

---

STATUTORY INSTRUMENTS

---

**1994 No. 867**

**The Local Government Changes for England Regulations 1994**

**PART 4**

**TOWN AND COUNTRY PLANNING**

**Interpretation of Part**

**14.** Subject to regulation 16(1) in this Part, “the 1990 Act” means the Town and Country Planning Act 1990<sup>(1)</sup>, and “provision” means a provision of a development plan (as defined in s.336(1) of that Act<sup>(2)</sup>).

**Continuity of plan provisions**

**15.—**(1) Any provision applying to a transferred area or an altered area shall continue to apply to that area notwithstanding the order, until replaced by a provision which so applies, and which is expressed to supersede the preserved provision.

(2) Where the order discontinues any functions under Part II of the 1990 Act, and confers other functions under that Part of that Act, regulation 4 (Continuity of matters) shall apply as if the order effected a transfer of functions from the authority in respect of whom the functions were discontinued to the authority on whom the other functions are conferred.

**Inclusion of unadopted proposals in preparation of development plans**

**16.—**(1) In this regulation, any reference to the 1990 Act is a reference to that Act in the form in which it was in force immediately before commencement of the Planning and Compensation Act 1991 or as amended by that Act.

(2) A transferee authority may, when preparing, altering or replacing a development plan, include proposals, which have not yet been adopted, in respect of a development plan which was being made, altered or replaced by a transferor authority prior to the reorganisation date in respect of an area for which the transferee authority has a duty to prepare a development plan.

(3) The transferee authority shall publish a statement identifying a proposal so included.

(4) Where the transferee authority is satisfied that there has been no significant change in circumstances affecting the proposal, it need not repeat any step taken by the transferor authority in respect of that proposal for the purpose of complying with the 1990 Act or with regulations made thereunder.

(5) Where an examination in public has been held by the transferor authority into matters affecting the consideration of proposals for the alteration or replacement of a structure plan and the transferee authority wishes, in accordance with paragraph (2) to include any such proposals, the transferee

---

(1) 1990 c. 8.

(2) This definition was amended by the Planning and Compensation Act 1991 (c. 34), Schedule 4, paragraph 34.

authority need not cause an inquiry or other hearing to be held to consider objections relating to such matters, and sections 16 and 42 of the 1990 Act shall be construed accordingly<sup>(3)</sup>.

(6) Where an inquiry or other hearing is held for the purpose of considering an objection to proposals in respect of a development plan, the person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that the objection is in respect of a proposal identified in accordance with paragraph (3) above and the person objecting has had his objection in respect of the proposal heard at an inquiry or other hearing held by the transferor authority or, where a matter affecting consideration of the proposal to which the objection relates has been considered at an examination in public considered by such an authority.

### **Inclusion of certain policies in another development plan**

17.—(1) This regulation applies where—

- (a) a development plan is operative in the area of the transferee authority;
- (b) development plan proposals are being prepared by that authority;
- (c) that authority has published a statement identifying a policy included in the plan as an existing policy; and
- (d) a local inquiry or other hearing is held for the purpose of considering any objection to the proposals—

and in this regulation, “existing policy” means a policy or proposal the substance of which (however expressed) was contained in a development plan which was operative as mentioned in paragraph (1) (a) above.

(2) Where this regulation applies, the person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that—

- (a) the objection is to a policy identified in the statement published as mentioned in paragraph (1)(c) of this regulation;
- (b) the policy so identified is an existing policy; and
- (c) there has been no significant change in circumstances affecting the existing policy since it first formed part of the plan mentioned in paragraph (1)(a).

---

(3) Subsections (1), (1A) and (1B) of section 16 were substituted by paragraph 7 of Schedule 4 to the 1991 Act. Subsection (3) of that section was amended by paragraph 22 of Schedule 3 to the Tribunals and Inquiries Act 1992 (c. 53). Subsections (1), (2) and (2A) of section 42 were substituted by paragraph 18 of Schedule 4 to the 1991 Act. Subsection (6) of section 42 was amended by paragraph 24 of Schedule 3 to the Tribunals and Inquiries Act 1992.