

SCHEDULES

SCHEDULE 2

DEVELOPMENT PLANS: TRANSITIONAL PROVISIONS

PART II

GREATER LONDON

Continuation of Greater London Development Plan, local plans and old development plans

- 1 (1) Subject to paragraphs 2 and 3—
- (a) the Greater London Development Plan,
 - (b) any local plan; and
 - (c) any old development plan,
- which immediately before the commencement of this Act was in force in the area of a local planning authority in Greater London (or in that and other areas) shall continue in force in respect of the area of that authority until a unitary development plan for that area becomes operative under Chapter I of Part II of this Act or, where parts of a unitary development plan become operative on different dates, until every part of it has become operative.
- (2) A plan which continues in force by virtue of this paragraph shall, while it continues in force, be treated for the purposes of this Act, any other enactment relating to town and country planning, the Land Compensation Act 1961 and the Highways Act 1980 as being, or being comprised in, the development plan in respect of the area in question.
- (3) In this paragraph “old development plan” has the same meaning as in paragraph 1 of Part I of this Schedule.

Revocation of Greater London Development Plan

- 2 (1) Where under Chapter I of Part II of this Act the Secretary of State approves all or any of Part I of a unitary development plan he may by order—
- (a) wholly or partly revoke the Greater London Development Plan, either in its application to the whole of the area of a local planning authority or in its application to part of that area; and
 - (b) make such consequential amendments to that plan as appear to him to be necessary or expedient.
- (2) Before making an order under this paragraph the Secretary of State shall consult the local planning authority for the area to which the unitary development plan relates.
- (3) Until the Greater London Development Plan ceases to be operative in an area under paragraph 1 or this paragraph, paragraph 7(1) of Schedule 1 shall apply in that area—
- (a) with the omission of the words “in a non-metropolitan county”; and

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- (b) with the substitution for the reference to the structure plan of a reference to that Plan.

Surveys and local plans

- 3 (1) Until the coming into force of Chapter I of Part II of this Act in the area of a local planning authority in Greater London, section 30 and paragraphs 4 to 16 of this Part of this Schedule and sections 49, 51, 52 and 53 (so far as those sections relate to the preparation, alteration, repeal or replacement of local plans by local planning authorities which are London borough councils) and section 54(5) shall apply in relation to that area, but subject to the following provisions of this paragraph.
- (2) The matters to be examined or kept under review by a London borough council under section 30 shall be such of the matters mentioned in that section as were not examined or kept under review by the Greater London Council.
- (3) In its application by virtue of this paragraph section 53(2)(f) shall have effect with the substitution for the references to section 39(2)(a) and section 39(5)(a) or 40(2)(a) of references to paragraph 8(1)(a) and (2) respectively.
- (4) On the coming into force in any area of Chapter I of Part II of this Act, any local plan or proposal for the alteration, repeal or replacement of a local plan which—
- (a) has been prepared by a London borough council or by such a council jointly with one or more other such councils; but
- (b) has not been adopted or approved,
- shall be treated as having been abandoned by that council or those councils.
- (5) Paragraph 1 shall apply to plans which are prepared or altered in pursuance of this paragraph as it applies to those there mentioned.
- 4 (1) A London borough council may at any time, if they think fit, prepare a local plan for the whole or any part of the borough (other than the whole or any part of a G.L.C. action area within the meaning of paragraph 5).
- (2) Different local plans may be prepared for different purposes for the same area.
- 5 (1) In this paragraph—
- “action area” means any area indicated by the Greater London Development Plan as an area intended for comprehensive development, redevelopment or improvement as a whole which the Secretary of State has directed shall be treated as an action area, and
- “G.L.C. action area” means an action area in whose case it was indicated in the Greater London Development Plan that it was for the Greater London Council, and not a London borough council, to prepare a local plan for that area.
- (2) As soon as practicable in the case of any action area other than a G.L.C. action area—
- (a) if it is wholly comprised within a London borough, the council of that borough shall prepare a local plan for the area, and
- (b) if not, the council of every London borough in which any part of the action area falls shall prepare a local plan for that part,
- but this sub-paragraph shall not be taken to require a council to do again anything which they have already done.

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- (3) Where a council are required by this paragraph to prepare a local plan, they shall take steps for the adoption of that plan.
- 6 (1) Without prejudice to the previous provisions, a London borough council shall, if the Secretary of State gives them a direction in that behalf with respect to any area of Greater London, as soon as practicable prepare for that area a local plan of such a nature as may be specified in the direction, and take steps for the adoption of the plan.
- (2) Before giving a direction to a council under this paragraph the Secretary of State shall consult the council with respect to it.
- 7 (1) This paragraph shall apply with respect to any local plan prepared under Schedule 4 to the 1971 Act or this Schedule by a local planning authority and in this paragraph “the authority” means the authority preparing the local plan.
- (2) The plan shall consist of a map and a written statement and shall—
- (a) formulate in such detail as the authority think appropriate their proposals for the development and other use of land in the area for which the plan is prepared, or for any description of development or other use of such land (including in either case such measures as the authority think fit for the improvement of the physical environment and the management of traffic); and
- (b) contain such matters as may be prescribed.
- (3) The plan shall contain, or be accompanied by, such diagrams, illustrations and descriptive material as the authority think appropriate for the purpose of explaining or illustrating the proposals in the plan, or as may be prescribed; and any such diagrams, illustrations and descriptive material shall be treated as forming part of the plan.
- (4) In formulating their proposals in the plan the authority shall—
- (a) secure that the proposals conform generally to the Greater London Development Plan, and
- (b) have regard to any information and any other considerations which appear to them to be relevant, or which may be prescribed, or which the Secretary of State may in any particular case direct them to take into account.
- (5) Before giving a direction to the authority under this paragraph the Secretary of State shall consult the authority with respect to it.
- 8 (1) Where a London borough council propose to prepare a local plan, the council shall take such steps as will in their opinion secure—
- (a) that adequate publicity is given, in any London borough affected by the plan, to any relevant matter arising out of a survey under section 6 of the 1971 Act or section 30 of this Act (including any joint survey) and to the matters proposed to be included in the plan;
- (b) that persons who may be expected to want an opportunity of making representations to the council with respect to those matters are made aware that they are entitled to such an opportunity; and
- (c) that such persons are given an adequate opportunity of making such representations;
- and the council shall consider any representations made to them within the prescribed period.

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- (2) After preparing a local plan, the council shall before adopting it or submitting it for approval under paragraph 10, make copies of the plan available for inspection at their office and send a copy to the Secretary of State.
- (3) Each copy of a plan made available for inspection as required by sub-paragraph (2) shall be accompanied by a statement of the time within which objections to the local plan may be made to the council who have prepared the plan; and the copy sent to the Secretary of State shall be accompanied by a statement containing particulars—
- (a) of the steps which the council preparing the plan have taken to comply with sub-paragraph (1), and
 - (b) of the council's consultations with, and their consideration of the views of, other persons.
- 9 (1) For the purpose of considering objections made to a local plan the local planning authority may and, in the case of objections so made in accordance with regulations, shall cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, by the authority themselves, and—
- (a) subsections (2) and (3) of section 250 of the Local Government Act 1972 (power to summon and examine witnesses) shall apply to an inquiry held under this paragraph as they apply to an inquiry held under that section;
 - (b) the Tribunals and Inquiries Act 1971 shall apply to a local inquiry or other hearing held under this paragraph as it applies to a statutory inquiry held by the Secretary of State, but as if in section 12(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 authority.
- (2) Regulations made for the purposes of sub-paragraph (1) may—
- (a) make provision with respect to the appointment and qualifications for appointment of persons to hold a local inquiry or other hearing under that sub-paragraph, including provision enabling the Secretary of State to direct a local 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.
- (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 (1) After the expiry of the period given 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 paragraph 11 and sub-paragraphs (2), (3) and (4), by resolution adopt the plan either as originally prepared or as modified so as to take account—
- (a) of 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.
- (2) Where—
- (a) an objection to the plan has been made by the Minister of Agriculture, Fisheries and Food (in this paragraph referred to as “the Minister”); and

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- (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.
- (3) The local planning authority shall not adopt a local plan unless it conforms generally to the Greater London Development Plan.
- (4) After copies of a local plan have been sent to the Secretary of State and before the plan has been adopted by the local planning authority, the Secretary of State may direct that the plan shall not have effect unless approved by him.
- (5) Subject to sub-paragraph (6), where particulars of an objection to a local plan made by the Minister have been sent to the Secretary of State under sub-paragraph (2), it shall be the duty of the Secretary of State to give a direction under sub-paragraph (4).
- (6) The Secretary of State need not give such a direction if he is satisfied that the Minister no longer objects to the plan.
- (7) Where the Secretary of State gives a direction under sub-paragraph (4), the local planning authority shall submit the plan accordingly to him for his approval, and—
 - (a) the Secretary of State may, after considering the plan, either approve it (in whole or in part and with or without modifications or reservations) or reject it;
 - (b) in considering the plan, the Secretary of State may take into account any matters which he thinks are relevant, whether or not they were taken into account in the plan as submitted to him;
 - (c) subject to paragraph (d), where on taking the plan into consideration the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—
 - (i) consider any objections to the plan, so far as they are made in accordance with regulations;
 - (ii) give any persons whose objections so made are not withdrawn an opportunity of appearing before, and being heard by, a person appointed by him for the purpose; and
 - (iii) if a local inquiry or other hearing is held, also give the same opportunity to the authority and such other persons as he thinks fit;
 - (d) before deciding whether or not to approve the plan the Secretary of State shall not be obliged to consider any objections to it if objections to it have been considered by the authority, or to cause an inquiry or other hearing to be held into any objections to it if any such inquiry or hearing has already been held at the instance of the authority;
 - (e) without prejudice to paragraph (c), on considering the plan the Secretary of State may consult with, or consider the views of, any local planning authority or other persons, but shall not be under an obligation to consult with, or consider the views of, any other authority or persons or, except as provided by that paragraph, to give an opportunity for the making of any objections or other representations, or to cause any local inquiry or other hearing to be held; and

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- (f) after the giving of the direction the authority shall have no further power or duty to hold a local inquiry or other hearing under paragraph 9.
- (8) Where there is a conflict between any of the provisions of a local plan which has been adopted or approved under this paragraph or under section 14 of the 1971 Act and the provisions of the Greater London Development Plan, the provisions of the local plan shall be taken to prevail for all purposes.
- 11 (1) If, on considering the statement submitted with, and the matters included in, a local plan (joint or other) prepared under Schedule 4 to the 1971 Act or under this Schedule and other information provided by the authority who prepared the plan (or as the case may be, the authorities who joined in its preparation), the Secretary of State is not satisfied that the purposes of paragraph 8(1)(a) to (c) have been adequately achieved by the steps taken in that behalf by the authority or authorities, he may within 21 days of the receipt of the statement direct that no further steps for the adoption of the plan be taken without such further action as he may specify having been taken in order better to achieve those purposes and his being satisfied that such action has been taken.
- (2) A planning authority who are given directions by the Secretary of State under this paragraph shall—
- (a) immediately withdraw copies of the local plan made available for inspection as required by paragraph 8; and
- (b) in a case where objections to the plan have been made by any person, notify him that the Secretary of State has given such directions.
- 12 (1) A local planning authority may at any time make proposals for the alteration, repeal or replacement of a relevant local plan and may at any time, with the consent of the Secretary of State, make proposals for the alteration, repeal or replacement of a local plan approved by him.
- (2) Without prejudice to sub-paragraph (1), a local planning authority shall, if the Secretary of State gives them a direction in that behalf with respect to a relevant local plan or a local plan approved by him, as soon as practicable prepare proposals of a kind specified in the direction, being proposals for the alteration, repeal or replacement of the plan.
- (3) In sub-paragraphs (1) and (2) “relevant local plan” means a local plan adopted by the authority or adopted by the Greater London Council and in force in respect of the area of the authority on 1st April 1986.
- (4) The provisions of paragraphs 7(4) and (5), 8, 9 and 10 shall apply in relation to the making of proposals for the alteration, repeal or replacement of a local plan under this paragraph and to alterations to a local plan so proposed, as they apply in relation to the preparation of a local plan under this Schedule and to a local plan prepared under it.

Joint plans

- 13 (1) The following provisions of this paragraph have effect where two or more local planning authorities prepare a local plan jointly.
- (2) The local planning authorities shall jointly take such steps as will in their opinion secure—

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- (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 want 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) Sub-paragraph (1)(b) and (c) of paragraph 8 shall not apply in relation to joint local plans and the reference in sub-paragraph (3) of that paragraph to sub-paragraph (1) of that paragraph, and the reference in paragraph 11(1) to sub-paragraph (1)(a) to (c) of paragraph 8, shall both include a reference to sub-paragraph (2) of this paragraph.
- (4) Each of the local planning authorities by whom a joint local plan has been prepared for any part of Greater London shall have the duty imposed by sub-paragraph (2) of paragraph 8 of making copies of the plan available for inspection, and objections to the plan may be made to any of those authorities, and the statement required by sub-paragraph (3) of that paragraph to accompany copies of the plan made available for inspection shall state that objections may be so made.
- (5) In relation to joint proposals under paragraph 12(1) for the alteration, repeal or replacement of a local plan, the reference in paragraph 12(4) to paragraph 8 shall include a reference to this paragraph.
- 14 It shall fall to each of the local planning authorities by whom a joint local plan was prepared to adopt the plan under paragraph 10(1) and they may do so as respects any part of their area to which the plan relates but any modifications subject to which it is adopted must be agreed between all those authorities.
- 15 Where a local plan has been prepared jointly, the power of making proposals under paragraph 12(1) for the alteration, repeal or 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 paragraph 12(2) direct any of them to make such proposals as respects their respective areas.
- 16 The date appointed under section 53(5) for the coming into operation of a local plan prepared jointly by two or more local planning authorities or for the alteration, repeal or replacement of a local plan in pursuance of proposals so prepared shall be one jointly agreed by those authorities and be specified in their respective resolutions adopting the plan or proposals.

Incorporation of current local plan in unitary development plan

- 17 (1) A unitary development plan shall include any local plan which is in force in respect of the area in question at the time when the unitary development plan is prepared but subject to such alterations, if any, as may be specified in Part II of the unitary development plan.
- (2) A unitary development plan shall as respects any such local plan indicate the extent, if any, to which it is subject to alteration in accordance with Part II of the unitary development plan.
- (3) This paragraph shall not be construed as enabling any objections to be made to any part of a unitary development plan which consists of provisions of a local plan that are not subject to alterations as mentioned in sub-paragraph (1).

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Publicity in connection with local plan

- 18 In determining the steps to be taken by a local planning authority or local planning authorities to secure the purposes of section 13(1)(a) to (c) or section 23(3)(a) to (c) in relation to proposals made in respect of a unitary development plan, the authority or authorities may under those provisions, and the Secretary of State may under section 13(6), take into account any steps taken by the authority or authorities to secure those purposes in relation to the same or similar proposals made in respect of a local plan.