
STATUTORY INSTRUMENTS

1991 No. 2794

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

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.