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STATUTORY INSTRUMENTS

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**1991 No. 2794**

**The Town and Country Planning  
(Development Plan) Regulations 1991**

**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(1).

(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;
- (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.