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SCHEDULES

SCHEDULE 5

Section 21.

DEVELOPMENT PLANS: PROVISIONS IN FORCE UNTIL SUPERSEDED BY PART II OF THIS ACT

PART I

GENERAL

Surveys of planning areas and preparation of development plans

- 1 (1) Any local planning authority who have not submitted to the Secretary of State a development plan for their area shall carry out a survey of their area and shall, within such period as the Secretary of State may in any particular case allow, submit to the Secretary of State a report of the survey together with a development plan for their area.
- (2) Subject to the following provisions of this Part of this Schedule, in this Act "development plan" means a plan indicating the manner in which a local planning authority propose that land in their area should be used, whether by the carrying out thereon of development or otherwise, and the stages by which any such development should be carried out.
- (3) Subject to the provisions of any regulations made under this Act for regulating the form and content of development plans, any such plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals in question with such degree of particularity as may be appropriate to different parts of the area; and any such plan may in particular define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds, nature reserves and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan.
- (4) For the purposes of this paragraph, a development plan may define as an area of comprehensive development any area which, in the opinion of the local planning authority, should be developed or redeveloped as a whole for any one or more of the following purposes, that is to say—
- (a) for the purposes of dealing satisfactorily with extensive war damage or conditions of bad lay-out or obsolete development; or
 - (b) for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the development or redevelopment of any other area; or
 - (c) for any other purpose specified in the plan;
- and land may be included in any area so defined whether or not provision is made by the plan for the development or redevelopment of that particular land.

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- (5) At any time before a development plan with respect to the whole of the area of a local planning authority has been approved by the Secretary of State, that authority may, with the consent of the Secretary of State, and shall, if so required by directions of the Secretary of State/prepare and submit to him a development plan relating to part of that area ; and the preceding provisions of this paragraph shall apply in relation to any such plan as they apply in relation to a plan relating to the whole of the area of a local planning authority.

Approval of development plans

- 2 The Secretary of State may approve any development plan submitted to him under paragraph 1 of this Schedule, either without modification or subject to such modifications as he considers expedient.

Amendment of development plans

- 3 (1) At least once in every five years after the date on which a development plan for any area was approved by the Secretary of State, the local planning authority shall carry out a fresh survey of that area, and (subject to paragraph 1 of Schedule 7 to this Act) submit to the Secretary of State a report of the survey, together with proposals for any alterations or additions to the plan which appear to diem to be required having regard thereto.
- (2) Without prejudice to the provisions of sub-paragraph (1) of this paragraph, any local planning authority may (subject to paragraph 1 of Schedule 7 to this Act) at any time, and shall if so required by directions of the Secretary of State, submit to the Secretary of State proposals for such alterations or additions to the development plan for their area or any part thereof as appear to them to be expedient, or as may be required by those directions, as the case may be.
- (3) Where proposals for alterations or additions to a development plan are submitted to the Secretary of State under this paragraph, the Secretary of State may amend that plan to such extent as he considers expedient having regard to those proposals and to any other material considerations.
- (4) Where in accordance with the provisions of paragraph 1(5) of this Schedule a development plan has been prepared for part of the area of a local planning authority, and has been approved by the Secretary of State, then (without prejudice to the provisions of sub-paragraph (2) .of this paragraph) the periods of five years mentioned in sub-paragraph (1) of this paragraph shall run from the date on which development plans in respect of the whole of the area have been approved by the Secretary of State.

Additional powers of Secretary of State with respect to development plans

- 4 (1) Where, by virtue of any of the preceding provisions of this Schedule or of any directions of the Secretary of State thereunder, any development plan, report or proposals for alterations or additions to a development plan are required to be submitted to the Secretary of State, then—
- (a) if within the period allowed in that behalf under those provisions or directions no such plan, report or proposals, or no such plan or proposals satisfactory to the Secretary of State, have been so submitted; or

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- (b) if at any time the Secretary of State is satisfied, after holding a local inquiry, that the local planning authority are not taking the steps necessary to enable them to submit such a plan, report or proposals within that period, the Secretary of State may, after carrying out any survey which appears to him to be expedient for the purpose, make such development plan, or, as the case may be, amend the development plan to such extent, as he considers expedient.
- (2) Where, under sub-paragraph (1) of this paragraph, the Secretary of State has power to make or amend a development plan, he may, if he thinks fit, authorise the local planning authority for any neighbouring area, or any other local planning authority which appears to the Secretary of State to have an interest in the proper planning of the area concerned, to submit such a plan to him for his approval, or as the case may be, to submit to him proposals for the amendment of the plan, and to carry out any survey of the land which appears to him to be expedient for the purpose.
- (3) The Secretary of State may approve any plan submitted to him under sub-paragraph (2) of this paragraph, either without modification or subject to such modifications as he considers expedient, or, as the case may be, may amend any development plan, with respect to which proposals for amendment have been submitted to him under that sub-paragraph to such extent as he considers expedient having regard to those proposals and to any other material considerations.
- (4) The preceding provisions of this Schedule shall, so far as applicable, apply to the making, approval or amendment of development plans under this paragraph, and to plans so made, approved or amended, as they apply to the approval or amendment of development plans under those provisions, and to plans approved or amended thereunder.
- (5) Where the Secretary of State incurs expenses under this paragraph in connection with the making or amendment of a plan with respect to the area, or any part of the area, of a local planning authority, so much of those expenses as may be certified by the Secretary of State to have been incurred in the performance of functions of that authority shall on demand be repaid by that authority to the Secretary of State.
- (6) Where, under this paragraph, a plan, or proposals for the amendment of a plan, are authorised to be submitted to the Secretary of State by the local planning authority for any area other than the area in which the land is situated, any expenses reasonably incurred in that behalf by that authority, as certified by the Secretary of State, shall be repaid to that authority by the local planning authority for the area in which the land is situated.

*Incorporation in development plans of orders
and schemes relating to highways and new towns*

- 5 (1) Where the Secretary of State—
- (a) makes an order under section 7 of the Highways Act 1959 directing that a highway proposed to be constructed by him shall become a trunk road ; or
 - (b) makes or confirms an order or scheme under section 9, 11 or 13 of that Act, any development plan approved or made under this Schedule which relates to land on which a highway is to be constructed or altered in accordance with that order or scheme shall have effect as if the provisions of that order or scheme were included in the plan.

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- (2) Where an order is made by the Secretary of State under section 1 of the New Towns Act 1965 designating an area as the site of a new town under that Act, any development plan approved or made under this Schedule which relates to land in that area shall have effect as if the provisions of that order were included in the plan.
- (3) Nothing in this paragraph shall be construed as prohibiting the inclusion in a development plan, as approved or made by the Secretary of State or as for the time being amended, of provisions—
 - (a) defining the line of a highway proposed to be constructed or altered in accordance with any such order or scheme as is mentioned in sub-paragraph (1) of this paragraph ; or
 - (b) defining an area designated as the site of a new town by any such order as is mentioned in sub-paragraph (2) of this paragraph; or
 - (c) defining land as likely to be made the subject of any such order or scheme as is mentioned in either of those sub-paragraphs.
- (4) Provision may be made by regulations under this Act for enabling any proceedings preliminary to the making of any such order as is mentioned in sub-paragraph (1)(a) or (2) of this paragraph, to be taken concurrently with proceedings required under this Schedule to be taken in connection with the approval or making of a development plan relating to land to which any such order applies, or in connection with any amendment of a development plan rendered necessary or desirable in consequence of any such order.

Supplementary provisions as to development plans

- 6 (1) A local planning authority, before preparing a development plan relating to any land in a county district, or proposals for alterations or additions to any such plan, shall consult with the council of that district, and shall, before submitting any such plan or proposals to the Secretary of State, give to that council an opportunity to make representations with respect thereto and shall consider any representations so made.
- (2) Provision may be made by regulations under this Act with respect to the form and content of development plans, and with respect to the procedure to be followed in connection with title preparation, submission, approval, making and amendment of such plans ; and such regulations shall in particular make provision for securing—
 - (a) that notice shall be given by advertisement in the London Gazette, and in at least one newspaper circulating in the area concerned, of the submission to the Secretary of State of any such plan, or of proposals for the amendment of any such plan, and of any proposal by the Secretary of State to make or amend such a plan, and of the place or places where copies of the plan or proposals as so submitted, or of any such proposal of the Secretary of State, may be inspected;
 - (b) that objections and representations duly made in accordance with the regulations shall be considered, and that such local inquiries or other hearings as may be prescribed shall be held, before such a plan is approved, made or amended by the Secretary of State ; and
 - (c) that copies of any such plan as approved or made by the Secretary of State, including any amendments thereof, shall be available for inspection by the public, and that copies thereof (including reproductions, on such scale as may be appropriate, of any relevant maps) shall be available for sale to the public at a reasonable cost.

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- (3) If, as the result of any objections or representations considered, or local inquiry or other hearing held, in connection with a development plan or proposals for amendment of such a plan submitted to or prepared by the Secretary of State under this Schedule, the Secretary of State is of opinion that the local planning authority, or any other authority or person, ought to be consulted before he decides whether to approve or make the plan, either with or without modifications, or to amend the plan, as the case may be, he shall consult that authority or person but shall not be under any obligation to consult any other authority or person, or to afford any opportunity for further objections or representations, or to cause any further local inquiry or other hearing to be held.
- (4) Subject to the preceding provisions of this paragraph, the Secretary of State may give directions to any local planning authority, or to local planning authorities generally—
- (a) for formulating the procedure for the carrying out of their functions under the preceding provisions of this Schedule ;
 - (b) for requiring them to give him such information as he may require for the purpose of the exercise of any of his functions under those provisions.

Publication and date of operation of development plans

- 7 (1) Immediately after a development plan has been approved or made or amended by the Secretary of State under this Schedule, the local planning authority shall publish, in such manner as may be prescribed, a notice stating that the plan has been approved, made or amended, as the case may be, and naming a place where a copy of the plan or of the plan as amended, may be seen at all reasonable hours, and shall serve a like notice—
- (a) on any person who duly made an objection to, or representation with respect to, the proposed plan or amendment, and has sent to the local planning authority a request in writing to serve him with the notice required by this sub-paragraph, specifying an address for service ; and
 - (b) on such other persons (if any) as may be required by general or special directions given by the Secretary of State.
- (2) Subject to the provisions of Part XII of this Act as to the validity of development plans and of amendments of such plans, a development plan, or an amendment of a development plan, shall become operative on the date on which the notice required by sub-paragraph (1) of this paragraph is first published.

PART II

GREATER LONDON

Development plans

- 8 (1) In the application of this Schedule to Greater London, paragraphs 1(1) and (5) and 3(1) and (2) shall not apply but the provisions of this and the next following paragraph shall have effect in place thereof.
- (2) Subject to the provisions of any order under section 84 of the London Government Act 1963, any development plans under the Act of 1962 operative on 31st March

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1965 which relate, or so far as they relate, to any part of Greater London shall together constitute as from 1st April 1965 the initial development plan for Greater London.

- (3) The Greater London Council shall cause to be carried out a survey of Greater London and shall, within such period as the Secretary of State may allow, submit to the Secretary of State a report of that survey and a general development plan for Greater London, to be known as the Greater London development plan, which, subject to any regulations made (by virtue of paragraph 10(5)(e) of this Schedule) under paragraph 6 of this Schedule, shall lay down considerations of general policy with respect to the use of land in the various parts of Greater London, including in particular guidance as to the future road system, and may make any necessary consequential modifications in the initial development plan aforesaid; and as from the date when the Greater London development plan becomes operative, that plan and the initial development plan aforesaid with any modifications therein made by the Greater London development plan shall together constitute the interim development plan for Greater London.
- (4) Within such period as the Secretary of State may allow after the Greater London development plan becomes operative, each London borough council shall as respects their borough carry out on behalf of the Greater London Council such further survey, if any, as the borough council may consider necessary or as the Greater London Council may direct, and submit to the Greater London Council a report on any such further survey and a local development plan which, subject to any such regulations as aforesaid, shall restate as respects the borough the relevant provisions of the initial development plan aforesaid as modified by the Greater London development plan with any alterations and additions appearing to them necessary or expedient which are consistent with the Greater London development plan; and, without prejudice to paragraph 10(1) of this Schedule, the Greater London Council shall within such further period as the Secretary of State may allow forward any such reports and those local development plans to the Secretary of State with any observations thereon by that Council.
- (5) The development plan for the purposes of this Act for any London borough shall be the following, as amended from time to time by virtue of any provision of paragraphs 9 and 10 of this Schedule, that is to say—
 - (a) as from 1st April 1965 until the Greater London development plan becomes operative, the relevant provisions of the initial development plan aforesaid ;
 - (b) as from the date when the Greater London development plan becomes operative until the date when the local development plan submitted by the borough council becomes operative, the relevant provisions of the interim development plan aforesaid;
 - (c) as from the date when the said local development plan becomes operative, that plan together with the Greater London development plan.

Amendment of development plans

- 9 (1) The Greater London Council shall from time to time cause fresh surveys of Greater London to be carried out and, not less than once in every five years after the approval of the Greater London development plan by the Secretary of State (but subject to paragraph 1 of Schedule 7 to this Act), submit to the Secretary of State a report of any such surveys together with proposals for any alterations or additions to that plan which appear to that Council to be required having regard to those surveys.

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- (2) Without prejudice to the provisions of the foregoing sub-paragraph, the Greater London Council may (subject to paragraph 1 of the said Schedule 7) at any time, and shall at any time when so directed by the Secretary of State, submit to the Secretary of State proposals for such alterations or additions as appear to the Council to be expedient or as may be required by that direction—
- (a) in the case of proposals made before the date of the Secretary of State's approval of the Greater London development plan, to the initial development plan referred to in paragraph 8(2) of this Schedule ; or
 - (b) in the case of proposals made after that date, to the Greater London development plan.
- (3) After the Greater London development plan has become operative, the council of any London borough may (subject to paragraph 1 of the said Schedule 7) at any time, and shall at any time when so directed by the Secretary of State or, with the approval of the Secretary of State, by the Greater London Council, after carrying out on behalf of the Greater London Council such, if any, fresh survey of the borough as may appear to the borough council to be expedient or as may be required by that direction, submit to the Greater London Council proposals for such alterations or additions as may appear expedient or as may be so required—
- (a) in the case of proposals made before the date of the Secretary of State's approval of their local development plan under paragraph 8(4) of this Schedule, to the initial development plan aforesaid as modified by the Greater London development plan ; or
 - (b) in the case of proposals made after that date, to that local development plan ;
- and, without prejudice to paragraph 10(1) of this Schedule, the Greater London Council shall, within such time as the Secretary of State may allow, forward any such proposals to the Secretary of State together with any observations thereon by that Council.

Supplementary provisions as to development plans

- 10 (1) If any local development plan submitted to the Greater London Council under paragraph 8(4) of this Schedule, or any proposal so submitted under paragraph 9(3) of this Schedule, contains any provision which in the opinion of the Greater London Council involves a departure from the Greater London development plan, that Council may, if they think fit, require the council submitting the plan or proposal to reconsider that provision within such period as maybe specified in the requirement, and thereupon—
- (a) unless within the period so specified the submitting council agree that the provision involves such a departure, the question shall be referred to the Secretary of State for decision ;
 - (b) if the submitting council agree as aforesaid, or if on such a reference to the Secretary of State the Secretary of State decides that the provision involves such a departure, the Greater London Council may if they think fit cause that provision to be struck out from the local development plan or proposal for the purpose of its consideration by the Secretary of State ;
 - (c) if on such a reference to the Secretary of State the Secretary of State decides that the provision does not involve such a departure, the provision shall be included in the local development plan or proposal for the purpose of its consideration by the Secretary of State, but the Secretary of State, if

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so required by the Greater London Council, shall afford that Council an opportunity to make further observations thereon.

- (2) Any survey under paragraph 8(3) or 9(1) of this Schedule shall, unless for special reasons the Greater London Council decide to carry it out themselves, be carried out on behalf of that Council by the London borough councils as respects their respective areas ; and subject to sub-paragraph (6) of this paragraph any such survey and any survey under paragraph 8(4) or 9(3) of this Schedule shall be carried out on such lines as the Greater London Council may direct.
- (3) The Greater London Council, before preparing the Greater London development plan or any proposals under paragraph 9(1) or (2) of this Schedule, shall consult with the London borough councils or, in the case of any such proposals, with such of those councils as are affected by the proposals, and before submitting the plan or proposals to the Secretary of State shall give to each of those councils an opportunity to make representations with respect to the plan or proposals and shall consider any representations so made.
- (4) A London borough council—
- (a) when preparing their local development plan under paragraph 8(4) or any proposal under paragraph 9(3) of this Schedule shall give to the Greater London Council any information which that Council may require with respect to the matters to be included in that plan or proposal; and
 - (b) before submitting that plan or proposal to the Greater London Council shall give that Council an opportunity to make representations in the light of that information and shall consider any representations so made.
- (5) The following provisions of Part I of this Schedule, that is to say—
- (a) paragraph 1(2), (3) and (4);
 - (b) paragraph 2 ;
 - (c) paragraph 3(3);
 - (d) paragraph 4 ;
 - (e) paragraph 6(2) and (3) ;
 - (f) paragraph 7,
- shall apply for the purposes of paragraphs 8 and 9 of this Schedule with the modifications specified in sub-paragraph (7) of this paragraph as if any report or plan submitted or forwarded under paragraph 8(3) or (4) of this Schedule were a report or plan submitted under paragraph 1(1) of this Schedule and any report or proposal submitted or forwarded under paragraph 9 of this Schedule were a report or proposal submitted under paragraph 3 of this Schedule.
- (6) Paragraph 6(4) of this Schedule shall not apply to Greater London but, subject to any express provision contained in or having effect by virtue of this paragraph or paragraphs 8 or 9 of this Schedule, the Secretary of State may give directions—
- (a) to the Greater London Council with respect to the form and content of any directions by the Greater London Council under sub-paragraph (2) of this paragraph ;
 - (b) to that Council and to any London borough council—
 - (i) with respect to the procedure for the carrying out of the functions exercisable under or by virtue of those paragraphs by any of those councils ; and

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- (ii) with respect to the furnishing to the Secretary of State by those councils of information required for the purpose of the functions exercisable under or by virtue of those paragraphs by the Secretary of State.
- (7) In the application by virtue of sub-paragraph (5) of this paragraph of the provisions of this Schedule hereinafter mentioned—
- (a) any reference in paragraph 1(4) to the opinion of the local planning authority shall be construed as a reference to the opinion of either the Greater London Council or the council of the London borough in which the land in question is situated;
 - (b) the reference in paragraph 4(1)(b) to the local planning authority shall be construed as a reference to any of the following councils, that is to say, the Greater London Council and the London borough councils, by whom there fall to be taken the steps necessary to enable the plan, report or proposal in question to be submitted within the period in question;
 - (c) the reference in paragraph 4(4) to the preceding provisions of this Schedule shall be construed as including a reference to the provisions of paragraphs 8 and 9 of this Schedule and sub-paragraphs (1) to (4) of this paragraph ;
 - (d) any reference in paragraph 6(2) or (3) to objections or representations shall be construed as a reference only to objections or representations arising from—
 - (i) any addition, modification or alteration to the initial development plan referred to in paragraph 8(2) of this Schedule which is proposed to be effected by the Greater London development plan or which is proposed under paragraph 9(2)(a) of this Schedule ;
 - (ii) any addition or alteration to the initial development plan aforesaid as modified by the Greater London development plan which is proposed to be effected by any local development plan forwarded to the Secretary of State under paragraph 8(4) of this Schedule or which is proposed under paragraph 9(3)(d) thereof ;
 - (iii) any alteration or addition to the Greater London development plan proposed under paragraph 9(1) or (2)(b) of this Schedule ;
 - (iv) any alteration or addition to such a local development plan as aforesaid proposed under paragraph 9(3)(b) of this Schedule ;
 - (e) the reference in paragraph 7(1) to the local planning authority shall be construed—
 - (i) in relation to any amendment of the initial development plan aforesaid made before the Greater London development plan becomes operative or made by the Greater London development plan, as a reference to the Greater London Council;
 - (ii) in relation to any amendment of the provisions with respect to any London borough of the initial development plan aforesaid as modified by the Greater London development plan, as a reference to the council of that borough ;
 - (iii) in relation to the Greater London development plan, as a reference to the Greater London Council;
 - (iv) in relation to a local development plan under paragraph 8(4) of this Schedule, as a reference to the council of the London borough in question.