

1987 No. 1760

**TOWN AND COUNTRY PLANNING, ENGLAND AND
WALES**

**The Town and Country Planning (Structure and Local
Plans) (Amendment) Regulations 1987**

<i>Made - - - -</i>	<i>1st October 1987</i>
<i>Laid before Parliament</i>	<i>12th October 1987</i>
<i>Coming into force</i>	<i>2nd November 1987</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 12A(4), 18, 287(1) and 290(1) of the Town and Country Planning Act 1971 (a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Structure and Local Plans) (Amendment) Regulations 1987 and shall come into force on 2nd November 1987.

Amendment of existing Regulations

2. The Town and Country Planning (Structure and Local Plans) Regulations 1982 (b) shall have effect subject to the amendments set out in the Schedule.

1st October 1987

Nicholas Ridley
Secretary of State for the Environment

1st October 1987

Peter Walker
Secretary of State for Wales

(a) 1971 c.78; new sections 11 to 15B were substituted by section 41(1) of, and Part I of Schedule 10 to, the Housing and Planning Act 1986 (c.63). As to section 290(1), see the definition of "prescribed".
(b) S.I. 1982/555, as amended by S.I. 1986/443.

AMENDMENT OF THE TOWN AND COUNTRY PLANNING (STRUCTURE AND LOCAL PLANS) REGULATIONS 1982

1. Subject to the following provisions of this Schedule, for any existing reference to a subsection specified in the first column substitute a reference to the corresponding subsection specified in the second column—

<i>Existing reference</i>	<i>Substituted reference</i>
11(3)	11(1)
11(4A)	11(5)
12(1)	12(2)
12(2)	12(4)
12(3)	12B(1)
12(4)	12B(3)
12(5)	12B(4)
14(1A)	14(6)
14(3)	14A(1)
14(3A)	14A(3)
14(5)	15(2)

2. In regulation 29(2), insert at the end “or, if applicable, regulation 32A(2).”.

3. In regulation 30(1), omit from “by” to “Act”.

4. In regulation 31(1), after “modify it”, insert “whether in response to a direction under section 14(4) of the Act (direction to reconsider proposals) or otherwise.”.

5. After regulation 31, insert a new regulation 31A—

“Procedure where direction under section 14(4) is given

31A. Where the Secretary of State has given the authority a direction under section 14(4) of the Act, they shall send to the Secretary of State a statement of the modifications made to conform with the direction and the reasons for them or, as the case may be, a statement of their reasons for not modifying the plan.”.

6. In regulation 32(2), for “14(1A)” substitute “14(5) and (6)”.

7. After regulation 32 insert—

“Procedure where direction under section 14(4) is subsequent to certificate

32A.—(1) This regulation applies where, after receiving the certificate mentioned in regulation 32(2) and before the local plan is adopted, the Secretary of State has given the local planning authority a direction under section 14(4) of the Act and the authority have sent to the Secretary of State a statement of the modifications made to conform with the direction and the reasons for them or, as the case may be, a statement of their reasons for not modifying the plan.

(2) When the Secretary of State notifies the authority that he is satisfied that they have made the modifications necessary to conform with the direction, or the direction is withdrawn, they shall, before adopting the plan, again comply with regulation 32(1) and (2); and they shall, when again giving notice under regulation 32(1), make certified copies of the direction, the statement sent pursuant to regulation 31A and the Secretary of State’s notification available for inspection.”.

8. In regulation 36(1), for “12(2)” substitute “12(4) or (5)”.

9. In regulation 39(1)(b) omit “as applied by section 15(3)”.

10. For regulation 41 substitute—

“Alteration, repeal or replacement of local plans

41. These Regulations apply–

- (a) in relation to proposals for the alteration, repeal or replacement of a local plan as they apply to a local plan, with such modifications as are necessary, and
- (b) in relation to proposals to alter, repeal or replace a local plan made in accordance with section 12A of the Act (short procedure for certain alterations etc) with the following additional modifications and provisions–
 - (i) any reference to a provision of section 12 or 12B(1) of the Act shall be treated as a reference to the corresponding provision of section 12A or 12B(2), as the case may be;
 - (ii) an explanation of the local authority’s reasons for proceeding in accordance with section 12A shall be included in the statement required to be sent to the Secretary of State by section 12B(2);
 - (iii) the notice to be given in Form 7 shall include an invitation to make representations about the authority’s proposals within the prescribed period and a notice in similar terms shall be given to persons who may be expected to make such representations;
 - (iv) the prescribed period for the purposes of section 12A(4) shall be a period of six weeks beginning with the day on which notice in Form 7 is first published in a local newspaper.”.

11. In the Schedule, for Form 12, substitute–

“FORM 12
Form of notice of disposition to adopt local plan
NOTICE OF DISPOSITION TO ADOPT LOCAL PLAN
Town and Country Planning Act 1971
(Title of local plan)

[To:] (8)

(1) are disposed to adopt the above-named local plan [as modified by them] (3) on or after (11), unless, before the plan has been adopted, the Secretary of State for [the Environment] [Wales] (3) directs that the plan shall not be adopted until further notice or shall not have effect unless approved by him, or he [further] (3) directs the council to consider modifying the proposals in the plan.

Certified copies of the plan [together with certified copies of the reports of all local inquiries or other hearings held] (12) and of the council’s statements prepared following the consideration of [such reports] [objections] (3) have been deposited at (4).

[The Secretary of State for [the Environment] [Wales] directed (1) to consider modifying the proposals in the plan. Certified copies of the direction and of the council’s statement prepared following consideration of the direction and of the notification from the Secretary of State have also been deposited at (4).] (12)

The deposited documents are available for inspection free of charge (5).

..... 19 (Signature)”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Structure and Local Plans) Regulations 1982 to take into account the provisions of the Housing and Planning Act 1986. The Act allows simplified procedures to be followed where a local planning authority propose to alter, repeal or replace a local plan and it appears to them that the issues involved are not of sufficient importance to warrant the full procedure set out in section 12 of the Town and Country Planning Act 1971, and permits the Secretary of State to direct a local planning authority to consider modifying local plan proposals. The amendments made take account of these changes and also amend the 1982 Regulations to reflect the re-numbering of sections of the 1971 Act brought about by the 1986 Act.

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