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SCHEDULES

SCHEDULE 6

Section 21.

DEVELOPMENT PLANS: MODIFICATIONS OF THIS ACT PENDING REPEAL OF SCHEDULE 5

- 1 After section 147(5) there shall be inserted the following subsection:—
- “(5A) Except in relation to Greater London, the reference in subsection (4) of this section to the development plan for the area in which the land is situated is a reference to the development plan for that area as approved by the Secretary of State or, if the plan so approved has been amended by the Secretary of State, to that plan as so amended.”
- 2 For section 242(1)(a) there shall be substituted:—
- “(a) a development plan or an amendment of a development plan, whether before or after it has been approved or made ; or”.
- 3 For subsections (1) and (2) of section 244 there shall be substituted:—
- “(1) If any person aggrieved by a development plan, or by an amendment of a development plan, desires to question the validity thereof or of any provision contained therein on the grounds that it is not within the powers of this Act, or that any requirement of this Act or of any regulation made thereunder has not been complied with in relation to the approval or making of the plan, or, as the case may be, in relation to the making of the amendment, he may, within six weeks from the date on which the notice required by paragraph 7(1) of Schedule 5 to this Act is first published, make an application to the High Court under this section.
- (2) On any application under this section the High Court—
- (a) may by interim order suspend the operation of the plan or amendment, as the case may be, or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings ;
- (b) if satisfied that the plan or amendment, or any provision contained therein, is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Act or of any regulation made thereunder, may quash the plan or amendment or any provision contained therein, either generally or in so far as it affects any property of the applicant.”
- 4 In section 255(2)(a) for the words " a structure plan or local plan under Part II of this Act" there shall be substituted the words " a development plan under Schedule 5 to this Act ".
- 5 For section 266(1)0 there shall be substituted:—
- “(a) a development plan approved or made under Part I of Schedule 5 to this Act or the Greater London development plan may include proposals relating to the use of Crown land and any power to acquire

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land compulsorily under Part VI of this Act may be exercised in relation to any interest therein which is for the time being held otherwise than by or on behalf of the Crown ;”

6 After section 279 there shall be inserted the following sections:—

“**279A** Where, in accordance with the provisions of Part III Part IV or Part V of this Act, a local planning authority are required to have regard to the provisions of the development plan in relation to the exercise of any of their functions, then, in relation to the exercise of those functions during any period before such a plan has become operative with respect to the area of that authority, the authority—

- (a) shall have regard to any directions which may be or have been given to them by the Secretary of State as to the provisions to be included in such a plan ; and
- (b) subject to any such directions, shall have regard to the provisions which in their opinion will be required to be so included for securing the proper planning of their area.”

7 For section 280(1)(a) there shall be substituted:—

“(a) the preparation, approval, making or amendment of a development plan relating to the land under Schedule 5 to this Act, including the carrying out of any survey under that Schedule;”

8 In section 290(1), for the definition of " development plan there shall be substituted:

—
 ““ development plan ' has the meaning assigned to it by paragraphs 1 and 8 of Schedule 5 to this Act, and includes a plan made in accordance with sub-paragraph (5) of the said paragraph 1 ;”

9 In Schedule 2, in paragraph 5, for the words " structure plans and local plans " there shall be substituted the words " development plans ".

10 In Schedule 3, in paragraph 7, there shall be added at the end the words " ; and in particular the Secretary of State shall make regulations under this paragraph with respect to any application which the local planning authority consider should be granted for permission for development inconsistent with the Greater London development plan referred to in paragraph 8(3) (or, as respects any period before that plan becomes operative, with the initial development plan referred to in paragraph 8(2)) of Schedule 5 to this Act

11 In Part I of Schedule 21 after the words " Schedules 1 and 2 " there shall be inserted the words " Part I of Schedule 5 ".