



Planning Act 2008

2008 CHAPTER 29

PART 10

WALES

^{F1}202 Powers of National Assembly for Wales

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Textual Amendments

F1 S. 202 omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 75](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

203 Power to make provision in relation to Wales

- (1) The Welsh Ministers may by order make provision—
 - (a) which has an effect in relation to Wales that corresponds to the effect an England-only provision has in relation to England;
 - (b) conferring power on the Welsh Ministers to do anything in relation to Wales that corresponds to anything the Secretary of State has power to do by virtue of an England-only provision.
- (2) The England-only provisions are—
 - section 184 (correction of errors in decisions);
 - section 189 (compensation where development order or local development order withdrawn);
 - section 190 (power to make non-material changes to planning permission);
 - section 194(1) and Schedule 9 (use of land: power to override easements and other rights);
 - section 195 (applications and appeals by statutory undertakers);

Changes to legislation: Planning Act 2008, Part 10 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

section 196 and Schedule 10 (determination of procedure for certain proceedings);

paragraphs 2(3) and (4) and 3(3) of Schedule 7.

- (3) Before an England-only provision is brought into force—
- (a) the reference in subsection (1)(a) to the effect an England-only provision has is to be read as a reference to the effect the provision would have, if it were in force;
 - (b) the reference in subsection (1)(b) to anything the Secretary of State has power to do by virtue of an England-only provision is to be read as a reference to anything the Secretary of State would have power to do by virtue of the provision, if it were in force.
- (4) The Welsh Ministers may by order make provision for the purpose of reversing the effect of any provision made in exercise of the power conferred by subsection (1).
- (5) The Secretary of State may make an order in consequence of an order under subsection (1) for the purpose of ensuring that an England-only provision continues to have (or will when brought into force have) the effect in relation to England that it would have had if the order under subsection (1) had not been made.
- (6) An order under this section may amend, repeal, revoke or otherwise modify a provision of—
- (a) an Act, or
 - (b) an instrument made under an Act.
- (7) The powers of the Welsh Ministers to make orders under this section are exercisable by statutory instrument.
- (8) Those powers include—
- (a) power to make different provision for different purposes (including different areas);
 - (b) power to make incidental, consequential, supplementary, transitional or transitory provision or savings.
- (9) No order may be made by the Welsh Ministers under this section unless a draft of the instrument containing the order has been laid before, and approved by resolution of, the National Assembly for Wales.

204 Wales: transitional provision in relation to blighted land

- (1) During the transitional period the repeal by PCPA 2004 of paragraphs 1 to 4 of Schedule 13 to TCPA 1990 in relation to Wales is subject to subsection (2).
- (2) That repeal does not affect anything which is required or permitted to be done for the purposes of Chapter 2 of Part 6 of TCPA 1990 (interests affected by planning proposals: blight) in relation to land falling within any of paragraphs 1, 2, 3 and 4 of Schedule 13 to TCPA 1990.
- (3) The transitional period is the period during which—
 - (a) in the case of land falling within paragraph 1 of Schedule 13 to TCPA 1990, a structure plan continues to be or to be comprised in the development plan for an area in Wales by virtue of Part 3 of Schedule 5 to the Local Government (Wales) Act 1994 (c. 19) and Part 1A of Schedule 2 to TCPA 1990;

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- (b) in the case of land falling within paragraph 2 of Schedule 13 to TCPA 1990, a local plan continues to be or to be comprised in the development plan for an area in Wales by virtue of Part 3 of Schedule 5 to the Local Government (Wales) Act 1994 and Part 1A of Schedule 2 to TCPA 1990;
 - (c) in the case of land falling within paragraphs 3 or 4 of Schedule 13 to TCPA 1990, a unitary development plan continues to form part of the development plan for an area in Wales by virtue of article 3(1) and (2) of the PCPA No.6 Order 2005.
- (4) In this section “PCPA No.6 Order 2005” means the Planning and Compulsory Purchase Act 2004 (Commencement No.6, Transitional Provisions and Savings) Order 2005 (S.I. 2005/2847).
- (5) This section is deemed to have come into force on the same day as the repeal of paragraphs 1 to 4 of Schedule 13 to TCPA 1990 came into force in relation to Wales (see Article 2(e) and (g) of the PCPA No.6 Order 2005).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)