
STATUTORY INSTRUMENTS

1991 No. 2794

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

The Town and Country Planning
(Development Plan) Regulations 1991

Made - - - - 10th December 1991

Laid before Parliament 18th December 1991

Coming into force - - 10th February 1992

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 12, 13, 26, 31, 33, 36, 37(4), 38(5), 40, 46, 53 and 336(1) of, and paragraph 4 of Part I and paragraph 17 of Part II of Schedule 2 to, the Town and Country Planning Act 1990⁽¹⁾ and paragraphs 40, 41(2), 45(1), 46(1) and 47(7) of Schedule 4 to the Planning and Compensation Act 1991⁽²⁾ and of all other powers enabling them in that behalf hereby make the following regulations—

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Development Plan) Regulations 1991 and shall come into force on 10th February 1992.

Interpretation

2. —

(1) In these Regulations—

“the 1990 Act” means the Town and Country Planning Act 1990;

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- (1) 1990 c. 8. Sections 12, 26, 31 and 53 were amended by paragraphs 2, 15, 16 and 28 of Schedule 4 to the Planning and Compensation Act 1991. Section 13 was substituted by paragraph 4, sections 33, 36, 37(4), 38(5) and 40 by paragraph 17, section 46 by paragraph 22, and paragraph 4 of Part I and paragraph 17 of Part II of Schedule 2 by paragraph 36(2), of Schedule 4 to the 1991 Act. See the definition of “prescribed” in section 336(1).
- (2) 1991 c. 34. See the definition of “prescribed” in paragraph 40.

“the 1991 Act” means the Planning and Compensation Act 1991;

“by advertisement” means by publication in the London Gazette and by local advertisement;

“by local advertisement” means by publication on at least one occasion in two successive weeks in a local newspaper circulating in the area of the local planning authority;

“statutory plan” means a unitary development plan, structure plan, local plan, minerals local plan or waste local plan.

(2) In these Regulations—

- (a) a reference to the section of an Act is a reference to that section of the 1990 Act;
- (b) a reference to a numbered form is a reference to the correspondingly numbered form in the Schedule to these Regulations;
- (c) in relation to the making, alteration or replacement of a statutory plan by two or more local planning authorities jointly, a reference to a local planning authority shall be read as a reference to all of the local planning authorities making, altering or replacing the plan.

(3) Part 8 of these Regulations shall be interpreted in accordance with regulation 38.

Application

3. These Regulations apply with respect to—

- (a) the form and content of unitary development plans and the procedure to be followed in connection with the making, alteration and replacement of such plans under Chapter I of Part II of the 1990 Act;
- (b) the form and content of structure plans and the procedure to be followed in connection with the alteration and replacement of such plans under Chapter II of Part II of the 1990 Act;
- (c) the form and content of local plans, minerals local plans and waste local plans and the procedure to be followed in connection with the making, alteration and replacement of such plans under Chapter II of Part II of the 1990 Act.

PART 2

FORM AND CONTENT OF STATUTORY PLANS

Title

4.—(1) The title of a statutory plan shall consist of the name of the area of the local planning authority followed by “unitary development plan”, “structure plan”, “local plan”, “minerals local plan” or “waste local plan”, as the case may be.

(2) Where policies in respect of development consisting of the winning and working of minerals or involving the depositing of mineral waste (“mineral policies”) are included in a local plan or waste policies are included in a local plan or a minerals local plan, the local plan or minerals local plan including such policies shall have a sub-title consisting of the words “including mineral policies”, “including waste policies” or “including mineral and waste policies”, as the case may be.

Structure plan diagrams

5. —

(1) A structure plan shall contain a diagram, called the key diagram, illustrating the general policies formulated in the plan’s written statement.

(2) A structure plan may also contain a diagram, called an inset diagram, drawn to a larger scale than the key diagram, and illustrating the application of the general policies to part of the area covered by the structure plan.

(3) Where an inset diagram is included in a structure plan, the area covered by the inset diagram shall be identified on the key diagram and the application of the general policies to that area shall be illustrated on that inset diagram only.

(4) No key diagram or inset diagram contained in a structure plan shall be on a map base.

(5) The title of a structure plan shall be set out on the key diagram and on any inset diagram contained in the plan and the key diagram and any inset diagram shall include an explanation of any symbol or notation used in the diagram.

Maps

6.—(1) The map required by section 12(4)(b) to be included in a unitary development plan, and by section 36(6)(a) to be included in a local plan, a minerals local plan and a waste local plan, shall be called the proposals map and shall be a map of the authority's area reproduced from, or based upon, an Ordnance Survey map and shall show National Grid lines and reference numbers.

(2) Policies for any part of the authority's area may be illustrated on a separate map on a larger scale than the proposals map, called an inset map.

(3) Where an inset map is included in a plan, the area covered by the inset map shall be identified on the proposals map and the policies for that area shall be illustrated on that inset map only.

(4) The title (and any sub-title) of a statutory plan mentioned in paragraph (1) shall be set out on the proposals map and any inset map contained in the plan and the proposals map and any inset map shall show the scale to which it has been prepared and include an explanation of any symbol or notation used in the map.

Reasoned justification

7.—(1) A local plan, minerals local plan and waste local plan shall contain a reasoned justification of the policies formulated in the plan.

(2) The reasoned justification shall be set out so as to be readily distinguishable from the other contents of the plan.

PART 3

ACTION AREAS

Action areas: prescribed period

8. The period prescribed for the purpose of section 12(8) and 36(7) (period for the commencement of comprehensive treatment of an action area) is a period of 10 years beginning with the date on which the relevant plan is first made available for inspection in accordance with section 13(2)(a) or 40(2)(a), as the case may be.

PART 4

PROCEDURE

Regard to be had to certain matters and statement of regard

9.—(1) In formulating their general policies in Part I of a unitary development plan or in a structure plan, the local planning authority shall, in addition to the matters specified in section 12(6), in the case of a unitary development plan, and in section 31(6), in the case of a structure plan, have regard to—

- (a) social and economic considerations;
- (b) environmental considerations; and
- (c) any policies and proposals of an urban development corporation which affect, or may be expected to affect, their area.

(2) In formulating their waste policies in Part II of a unitary development plan, or in a waste local plan, or in a local plan or minerals local plan containing waste policies, a local planning authority shall have regard to any waste disposal plan for their area under section 50 of the Environmental Protection Act 1990(3).

(3) The reasoned justification of the general policies in Part I and of the policies in Part II of a unitary development plan shall contain a statement of—

- (a) the regard which the local planning authority have had in formulating their general policies in Part I to the matters specified in section 12(6) and paragraph (1);
- (b) the regard which the authority have had in formulating their waste policies in Part II to any waste disposal plan for their area and the reason for any inconsistency between their waste policies and the waste disposal plan; and
- (c) the account which the authority have taken of any enterprise zone scheme in their area.

(4) The explanatory memorandum accompanying proposals for the alteration or replacement of a structure plan shall contain a statement of the regard which the local planning authority have had in formulating their general policies to the matters specified in section 31(6) and paragraph (1).

(5) The reasoned justification of the policies formulated in a local plan, minerals local plan or waste local plan shall contain a statement of—

- (a) in the case of a local plan, the regard which the local planning authority have had in formulating their policies to any enterprise zone scheme in their area;
- (b) in the case of a waste local plan, or a local plan or a minerals local plan containing waste policies, the regard which the local planning authority have had in formulating their waste policies to any waste disposal plan and the reason for any inconsistency between their waste policies and the waste disposal plan.

Pre-deposit consultation

10.—(1) When preparing proposals for a statutory plan or for the alteration or replacement of such a plan under section 13(1), 33(1) or 40(1), and before finally determining the contents of the proposals, the local planning authority shall consult—

- (a) the Secretary of State for the Environment and the Secretary of State for Transport, in England, or the Secretary of State for Wales, in Wales;
- (b) any other local planning authority for the area covered by the proposals;

(3) 1990 c. 43.

- (c) any local planning authority for an area adjacent to the area covered by the proposals;
- (d) except in the case of structure plan proposals, the council of any parish or community for the area covered by the proposals;
- (e) the National Rivers Authority;
- (f) the Countryside Commission and the Nature Conservancy Council for England, in England, or the Countryside Council for Wales, in Wales;
- (g) the Historic Buildings and Monuments Commission for England, in England.

(2) The local planning authority shall consider any representations made by the consultees before finally determining the contents of the proposals.

(3) The local planning authority shall prepare a statement of any other persons they have consulted when preparing their proposals, in addition to those listed in paragraph (1), and of any steps they have taken to publicise their proposals and to provide persons with an opportunity of making representations in respect of those proposals.

Deposit of proposals

11.—(1) A local planning authority making proposals for a statutory plan or for the alteration or replacement of a statutory plan available for inspection in accordance with section 13(2)(a), 33(2)(a) or 40(2)(a), shall—

- (a) make the proposals available at their principal office and at such other places within their area as they consider appropriate;
- (b) give notice by advertisement in Form 1; and
- (c) give notice in similar form to any consultee under regulation 10(1) and to any other person whom they consider should be given notice.

(2) Proposals made available for inspection shall be accompanied by—

- (a) the statement prepared pursuant to regulation 10(3);
- (b) in the case of local plan, minerals local plan or waste local plan proposals made available in accordance with section 40(2)(a), any statement supplied under section 46(2);
- (c) in the case of structure plan proposals made available in accordance with section 33(2)(a), the explanatory memorandum.

(3) The local planning authority shall send 4 copies of the documents made available for inspection to the Secretary of State.

Objections and representations

12.—(1) The period within which objections and representations may be made to the local planning authority with respect to proposals for a statutory plan, or for the alteration or replacement of such a plan, made available for inspection under section 13(2)(a), 33(2)(a) or 40(2)(a), shall be six weeks beginning with the date on which a notice given pursuant to regulation 11(1)(b) is first published in a local newspaper.

(2) Objections and representations shall be made in writing and addressed to the local planning authority in accordance with the details given in the published notice.

(3) In addition to the requirement to consider objections imposed by sections 13(6), 33(6) or 40(7), as the case may be, the local planning authority shall also consider any representations made in accordance with this regulation.

(4) In the case of deposited proposals for a statutory plan or for the replacement of a statutory plan, a representation that matters relating to the development and use of land not included in the

deposited proposals ought to have been so included shall be treated as an objection made to the proposals in accordance with the regulations for the purpose of

- (a) regulation 17;
- (b) in the case of statutory plan proposals other than structure plan proposals, regulation 14 and sections 16 and 42,

if the representation is made within the time and in the manner required by this regulation.

Withdrawal of proposals

13.—(1) On the withdrawal of proposals for a local plan, minerals local plan or waste local plan, or for the alteration or replacement of such a plan, the local planning authority shall—

- (a) withdraw the copies of the proposals made available for inspection under section 40(2)(a); and
- (b) give notice that the proposals have been withdrawn to every person who has made an objection or representation with respect to the proposals.

(2) On the withdrawal of proposals for a unitary development plan, or for the alteration or replacement of a unitary development plan or a structure plan, the local planning authority shall, in addition to the persons specified in section 14(2)(b), in the case of unitary development plan proposals, or in section 34(2)(b), in the case of structure plan proposals, give notice of the withdrawal to every person who has made a representation with respect to the proposals.

(3) A local planning authority withdrawing proposals for a statutory plan, or for the alteration or replacement of such a plan, shall also give notice by advertisement.

(4) The notice of withdrawal required by sections 14(2)(b), 34(2)(b) and by this regulation shall be in Form 2.

Local inquiry or other hearing

14.—(1) A local planning authority shall, at least six weeks before the opening of any local inquiry or other hearing which they cause to be held to consider objections to proposals for a statutory plan or for the alteration or replacement of a statutory plan made available for inspection under section 13(2) or 40(2)—

- (a) give any person who has objected to, or made a representation in respect of, the proposals in accordance with these regulations and not withdrawn the objection or representation, notice of the time and place at which the inquiry or other hearing is to be held, the name of the person appointed to hold it, and its purpose; and
- (b) in the case of a local inquiry, give notice of that information by local advertisement.

(2) A local inquiry referred to in paragraph (1) shall be held in public.

Examination in public

15.—(1) A local planning authority shall, at least six weeks before the opening of an examination in public which they cause to be held of matters affecting the consideration of proposals for the alteration or replacement of a structure plan—

- (a) make available for inspection at any place at which the plan proposals have been made available for inspection a list of the matters with which the examination in public will be concerned and the persons who have been invited to take part in it;
- (b) give any person who has objected to, or made a representation in respect of, the proposals in accordance with these regulations and not withdrawn the objection or representation, notice of the time and place at which the examination in public is to be held, the name of the

person or persons appointed to hold it and its purpose, and the availability for inspection of the list mentioned in sub-paragraph (a); and

(c) give notice of that information by local advertisement.

(2) Any notice given under paragraph (1) shall invite representations to be made to the local planning authority on the list referred to in paragraph (1)(a) within 28 days of the date on which the notice is first published in a local newspaper.

Consideration of proposals following a local inquiry or other hearing or examination in public

16.—(1) Where a local planning authority cause a local inquiry or other hearing to be held for a purpose mentioned in regulation 14(1), or an examination in public to be held for a purpose mentioned in regulation 15, the authority shall, after considering the report of the person holding the inquiry, other hearing, or examination in public, as the case may be, prepare a statement of—

- (a) the decisions they have reached in the light of the report and any recommendations contained in the report; and
- (b) the reasons for those decisions.

(2) Where a list of proposed modifications to the statutory plan proposals is made available for inspection under regulation 18(1) after the statement of decisions and reasons is prepared, the report mentioned in paragraph (1) and that statement shall be made available for inspection from the date on which, and at the places at which, the list is made available for inspection.

(3) Where such a list is not made available for inspection under regulation 18(1) after the statement of decisions and reasons is prepared, the local planning authority shall—

- (a) give notice by local advertisement in Form 3;
- (b) serve a notice in similar form on any person who has objected to, or made a representation in respect of, the plan proposals in accordance with these regulations and not withdrawn the objection or representation; and
- (c) make copies of the report mentioned in paragraph (1) and the statement of decisions and reasons available for inspection at any place at which the plan proposals have been made available for inspection.

(4) Where the report of the person holding the inquiry, other hearing, or examination in public, as the case may be, contains recommendations that the statutory plan proposals should be modified in a manner specified in the report and the local planning authority intend not to accept one or more of those recommendations—

- (a) the authority shall make a list of the recommendations that they do not intend to accept available for inspection from the date on which, and at the places at which, the report is made available for inspection;
- (b) the notice given in Form 3, or in Form 4, as the case may be, shall record the authority's intention not to accept those recommendations and invite objections and representations to be made in respect of that intention within six weeks of the date on which the notice is first published in a local newspaper;
- (c) paragraphs (3) and (4) of regulation 18 shall apply to any objection and representation made in respect of that intention as they apply to objections and representations made in respect of proposed modifications;
- (d) where a local inquiry or other hearing is held to consider objections made to that intention, regulation 14 shall apply, and where an examination in public is held to consider matters in connection with that intention, regulation 15 shall apply, as those regulations apply in the case of statutory plan proposals, and this regulation shall apply following such a local

inquiry or other hearing or examination in public as it applies to a local inquiry or other hearing or examination in public mentioned in paragraph (1); and

- (e) where objections have been made to that intention in accordance with these regulations and not withdrawn and the local planning authority do not cause a local inquiry or other hearing or examination in public to be held, regulation 17 shall apply to the consideration of the objections as it applies to the consideration of objections to statutory plan proposals.

(5) Where notice is given in Form 3 and paragraph (4) does not apply, the notice shall give 28 days notice of the local planning authority's intention to adopt the statutory plan proposals.

Consideration of objections without a local inquiry or other hearing or examination in public

17.—(1) Where objections have been made to statutory plan proposals in accordance with these regulations and not withdrawn and the local planning authority do not cause a local inquiry or other hearing or examination in public to be held, the authority shall prepare a statement of their decisions as respects all the objections and their reasons for each decision.

(2) Paragraphs (2), (3) and (5) of regulation 16 shall apply where a statement is prepared pursuant to paragraph (1) as they apply where a statement is prepared pursuant to regulation 16(1).

Modification of proposals

18.—(1) Subject to paragraph (7), a local planning authority proposing to modify proposals for a statutory plan or for the alteration or replacement of a statutory plan (whether to comply with a direction given by the Secretary of State or on their own initiative) shall, unless they are satisfied that the modifications they intend to make will not materially affect the content of the proposals—

- (a) prepare a list of the modifications with their reasons for proposing them;
- (b) make copies of that list available for inspection at any place at which the plan proposals have been made available for inspection;
- (c) give notice by local advertisement in Form 4; and
- (d) serve a notice in similar form on any person who has objected to, or made a representation in respect of, the plan proposals in accordance with these regulations and not withdrawn the objection or representation.

(2) The period within which objections and representations may be made to the local planning authority in respect of proposed modifications is six weeks beginning with the date on which a notice given pursuant to paragraph (1) is first published in a local newspaper.

(3) Objections and representations shall be made in writing and addressed in accordance with the details given in the notice.

(4) An objection to, or representation in respect of, proposed modifications, made in accordance with this regulation, shall be treated as an objection made in accordance with the regulations for the purpose of section 13(6), in the case of unitary development plan proposals, section 33(6), in the case of structure plan proposals, and section 40(7), in the case of local plan, minerals local plan or waste local plan proposals.

(5) Where a local inquiry or other hearing is held to consider objections made to proposed modifications, regulation 14 shall apply, and where an examination in public is held to consider matters in connection with proposed modifications, regulation 15 shall apply, as those regulations apply in the case of statutory plan proposals, and regulation 16 shall apply following such a local inquiry or other hearing or examination in public as it applies to a local inquiry or other hearing or examination in public mentioned in paragraph (1) of that regulation.

(6) Where objections have been made to proposed modifications in accordance with this regulation and not withdrawn and the local planning authority do not cause a local inquiry or other hearing or examination in public to be held, regulation 17 shall apply to the consideration of the objections as it applies to the consideration of objections to statutory plan proposals.

(7) Unless a list of proposed modifications contains only modifications proposed by the local planning authority in order to comply with a direction given by the Secretary of State under section 17(1), 35(2) or 43(4), it shall not be made available for inspection, and the notice referred to in paragraph (1) shall not be given or served, until after—

- (a) the period for objecting to the statutory plan proposals after they have been made available for inspection has expired, or, in the case of a second or subsequent list of proposed modifications, the period for objecting to the previous list of proposed modifications has expired; and
- (b) any statement (or further statement) required by regulation 16(1) or 17(1), as the case may be, has been prepared.

Notice of intention to adopt

19. Without prejudice to sections 13(6), 32(7) and 40(7), proposals for a statutory plan or for the alteration or replacement of such a plan shall not be adopted by a local planning authority until the period given by the authority in their notice of intention to adopt in Form 1, or where the authority has also given notice of their intention to adopt in Form 3 or Form 4, the period in the last such notice to be given by the authority, has expired.

Adoption

20.—(1) When a local planning authority adopt proposals for a statutory plan or for the alteration or replacement of a statutory plan they shall—

- (a) give notice by advertisement in Form 5; and
- (b) serve notice in similar form on any person who has asked to be notified of the adoption.

(2) A copy of the notice given pursuant to paragraph (1) and of the adopted proposals shall be made available for inspection at any place at which the proposals were made available for inspection under regulation 11(1)(a).

(3) The local planning authority shall, not later than the date on which notice is first given by advertisement pursuant to paragraph (1), send 4 copies of the adopted proposals to the Secretary of State.

PART 5

INTERVENTION BY THE SECRETARY OF STATE

Documents to be supplied to the Secretary of State

21. A local planning authority shall supply the Secretary of State with a copy of every notice published by the authority in accordance with these Regulations when the notice is first published, together with a copy of every document made available for inspection in accordance with these regulations.

Direction to modify proposals

22.—(1) Where the Secretary of State directs a local planning authority to modify their proposals under section 17(1), 35(2) or 43(4) the authority shall make a copy of the direction available for inspection with any subsequent list of modifications made so available pursuant to regulation 18(1), and that list shall indicate—

- (a) which modifications have been proposed to comply with the direction; or
- (b) where modifications have not been proposed to comply, or to comply fully, with the direction, the authority's reasons for not doing so.

(2) Any notice of adoption of the proposals given pursuant to regulation 20(1) shall state that the local planning authority have satisfied the Secretary of State that they have made the modifications necessary to conform with the direction to modify or that the direction has been withdrawn, as the case may be.

(3) A copy of any notification by the Secretary of State that he is satisfied with the modifications made or that the direction is withdrawn shall be made available for inspection from the date on which, and at the places at which, the adopted proposals are made available for inspection.

Direction not to adopt proposals

23. If, before the local planning authority have adopted proposals for a statutory plan or for the alteration or replacement of such a plan, the Secretary of State directs them not to adopt the proposals until he has decided whether to give them a direction under section 18(1), 35A(1) or 44(1), as the case may be, they shall not adopt the proposals until he has notified them of his decision.

Called-in proposals

24.—(1) Where the Secretary of State is minded to approve with modifications proposals for a statutory plan or for the alteration or replacement of a statutory plan submitted to him for his approval, he shall, unless, in his opinion, the proposed modifications will not materially affect the content of the plan proposals, send a list of the proposed modifications to the local planning authority, and the authority shall, upon receipt of the list—

- (a) make copies of the list available for inspection at any place at which the plan proposals have been made available for inspection;
- (b) give notice by local advertisement in Form 6; and
- (c) serve notice in similar form on any person who has objected to, or made a representation in respect of, the plan in accordance with these regulations and not withdrawn the objection or representation and on any other person on whom the Secretary of State directs them to serve such a notice.

(2) The period within which objections or representations may be made to the Secretary of State in respect of the proposed modifications is six weeks beginning with the date on which a notice given pursuant to paragraph (1) is first published in a local newspaper.

(3) Objections and representations shall be made in writing and addressed in accordance with the details given in the notice.

(4) Where the Secretary of State causes a local inquiry or other hearing to be held for the purpose of considering objections to statutory plan proposals submitted to him for his approval, or to modifications which he proposes to make to such proposals, he shall give such notice as the local planning authority would be required to give by regulation 14(1) if they were proposing to hold an inquiry or other hearing.

(5) Where the Secretary of State causes an examination in public to be held under section 20(4) or 35B(2) of matters affecting his consideration of proposals submitted to him for his approval, or modifications which he proposes to make to such proposals, he shall—

- (a) send a list of the matters with which the examination in public will be concerned and the persons who have been invited to take part in it to the local planning authority; and
- (b) give such notice as the local planning authority would be required to give by regulation 15 if they were proposing to hold an examination in public.

(6) The local planning authority shall, on receipt of a list sent to them pursuant to paragraph (5), make that list available for inspection at any place at which the plan proposals have been made available for inspection.

(7) The local planning authority shall, on being notified by the Secretary of State of his decision on statutory plan proposals submitted to him for his approval—

- (a) give notice by advertisement in Form 7;
- (b) serve a notice in similar form on any person who has asked to be notified of the decision reached on the proposals and on any other person on whom the Secretary of State directs them to serve such a notice; and
- (c) make a copy of the Secretary of State's notification and of the approved or rejected proposals available for inspection at any place at which the proposals were made available for inspection under regulation 11(1)(a).

Making, alteration and replacement of statutory plans by the Secretary of State

25.—(1) These Regulations apply, so far as practicable and with any necessary modifications, to the making, alteration and replacement of a statutory plan by the Secretary of State as they apply to the making, alteration or replacement of a statutory plan by a local planning authority.

(2) When a statutory plan or alteration made by the Secretary of State becomes operative, the local planning authority entitled to prepare proposals for the alteration or replacement of the plan made or altered by the Secretary of State shall comply with regulation 27 in respect of that plan.

PART 6

AVAILABILITY OF DOCUMENTS AND INDEX

Availability of documents for inspection

26.—(1) Subject to paragraph (3), documents made available for inspection pursuant to Part II of the 1990 Act or these Regulations by a local planning authority making, altering or replacing a statutory plan shall be made so available at the place and time specified by the authority when giving notice of their availability for inspection, and shall, unless the statutory plan proposals are withdrawn, remain so available until the expiration of six weeks from the date of publication of the notice of adoption, approval or rejection of the proposals.

(2) The local planning authority shall, on request and on payment of a reasonable charge, provide, as soon as practicable, a copy of any document made available for inspection mentioned in paragraph (1).

(3) Adopted proposals made available for inspection under regulation 20(2) and approved proposals made available for inspection under regulation 24(7)(c) shall remain so available until printed copies of the proposals are made available for inspection under regulation 27(1).

Availability of plans after adoption or approval

27.—(1) As soon as practicable after proposals for a statutory plan or for the alteration or replacement of a statutory plan have been adopted or approved, the local planning authority which prepared the proposals shall secure that printed copies of the statutory plan, the statutory plan as altered, or the replacement plan, as the case may be, are available for inspection during normal office hours at their principal office and at such other places within their area as they consider appropriate and, on payment of a reasonable charge, for purchase.

(2) A local planning authority shall continue to make printed copies of a statutory plan, altered statutory plan, or replacement plan made available for inspection and purchase under paragraph (1) so available until the relevant plan is altered, further altered, or replaced, as the case may be.

Index

28.—(1) A local planning authority shall keep an index containing the following information in respect of the development plan for their area—

- (a) the title of any plan forming part of or constituting the development plan for their area;
- (b) the date on which that plan was adopted or approved;
- (c) the title and date of adoption or approval of any alteration to that plan;
- (d) the date of the first publication of any notice given under these Regulations in respect of proposals for the making of a plan which will form part of or constitute the development plan for their area or for the alteration or replacement of such a plan; and
- (e) the places at which any plan, alteration or notice listed in the index may be inspected.

(2) In a non-metropolitan area, the index kept by the local planning authority shall also contain the date of any statement supplied under section 35C or paragraph 47 of Schedule 4 to the 1991 Act, or prepared under regulations 30 or 36, in relation to a plan listed in the index and shall identify the places at which the statement may be inspected.

(3) A local planning authority shall also keep a map showing the boundary of any plan listed in their index.

(4) The index and map kept in accordance with this regulation shall be made available for inspection during normal office hours at the local planning authority's principal office and at such other places within their area as they consider appropriate.

PART 7

CONFORMITY AND CONFLICT

Statement of conformity of proposals with structure plan: prescribed period

29. The prescribed period for the purpose of section 46(1)(b) is 28 days.

Statement of conformity on adoption or approval of structure plan

30.—(1) An authority responsible for a structure plan shall, where any proposals of theirs for the alteration or replacement of a structure plan are adopted or approved, prepare a statement in respect of any local plan for which the authority is responsible, and any minerals local plan and waste local plan for their area, stating whether the plan is, or as the case may be, is not, in general conformity with the altered or new structure plan.

(2) A statement prepared under paragraph (1) stating that a local plan, minerals local plan or waste local plan is not in general conformity with a structure plan shall specify the respects in which it is not in such conformity.

(3) A local planning authority which makes available for inspection a plan to which a statement under section 35C or paragraph (1) relates, shall make a copy of the statement available for inspection at any place at which the plan is made available for inspection.

(4) In this regulation, references to an authority responsible for a structure plan or a local plan shall be construed in accordance with section 35C(5).

Conflict between structure plans and local plans, minerals local plans and waste local plans

31. The provisions of a local plan prevail for all purposes over any conflicting provisions in a structure plan made by the same authority, and the provisions of a minerals local plan and of a waste local plan prevail for all purposes over any conflicting provisions in a structure plan, unless the local plan, minerals local plan or waste local plan is one—

- (a) stated under regulation 30(1) not to be in general conformity with the structure plan; and
- (b) neither altered nor replaced after the statement was prepared.

Conflict between local plans and mineral local plans or waste local plans

32. Where there is a conflict between provisions in a local plan and provisions in a minerals local plan or waste local plan, the more recently adopted or approved provisions prevail.

Conflict within statutory plans

33. Where there is a conflict between the written statement of a statutory plan and any other document forming part of the plan, the provisions of the written statement prevail.

PART 8

TRANSITIONAL PROVISIONS

Unitary development plan proposals deposited under the old law

34.—(1) This regulation applies to proposals for a unitary development plan treated as if made available for inspection under section 13(2) by virtue of paragraph 41(1) of Schedule 4 to the 1991 Act.

(2) Where this regulation applies and the six week period afforded under the old law for making objections to the unitary development plan proposals made available for inspection under section 13(3) of the old law has not expired at commencement—

- (a) the local planning authority which made the proposals available for inspection under the old law shall, as soon as practicable, give notice by advertisement that objections may be made under the new law to any policy contained in the proposals, including local plan policies incorporated into the proposals under the old law, and that the period given for making objections to the proposals is to be treated as expiring six weeks after the date on which the notice is first published in a local newspaper; and
- (b) the period for making objections to the proposals shall be so treated for all purposes.

Existing policy statement

35.—(1) An existing policy statement shall be made in Form 8.

(2) A local planning authority intending to publish an existing policy statement shall—

- (a) make copies of their existing policy statement available for inspection at any place at which the statutory plan proposals are made available for inspection for the purpose of regulation 11(1)(a);
- (b) where the statutory plan proposals are first made available for inspection on or after commencement, publish the statement with the notice of deposit of those proposals on each occasion on which that notice is published pursuant to regulation 11(1)(b) and include a copy of the statement with any notice given pursuant to regulation 11(1)(c);
- (c) where the statutory plan proposals were made available for inspection under the old law and the authority is required to give notice by regulation 34(2)(a), publish the statement with that notice on each occasion on which that notice is published pursuant to that regulation.

(5) In this regulation “existing policy statement” means a statement made for the purpose of paragraph 4 of Part I or paragraph 17 of Part II of Schedule 2 to the 1990 Act or paragraphs 41(2), 45(1), or 46(1) of Schedule 4 to the 1991 Act.

Conflict between structure plans and saved local plans

36.—(1) Where proposals for the alteration or replacement of a structure plan are adopted or approved and the local planning authority concerned are the only local planning authority in their area, that authority shall prepare a statement that any saved local plan in operation in the area is, or, as the case may be, is not, in general conformity with the altered or new structure plan.

(2) A statement prepared under paragraph (1) stating that a saved local plan is not in general conformity with a structure plan shall specify the respects in which it is not in such conformity.

(3) A local planning authority which make available for inspection a saved local plan to which a statement under paragraph 47(2) of Schedule 4 to the 1991 Act or paragraph (1) relates, shall make a copy of the statement available for inspection at any place at which the plan is made available for inspection.

(4) The provisions of a saved local plan mentioned in paragraph (1) prevail for all purposes over any conflicting provisions in the structure plan unless the saved local plan is one stated under that paragraph not to be in general conformity with the structure plan.

(5) In this regulation, the references to a saved local plan do not include a reference to a saved local plan to which paragraph 44(2) of Schedule 4 to the 1991 Act applies.

Availability of plans adopted or approved before commencement

37. Where, immediately before commencement, a local planning authority are making a plan forming part of or constituting the development plan for their area available for inspection, that authority shall continue to make that plan available for inspection until the plan ceases to have effect in relation to the authority’s area.

Interpretation of Part 8

38. In this Part, “commencement”, “the old law” and “the new law” have the meaning given to those expressions by paragraph 40 of Schedule 4 to the 1991 Act.

PART 9

REVOCATION AND SAVINGS

Revocation and savings

39.—(1) Subject to paragraph (2), the Town and Country Planning (Structure and Local Plans) Regulations 1982⁽⁴⁾, the Town and Country Planning (Local Plans for Greater London) Regulations 1983⁽⁵⁾, the Town and Country Planning (Structure and Local Plans) (Amendment) Regulations 1984⁽⁶⁾, paragraphs 8 to 14 of Schedule 1 to the Town and Country Planning (Local Government Reorganisation) (Miscellaneous Amendments) Regulations 1986⁽⁷⁾, the Town and Country Planning (Structure and Local Plans) (Amendment) Regulations 1987⁽⁸⁾ and the Town and Country Planning (Unitary Development Plans) Regulations 1988⁽⁹⁾ are hereby revoked.

(2) The Town and Country Planning (Structure and Local Plans) Regulations 1982 shall continue to apply for the purpose of the preparation and adoption or approval of a local plan under the old law in accordance with paragraph 43 of Schedule 4 to the 1991 Act.

(3) In paragraph (2), “old law” has the meaning given to that expression in paragraph 40 of that Schedule.

10th December 1991

Michael Heseltine
Secretary of State for the Environment

10th December 1991

David Hunt
Secretary of State for Wales

(4) S.I.1982/555.
(5)) S.I. 1983/1190.
(6) S.I. 1984/6.
(7) S.I. 1986/443.
(8) S.I. 1987/1760.
(9) S.I. 1988/139.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

PRESCRIBED FORMS

Regulation 11

FORM 1:

NOTICE OF DEPOSIT OF PROPOSALS FOR A STATUTORY PLAN OR FOR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN.

Town and Country Planning Act 1990 Notice of Deposit of Proposals for [the [Alteration] [Replacement] of] a [Unitary Development Plan] [Structure Plan] [Local Plan] [Minerals Local Plan] [Waste Local Plan] (Title of plan)

(1) have prepared proposals for [the [alteration] [replacement] of] the above plan. Copies of the proposals are available for public inspection at (2) free of charge on (3). Objections to, and representations in respect of, the proposals should be sent in writing to (4) before (5). Objections and representations should specify the matters to which they relate and the grounds on which they are made, and may be accompanied by a request to be notified at a specified address of the withdrawal, adoption, approval or rejection of the proposals. Only objectors whose objections are made in writing and sent to the address specified above within the six week period ending on (5) will have a right to have their objections considered at a local inquiry.

Notice of Intention to Adopt Proposals

If no objections are received during the period given for making objections intend to adopt the proposals on the expiry of that period.

Notes

1. Omit any expression within square brackets which is inappropriate.
2. Insert:
 - (1) the name of the local planning authority;
 - (2) the address of the local planning authority's principal office and of any other places at which the documents are available for inspection;
 - (3) the days on which, and hours between which, the documents are available for inspection;
 - (4) the name or title of the officer to whom objections and representations should be sent and the address to which they are to be sent;
 - (5) the date which provides a period of six weeks beginning with the date on which the notice is first published in a local newspaper for the making of objections and representations.

Regulation 13

FORM 2:

NOTICE OF WITHDRAWAL OF PROPOSALS FOR A STATUTORY PLAN OR FOR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN.

Town and Country Planning Act 1990 Notice of Withdrawal of Proposals for [the [Alteration] [Replacement] of] a [Unitary Development Plan] [Structure Plan] [Local Plan] [Minerals Local plan] [Waste Local Plan] (Title of plan)

Copies of these proposals made available for inspection by (1) have been withdrawn because (2)

Notes

1. Omit any expression within square brackets which is inappropriate.

2. Insert:

(1) the name of the local planning authority;

(2) the reasons why the proposals have been withdrawn.

Regulations 16 and 17

FORM 3:

NOTICE OF INTENTION TO ADOPT PROPOSALS FOR A STATUTORY PLAN OR FOR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN WITHOUT PROPOSING MODIFICATIONS OR FURTHER MODIFICATIONS.

Town and Country Planning Act 1990 Notice of Intention to Adopt Proposals for [the [Alteration] [Replacement] of] a [Unitary Development Plan] [Structure Plan] [Local Plan] [Minerals Local Plan] [Waste Local Plan] (Title of plan)

(1) propose to adopt these plan proposals without proposing any [further] modifications. Copies of the plan proposals [, the report of the person who held the [local inquiry] [hearing] [examination in public] and the authority's statement of reasons and decisions in the light of the report] [and the authority's statement of reasons and decisions as respects objections to the plan proposals] are available for inspection at (2) on (3).

[The authority do not intend to accept the recommendations in the report that the proposals should be modified. A list of the recommendations which the authority do not intend to accept is available for inspection with the above documents. Objections to, and representations in respect of, the intention not to modify the plan proposals in accordance with the recommendations in the report should be sent in writing to (4) before (5). Objections and representations should specify the matters to which they relate and the grounds on which they are made, and may be accompanied by a request to be notified at a specified address of the withdrawal, adoption, approval or rejection of the plan proposals. (1) will adopt the proposals after that date if no objections are received.]

[(1) will adopt the proposals after (6)]

Notes

1. Omit any expression within square brackets which is inappropriate.

2. Insert–

(1) the name of the local planning authority;

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(2) the address of the local planning authority's principal office and of any other places at which the documents are available for inspection;

(3) the days on which, and hours between which, the documents are available for inspection;

(4) the name or title of the officer to whom objections and representations should be sent and the address to which they are to be sent;

(5) the date which provides a period of six weeks beginning with the date on which the notice is first published in a local newspaper for the making of objections and representations;

(6) the date which is 28 days after the date on which the notice is first published in a local newspaper.

Regulation 18

FORM 4:

NOTICE OF PROPOSED MODIFICATIONS TO PROPOSALS FOR A STATUTORU PLAN OR FOR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN.

Town and Country Planning Act 1990 Notice of Proposed Modifications to Proposals for [the [Alteration] [Replacement] of] a [Unitary Development Plan] [Structure Plan] [Local Plan] [Minerals Local Plan] [Waste Local Plan] (Title of plan)

(1) propose to modify these plan proposals.

A list of the proposed modifications (other than modifications which the authority are satisfied will not materially affect the content of the plan proposals) with the authority's reasons for proposing them are available for inspection at (2) on (3). Copies of the plan proposals [, a direction from the Secretary of State directing the authority to modify the plan proposals,] [, the report of the person who held the [local inquiry] [hearing] [examination in public] and the authority's statement of reasons and decisions in the light of the report] [and the authority's statement of reasons and decisions as respects objections to the plan proposals] are similarly available for inspection.

[The authority do not intend to accept all of the recommendations in the report. A list of the recommendations which the authority do not intend to accept is available for inspection with the above documents.]

Objections to, and representations in respect of, the proposed modifications [and to the intention not to modify the plan proposals in accordance with certain of the recommendations in the report] should be sent in writing to (4) before (5). Objections and representations should specify the matters to which they relate and the grounds on which they are made, and may be accompanied by a request to be notified at a specified address of the withdrawal, adoption, approval or rejection of the plan proposals.

Notice of Intention to Adopt Proposals

If no objections are received during the period given for making objections [and the Secretary of State is satisfied that the modifications proposed conform with his direction or the direction is withdrawn]

(1) intend to adopt the proposals on the expiry of that period.

Notes

1. Omit any expression within square brackets which is inappropriate.
2. Insert–

- (1) the name of the local planning authority;
- (2) the address of the local planning authority's principal office and of any other places at which the documents are available for inspection;
- (3) the days on which, and hours between which, the documents are available for inspection;
- (4) the name or title of the officer to whom objections and representations should be sent and the address to which they are to be sent;
- (5) the date which provides a period of six weeks beginning with the date on which the notice is first published in a local newspaper for the making of objections and representations.

Regulation 20

FORM 5:

NOTICE OF PROPOSED ADOPTION OF PROPOSALS FOR A STATUTORY PLAN OR FOR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN.

Town and Country Planning Act 1990 Notice of Proposed Modifications to Proposals for [the [Alteration] [Replacement] of] a [Unitary Development Plan] [Structure Plan] [Local Plan] [Minerals Local Plan] [Waste Local Plan]

On (1) (2) adopted these plan proposals [with modifications]. [The Secretary of State [was satisfied that the necessary modifications had been made to comply with] [withdrew] his direction to the authority to modify the proposals].

Copies of the adopted proposals [and of the Secretary of State's notification [that he was satisfied with the modifications made to comply with] [withdrawing] his direction] are available for inspection at (3) on (4).

The proposals became operative on their adoption, but any person aggrieved by the proposals who desires to question their validity on the ground that they are not within the powers conferred by Part II of the Town and Country Planning Act 1990 or that any requirement of that Act or of any regulation made under it has not been complied with in relation to the adoption of the proposals, may, within six weeks from (5), make an application to the High Court under section 287 of the 1990 Act.

Notes

1. Omit any expression within square brackets which is inappropriate.
2. Insert–
 - (1) the date on which the proposals were adopted;
 - (2) the name of the local planning authority;
 - (3) the address of the local planning authority's principal office and of any other place at which the documents are available for inspection;
 - (4) the days on which, and hours between which, the documents are available for inspection;
 - (5) the date on which this notice is first published.

Regulation 24

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 6:

NOTICE OF PROPOSED MODIFICATIONS BY THE SECRETARY OF STATE TO PROPOSALS FOR A STATUTORY PLAN OR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN SUBMITTED TO HIM FOR HIS APPROVAL.

Town and Country Planning Act 1990 Notice of Proposed Modifications to Proposals for [the [Alteration] [Replacement] of] a [Unitary Development Plan] [Structure Plan] [Local Plan] [Minerals Local Plan] [Waste Local Plan] (Title of plan)

The Secretary of State for [the Environment] [Wales] proposes to modify these plan proposals prepared by (1) and submitted to the Secretary of State for his approval.

A copy of the plan proposals and a list of the proposed modifications (other than modifications which the Secretary of State is satisfied will not materially affect the content of the plan proposals) are available for inspection at (2) on (3).

Objections to, and representations in respect of, the proposed modifications should be sent in writing to (4) before (5) and may be accompanied by a request to be notified at a specified address of the approval or rejection of the plan proposals.

Notes

1. Omit any expression within square brackets which is inappropriate.
 2. Insert—
 - (1) the name of the local planning authority;
 - (2) the address of the local authority's principal office and of any other places at which the documents are available for inspection;
 - (3) the days on which, and hours between which, the documents are available for inspection;
 - (4) the name and address of the appropriate Regional Director of the Department of the Environment or the Welsh Office to whom such objections and representations should be sent;
 - (5) the date which provides a period of six weeks beginning with the date on which the notice is first published in a local newspaper for the making of objections and representations.
- Regulation 24

FORM 7:

NOTICE OF APPROVAL OR REJECTION BY THE SECRETARY OF STATE OF PROPOSALS FOR A STATUTORY PLAN OR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN SUBMITTED TO HIM FOR HIS APPROVAL

Town and Country Planning Act 1990 Notice of [Approval] [Rejection] by the Secretary of State of Proposals for [the [Alteration] [Replacement] of] a [Unitary Development Plan] [Structure Plan] [Local Plan] [Minerals Local Plan] [Waste Local Plan] (Title of plan)

The Secretary of State for [the Environment] [Wales] [approved] [rejected] these plan proposals prepared by (1) [in part] [and] [with modifications] [and] [with reservations].

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Copies of the proposals and of the Secretary of State's letter notifying his decision are available for inspection at (2) on (3).

[The proposals [became] [become] operative on (4), but any person aggrieved by the proposals who desires to question their validity on the ground that they are not within the powers conferred by Part II of the Town and Country Planning Act 1990 or that any requirement of that Act or of any regulation made under it has not been complied with in relation to the approval of the proposals, may, within six weeks from (5), make an application to the High Court under section 287 of the 1990 Act.]

Notes

1. Omit any expression within square brackets which is inappropriate.
 2. Insert–
 - (1) the name of the local planning authority;
 - (2) the address of the local planning authority's principal office and of any other place at which the documents are available for inspection;
 - (3) the days on which, and hours between which, the documents are available for inspection;
 - (4) the appropriate date;
 - (5) the date on which this notice is first published.
- Regulation 35

FORM 8: EXISTING POLICY STATEMENT

Town and Country Planning Act 1990 Planning and Compensation Act 1991 Statement Identifying Policies in Proposals for [the [Alteration] [Replacement] of] a [Unitary Development Plan] [Local Plan] [Minerals Local Plan] [Waste Local Plan] as Policies Previously Contained in a Local Plan (Title of plan)

The proposals for [the [alteration] [replacement] of] the above plan, made available for inspection by (1) at (2), include policies which were, in the opinion of the authority, previously contained in a local plan for the area ("existing policies"). A list of the policies contained in the proposals which have been identified by the authority as existing policies is set out below.

[Objections may be made to these policies at the same time and in the same manner as objections may be made to the other policies in the proposals.] [The period for objecting to the above proposals set out in the notice of deposit first published locally on (3) is extended and such objections, including objections to policies identified as existing policies, should be sent in writing to (4) before (5).] However, the person holding any local inquiry or other hearing need not allow a person who objects to a policy which has been identified as an existing policy to appear at the local inquiry or other hearing if he is satisfied that the policy so identified is an existing policy and that there has been no significant change in circumstances affecting the existing policy since it first formed part of the local plan.

(List of policies identified by the authority as existing policies)

Notes

1. Omit any expression within square brackets which is inappropriate.
2. Insert–

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- (1) the name of the local planning authority;
 - (2) the address of the local planning authority's principal office and of any other place at which the documents are available for inspection;
 - (3) the date on which the notice of deposit was first published in a local newspaper;
 - (4) the name or title of the officer to whom objections should be sent and the address to which they are to be sent;
 - (5) the date which provides a period of six weeks beginning with the date on which the notice is first published in a local newspaper for the making of objections.
-

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make provision in respect of the form and content of structure plans, local plans, minerals local plans, waste local plans and unitary development plans made under the Town and Country Planning Act 1990 and in respect of the procedure to be followed in connection with the making, alteration and replacement of such plans. They also set out rules for resolving conflict between and within such plans and contain transitional provisions to cover the changeover to the development plan system under the 1990 Act as amended by the Planning and Compensation Act 1991.

These regulations supersede the previous regulations applying to development plans, which are revoked, subject to a limited savings provision.