
STATUTORY INSTRUMENTS

1992 No. 1620

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

The Town and Country Planning (Isles of Scilly) Order 1992

Made - - - - *6th July 1992*
Coming into force - - *27th July 1992*

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 319 of the Town and Country Planning Act 1990(1), and all other powers enabling him in that behalf, and after consultation with the Council of the Isles of Scilly, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (Isles of Scilly) Order 1992, and shall come into force on 27th July 1992.

(2) In this Order—

“the Act” means the Town and Country Planning Act 1990(2);

“England” means England excluding the Isles;

“the Isles” means the Isles of Scilly; and

“the Schedule” means the Schedule to this Order.

Exercise of general planning functions

2. Subject to articles 3 and 4(a), the Council of the Isles shall exercise for the Isles all functions under the Act exercisable by a local planning authority or a mineral planning authority for their respective areas in England.

Exercise of functions respecting development plans

3. Subject to articles 4(b) and 5(2), the Council of the Isles shall exercise for the Isles all functions exercisable for a National Park in England by the local planning authority for that Park, in relation to the making, alteration and replacement of local plans, and minerals and waste local plans, under

(1) 1990 c. 8; section 319 was substituted by paragraph 49 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), and extended by paragraph 51 of Schedule 4 to that Act.

(2) The Town and Country Planning Act 1990 was amended by Part I of the Planning and Compensation Act 1991.

Chapter II of Part II of the Act⁽³⁾; but shall exercise no functions under that Chapter in relation to the alteration or replacement of structure plans.

Exceptions, adaptations and modifications

4. It is hereby directed that—
- (a) the exceptions from and adaptations and modifications of the Act set out in Part I of the Schedule shall have effect for the purposes of article 2; and
 - (b) the exceptions from and adaptations and modifications of the Act set out in Part II of the Schedule shall have effect for the purposes of article 3.

Transitional provisions respecting development plans

5.—(1) Any old development plan in force for the Isles shall cease to have effect on the coming into force of this Order.

(2) The structure plan in force for the Isles shall continue in force, but subject to paragraph (4) it shall be treated as a local plan complying with sections 36 to 38⁽⁴⁾ of the Act, and may be altered or replaced accordingly.

- (3) For the purposes of paragraph (2)—
- (a) the Secretary of State’s notice of approval shall be treated as forming part of the plan;
 - (b) the explanatory memorandum shall be treated as reasoned justification; and
 - (c) the key diagram shall be treated as the proposals map.

(4) The reference in paragraph (2) to the treatment of the structure plan as a local plan shall not affect any blight notice served under Chapter II of Part VI of the Act before this Order comes into force.

(5) In this article, the terms “reasoned justification” and “key diagram” have the meanings they respectively bear in the Town and Country Planning (Development Plan) Regulations 1991⁽⁵⁾.

6th July 1992

Michael Howard
Secretary of State for the Environment

(3) Part II was amended by Schedule 4 to the Planning and Compensation Act 1991.

(4) Sections 36 to 38 were substituted by paragraph 17 of Schedule 4 to the Planning and Compensation Act 1991.

(5) S.I. 1991/2794; see regulations 7 and 5(1).

SCHEDULE

PART I

GENERAL EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS

1. Any reference to a local planning authority, except in paragraph 7(1) of Schedule 1, or to a mineral planning authority, shall include a reference to the Council of the Isles.
2. Any reference to the council of a county shall include a reference to the Council of the Isles.
3. Any reference to a district shall include a reference to the Isles, and any reference to the council of a district shall include a reference to the Council of the Isles.
4. Any requirement as to consultation between a local planning authority or mineral planning authority or the council of a county and the council of a district, or as to the giving of notice by one such authority or council to another, shall not apply.
5. Any reference to 1st August 1948 shall be construed as a reference to 1st August 1949.

PART II

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS RELATING TO DEVELOPMENT PLANS

EXCEPTIONS

The following provisions⁽⁶⁾ shall not apply:

- sections 31 to 35C;
- subsection (4) of section 36 and the reference to that subsection in sections 37(5) and 38(6);
- subsections (1) to (10), and (12), of section 46, and subsection (11) of that section save insofar as it relates to conflicts between provisions in a local plan and provisions in a minerals or waste local plan; and
- subsections (1), (4), (5), (7) and (9)(a) of section 50.

ADAPTATIONS AND MODIFICATIONS

1. Any reference to a local planning authority (including any reference to a local planning authority for a National Park) shall include a reference to the Council of the Isles.
2. In section 36(5), after the words “A local plan” insert—
“(other than a plan for the Isles of Scilly)”.
3. For section 54 substitute—

⁽⁶⁾ See the substitutions and amendments set out in paragraphs 17, 22 and 24 of Schedule 4 to the Planning and Compensation Act 1991.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“54 Meaning of “development plan” in the Isles of Scilly

(1) For the purposes of this Act and any other enactment relating to town and country planning, the Land Compensation Act 1961(7) and the Highways Act 1980(8), the development plan for the Isles of Scilly shall be taken as consisting of—

- (a) the provisions of the local plan, or plan falling to be treated as a local plan, and any minerals local plan or waste local plan for the time being in operation in the Isles;
- (b) any alterations to any plan mentioned in paragraph (a),

together with the Council’s resolutions or, as the case may be, the Secretary of State’s notice of approval.

(2) References in subsection (1) to a notice of approval shall, in relation to any plan or alteration made by the Secretary of State under section 51, be construed as references to a notice of the making of the plan or alteration.

(3) Any reference in the Land Compensation Act 1961 to an area defined in the current development plan as an area of comprehensive development shall be construed as a reference to an action area for which a local plan is in force.”

5. In section 336(1), for the definition of “development plan” substitute—

““development plan” shall be construed in accordance with section 54, as that section applies to the Isles of Scilly.”

6. The reference to the county planning authority in paragraph 2(a) of Schedule 1(9), so far as it relates to section 30, shall include a reference to the Council of the Isles.

EXPLANATORY NOTE

(This note is not part of the Order)

By this Order the Secretary of State directs exceptions to and adaptations and modifications of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, for the purposes of its application to the Isles of Scilly.

The Order also provides for the exercise of planning functions in the Isles by the Council of the Isles, and makes transitional provision in connection with the existing development plan.

The Order supersedes the Town and Country Planning (Isles of Scilly) Order 1990 (S.I.1990/2233).

The Isles of Scilly are defined by, and the Council of the Isles is constituted under, the Isles of Scilly Order 1978 (S.I. 1978/1844).

(7) 1961 c. 33.

(8) 1980 c. 66.

(9) Paragraph 2 was substituted by paragraph 35(1) of Schedule 4 to the Planning and Compensation Act 1991.