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SCHEDULES

SCHEDULE 7

DEVELOPMENT PLANS: TRANSITION FROM SCHEDULE 5 TO PART II OF THIS ACT

- 1 Until the repeal of Part I of Schedule 5 to this Act and, where applicable, paragraph 8 of that Schedule as respects any district (whether the whole or part of the area of a local planning authority), proposals for any alterations or additions to a development plan in force in the area consisting of or comprising that district shall not without the approval of the Secretary of State be submitted to him under paragraph 3 or 9 of that Schedule.
- 2 On the repeal of the said Part I and, where applicable, the said paragraph 8 as respects any district, the development plan which was in force in the area consisting of or comprising that district immediately before the repeal takes effect (hereafter in this Schedule referred to as "the old development plan") shall, subject to the following provisions of this Schedule, continue in force as respects that district and be treated for the purposes of this Act, any other enactment relating to town and country planning, the Land Compensation Act 1961, the Land Commission Act 1967 and the Highways Act 1959 as being comprised in, or as being, the development plan therefor.
- 3 Subject to the following provisions of this Schedule, where by virtue of paragraph 2 of this Schedule the old development plan for any district is treated as being comprised in a development plan for that district and there is a conflict between any of its provisions and those of the structure plan for that district, the provisions of the structure plan shall be taken to prevail for the purposes of Parts III, IV, V, VI, VII and IX of this Act and Schedule 11 to this Act.
- 4 Where a structure plan is in force in any district, but no local plan is in force in that district, a street authorisation map prepared in pursuance of the Town and Country Planning (Development Plans) Regulations 1965 or the Town and Country Planning (Development Plans for Greater London) Regulations 1966 for any area consisting of or comprising that district shall—
 - (a) if in force immediately before the structure plan comes into force be treated for the purposes of this Act as having been adopted as a local plan by the local planning authority ;
 - (b) if immediately before the structure plan comes into force it was under consideration by the Secretary of State be treated for those purposes as having been so adopted on being approved by the Secretary of State.
- 5 Where a structure plan is in force in any district, but no local plan is in force in that district, then, for any of the purposes of the Land Compensation Act 1961—
 - (a) the development plan or current development plan shall as respects that district be taken as being whichever of the following plans gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land acquired, for that purpose, that is to say, the structure plan, so far as applicable to the district, and any alterations

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- thereto, together with the Secretary of State's notice of approval of the plan and alterations, and the old development plan ;
- (b) land situated in an area defined in the current development plan as an area of comprehensive development shall be taken to be situated in whichever of the following areas leads to such assumptions as aforesaid, that is to say, any area wholly or partly within that district selected by the structure plan as an action area and the area so defined in the old development plan.
- 6 Subject to paragraph 7 of this Schedule, the Secretary of State may by order wholly or partly revoke a development plan continued in force under this Schedule whether in its application to the whole of the area of a local planning authority or in its application to part of that area and make such consequential amendments to the plan as appear to him to be necessary or expedient.
- 7 Before making an order with respect to a development plan under paragraph 6 of this Schedule, the Secretary of State shall consult with the local planning authority for the area to which the plan relates or, where the area is a London borough, with the council of that borough and the Greater London Council.
- 8 Any reference in the preceding provisions of this Schedule to a development plan shall as respects any district in Greater London, be construed as a reference to the initial development plan within the meaning of paragraph 8 of Schedule 5 to this Act, the Greater London development plan and any development plan prepared for the area consisting of or comprising that district by the council of the relevant London borough.
- 9 Any reference in paragraphs 1 and 2 of this Schedule to the repeal of Part I of Schedule 5 to this Act or paragraph 8 of that Schedule shall, in a case where that repeal is brought into force by an order under section 21 of this Act on different days, be construed as a reference to a repeal of such of the provisions of the said Part I or the said paragraph 8 as may be specified in the order.
- 10 In relation to any development plan continued in force by virtue of this Schedule, sections 242 and 244 of this Act shall have effect with the same substitutions as are specified in paragraphs 2 and 3 of Schedule 6 to this Act.