

SCHEDULES

SCHEDULE 14

Section 89.

AMENDMENTS RELATING TO SURVEYS AND PLANS

Town and Country Planning Act 1971

- 1 In the Town and Country Planning Act 1971 so much of section 6 as requires a local planning authority to institute a fresh survey of their area or part of it if directed to do so by the Secretary of State shall cease to have effect.
- 2 In section 7 of that Act (preparation of structure plans)—
- (a) the following subsections shall be substituted for subsections (1) to (3):
 - “7 (1) The local planning authority shall, within such period from the commencement of this section within their area as the Secretary of State may direct, prepare and submit to the Secretary of State for his approval a structure plan for their area complying with the provisions of subsection (1A) of this section.
 - (1A) The structure plan for any area shall be a written statement—
 - (a) formulating the local planning authority's policy and general proposals in respect of the development and other use of land in that area (including measures for the improvement of the physical environment and the management of traffic); and
 - (b) containing such other matters as may be prescribed or as the Secretary of State may in any particular case direct.”;
 - (b) subsection (5) (indication of action areas in general proposals for structure plan) shall cease to have effect except in relation to structure plans approved by the Secretary of State before the passing of this Act;
 - (c) the following subsection shall be substituted for sub section (6): —
 - “(6) The written statement shall be illustrated by such diagram or diagrams as may be prescribed, which shall be treated as forming part of the plan.”; and
 - (d) the following subsection shall be added after subsection (6):
 - “(6A) The structure plan shall be accompanied by an explanatory memorandum summarising the reasons which in the opinion of the local planning authority justify each and every policy and general proposal formulated in the plan, stating the relationship thereof to expected development and other use of land in neighbouring areas where relevant and containing such other matters as may be prescribed; and the explanatory memorandum may contain such illustrative material as the local planning authority think appropriate.”.

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- 3 In section 8 of that Act (publicity in connection with preparation of structure plans)
 —
- (a) the following paragraph shall be substituted for paragraph (a) of subsection (1): —
- “(a) that adequate publicity is given in their area to the matters which they propose to include in the plan and to the proposed content of the explanatory memorandum relating to each such matter ;” ; and
- (b) in subsection (2), after the word " State ", in the second place where it occurs, there shall be inserted the words " and of the explanatory memorandum ".
- 4 The following subsection shall be inserted after section 9(4) of that Act (power to make regulations with respect to the procedure to be followed at an examination of a structure plan): —
- “(4A) Subsection (4) of this section shall come into operation on a day appointed by an order made by the Secretary of State.”.
- 5 The following section shall be substituted for section 10 of that Act (alteration of structure plans): —

“10 Alteration of structure plans.

- (1) At any time after the approval of a structure plan for their area or part of their area a local planning authority may submit to the Secretary of State and shall, if so directed by the Secretary of State, submit to him within a period specified in the direction, proposals for such alterations to that plan as appear to them to be expedient or as the Secretary of State may direct, as the case may be, and any such proposals may relate to the whole or part of the area to which the plan relates.
- (2) At any time after the approval of the structure plan for their area or any part of their area a local planning authority may submit proposals for its repeal and replacement to the Secretary of State.
- (3) An authority submitting a proposal under subsection (2) of this section for the repeal and replacement of a structure plan shall at the same time submit to the Secretary of State the structure plan with which they propose that it shall be replaced.
- (4) Proposals under subsection (1) or (2) of this section shall be accompanied by an explanatory memorandum summarising—
- (a) in the case of proposals under subsection (1) of this section, the reasons which in the opinion of the local planning authority justify the alterations which they are proposing; and
- (b) in the case of proposals under subsection (2) of this section, the reasons which in their opinion justify the repeal and replacement of the structure plan.
- (5) The explanatory memorandum shall also state the relationship of the proposals to general proposals for the development and other use of land in neighbouring areas which may be expected to affect the area to which the proposals relate.

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- (6) The explanatory memorandum—
- (a) shall also contain any information on which the proposals are based ;
and
 - (b) may contain such illustrative material as the local planning authority think appropriate.
- (7) Subject to subsection (8) of this section, sections 8 and 9 of this Act shall apply, with any necessary modifications, in relation to the proposals as they apply in relation to a structure plan.
- (8) Section 9(3)(b) of this Act shall not apply in any case where it appears to the Secretary of State, on consideration of proposals for the alteration or repeal and replacement of a structure plan, that no matters which require an examination in public arise—
- (a) from the proposals; or
 - (b) from any structure plan submitted with them under subsection (3) of this section.”.
- 6 The following subsection shall be substituted for subsections (6) to (8) of section IOC of that Act (development plan schemes): —
- “(6) Where a district planning authority make representations to the Secretary of State that they are dissatisfied with a development plan scheme, the Secretary of State may amend the scheme, and any amendment so made shall have effect as if made by the county planning authority.”.
- 7 The following provisions of that Act, namely—
- (a) so much of section 11 (preparation of local plans) as authorises the Secretary of State to give directions in particular cases as to the matters to be contained in local plans and the documents by which such plans are to be accompanied; and
 - (b) so much of section 12 (publicity in connection with preparation of local plans) as requires a local planning authority who propose to prepare a local plan to take such steps as will in their opinion secure that adequate publicity is given in their area to any relevant matter arising out of a survey of the area carried out by them under section 6 or 11, or as authorises the Secretary of State—
 - (i) to prescribe places other than the offices of the local planning authority at which copies of local plans are to be available for inspection ; and
 - (ii) to prescribe the particulars to be contained in a statement accompanying a copy of a local plan sent to him under subsection (2) of that section,shall cease to have effect.
- 8 (1) The following subsections shall be inserted after subsection (4) of section 11 of that Act: —
- “(4A) Without prejudice to subsections (1), (2) and (4) of this section, the local planning authority may prepare a local plan for any part of their area (in this section referred to as an " action area ") which they have selected for the commencement during a prescribed period of comprehensive treatment,

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by development, redevelopment or improvement of the whole or part of the area selected, or partly by one and partly by another method.

(4B) A local plan prepared for an action area under subsection (4A) of this section shall indicate the nature of the treatment selected for the action area.”.

(2) Subsection (6) of that section (which imposes on a local planning authority a duty to prepare a local plan for any area indicated as an action area in a structure plan which has been approved by the Secretary of State) shall cease to have effect except in relation to structure plans approved by him before the passing of this Act”.

9 The following subsection shall be added after section 13(2) of that Act (inquiries, etc. with respect to local plans)—

“(3) The requirement for a local inquiry or other hearing to be held shall not apply if all persons who have made an objection have indicated in writing that they do not wish to appear.”.

10 In section 14 of that Act (adoption and approval of local plans)—

(a) the following subsections shall be substituted for subsection (1): —

“(1) After the expiry of the period afforded for making objections to a local plan or, if such objections have been duly made during that period, after considering the objections so made, the local planning authority may, subject to section 12 of this Act and subsections (1A), (2) and (3) of this section, by resolution adopt the plan either as originally prepared or as modified so as to take account—

- (a) of the objections so made;
- (b) of any other objections made to the plan ;
- (c) of any other considerations which appear to the authority to be material.

(1A) Where—

- (a) an objection to the plan has been made by the Minister of Agriculture, Fisheries and Food (in this section referred to as " the Minister "); and
- (b) the local planning authority do not propose to modify the plan to take account of that objection,

the authority—

- (i) shall send the Secretary of State particulars of the Minister's objection, together with a statement of their reasons for not modifying the plan to take account of it; and
- (ii) shall not adopt the plan unless the Secretary of State authorises them to do so.”;

(b) the following subsections shall be inserted after subsection (3): —

“(3A) Subject to subsection (3B) of this section, where particulars of an objection to a local plan made by the Minister have been sent to the Secretary of State under subsection (1A) of this section, it shall be the duty of the Secretary of State to direct that the plan shall not have effect unless approved by him.

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- (3B) The Secretary of State need not give a direction under subsection (3A) of this section if he is satisfied that the Minister no longer objects to the plan.”;
- (c) in subsection (4)—
- (i) after the words " subsection (3) " there shall be inserted the words " or (3A) " ; and
- (ii) in paragraph (d) for the words " the plan ", in the second place where they occur, there shall be substituted the words " any objections thereto " ; and
- (d) the following subsection shall be added after subsection (7)—
- “(8) Where there is a conflict between any of the provisions of a local plan which has been adopted or approved under this section and the provisions of a structure plan which has been approved under section 9 of this Act, the provisions of the local plan shall be taken to prevail for all purposes:
- Provided that where the local plan is specified in such a list as is mentioned in subsection (2)(ii) or (3)(ii) of section 15B of this Act, the provisions of this subsection shall not apply until such time as a proposal for the alteration of the local plan or for its repeal and replacement with a new plan has been adopted or has been approved by the Secretary of State.”.
- 11 In section 15 of that Act (alterations of local plans)—
- (a) in subsection (3) for the word " The ", where it first occurs, there shall be substituted the words " Subject to subsection (4) of this section, the " ; and
- (b) the following subsection shall be added after subsection(3)—
- “(4) The requirement in section 13 of this Act for a local inquiry or other hearing to be held shall not apply if all persons who have made an objection have indicated in writing that they do not wish to appear.”.
- 12 The following subsections shall be substituted for subsections (1) to (7) of section 21 of that Act (commencement of Part II and interim provisions): —
- “(1) Subject to subsection (2) below, on the date on which a structure plan becomes operative—
- (a) the following provisions of this Act, namely—
- (i) section 20, and
- (ii) the first paragraph of Part I of Schedule 23 (amendment of the Land Compensation Act 1961),
- shall come into operation in the area to which the structure plan relates, and
- (b) the following provisions of this Act, namely—
- (i) Part I of Schedule 5, and
- (ii) Schedule 6,
- shall cease to have effect in that area.
- (2) Where by virtue of section 15A of this Act a local plan becomes operative before the structure plan—

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- (a) the following provisions of this Act, namely—
 - (i) section 20, except paragraphs (a) and (b) of subsection (1), and
 - (ii) the first paragraph of Part I of Schedule 23,
 shall come into operation in the area to which the local plan relates on the date on which that plan becomes operative;
 - (b) the following provisions of this Act, namely—
 - (i) Part I of Schedule 5, and
 - (ii) Schedule 6,
 shall cease to have effect in that area on that date; and
 - (c) paragraphs (a) and (b) of section 20(1) of this Act shall come into operation on the date on which the structure plan becomes operative, in so far as they apply to the area to which the structure plan relates.
- (3) Schedule 7 to this Act shall have effect as respects the transition from Schedules 5 and 6 to this Act to the preceding provisions of this Part of this Act.
- (4) Any reference in this Part of this Act to the commencement of any provision of this Part of this Act shall be construed in accordance with subsections (5) to (7) of this section.
- (5) If a day was appointed for the coming into operation of any such provision before the coming into operation of section 89 of the Local Government, Planning and Land Act 1980, any such reference shall be construed as a reference to the day so appointed.
- (6) If different days were so appointed for the coming into operation of any such provision in different areas, any such reference shall, in relation to any area, be construed as a reference to the day appointed for the coming into operation of that provision in that area,
- (7) If any such provision comes into operation in any area on the date on which a structure plan becomes operative, any such reference shall, in relation to that area, be construed as a reference to that date.
- (7A) The Secretary of State for the time being having general responsibility in planning matters in relation to England shall, for England, and the Secretary of State for the time being having such responsibility in relation to Wales shall, for Wales, each maintain and keep up to date a register showing, in such a way as to enable members of the public to obtain the information for themselves—
- (a) the provisions of this Part of this Act which have come into operation in relation to any area and the dates on which they came into operation in relation to it; and
 - (b) whether, in the case of a particular area, any transitional provision was made by an order under this section before the coming into operation of section 89 of the Local Government, Planning and Land Act 1980.”.
- 13 (1) In Schedule 4 to that Act (surveys and development plans in Greater London)—
- (a) so much of paragraphs 1 and 2 (matters to be examined and kept under review by Greater London Council and London borough councils) as

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- authorises the Secretary of State to specify in a direction matters to be kept under review on a fresh survey under section 6(2) shall cease to have effect;
- (b) in paragraph 7 for the words " 12 and 14(5) to (7)" there shall be substituted the words " and 12 ";
- (c) the following paragraphs shall be inserted after paragraph 7:—
- “7A (1) The provisions of section 14(2) of this Act shall apply to a local plan prepared by a London borough council as they apply to a local plan prepared by a district planning authority and accordingly the provisions of section 14(5), (6) and (7) shall apply to a case where a London borough council has prepared a local plan as if for the words " county planning authority ", wherever they occur, there were substituted the words " Greater London Council " and for the words " district planning authority ", wherever they occur, there were substituted the words " London borough council "
- (2) Where in pursuance of paragraph 8(3) below a joint local plan has been prepared by two or more London borough councils, each shall apply to the Greater London Council in pursuance of section 14(5) of this Act as applied by sub-paragraph (1) of this paragraph.
- (3) Where a joint local plan has been prepared by one or more London borough councils and one or more adjacent local planning authorities, each London borough council shall apply to the Greater London Council in pursuance of section 14(5) of this Act as applied by sub-paragraph (1) of this paragraph and each of the other local planning authorities shall apply to the county planning authority for their respective area.
- (4) Where a joint local plan has been prepared by one or more London borough councils jointly with the Greater London Council, sub-paragraph (1) of this paragraph shall not apply.
- 7B Section 15B(3) of this Act shall apply to proposals for the alteration of the Greater London development plan and to local plans prepared by London borough councils with the substitution of a reference to " the Greater London Council " for the reference to " the county planing authority" and of a reference to " every London borough council" for the reference to " every district planning authority ";
- (d) so much of paragraph 11(2)(b) and (3) as authorises the Secretary of State to give directions as to the matters to be contained in local plans prepared by the Greater London Council and London borough councils and the documents by which such plans are to be accompanied shall cease to have effect; and
- (e) in paragraph 12(2)—
- (i) for the words " After preparing a local plan " there shall be substituted the words " Subject to section 15A(3) of this Act, when a local plan has been prepared and, in a case where the council preparing it are required to obtain a certificate under section 14 of this Act, they have obtained that certificate, ";
- (ii) the words " and at such other places as may be prescribed " shall cease to have effect; and

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- (f) so much of paragraph 12(3) as authorises the Secretary of State to prescribe the particulars contained in a statement accompanying a copy of a local plan sent to him under paragraph 12(2) shall cease to have effect.
- (2) The provisions of sub-paragraph (1)(b), (c) and (e)(i) of this paragraph shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint.
- 14 The following paragraph shall be substituted for paragraph 3 of Schedule 7 to that Act (transitional provisions relating to development plans): —
- “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—
- (a) if 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; and
- (b) if there is a conflict between any of its provisions and those of a local plan, the provisions of the local plan shall be taken to prevail for the purposes of those Parts of this Act and that Schedule.”.
- 15 (1) The following paragraphs shall be inserted after paragraph 5 of that Schedule: —
- “5A Subject to paragraph 5C of this Schedule, on the adoption or approval of a local plan under section 14 of this Act so much of any old development plan as relates to the area to which the local plan relates shall cease to have effect.
- 5B The Secretary of State may by order direct that any of the provisions of the old development plan shall continue in force in relation to the area to which the local plan relates.
- 5C If the Secretary of State makes an order under paragraph 5B of this Schedule, the provisions of the old development plan specified in the order shall continue in force to the extent so specified.”.
- (2) In paragraph 7 of that Schedule, after the word " paragraph " there shall be inserted the words " 5B or ".

Local Government Act 1972

- 16 Section 183(3) of the Local Government Act 1972 (which made provision, now spent, as to development plan schemes) is repealed.
- 17 The following sub-paragraph shall be substituted for paragraph 9(1) (joint structure plans) of Schedule 16 to that Act: —
- “9 (1) Where a structure plan has been prepared jointly, the power of making proposals under section 10 for the alteration or for the repeal and replacement of the plan may be exercised as respects their respective areas by any of the authorities by whom it was prepared, and the Secretary of State may under that section direct any of them to submit such proposals as respects their respective areas.”.

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- 18 In paragraph 9(2) of that Schedule, for the words " section 10(2) " there shall be substituted the words " section 10(5) ".
- 19 The following sub-paragraphs shall be substituted for paragraph 10(2) and (3) of that Schedule: —
- “(2) The local planning authorities shall jointly take such steps as will in their opinion secure—
- (a) that adequate publicity is given in their areas to the matters proposed to be included in the plan;
- (b) that persons who may be expected to desire an opportunity of making representations to any of the authorities are made aware that they are entitled to an opportunity of doing so ; and
- (c) that such persons are given an adequate opportunity of making such representations.
- (3) The local planning authorities shall consider any representations made to them within the prescribed period.
- (3A) Subsection (1) of section 12 shall not apply in relation to joint local plans.
- (3B) References in subsections (3) and (4) of that section to subsection (1) of that section and to the purposes of paragraphs (a) to (c) of that subsection shall include references respectively to sub-paragraph (2) above and the purposes of paragraphs (a) to (c) of that sub-paragraph.”.
- 20 In paragraph 12 of that Schedule—
- (a) in sub-paragraph (1), the word "making" shall be substituted for the word " submitting " and the word " make " shall be substituted for the word " submit " ; and
- (b) in sub-paragraph (2), the word "making" shall be substituted for the word " submission ".