

SCHEDULE 5

AREA OF SPECIAL CONTROL ORDERS

PART I

PROCEDURE FOR AREA OF SPECIAL CONTROL ORDERS

1. A local planning authority who propose—
 - (a) to designate an area of special control; or
 - (b) to modify an area of special control order,

shall make an area of special control order designating the area or indicating the modifications by reference to an annexed map.

2. If an area of special control order contains any descriptive matter relating to the area or the modifications in question, that descriptive matter shall prevail, in the case of any discrepancy with the map, unless the order provides to the contrary.

3. As soon as may be after the making of an area of special control order, the authority shall submit it to the Secretary of State for approval, together with—

- (a) two certified copies of the order;
- (b) a full statement of their reasons for making it;
- (c) in the case of an order modifying an existing order, unless the boundaries of the existing area of special control are indicated on the map annexed to the order, a plan showing both these boundaries and the proposed modifications; and
- (d) any additional certified copy of any of the material in subparagraphs (a) to (c) above, which the Secretary of State requires.

4. The authority shall forthwith publish in the London Gazette, and in two successive weeks in at least one newspaper circulating in the locality, a notice in prescribed Form 1.

5. If any objection is made to an order, in the manner and within the time provided for in the prescribed form, the Secretary of State—

- (a) may offer all interested parties an opportunity to make representations to him in writing about any such objection before such date as he may specify;
- (b) may, and at the request of any interested party shall, either provide for a local inquiry to be held or afford to the parties an opportunity of a hearing before a person appointed by him.

6. After considering any representations or objections duly made and not withdrawn and, where applicable, the report of any person holding an inquiry or hearing, the Secretary of State may, subject to paragraph 7 below, approve the order with or without modifications.

7. If the Secretary of State proposes to make a modification for the inclusion of additional land in an order, he shall—

- (a) publish notice of his intention to do so;
- (b) afford an opportunity for the making of objections to, or representations about, the proposed modification; and
- (c) if he considers it expedient, provide for a further inquiry or hearing to be held.

8. As soon as may be after the order has been approved, the local planning authority shall publish in the London Gazette, and in two successive weeks in at least one newspaper circulating in the locality, a notice of its approval in prescribed Form 2.

Status: This is the original version (as it was originally made).

9. An area of special control order shall come into force on the date on which the notice of its approval is published in the London Gazette.

10. Where a local planning authority propose to make an order revoking an area of special control order, a map showing the existing area shall be annexed to the order, and the procedure prescribed in paragraphs 2 to 9 of this Schedule in relation to an order modifying an existing order shall be followed, subject to the modification that the prescribed forms of notice under paragraphs 4 and 8 respectively are prescribed Forms 3 and 4.

11. Any reference in this Part of this Schedule to a prescribed form is to the form bearing that number in Part II of this Schedule or a form substantially to the like effect.