



Planning (Wales) Act 2015

2015 anaw 4

PART 6

DEVELOPMENT MANAGEMENT ETC

Joint planning boards and National Parks

40 Joint planning boards to be hazardous substances authorities

In section 3 of the Planning (Hazardous Substances) Act 1990 (c. 10) (hazardous substances authorities other than county and county borough councils), after subsection (5B) insert—

“(5C) A joint planning board constituted under section 2(1B) of the principal Act for a united district in Wales is the hazardous substances authority for land in the united district unless subsection (4) or (5) applies.”

Commencement Information

- I1** S. 40 partly in force; s. 40 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
I2 S. 40 in force at 16.3.2016 in so far as not already in force by S.I. 2015/1987, art. 4(b)

41 Power to make provision enabling joint planning boards to exercise development management functions in National Parks

- (1) The Welsh Ministers may by regulations make provision for and in connection with enabling an order under section 2(1B) of TCPA 1990 (joint planning boards in Wales) to—
- constitute an area that includes all or part of a National Park in Wales as a united district, and
 - constitute a joint planning board as the local planning authority for such a united district for the purposes of the planning Acts.

Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, Cross Heading: Joint planning boards and National Parks. (See end of Document for details)

- (2) The regulations may also make provision about whether the functions of a hazardous substances authority under the Planning (Hazardous Substances) Act 1990 (c. 10) are to be exercisable in relation to any part of a National Park included in such a united district by the joint planning board for the united district or by the National Park authority for the Park.
- (3) Regulations under this section may—
- (a) make different provision for different purposes and different cases;
 - (b) make incidental, supplementary, consequential, transitory, transitional and saving provision.
- (4) Regulations under this section may amend or otherwise modify—
- (a) any enactment contained in, or made under, the planning Acts or PCPA 2004;
 - (b) any other enactment relating to functions exercisable by or in relation to local planning authorities;
 - (c) any enactment relating to National Parks or to functions exercisable by or in relation to National Park authorities.
- (5) Regulations under this section may make provision for a function to be exercisable by or in relation to another person instead of, or as well as, any person by or in relation to whom the function would otherwise be exercisable.
- (6) The power to make regulations under this section is exercisable by statutory instrument.
- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
- (8) In this section—
- “enactment” means a provision contained in any of the following (whenever enacted or made)—
- (a) an Act of Parliament;
 - (b) an Act or Measure of the National Assembly for Wales;
 - (c) subordinate legislation within the meaning of the Interpretation Act 1978 (c. 30) (including subordinate legislation made under an Act of Parliament or under an Act or Measure of the National Assembly for Wales);
- “the planning Acts” has the same meaning as in TCPA 1990 (see section 336(1)).

Commencement Information

- I3** S. 41 partly in force; s. 41 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I4** S. 41 in force at 16.3.2016 in so far as not already in force by S.I. 2015/1987, art. 4(c)

42 Joint planning boards: power to make consequential and supplementary provision

- (1) Section 9 of TCPA 1990 (power to make consequential and supplementary provision about planning authorities) is amended as follows.

Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, Cross Heading: Joint planning boards and National Parks. (See end of Document for details)

(2) The existing provision becomes subsection (1) of that section.

(3) After that subsection insert—

“(2) The provision consequential upon or supplementary to section 2 that may be made by the Welsh Ministers under this section includes provision amending or otherwise modifying—

- (a) any enactment contained in, or made under, the planning Acts or the Planning and Compulsory Purchase Act 2004;
- (b) any other enactment relating to functions exercisable by or in relation to local planning authorities;
- (c) any other enactment relating to functions exercisable by local authorities of any description in connection with the development of land.”

Commencement Information

15 S. 42 partly in force; s. 42 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

16 S. 42 in force at 16.3.2016 in so far as not already in force by S.I. 2015/1987, art. 4(d)

Changes to legislation:

There are currently no known outstanding effects for the Planning (Wales) Act 2015, Cross
Heading: Joint planning boards and National Parks.