

SCHEDULES

SCHEDULE 7

Section 83.

SIMPLIFIED PLANNING ZONES

General

- 1 (1) A simplified planning zone scheme shall consist of a map and a written statement, and such diagrams, illustrations and descriptive matter as the local planning authority think appropriate for explaining or illustrating the provisions of the scheme.
- (2) A simplified planning zone scheme shall specify—
- (a) the development or classes of development permitted by the scheme,
 - (b) the land in relation to which permission is granted, and
 - (c) any conditions, limitations or exceptions subject to which it is granted;
- and shall contain such other matters as may be prescribed.

Notification of proposals to make or alter scheme

- 2 An authority who decide under section 83(2) to make or alter a simplified planning zone scheme shall—
- (a) notify the Secretary of State of their decision as soon as practicable, and
 - (b) determine the date on which they will begin to prepare the scheme or the alterations.

Power of Secretary of State to direct making or alteration of scheme

- 3 (1) If a person requests a local planning authority to make or alter a simplified planning zone scheme but the authority—
- (a) refuse to do so, or
 - (b) do not within the period of three months from the date of the request decide to do so,
- he may, subject to sub-paragraph (2), require them to refer the matter to the Secretary of State.
- (2) A person may not require the reference of the matter to the Secretary of State if—
- (a) in the case of a request to make a scheme, a simplified planning zone scheme relating to the whole or part of the land specified in the request has been adopted or approved within the 12 months preceding his request;
 - (b) in the case of a request to alter the scheme, the scheme to which the request relates was adopted or approved, or any alteration to it has been adopted or approved, within that period.
- (3) The Secretary of State shall, as soon as practicable after a matter is referred to him—
- (a) send the authority a copy of any representations made to him by the applicant which have not been made to the authority, and

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- (b) notify the authority that if they wish to make any representations in the matter they should do so, in writing, within 28 days.
 - (4) After the Secretary of State has—
 - (a) considered the matter and any written representations made by the applicant or the authority, and
 - (b) carried out such consultations with such persons as he thinks fit, he may give the authority a simplified planning zone direction.
 - (5) The Secretary of State shall notify the applicant and the authority of his decision and of his reasons for it.
- 4 (1) A simplified planning zone direction is—
- (a) if the request was for the making of a scheme, a direction to make a scheme which the Secretary of State considers appropriate; and
 - (b) if the request was for the alteration of a scheme, a direction to alter it in such manner as he considers appropriate.
- (2) A direction under sub-paragraph (1)(a) or (b) may extend—
- (a) to the land specified in the request to the authority,
 - (b) to any part of the land so specified, or
 - (c) to land which includes the whole or part of the land so specified;
- and accordingly may direct that land shall be added to or excluded from an existing simplified planning zone.

Publicity and consultations: general

- 5 (1) A local planning authority who propose to make or alter a simplified planning zone scheme shall proceed in accordance with this paragraph, unless paragraph 6 applies.
- (2) They shall take such steps as will in their opinion secure—
- (a) that adequate publicity for their proposals is given in the area to which the scheme relates,
 - (b) that persons who may be expected to wish to make representations about the proposals are made aware that they are entitled to do so, and
 - (c) that such persons are given an adequate opportunity of making such representations;
- and they shall consider any representations made to them within the prescribed period.
- (3) They shall then—
- (a) prepare the proposed scheme or alterations,
 - (b) make copies of those documents available for inspection at their office, and
 - (c) send a copy of them to the Secretary of State.
- (4) Each copy of the documents made available for inspection shall be accompanied by a statement of the time within which objections may be made.
- (5) Before preparing the proposed scheme or alterations the local planning authority shall consult the Secretary of State having responsibility for highways as to the effect of their proposals on existing or future highways; and when they have prepared the proposed scheme or alterations they shall send him a copy.

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Publicity and consultations: short procedure for certain alterations

- 6 (1) Where a local planning authority propose to alter a simplified planning zone scheme and it appears to them that the issues involved are not of sufficient importance to warrant the procedure set out in paragraph 5, they may proceed instead in accordance with this paragraph.
- (2) They shall prepare the proposed alterations and shall—
- (a) make copies of them available for inspection at their office, and
 - (b) send a copy of them to the Secretary of State.
- (3) Each copy of the documents made available for inspection shall be accompanied by a statement of the time within which representations or objections may be made.
- (4) They shall then take such steps as may be prescribed for the purpose of—
- (a) advertising the fact that the proposed alterations are available for inspection and the places and times at which, and the period during which, they may be inspected, and
 - (b) inviting the making of representations or objections in accordance with regulations;
- and they shall consider any representations made to them within the prescribed period.
- (5) The local planning authority shall send a copy of the proposed alterations to the Secretary of State having responsibility for highways.

Powers of Secretary of State to secure adequate publicity and consultations

- 7 (1) The documents sent by the local planning authority to the Secretary of State under paragraph 5(3) shall be accompanied by a statement—
- (a) of the steps which the authority have taken to comply with paragraph 5(2), and
 - (b) of the authority's consultations with other persons and their consideration of the views of those persons.
- (2) The documents sent by the local planning authority to the Secretary of State under paragraph 6(2) shall be accompanied by a statement of the steps which the authority are taking to comply with paragraph 6(4).
- (3) If, on considering the statement and the proposals and any other information provided by the local planning authority, the Secretary of State is not satisfied with the steps taken by the authority, he may, within 21 days of the receipt of the statement, direct the authority not to take further steps for the adoption of the proposals without—
- (a) proceeding in accordance with paragraph 5 (if they have proceeded instead in accordance with paragraph 6), or
 - (b) in any case, taking such further steps as he may specify,
- and satisfying him that they have done so.
- (4) A local planning authority who are given directions by the Secretary of State shall—
- (a) immediately withdraw the copies of the documents made available for inspection as required by paragraph 5(3)(b) or 6(2)(a), and
 - (b) notify any person by whom objections to the proposals have been made to the authority that the Secretary of State has given such directions.

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Objections: local inquiry or other hearing

- 8 (1) The local planning authority may cause a local inquiry or other hearing to be held for the purpose of considering objections to their proposals for the making or alteration of a simplified planning zone scheme.
- (2) They shall hold such a local inquiry or other hearing in the case of objections made in accordance with regulations unless all the persons who have made such objections have indicated in writing that they do not wish to appear.
- (3) A 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.
- (4) Regulations may—
- (a) make provision with respect to the appointment, and qualifications for appointment, of persons to hold a local inquiry or other hearing;
 - (b) include provision enabling the Secretary of State to direct a local planning authority to appoint a particular person, or one of a specified list or class of persons;
 - (c) make provision with respect to the remuneration and allowances of the person appointed.
- (5) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (power to summon and examine witnesses) apply to an inquiry held under this paragraph.
- (6) The Tribunals and Inquiries Act 1971 applies to a local inquiry or other hearing held under this paragraph as it applies to a statutory inquiry held by the Secretary of State, with the substitution in section 12(1) (statement of reasons for decision) for the references to a decision taken by the Secretary of State of references to a decision taken by a local authority.

Adoption of proposals by local planning authority

- 9 (1) The local planning authority shall consider any objections to proposals for the making or alteration of a simplified planning zone scheme which are duly made within the period given for making such objections and after that period has expired they may, subject to the following provisions of this paragraph and to paragraph 10, by resolution adopt the proposals.
- (2) The authority may adopt the proposals as originally prepared or as modified so as to take account of—
- (a) any such objections as are mentioned in sub-paragraph (1) or any other objections to the proposals, or
 - (b) any other considerations which appear to the authority to be material.
- (3) If, before the proposals have been adopted by the local planning authority, it appears to the Secretary of State that they are unsatisfactory, he may direct the authority to consider modifying the proposals in such respects as are indicated in the direction.
- (4) An authority to whom such a direction is given shall not adopt the proposals unless—
- (a) they satisfy the Secretary of State that they have made the modifications necessary to conform with the direction, or
 - (b) the direction is withdrawn.

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Calling in of proposals for approval by Secretary of State

- 10 (1) Before the proposals have been adopted by the local planning authority the Secretary of State may direct that they shall be submitted to him for his approval.
- (2) If the Secretary of State gives such a direction—
- (a) the authority shall not take any further steps for the adoption of the proposals, and in particular shall not hold or proceed with a local inquiry or other hearing in respect of the proposals under paragraph 8; and
 - (b) the proposals shall not have effect unless approved by the Secretary of State and shall not require adoption by the authority.

Approval of proposals by Secretary of State

- 11 (1) The Secretary of State may after considering proposals submitted to him under paragraph 10 either approve them, in whole or in part and with or without modifications, or reject them.
- (2) In considering the proposals the Secretary of State may take into account any matters he thinks are relevant, whether or not they were taken into account in the proposals as submitted to him.
- (3) Where on taking the proposals into consideration the Secretary of State does not determine then to reject them, he shall, before determining whether or not to approve them—
- (a) consider any objections to them made in accordance with regulations,
 - (b) give any person who made such an objection which has not been withdrawn an opportunity of appearing before and being heard by a person appointed by him for the purpose, and
 - (c) if a local inquiry or other hearing is held, also give such an opportunity to the authority and such other persons as he thinks fit,
- except so far as objections have already been considered, or a local inquiry or other hearing into the objections has already been held, by the authority.
- (4) In considering the proposals the Secretary of State may consult with, or consider the views of, any local planning authority or any other person; but he need not do so, or give an opportunity for the making of representations or objections, or cause a local inquiry or other hearing to be held, except as provided by sub-paragraph (3).

Default powers

- 12 (1) Where by virtue of any of the previous provisions of this Schedule—
- (a) a simplified planning zone scheme or proposals for the alteration of such a scheme are required to be prepared, or
 - (b) steps are required to be taken for the adoption of any such scheme or proposals,
- then, if the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the local planning authority are not taking the steps necessary to enable them to prepare or adopt such a scheme or proposals within a reasonable period, he may make the scheme or the alterations, as he thinks fit.
- (2) Where under this paragraph anything which ought to have been done by a local planning authority is done by the Secretary of State, the previous provisions of this

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Schedule apply, so far as practicable, with any necessary modifications, in relation to the doing of that thing by the Secretary of State and the thing so done.

- (3) Where the Secretary of State incurs expenses under this paragraph in connection with the doing of anything which should have been done by a local planning authority, so much of those expenses as may be certified by the Secretary of State to have been incurred in the performance of functions of that authority shall on demand be repaid by the authority to the Secretary of State.

Regulations and directions

- 13 (1) Without prejudice to the previous provisions of this Schedule, the Secretary of State may make regulations with respect—
- (a) to the form and content of simplified planning zone schemes, and
 - (b) to the procedure to be followed in connection with their preparation, withdrawal, adoption, submission, approval, making or alteration.
- (2) Any such regulations may in particular—
- (a) provide for the notice to be given of, or the publicity to be given to—
 - (i) matters included or proposed to be included in a simplified planning zone scheme, and
 - (ii) the adoption or approval of such a scheme, or of any alteration of it, or any other prescribed procedural step,
 and for publicity to be given to the procedure to be followed in these respects;
 - (b) make provision with respect to the making and consideration of representations as to matters to be included in, or objections to, any such scheme or proposals for its alteration;
 - (c) without prejudice to paragraph (a), provide for notice to be given to particular persons of the adoption or approval of a simplified planning zone scheme, or an alteration to such a scheme, if they have objected to the proposals and have notified the local planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge;
 - (d) require or authorise a local planning authority to consult with, or consider the views of, other persons before taking any prescribed procedural step;
 - (e) require a local planning authority, in such cases as may be prescribed or in such particular cases as the Secretary of State may direct, to provide persons making a request with copies of any document which has been made public for the purpose mentioned in paragraph 5(2) or has been made available for inspection under paragraph 5(3) or 6(2), subject (if the regulations so provide) to the payment of a reasonable charge;
 - (f) provide for the publication and inspection of a simplified planning zone scheme which has been adopted or approved, or any document adopted or approved altering such a scheme, and for copies of any such scheme or document to be made available on sale.
- (3) Regulations under this paragraph may extend throughout England and Wales or to specified areas only and may make different provision for different cases.
- (4) Subject to the previous provisions of this Schedule and to any regulations under this paragraph, the Secretary of State may give directions to any local planning authority or to local planning authorities generally—

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- (a) for formulating the procedure for the carrying out of their functions under this Schedule;
- (b) for requiring them to give him such information as he may require for carrying out any of his functions under this Schedule.