



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART II

#### DEVELOPMENT PLANS

#### CHAPTER I

##### UNITARY DEVELOPMENT PLANS: METROPOLITAN AREAS INCLUDING LONDON

##### *Preparation and adoption of unitary development plans*

#### **12 Preparation of unitary development plan.**

- (1) The local planning authority shall, within such period (if any) as the Secretary of State may direct, prepare for their area a plan to be known as a unitary development plan.
- (2) A unitary development plan shall comprise two parts.
- (3) Part I of a unitary development plan shall consist of a written statement formulating the authority's general policies in respect of the development and [<sup>F1</sup>use of land in their area.
- (3A) The policies shall, subject to subsection (3B), include policies in respect of—
  - (a) the conservation of the natural beauty and amenity of the land;
  - (b) the improvement of the physical environment; and
  - (c) the management of traffic.
- (3B) Regulations under this section may prescribe the aspects of such development and use with which the general policies in Part I of a unitary development plan are to be concerned, in which case the policies shall be concerned with those aspects and no others.]
- [<sup>F2</sup>(3C) In the case of a London borough, Part I of the unitary development plan shall be in general conformity with the spatial development strategy for the time being in force.]

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- (4) Part II of a unitary development plan shall consist of—
- (a) a written statement formulating in such detail as the authority think appropriate (and so as to be readily distinguishable from the other contents of the plan) their proposals for the development and <sup>F3</sup> . . . use of land in their area <sup>F3</sup> . . . ;
  - (b) a map showing those proposals on a geographical basis;
  - (c) a reasoned justification of the general policies in Part I of the plan and of the proposals in Part II of it; and
  - (d) such diagrams, illustrations or other descriptive or explanatory matter in respect of the general policies in Part I of the plan or the proposals in Part II of it as the authority think appropriate or as may be prescribed.
- (5) A unitary development plan shall also contain such other matters as may be prescribed or as the Secretary of State may in any particular case direct.
- [<sup>F4</sup>(6) In formulating the general policies in Part I of a unitary development plan the authority shall have regard to—
- (a) any regional or strategic planning guidance given by the Secretary of State to assist them in the preparation of the plan;
  - (b) current national policies;
  - (c) the resources likely to be available; and
  - (d) such other matters as the Secretary of State may prescribe or, in a particular case, direct.]

(7) The proposals in Part II of a unitary development plan shall be in general conformity with Part I [<sup>F5</sup>and, in the case of a London borough council, with the spatial development strategy].

[<sup>F6</sup>(7A) In formulating their proposals in Part II of a unitary development plan, the authority shall have regard to such information and other considerations as the Secretary of State may prescribe or, in a particular case, direct.]

(8) Part II of a unitary development plan may designate any part of the authority's area as an action area, that is to say, an area which they have selected for the commencement during a prescribed period of comprehensive treatment by development, redevelopment or improvement (or partly by one and partly by another method) and if an area is so designated that Part of the plan shall contain a description of the treatment proposed by the authority.

(9) In preparing a unitary development plan the authority shall take into account the provisions of any scheme under paragraph 3 of Schedule 32 to the <sup>M1</sup>Local Government, Planning and Land Act 1980 relating to land in their area which has been designated under that Schedule as an enterprise zone.

[<sup>F7</sup>(10) Regulations under this section may make different provision for different cases and shall be subject to any direction given, in a particular case, by the Secretary of State.]

[<sup>F8</sup>(11) Any provision made by regulations under this section in its application by virtue of section 10 may differ from that made under this section in its application by virtue of section 10A.]

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### Textual Amendments

- F1** S. 12(3A)(3B) and preceding words substituted (25.11.1991 for certain purposes otherwise 10.2.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 27, **Sch. 4 para. 2(1)** (with s. 84(5)); S.I. 1991/2728, **art. 2** and S.I. 1991/2905, **art. 4**
- F2** S. 12(3C) inserted (12.1.2000) by 1999 c. 29, **s. 344(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 2**
- F3** Words in s. 12(4)(a) repealed (25.11.1991 for certain purposes otherwise 10.2.1992) by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 27, 84, Sch. 4 Pt. 1 para. 2(2), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2728, **art. 2** and S.I. 1991/2905, **art. 4**, **Sch. 3**
- F4** S. 12(6) substituted (25.11.1991 for certain purposes otherwise 10.2.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 27, **Sch. 4 Pt. I**, para. 2(3) (with s. 84(5)); S.I. 1991/2728, **art. 2** and S.I. 1991/2905, **art. 4**
- F5** Words in s. 12(7) inserted (12.1.2000) by 1999 c. 29, **s. 344(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 2**
- F6** S. 12(7A) inserted (25.11.1991 for certain purposes otherwise 10.2.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 27, **Sch. 4 Pt. I**, para. 2(4) (with s. 84(5)); S.I. 1991/2728, **art. 2** and S.I. 1991/2905, **art. 4**
- F7** S. 12(10) inserted (25.11.1991 for certain purposes otherwise 10.2.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 27, **Sch. 4 Pt. I**, para. 2 (5)(with s. 84(5)); S.I. 1991/2728, **art. 2** and S.I. 1991/2905, **art. 4**
- F8** S. 12(11) added (1.4.1996) by 1994 c. 19, s. 20(3), **Sch. 5 Pt. I para. 2** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, **art. 4**, **Sch. 2**

### Modifications etc. (not altering text)

- C1** S. 12(3A) amended (1.5.1994) by S.I. 1994/1056, regs. 1(3), 19, **Sch. 4 Pt. I para. 7(1)**)
- C2** S. 12(3A) modified (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 37**

### Marginal Citations

- M1** 1980 c. 65.

## [<sup>F9</sup>12A Urban development corporations.

- (1) The Secretary of State may direct that a unitary development plan—
- (a) shall not be prepared; or
- (b) shall not operate,
- in relation to the area of an urban development corporation.
- (2) The Secretary of State may direct that proposals for the alteration or replacement of a unitary development plan shall not be prepared in relation to the area of an urban development corporation.]

### Textual Amendments

- F9** S. 12A inserted (10.2.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 27, **Sch. 4 Pt. I para.3**(with s. 84(5)); S.I. 1991/2905, **art. 4**

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**[<sup>F10</sup>13 Public participation.**

- (1) When preparing a unitary development plan for their area and before finally determining its contents the local planning authority shall—

(a) comply with—

- (i) any requirements imposed by regulations made under section 26; and
- (ii) any particular direction given to them by the Secretary of State with respect to a matter falling within any of paragraphs (a) to (c) or (e) of subsection (2) of that section; and

(b) consider any representations made in accordance with those regulations.

[ Where the local planning authority for a London borough have prepared a unitary <sup>F11</sup>(1A) development plan, they shall, before complying with subsection (2), make an application in accordance with regulations under section 26 to the Mayor of London for his written opinion whether the unitary development plan is in general conformity with the spatial development strategy. ]

- (2) Where the local planning authority have prepared a unitary development plan, before adopting it they shall—

- (a) make copies of it available for inspection at such places as may be prescribed by those regulations;
- (b) send a copy to the Secretary of State; and
- (c) comply with any requirements imposed by those regulations.

- (3) Each copy made available for inspection or sent under subsection (2) shall be accompanied by a statement of the prescribed period within which objections may be made to the authority.

- (4) In this section “the prescribed period” means such period as may be prescribed by or determined in accordance with regulations made under section 26 and in this Chapter “objections made in accordance with the regulations” means objections made—

- (a) in accordance with regulations made under that section; and
- (b) within the prescribed period.

- (5) The persons who may make objections in accordance with the regulations include, in particular, the Secretary of State.

[<sup>F12</sup>(5A) If, on an application under subsection (1A), the opinion given by the Mayor of London in accordance with regulations under section 26 is that the unitary development plan is not in general conformity with the spatial development strategy, the giving of the opinion shall be treated as the making by the Mayor of objections in accordance with the regulations.]

- (6) A unitary development plan shall not be adopted by the authority under section 15 until—

- (a) after they have considered any objections made in accordance with the regulations; or
- (b) if no such objections are made, after the expiry of the prescribed period.

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#### Textual Amendments

- F10** S. 13 substituted (25.11.1991 for certain purposes and otherwise 10.2.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [Sch. 4 Pt. I, para.4](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1991/2905, [art. 4](#)
- F11** S. 13(1A) inserted (12.1.2000) by 1999 c. 29, s. 344(4) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3434, [art. 2](#)
- F12** S. 13(5A) inserted (12.1.2000) by 1999 c. 29, s. 344(5) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3434, [art. 2](#)

### 14 Withdrawal of unitary development plan.

- (1) A unitary development plan may be withdrawn by the local planning authority at any time before it is adopted by the authority or approved by the Secretary of State and shall be withdrawn by the authority if the Secretary of State so directs.
- (2) Where a unitary development plan is withdrawn the authority shall—
- (a) withdraw the copies made available for inspection and sent to the Secretary of State under section [\[<sup>F13</sup>13\(2\)\]](#); and
  - (b) give notice that the plan has been withdrawn to every person who has made an objection to it.

<sup>F14</sup>(3) . . . . .

- (4) Where a unitary development plan is withdrawn the copies of the plan shall be treated as never having been made available under section [\[<sup>F13</sup>13\(2\)\]](#).

#### Textual Amendments

- F13** Word in s. 14(2)(4) substituted (25.11.1991 for certain purposes and otherwise 10.2.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [Sch. 4 para.5\(a\)](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1991/2905, [art.4](#)
- F14** S. 14(3) omitted (25.11.1991 for certain purposes) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [Sch. 4 Pt. I para. 5\(b\)](#); S.I. 1991/2728, [art. 2](#) and repealed (25.11.1991 for certain purposes and otherwise 10.2.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [84\(6\)](#) [Sch. 4 Pt. I, para. 5\(b\)](#), [Sch. 19 Pt.I](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1991/2905, [art. 4](#), [Sch.3](#)

### 15 Adoption of unitary development plan by local planning authority.

- [\[<sup>F15</sup>\(1\)](#) Subject to the following provisions of this section and sections 17 and 18, the local planning authority may by resolution adopt the unitary development plan, either as originally prepared or as modified so as to take account of—
- (a) any objections to the plan; or
  - (b) any other considerations which appear to them to be material.]
- (2) A unitary development plan shall not be adopted unless Part II of the plan is in general conformity with Part I.

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- [<sup>F16</sup>(2A) A unitary development plan shall not be adopted by a London borough council unless Parts I and II of the plan are in general conformity with the spatial development strategy.]
- (3) Where an objection to a unitary development plan [<sup>F17</sup>for an area in England] has been made by the Minister of Agriculture, Fisheries and Food and the local planning authority do not propose to modify the plan to take account of the objection, the authority—
- (a) shall send the Secretary of State particulars of the objection and a statement of their reasons for not modifying the plan to take account of it; and
  - (b) shall not adopt the plan unless the Secretary of State authorises them to do so.
- (4) Subject to the following provisions of this Chapter and to section 287, a unitary development plan [<sup>F17</sup>for an area in England] shall become operative on the date on which it is adopted.

#### Textual Amendments

- F15** S. 15(1) substituted (25.11.1991 for certain purposes and otherwise 10.2.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [Sch. 4 Pt. I](#), para. 6 (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1991/2905, [art. 4](#)
- F16** S. 15(2A) inserted (12.1.2000) by [1999 c. 29, s. 344\(6\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3434, [art. 2](#)
- F17** Words in s. 15(3) inserted (1.4.1996) by [1994 c. 19, s. 20\(3\)](#), [Sch. 5 Pt. I para. 3](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1995/3198, [art. 4](#), [Sch. 2](#)

## 16 Local inquiries.

- [<sup>F18</sup>(1) Where any objections have been made, in accordance with the regulations, to proposals for a unitary development plan copies of which have been made available for inspection under section 13(2), the local planning authority shall cause a local inquiry or other hearing to be held for the purpose of considering the objections.
- (1A) The local planning authority may cause a local inquiry or other hearing to be held for the purpose of considering any other objections to the proposals.
- (1B) The local inquiry or other hearing shall be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, by the authority themselves.]
- (2) Subsections (2) and (3) of section 250 of the <sup>M2</sup>Local Government Act 1972 (power to summon and examine witnesses) shall apply to an inquiry held under this section as they apply to an inquiry under that section.
- (3) The <sup>M3</sup>Tribunals and Inquiries Act [<sup>F19</sup>1992] shall apply to a local inquiry or other hearing held under this section as it applies to a statutory inquiry held by the Secretary of State, but as if in [<sup>F20</sup>section 10(1)] of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by a local planning authority.
- (4) Regulations made for the purposes of this section may—
- (a) make provision with respect to the appointment and qualifications for appointment of persons to hold a local inquiry or other hearing under this section, including provision enabling the Secretary of State to direct a local

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- planning authority to appoint a particular person or one of a specified list or class of persons;
- (b) make provision with respect to the remuneration and allowances of a person appointed for that purpose.
- (5) No local inquiry or other hearing need be held under this section if all persons who have made objections have indicated in writing that they do not wish to appear.

**Textual Amendments**

- F18** S. 16(1)(1A)(B) substituted for s. 16(1) (25.11.1991 for certain purposes and otherwise 10.2.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 27, **Sch. 4 Pt. I, para. 7** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1991/2905, **art. 4**
- F19** Word in s. 16(3) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para. 22(a)**
- F20** Words in s. 16(3) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para. 22(b)**

**Marginal Citations**

- M2** 1972 c. 70.
- M3** 1992 c. 53.

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