



# Planning (Wales) Act 2015

2015 anaw 4

## PART 3

### DEVELOPMENT PLANNING

#### *Local development plans*

#### **11 Welsh language**

- (1) PCPA 2004 is amended as follows.
- (2) In section 61 (survey), in subsection (2)(a), after “area of the authority” insert “(including the extent to which the Welsh language is used in the area)”.
- (3) In section 62 (local development plan), after subsection (6) (sustainability appraisal), insert—
  - “(6A) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area of the authority.”

#### **Commencement Information**

- I1** S. 11 partly in force; s. 11 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I2** S. 11 in force at 4.1.2016 in so far as not already in force by S.I. 2015/1987, art. 3(a) (with art. 6)

#### **12 Period for which local development plan has effect**

- (1) Section 62 of PCPA 2004 (local development plan) is amended as follows.
- (2) Before subsection (4) insert—
  - “(3B) The plan must specify the period for which it is to have effect.”
- (3) In subsection (4), after “may” insert “—

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- (a) make provision about the period that may be specified under subsection (3B);
- (b)”.  
 (4) After subsection (8) insert—  
 “(9) A plan ceases to be a local development plan on the expiry of the period specified under subsection (3B).”

#### Commencement Information

- I3** S. 12 partly in force; s. 12 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I4** S. 12 in force at 4.1.2016 in so far as not already in force by S.I. 2015/1987, art. 3(b)

### 13 Withdrawal of local development plan

For section 66 of PCPA 2004 (withdrawal of local development plan) substitute—

#### “66 Withdrawal of local development plan in accordance with direction

- (1) The Welsh Ministers may, at any time before a local development plan is adopted under section 67, direct the local planning authority to withdraw the plan.
- (2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.
- (3) The authority must withdraw the plan in accordance with the direction.

#### 66A Withdrawal of local development plan in absence of direction

- (1) This section applies where a local planning authority are not required to withdraw their local development plan under section 66.
- (2) Subject to the provisions of this section, the authority may withdraw the plan at any time before adopting it under section 67.
- (3) A local planning authority may not withdraw their local development plan when the Welsh Ministers have—
  - (a) directed the authority to submit the plan for approval under section 65(4), or
  - (b) taken any step under section 71 in connection with the plan.
- (4) A local planning authority may withdraw a local development plan that has been submitted for independent examination under section 64 only if—
  - (a) the person carrying out the independent examination recommends that the plan is withdrawn, and
  - (b) the recommendation is not overruled by a direction given by the Welsh Ministers.
- (5) A local planning authority may withdraw a local development plan to which subsection (6) applies only if—

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- (a) the authority have given notice to the Welsh Ministers of their intention to withdraw the plan, and
  - (b) the notice period has expired.
- (6) This subsection applies to a local development plan if the local planning authority—
- (a) have not yet submitted the plan for independent examination under section 64, but
  - (b) have taken steps in connection with the preparation of the plan that are specified in regulations made by the Welsh Ministers.
- (7) Where a local planning authority have given notice under subsection (5)(a), the Welsh Ministers may, by direction to the authority, do either or both of the following—
- (a) require the authority to provide further information;
  - (b) extend the notice period.
- (8) The Welsh Ministers may by regulations make provision about the giving of notices and directions under this section (including provision about their form and content and how they are to be given).
- (9) Subject to any direction given under subsection (7)(b) in a particular case, the “notice period” means whatever period, beginning with the giving of notice under subsection (5)(a), is specified in regulations made by the Welsh Ministers.”

#### Commencement Information

- I5** S. 13 partly in force; s. 13 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I6** S. 13 in force at 4.1.2016 in so far as not already in force by S.I. 2015/1987, art. 3(c)

## 14 Welsh Ministers' power to direct preparation of joint local development plan

- (1) Section 72 of PCPA 2004 (joint local development plans) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) The Welsh Ministers may direct two or more local planning authorities to prepare a joint local development plan.
- (A2) But a direction under subsection (A1) may not be given to a National Park authority.”
- (3) In subsection (1), after “may” insert “, in the absence of a direction to any of them under subsection (A1), ”.
- (4) After subsection (1) insert—
- “(1A) If the Welsh Ministers give a direction under subsection (A1), they must state their reasons for doing so.
- (1B) The authorities to which a direction is given must, subject to any withdrawal or variation of the direction, act jointly in exercising their functions under this Part relating to local development plans.”

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- (5) In subsection (3), after “mentioned in subsection” insert “ (A1) or ”.
- (6) In subsection (4), after “if” insert “—  
 (a) the Welsh Ministers withdraw a direction under subsection (A1) or vary such a direction so that it ceases to apply to a local planning authority, or  
 (b)”.
- (7) In subsection (5)—  
 (a) in paragraph (a), after “authority” insert “ to which the direction was given or ”;  
 (b) in paragraph (b), for “who” substitute “ to which the direction was given or which ”.
- (8) In subsection (6), after “to which the” insert “ direction or ”.
- (9) In subsection (7), after “authority” insert “ to which the direction was given or ”.
- (10) After subsection (7) insert—  
 “(7A) The Welsh Ministers may by regulations—  
 (a) specify circumstances in which subsections (5) and (7) are not to apply in relation to an authority;  
 (b) make provision as to what is a corresponding plan or corresponding joint local development plan.”

#### Commencement Information

**I7** S. 14 partly in force; s. 14 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

**I8** S. 14 in force at 4.1.2016 in so far as not already in force by S.I. 2015/1987, art. 3(d)

## 15 Joint planning boards: functions relating to surveys and local development plans

- (1) PCPA 2004 is amended as follows.
- (2) In section 78 (interpretation of Part 6), for subsection (3) substitute—  
 “(3) But—  
 (a) a National Park authority is the local planning authority for the whole of its area;  
 (b) a joint planning board is the local planning authority for the whole of its united district (and references to the area of a local planning authority are, in relation to such a board, to be construed as references to its united district).”
- (3) In section 62 (local development plan), in subsection (7) (relevant local well-being plan), after paragraph (b) insert—  
 “(c) in the case of an authority which is a joint planning board, the public services board for an area that includes any part of that authority's united district.”

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**Commencement Information**

- I9** S. 15 partly in force; s. 15 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I10** S. 15(1)(2) in force at 16.3.2016 in so far as not already in force by S.I. 2015/1987, **art. 4(a)**
- I11** S. 15(3) in force at 1.4.2016 in so far as not already in force by S.I. 2015/1987, **art. 5(b)**

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