

## SCHEDULE

### PART II

#### EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS RELATING TO DEVELOPMENT PLANS

##### EXCEPTIONS

The following provisions<sup>(1)</sup> 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—

##### “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<sup>(2)</sup> and the Highways Act 1980<sup>(3)</sup>, 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—

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

(2) 1961 c. 33.

(3) 1980 c. 66.

**Status:** This is the original version (as it was originally made).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

““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(4), so far as it relates to section 30, shall include a reference to the Council of the Isles.

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