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**Changes to legislation:** There are currently no known outstanding effects for the Planning and Compensation Act 1991, Cross Heading: Unitary development plans. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 4

#### DEVELOPMENT PLANS

##### PART I

###### STREAMLINING OF DEVELOPMENT PLAN SYSTEM

###### *Unitary development plans*

- 2 (1) In section 12 (content of unitary development plan), in subsection (3) for the words from “other” to the end there is substituted “use of land in their area.
- (3A) The policies shall, subject to subsection (3B), include policies in respect of—
- (a) the conservation of the natural beauty and amenity of the land;
  - (b) the improvement of the physical environment; and
  - (c) the management of traffic.
- (3B) Regulations under this section may prescribe the aspects of such development and use with which the general policies in Part I of a unitary development plan are to be concerned, in which case the policies shall be concerned with those aspects and no others.”
- (2) In subsection (4)(a) of that section “other”, in the second place where it occurs, and “or for any description of development or other use of such land” are omitted.
- (3) For subsection (6) of that section there is substituted—
- “(6) In formulating the general policies in Part I of a unitary development plan the authority shall have regard to—
- (a) any regional or strategic planning guidance given by the Secretary of State to assist them in the preparation of the plan;
  - (b) current national policies;
  - (c) the resources likely to be available; and
  - (d) such other matters as the Secretary of State may prescribe or, in a particular case, direct.”
- (4) After subsection (7) of that section there is inserted—
- “(7A) In formulating their proposals in Part II of a unitary development plan, the authority shall have regard to such information and other considerations as the Secretary of State may prescribe or, in a particular case, direct.”
- (5) At the end of that section there is inserted—

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“(10) Regulations under this section may make different provision for different cases and shall be subject to any direction given, in a particular case, by the Secretary of State.”

**Commencement Information**

- II** Sch. 4 para. 2 wholly in force: Sch. 4 para. 2 in force for certain purposes at 25.11.1991, see s. 84(2)(3) and S.I. 1991/2728, art. 2; Sch. 4 para. 2 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

3 After that section there is inserted—

**“12A Urban development corporations.**

- (1) The Secretary of State may direct that a unitary development plan—
- (a) shall not be prepared; or
  - (b) shall not operate,
- in relation to the area of an urban development corporation.
- (2) The Secretary of State may direct that proposals for the alteration or replacement of a unitary development plan shall not be prepared in relation to the area of an urban development corporation.”

**Commencement Information**

- I2** Sch. 4 para. 3 wholly in force at 10.2.1992, see s. 84(2)(3) and S.I. 1991/2905, art. 4

4 For section 13 (publicity in connection with preparation of unitary development plan) there is substituted—

**“13 Public participation.**

- (1) When preparing a unitary development plan for their area and before finally determining its contents the local planning authority shall—
- (a) comply with—
    - (i) any requirements imposed by regulations made under section 26; and
    - (ii) any particular direction given to them by the Secretary of State with respect to a matter falling within any of paragraphs (a) to (c) or (e) of subsection (2) of that section; and
  - (b) consider any representations made in accordance with those regulations.
- (2) Where the local planning authority have prepared a unitary development plan, before adopting it they shall—
- (a) make copies of it available for inspection at such places as may be prescribed by those regulations;
  - (b) send a copy to the Secretary of State; and
  - (c) comply with any requirements imposed by those regulations.

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- (3) Each copy made available for inspection or sent under subsection (2) shall be accompanied by a statement of the prescribed period within which objections may be made to the authority.
- (4) In this section “the prescribed period” means such period as may be prescribed by or determined in accordance with regulations made under section 26 and in this Chapter “objections made in accordance with the regulations” means objections made—
- (a) in accordance with regulations made under that section; and
  - (b) within the prescribed period.
- (5) The persons who may make objections in accordance with the regulations include, in particular, the Secretary of State.
- (6) A unitary development plan shall not be adopted by the authority under section 15 until—
- (a) after they have considered any objections made in accordance with the regulations; or
  - (b) if no such objections are made, after the expiry of the prescribed period.”

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**Commencement Information**

**I3** Sch. 4 para. 4 wholly in force: Sch. 4 para. 4 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 4 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

- 5 In section 14 (withdrawal of unitary development plan)—
- (a) in subsections (2) and (4) for “13(3)” there is substituted “ 13(2) ”; and
  - (b) subsection (3) (concerning publicity) is omitted.

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**Commencement Information**

**I4** Sch. 4 para. 5 wholly in force: Sch. 4 para. 5 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 5 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

- 6 In section 15 (adoption of unitary development plan by local planning authority) for subsection (1) there is substituted—
- “(1) Subject to the following provisions of this section and sections 17 and 18, the local planning authority may by resolution adopt the unitary development plan, either as originally prepared or as modified so as to take account of—
- (a) any objections to the plan; or
  - (b) any other considerations which appear to them to be material.”

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**Commencement Information**

**I5** Sch. 4 para. 6 wholly in force: Sch. 4 para. 6 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 6 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

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- 7 In section 16 (local inquiries) for subsection (1) there is substituted—
- “(1) Where any objections have been made, in accordance with the regulations, to proposals for a unitary development plan copies of which have been made available for inspection under section 13(2), the local planning authority shall cause a local inquiry or other hearing to be held for the purpose of considering the objections.
- (1A) The local planning authority may cause a local inquiry or other hearing to be held for the purpose of considering any other objections to the proposals.
- (1B) The local inquiry or other hearing shall be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, by the authority themselves.”

**Commencement Information**

**I6** Sch. 4 para. 7 wholly in force: Sch. 4 para. 7 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 7 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

- 8 In section 17(1) (direction to consider proposals) for “consider modifying” there is substituted “modify”.

**Commencement Information**

**I7** Sch. 4 para. 8 wholly in force: Sch. 4 para. 8 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 8 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

- 9 In sections 17(1) and 18(1) for “13(3)”, in both places where it occurs, there is substituted “13(2)”.

**Commencement Information**

**I8** Sch. 4 para. 9 wholly in force: Sch. 4 para. 9 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 9 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

- 10 In section 19(2) (approval of unitary development plan by Secretary of State) after “taken into account in” there is inserted “preparing”.

**Commencement Information**

**I9** Sch. 4 para. 10 wholly in force: Sch. 4 para. 10 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 10 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

- 11 In section 20(1) (local inquiry, public examination and consultation by Secretary of State) for “regulations under this Chapter” there is substituted “the regulations.”

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#### Commencement Information

**I10** Sch. 4 para. 11 wholly in force: Sch. 4 para. 11 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 11 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

12 (1) In section 21 (alteration or replacement of unitary development plan) for subsection (1) there is substituted—

“(1) A local planning authority may at any time prepare proposals—

- (a) for alterations to the unitary development plan for their area; or
- (b) for its replacement.

(1A) If the Secretary of State directs them to do so, the authority shall prepare, within such time as he may direct, proposals for—

- (a) such alterations to the unitary development plan as he directs; or
- (b) its replacement.

(1B) An authority shall not, without the consent of the Secretary of State, prepare proposals in respect of a unitary development plan if the plan or any part of it has been approved by the Secretary of State.”

(2) In subsection (2) of that section “Subject to section 22” is omitted.

#### Commencement Information

**I11** Sch. 4 para. 12 wholly in force: Sch. 4 para. 12 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 12 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

13 Section 22 (short procedure for certain alterations and replacements) is omitted.

#### Commencement Information

**I12** Sch. 4 para. 13 wholly in force: Sch. 4 para. 13 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 13 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

14 In section 23 (joint unitary development plans)—

- (a) subsections (2) to (4) and (9) and (10) are omitted;
- (b) in subsection (5) for “(3)” there is substituted “(2)”;
- (c) in subsection (6) for “(4)” there is substituted “(3)”; and
- (d) in subsection (8) for “making” there is substituted “preparing” and for “make” there is substituted “prepare”.

#### Commencement Information

**I13** Sch. 4 para. 14 wholly in force: Sch. 4 para. 14 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 14 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

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- 15 In section 26(2) (regulations with respect to publicity, etc. for unitary development plans)—
- (a) after paragraph (c) there is inserted—
    - “(cc) make provision with respect to the circumstances in which representations with respect to the matters to be included in a plan or proposals are to be treated, for any of the purposes of this Chapter, as being objections made in accordance with the regulations;”
  - (b) in paragraph (f) for the words from “for the purpose” to “22(2)(b)” there is substituted “in compliance with the regulations or available for inspection under section 13(2)”; and
  - (c) after that paragraph there is inserted—
    - “(ff) make provision for steps taken in compliance with the regulations in respect of a unitary development plan which has been withdrawn to be taken into account in prescribed circumstances for the purposes of complying with the regulations in respect of a subsequent unitary development plan;”.

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**Commencement Information**

**I14** Sch. 4 para. 15 wholly in force: Sch. 4 para. 15 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 15 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

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