



# Planning (Wales) Act 2015

2015 anaw 4

## PART 6

### DEVELOPMENT MANAGEMENT ETC

*Exercise of functions of local planning authority relating to applications*

#### **39 Exercise of functions of local planning authority relating to applications**

(1) In TCPA 1990, after section 319 insert—

*“Wales: discharge of functions of local planning authority relating to applications*

##### **319ZA Requirement for functions to be discharged by committee, sub-committee or officer**

- (1) The Welsh Ministers may by regulations require a relevant local planning authority to make arrangements under section 101 of the 1972 Act for a relevant function to be discharged by a committee, sub-committee or officer of the authority.
- (2) The regulations may prescribe the terms of the arrangements (which may include exceptions) and any permitted variations in those terms.
- (3) Where arrangements required by the regulations are in force in relation to a relevant function, the function may only be exercised in accordance with the arrangements (and section 101(4) of the 1972 Act does not apply).

##### **319ZB Size and composition of committee discharging functions**

- (1) The Welsh Ministers may by regulations prescribe requirements relating to the size and composition of a committee or sub-committee by which a relevant function is to be discharged.

*Status: Point in time view as at 05/05/2017.*

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- (2) A relevant local planning authority may not arrange for a relevant function to be discharged by a committee or sub-committee of the authority which fails to satisfy a requirement of regulations under this section.
- (3) If a committee or sub-committee discharging a relevant function fails to satisfy such a requirement, paragraph 43 of Schedule 12 to the 1972 Act (validity of proceedings) does not apply in relation to the failure.

### **319ZC Sections 319ZA and 319ZB: supplementary**

- (1) Sections 101 and 102 of the 1972 Act have effect subject to sections 319ZA and 319ZB and any regulations made under them.
- (2) Where arrangements are in force under section 101(5) of the 1972 Act for two or more relevant local planning authorities to discharge any of their relevant functions jointly, sections 319ZA and 319ZB apply in relation to those functions as if—
  - (a) references to a committee or sub-committee of a relevant local planning authority were references to a joint committee or sub-committee of those authorities;
  - (b) references to an officer of a relevant local planning authority were references to an officer of any of those authorities.
- (3) Regulations under sections 319ZA and 319ZB may—
  - (a) make different provision for different local planning authorities;
  - (b) make special provision for cases where two or more authorities have made arrangements under section 101(1)(b) or (5) of the 1972 Act for the discharge of any of their relevant functions.

### **319ZD Interpretation of sections 319ZA to 319ZC**

In sections 319ZA to 319ZC—

“the 1972 Act” means the Local Government Act 1972;

“relevant function” means a function exercisable by a relevant local planning authority in relation to an application under this Act;

“relevant local planning authority” means a local planning authority in Wales which is—

- (a) a county council or county borough council,
- (b) a joint planning board, or
- (c) a National Park authority.”

- (2) In section 316 of TCPA 1990 (land of interested planning authorities and development by them), in subsection (3), after “notwithstanding” insert “ any provision made by or under sections 319ZA to 319ZC or ”.
- (3) In section 89 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) (application of certain general provisions of principal Act), in subsection (1), before the entry relating to section 320, insert— “ sections 319ZA to 319ZD (Wales: discharge of functions of local planning authority relating to applications), ”.
- (4) In section 37 of the Planning (Hazardous Substances) Act 1990 (c. 10) (application of certain general provisions of principal Act), in subsection (2), before the entry relating

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to section 320, insert— “ sections 319ZA to 319ZD (Wales: discharge of functions of local planning authority relating to applications) ”.

(5) In the Local Government and Housing Act 1989 (c. 42)—

- (a) in section 13 (voting rights of members of certain committees), in subsection (9), in the definition of “relevant authority”, for “or (h) to (jb)” substitute “, (h) to (jb) or (n) ”;
- (b) in section 20 (power to require adoption of certain procedural standing orders), in subsection (4)(a), after “(a) to (jb)” insert “ or (n) ”.

#### **Commencement Information**

- I1** S. 39 partly in force; s. 39 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I2** S. 39 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(a)

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