapter I), insert—

### **“10A Application of Chapter I in relation to Wales.**

- (1) This Chapter also applies to the area of any local planning authority in Wales.
- (2) Subsections (3) and (4) 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) in relation to a National Park, and
  - (b) other land.
- (3) The provisions of this Chapter apply separately in relation to—
  - (a) the Park area or, if there is more than one, each Park area, and
  - (b) the remaining area.
- (4) Any reference in any of the following sections of this Chapter to the area of the local planning authority (including any reference which falls to be so construed) shall be construed—
  - (a) in its application in relation to any Park area, as a reference to that Park area, and
  - (b) in its application in relation to the remaining area, as a reference to that area.
- (5) In this section—

“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) in relation to that Park or, where there is more than one such part, those parts taken as a whole;

“the remaining area” means the part of the local planning authority’s area which is not within the area so prescribed in relation to any National Park.”

(2) In Chapter I of Part II of the planning Act, insert after section 28—

### **“28A Application of Chapter I in relation to Wales: transitional provisions.**

- (1) Until a unitary development plan becomes fully operative for the area of any local planning authority in Wales—
  - (a) Part IA of Schedule 2, and
  - (b) Part III of Schedule 5 to the Local Government (Wales) Act 1994 (transitional provisions in relation to structure and local plans),shall apply in relation to that area.
- (2) For the purposes of this Chapter, a unitary development plan for the area of a local planning authority in Wales has become fully operative when—
  - (a) it has become operative under this Chapter; or
  - (b) where different parts have become operative at different times, when all parts of it have become so operative.”

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- (3) Schedule 5 shall have effect—
- (a) Part I making minor and consequential amendments to Part II of the planning Act,
  - (b) Part II inserting a new Part IA in Schedule 2 to the planning Act, and
  - (c) Part III making transitional provision, including provision with respect to the completion and adoption by new authorities of—
    - (i) local plans, and
    - (ii) proposals for alteration or replacement of structure plans and local plans,prepared or in course of preparation on 1st April 1996.
- (4) Schedule 6 shall have effect—
- (a) Part I making minor and consequential amendments to the 1972 Act in relation to National Parks and countryside functions, and
  - (b) Part II making minor and consequential amendments to enactments concerned with planning.

#### **Commencement Information**

- I2** S. 20 partly in force; s. 20 not in force at Royal Assent see s. 66; s. 20(4) in force at 3.4.1995 for certain purposes by S.I. 1995/852, art. 4(1), **Sch. 2** (subject to art. 4(2)-(6)); s. 20(4) in force at 1.10.1995 for certain purposes by S.I. 1995/2490, art. 4(1), **Sch. 2** (subject to art. 4(2)(3)); s. 20(1)-(3) in force at 1.4.1996 by S.I. 1995/3198, art. 4, **Sch. 2**; s. 20(4) in force at 1.4.1996 for certain purposes by S.I. 1996/396, art. 3, **Sch. 1**

**Changes to legislation:**

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