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STATUTORY INSTRUMENTS

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**1999 No. 3280**

**The Town and Country Planning (Development Plan) (England) Regulations 1999**

**PART 1**

**GENERAL**

**Citation, commencement and extent**

**1.—**(1) These Regulations may be cited as the Town and Country Planning (Development Plan) (England) Regulations 1999 and shall come into force on 4th January 2000.

(2) These Regulations extend to England only.

**Interpretation**

**2.—**(1) In these Regulations—

“the 1990 Act” means the Town and Country Planning Act 1990;

“by advertisement” means by publication in the London Gazette and by local advertisement;

“by local advertisement” means by publication on at least one occasion in two successive weeks in a local newspaper circulating in the area of the local planning authority;

“national waste strategy” means any statement which contains the Secretary of State’s policies in relation to the recovery and disposal of waste in England, and which is made under section 44A of the Environmental Protection Act 1990(1), or, pending the publication of the first such statement, any relevant waste disposal plan prepared under section 50 of that Act(2);

“statutory plan” means a unitary development plan, structure plan, local plan, minerals local plan or waste local plan;

“statutory plan proposals” means proposals for a statutory plan or for the alteration or replacement of a statutory plan.

(2) In these Regulations—

(a) a reference to a section (other than to a section of a specific Act) is a reference to that section of the 1990 Act;

(b) a reference to a numbered form is a reference to the correspondingly numbered form in the Schedule to these Regulations;

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(1) Section 44A was inserted by section 92 of the Environment Act 1995 (c. 25).

(2) Section 50 of the Environmental Protection Act 1990 (waste disposal plans of waste regulation authorities) ceased to have effect on 1st April 1996 (S.I.1996/186, commencing paragraph 78 of Schedule 22 to the Environment Act 1995). However, under paragraph 16 of Schedule 23 to the Environment Act 1995 and S.I. 1996/234, any waste disposal plan or modification of such a plan under section 50 of the Environmental Protection Act 1990, whose content has been finally determined before 1st April 1996, is to continue in force until the content of the national waste strategy is finally determined, notwithstanding the repeal of section 50.

- (c) in relation to the making, alteration or replacement of a statutory plan by two or more local planning authorities jointly, a reference to a local planning authority shall be read as a reference to all of the local planning authorities making, altering or replacing the plan.

### **Application**

- 3. These Regulations apply with respect to—
  - (a) the form and content of unitary development plans and the procedure to be followed in connection with the making, alteration and replacement of such plans under Chapter I of Part II of the 1990 Act;
  - (b) the form and content of structure plans and the procedure to be followed in connection with the alteration and replacement of such plans under Chapter II of Part II of the 1990 Act;
  - (c) the form and content of local plans, minerals local plans and waste local plans and the procedure to be followed in connection with the making, alteration and replacement of such plans under Chapter II of Part II of the 1990 Act.

## **PART 2**

### **FORM AND CONTENT OF STATUTORY PLANS**

#### **Title**

4.—(1) The title of a statutory plan shall consist of the name of the area of the local planning authority followed by “unitary development plan”, “structure plan”, “local plan”, “minerals local plan” or “waste local plan”, as the case may be.

(2) Where policies in respect of development consisting of the winning and working of minerals or involving the depositing of mineral waste (“minerals policies”) are included in a local plan or waste policies are included in a local plan or a minerals local plan, the local plan or minerals local plan including such policies shall have a sub-title consisting of the words “including minerals policies”, “including waste policies” or “including minerals and waste policies”, as the case may be.

#### **Structure plan diagrams**

5.—(1) A structure plan shall contain a diagram, called the key diagram, illustrating the general policies formulated in the plan’s written statement.

(2) A structure plan may also contain a diagram, called an inset diagram, drawn to a larger scale than the key diagram, and illustrating the application of the general policies to part of the area covered by the structure plan.

(3) Where an inset diagram is included in a structure plan, the area covered by the inset diagram shall be identified on the key diagram and the application of the general policies to that area shall be illustrated on that inset diagram only.

(4) No key diagram or inset diagram contained in a structure plan shall be on a map base.

(5) The title of a structure plan shall be set out on the key diagram and on any inset diagram contained in the plan and the key diagram and any inset diagram shall include an explanation of any symbol or notation used in the diagram.

#### **Maps**

6.—(1) The map required by section 12(4)(b) to be included in a unitary development plan, and by section 36(6)(a) to be included in a local plan, a minerals local plan and a waste local plan, shall

be called the proposals map and shall be a map of the authority's area reproduced from, or based upon, an Ordnance Survey map and shall show National Grid lines and reference numbers.

(2) Policies for any part of the authority's area may be illustrated on a separate map on a larger scale than the proposals map, called an inset map.

(3) Where an inset map is included in a plan, the area covered by the inset map shall be identified on the proposals map and the policies for that area shall be illustrated on that inset map only.

(4) The title (and any sub-title) of a statutory plan mentioned in paragraph (1) shall be set out on the proposals map and any inset map contained in the plan and the proposals map and any inset map shall show the scale to which it has been prepared and include an explanation of any symbol or notation used in the map.

### **Reasoned justification**

7.—(1) A local plan, minerals local plan and waste local plan shall contain a reasoned justification of the policies formulated in the plan.

(2) The reasoned justification shall be set out so as to be readily distinguishable from the other contents of the plan.

## **PART 3**

### **ACTION AREAS**

#### **Action areas: prescribed period**

8. The period prescribed for the purpose of sections 12(8) and 36(7) (period for the commencement of comprehensive treatment of an action area) is a period of 10 years beginning with the date on which the relevant plan is first made available for inspection in accordance with section 13(2)(a) or 40(2)(a), as the case may be.

## **PART 4**

### **PROCEDURE—STRUCTURE PLANS**

#### **Regard to be had to certain matters and statement of regard**

9.—(1) In formulating their general policies in a structure plan, the local planning authority shall, in addition to the matters specified in section 31(6), have regard to—

- (a) economic, environmental and social considerations;
- (b) the national waste strategy;
- (c) the objectives of preventing major accidents and limiting the consequences of such accidents; and
- (d) the need;
  - (i) in the long term, to maintain appropriate distances between establishments and residential areas, areas of public use and areas of particular sensitivity or interest; and
  - (ii) in the case of existing establishments, for additional technical measures in accordance with Article 5 of the Directive so as not to increase the risks to people.

(2) The explanatory memorandum accompanying proposals for the alteration or replacement of a structure plan shall contain a statement of the regard which the local planning authority have had in formulating their general policies to the matters specified in section 31(6) and paragraph (1).

(3) In this regulation “the Directive” means Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances(3).

(4) Expressions appearing both in the Directive and in paragraph (1) have the same meaning as in the Directive.

### **Pre-deposit consultation**

**10.**—(1) When preparing proposals for the alteration or replacement of a structure plan under section 33(1), and before finally determining the contents of the proposals, the local planning authority shall consult—

- (a) the Secretary of State for the Environment, Transport and the Regions;
- (b) any other local authority (except the council of any parish) for an area covered by the proposals;
- (c) any local planning authority for an area adjacent to the area covered by the proposals;
- (d) the Environment Agency(4);
- (e) the Countryside Agency(5) and the Nature Conservancy Council for England(6);
- (f) the Historic Buildings and Monuments Commission for England(7).

(2) The local planning authority shall consider any representations made by the consultees before finally determining the contents of the proposals.

(3) The local planning authority shall prepare a statement of any other persons they have consulted when preparing their proposals, in addition to those listed in paragraph (1), and of any steps they have taken to publicise their proposals and to provide persons with an opportunity of making representations in respect of those proposals.

### **Deposit of proposals**

**11.**—(1) A local planning authority making proposals for the alteration or replacement of a structure plan available for inspection in accordance with section 33(2)(a), shall—

- (a) make the proposals available at their principal office and at such other places within their area as they consider appropriate;
- (b) give notice by advertisement in Form 1; and
- (c) give notice in similar form to any consultee under regulation 10(1) and to any other person whom they consider should be given notice.

(2) Proposals made available for inspection shall be accompanied by—

- (a) the statement prepared pursuant to regulation 10(3); and
- (b) in accordance with section 33(2)(a), the explanatory memorandum.

(3) The local planning authority shall send four copies of the documents made available for inspection to the Secretary of State.

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(3) O.J. No. L10, 14.1.1997, p. 13.

(4) See section 1 of the Environment Act 1995 (c. 25).

(5) See section 1(1) of the Countryside Act 1968 (c. 41), amended by S.I. 1999/416.

(6) See section 128 of the Environmental Protection Act 1990 (c. 43).

(7) See section 32 of the National Heritage Act 1983 (c. 47).

### **Objections and representations**

12.—(1) The period within which objections and representations may be made to the local planning authority with respect to proposals for the alteration or replacement of a structure plan made available for inspection under section 33(2)(a) shall be six weeks beginning with the date on which a notice given pursuant to regulation 11(1)(b) is first published in a local newspaper.

(2) Objections and representations shall be made in writing and addressed to the local planning authority in accordance with the details given in the published notice.

(3) In addition to the requirement to consider objections imposed by section 33(6), the local planning authority shall also consider any representations made in accordance with this regulation.

(4) In the case of deposited proposals for the replacement of a structure plan, a representation that matters relating to the development and use of land not included in the deposited proposals ought to have been so included shall be treated as an objection made to the proposals in accordance with these Regulations for the purpose of regulation 16 if the representation is made within the time and in the manner required by this regulation.

### **Withdrawal of proposals**

13.—(1) On the withdrawal of proposals for the alteration or replacement of a structure plan, the local planning authority shall, in addition to the persons specified in section 34(2)(b), give notice of the withdrawal to every person who has made a representation with respect to the proposals.

(2) A local planning authority withdrawing proposals for the alteration or replacement of a structure plan shall also give notice by advertisement.

(3) The notice of withdrawal required by section 34(2)(b) and by this regulation shall be in Form 2.

### **Examination in public**

14.—(1) A local planning authority shall, at least six weeks before the opening of an examination in public which they cause to be held of matters affecting the consideration of proposals for the alteration or replacement of a structure plan—

- (a) make available for inspection at any place at which the proposals have been made available for inspection a list of the matters with which the examination in public will be concerned and the persons who have been invited to take part in it;
- (b) give any person who has objected to, or made a representation in respect of, the proposals in accordance with these Regulations and not withdrawn the objection or representation, notice of the time and place at which the examination in public is to be held, the name of the person or persons appointed to hold it and its purpose, and the availability for inspection of the list mentioned in sub-paragraph (a); and
- (c) give notice of that information by local advertisement.

(2) Any notice given under paragraph (1) shall invite representations to be made to the local planning authority on the list referred to in paragraph (1)(a) within 28 days of the date on which the notice is first published in a local newspaper.

### **Consideration of proposals following an examination in public**

15.—(1) Where a local planning authority cause an examination in public to be held for a purpose mentioned in regulation 14, the authority shall, after considering the report of the person holding the examination in public, prepare a statement of—

- (a) the decisions they have reached in the light of the report and any recommendations contained in the report; and
  - (b) the reasons for those decisions.
- (2) Where a list of proposed modifications to the proposals is made available for inspection under regulation 17(1) after the statement of decisions and reasons is prepared, the report mentioned in paragraph (1) and that statement shall be made available for inspection from the date on which, and at the places at which, the list is made available for inspection.
- (3) Where such a list is not made available for inspection under regulation 17(1) after the statement of decisions and reasons is prepared, the local planning authority shall—
- (a) give notice by local advertisement in Form 3;
  - (b) serve a notice in similar form on any person who has objected to, or made a representation in respect of, the proposals in accordance with these Regulations and not withdrawn the objection or representation and on such other persons as the authority think fit; and
  - (c) make copies of the report mentioned in paragraph (1) and the statement of decisions and reasons available for inspection at any place at which the proposals have been made available for inspection.
- (4) Where the report of the person holding the examination in public contains recommendations that the proposals should be modified in a manner specified in the report and the local planning authority intend not to accept one or more of those recommendations—
- (a) the authority shall make a list of the recommendations that they do not intend to accept available for inspection from the date on which, and at the places at which, the report is made available for inspection;
  - (b) the notice given in Form 3, or in Form 4, as the case may be, shall record the authority's intention not to accept those recommendations and invite objections and representations to be made in respect of that intention within six weeks of the date on which the notice is first published in a local newspaper;
  - (c) paragraphs (3) and (4) of regulation 17 shall apply to any objection or representation made in respect of that intention as they apply to objections and representations made in respect of proposed modifications;
  - (d) where an examination in public is held to consider one or more objections made to that intention, regulation 14 shall apply as that regulation applies in the case of proposals, and this regulation shall apply following such an examination in public as it applies to an examination in public mentioned in paragraph (1); and
  - (e) where objections have been made to that intention in accordance with these Regulations and not withdrawn and the local planning authority do not cause an examination in public to be held, regulation 16 shall apply to the consideration of the objections as it applies to the consideration of objections to proposals.
- (5) Where notice is given in Form 3 and paragraph (4) does not apply, the notice shall give 28 days notice of the local planning authority's intention to adopt the proposals.

### **Consideration of objections without an examination in public**

**16.—**(1) Where objections have been made to proposals in accordance with these Regulations and not withdrawn and the local planning authority do not cause an examination in public to be held, the authority shall prepare a statement of their decisions as respects all the objections and their reasons for each decision.

(2) Paragraphs (2), (3) and (5) of regulation 15 shall apply where a statement is prepared pursuant to paragraph (1) as they apply where a statement is prepared pursuant to regulation 15(1).

### **Modification of proposals**

17.—(1) Subject to paragraph (7), a local planning authority proposing to modify proposals for the alteration or replacement of a structure plan (whether to comply with a direction given by the Secretary of State or on their own initiative) shall, unless they are satisfied that the modifications they intend to make will not materially affect the content of the proposals—

- (a) prepare a list of the modifications with their reasons for proposing them;
- (b) make copies of that list available for inspection at any place at which the proposals have been made available for inspection;
- (c) give notice by local advertisement in Form 4; and
- (d) serve a notice in similar form on any person who has objected to, or made a representation in respect of, the proposals in accordance with these Regulations and not withdrawn the objection or representation and on such other persons as the authority think fit.

(2) The period within which objections and representations may be made to the local planning authority in respect of proposed modifications is six weeks beginning with the date on which a notice given pursuant to paragraph (1) is first published in a local newspaper.

(3) Objections and representations shall be made in writing and addressed in accordance with the details given in the notice.

(4) An objection to, or representation in respect of, proposed modifications, made in accordance with this regulation, shall be treated as an objection made in accordance with these Regulations for the purpose of section 33(6).

(5) Where an examination in public is held to consider matters in connection with proposed modifications, regulation 14 shall apply as that regulation applies in the case of proposals, and regulation 15 shall apply following such an examination in public as it applies to an examination in public mentioned in paragraph (1) of that regulation.

(6) Where objections have been made to proposed modifications in accordance with this regulation and not withdrawn and the local planning authority do not cause an examination in public to be held, regulation 16 shall apply to the consideration of the objections as it applies to the consideration of objections to proposals.

(7) Unless a list of proposed modifications contains only modifications proposed by the local planning authority in order to comply with a direction given by the Secretary of State under section 35(2), it shall not be made available for inspection, and the notice referred to in paragraph (1) shall not be given or served, until after—

- (a) the period for objecting to the proposals after they have been made available for inspection has expired, or, in the case of a second or subsequent list of proposed modifications, the period for objecting to the previous list of proposed modifications has expired; and
- (b) any statement (or further statement) required by regulation 15(1) or 16(1), as the case may be, has been prepared.

### **Notice of intention to adopt**

18. Proposals for the alteration or replacement of a structure plan shall not be adopted by a local planning authority until the period given by the authority in their notice of intention to adopt in Form 1, or where the authority has also given notice of their intention to adopt in Form 3 or Form 4, the period in the last such notice to be given by the authority, has expired.

### **Adoption**

19.—(1) Where a local planning authority adopt proposals for the alteration or replacement of a structure plan they shall—

- (a) give notice by advertisement in Form 5; and
  - (b) serve notice in similar form on any person who has asked to be notified of the adoption.
- (2) A copy of the notice given pursuant to paragraph (1) and of the adopted proposals shall be made available for inspection at any place at which the proposals were made available for inspection under regulation 11(1)(a).
- (3) The local planning authority shall, not later than the date on which notice is first given by advertisement pursuant to paragraph (1), send four copies of the adopted proposals to the Secretary of State.

## PART 5

### PROCEDURE—UNITARY DEVELOPMENT PLANS, LOCAL PLANS, MINERALS LOCAL PLANS AND WASTE LOCAL PLANS

#### **Regard to be had to certain matters and statement of regard**

**20.**—(1) In formulating their general policies in Part 1 of a unitary development plan, the local planning authority shall, in addition to the matters specified in section 12(6), have regard to—

- (a) economic, environmental and social considerations;
- (b) the national waste strategy;
- (c) the objectives of preventing major accidents and limiting the consequences of such accidents; and
- (d) the need;
  - (i) in the long term, to maintain appropriate distances between establishments and residential areas, areas of public use and areas of particular sensitivity or interest; and
  - (ii) in the case of existing establishments, for additional technical measures in accordance with Article 5 of the Directive so as not to increase the risks to people.

(2) In formulating their proposals in Part II of a unitary development plan, or their policies in a local plan, waste local plan or minerals local plan, a local planning authority shall have regard to the matters specified in section 12(6) and in paragraph (1).

(3) The reasoned justification of the general policies in Part I and of the proposals in Part II of a unitary development plan, and of the policies formulated in a local plan, minerals local plan, or waste local plan, shall contain a statement of—

- (a) the regard which the local planning authority have had to the matters specified in section 12(6) and paragraph (1);
- (b) the reason for any inconsistency between the policies or proposals and the national waste strategy; and
- (c) the account which the authority have taken of any enterprise zone scheme in their area.

(5) In this regulation “the Directive” means Council Directive [96/82/EC](#) on the control of major-accident hazards involving dangerous substances<sup>(8)</sup>.

(6) Expressions appearing both in the Directive and in paragraph (1) have the same meaning as in the Directive.

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(8) O.J. No. L10, 14.1.1997, p. 13.



## **Consultation**

21. The local planning authority shall prepare a statement of any persons they have consulted when preparing a plan or proposals to which regulation 22 refers, and of any steps they have taken to publicise their plan or proposals and to provide persons with an opportunity of making representations in respect of that plan or those proposals.

## **Deposit of proposals**

22.—(1) A local planning authority making a local plan, waste local plan, minerals local plan or unitary development plan or proposals for the alteration or replacement of such a plan available for inspection in accordance with section 13(2)(a) or 40(2)(a), shall—

- (a) make the proposals available at their principal office and at such other places within their area as they consider appropriate;
- (b) give notice by advertisement in Form 6; and
- (c) give notice in similar form to any other person whom they consider should be given notice.

(2) Proposals made available for inspection shall be accompanied by the statement prepared pursuant to regulation 21.

(3) The local planning authority shall send four copies of the documents made available for inspection to the Secretary of State.

(4) The local planning authority shall send one copy of the documents made available for inspection to each of those bodies listed in paragraphs (c) to (f) of regulation 10(1) and to any other local authority for an area covered by the plan or proposals.

## **Objections and representations**

23.—(1) The period within which objections and representations may be made to the local planning authority with respect to a plan or proposals to which regulation 22 refers shall be six weeks beginning with the date on which a notice given pursuant to regulation 22(1)(b) is first published in a local newspaper.

(2) Objections and representations shall be made in writing and addressed to the local planning authority in accordance with the details given in the published notice.

(3) In addition to the requirement to consider objections imposed by sections 13(6) or 40(7), as the case may be, the local planning authority shall also consider any representations made in accordance with this regulation.

(4) In the case of a plan, or proposals for the replacement of a plan, to which regulation 22 refers, a representation that matters relating to the development and use of land not included in the plan or proposals ought to have been so included shall, if the representation is made within the time and in the manner required by this regulation, be treated as an objection made to the plan or proposals in accordance with these Regulations for the purpose of regulations 26 and 28 and sections 16 and 42.

## **Deposit of revised proposals**

24.—(1) This regulation applies when objections have been made in accordance with regulation 23, no inquiry or other hearing has been held pursuant to section 16 or 42 in relation to the plan or proposals made available under regulation 22, and the local planning authority consider it appropriate to revise that plan or those proposals.

(2) The authority shall—

- (a) revise the plan or proposals made available under regulation 22 as the authority consider appropriate;

- (b) make the revised plan or revised proposals available for inspection at those places at which the plan or proposals were made available under regulation 22(1)(a);
  - (c) give notice by advertisement in Form 7; and
  - (d) serve a notice in similar form on any person who has objected to, or made a representation in respect of, the plan or proposals in accordance with these Regulations and not withdrawn the objection or representation, and on such other persons as the authority think fit.
- (3) Subject to paragraph (4), the revised plan or revised proposals made available under paragraph (2)(b) shall comprise the full text of the plan or proposals as revised indicating clearly any new text included or any text deleted as part of the revision.
- (4) A revised plan or revised proposals made available under paragraph (2)(b) shall not be required to contain a revised version of the map required by section 12(4)(b) or 36(6)(a) provided that the revised plan or proposals contain that map and such diagrams or maps as are necessary to indicate the changes required to that map as a result of the revisions.
- (5) The revised plan or revised proposals made available for inspection shall be accompanied by a list of the revisions made.
- (6) The authority shall send four copies of the documents made available for inspection to the Secretary of State and one copy of the documents to each of those bodies listed in paragraphs (c) to (f) of regulation 10(1) and to any other local authority for an area covered by the plan or proposals.
- (7) An authority may not revise proposals pursuant to this regulation more than once.
- (8) An objection is made in accordance with this regulation if it—
- (a) is made within six weeks beginning with the date on which a notice given pursuant to paragraph (2)(c) is first published in a local newspaper;
  - (b) is an objection to a part of the plan or proposals which has been revised; and
  - (c) is made in writing and addressed to the local planning authority in accordance with the details given in the published notice.
- (9) A representation made by the Secretary of State within the time and in the manner required by paragraphs (8)(a) and (c) that the revised plan or proposals should be modified to accord with current national policies or regional or strategic planning guidance given by the Secretary of State shall be treated, for the purposes of regulations 26 and 28 and sections 16 and 42, as an objection made in accordance with this regulation.

### **Withdrawal of proposals**

- 25.—**(1) On the withdrawal of a local plan, minerals local plan or waste local plan, or proposals for the alteration or replacement of such a plan, the local planning authority shall—
- (a) withdraw the copies of the plan or proposals made available for inspection;
  - (b) give notice in Form 8 that the plan or proposals have been withdrawn to every person who has made an objection or representation with respect to the plan or proposals; and
  - (c) give notice by advertisement in Form 8.
- (2) On the withdrawal of a unitary development plan or of proposals for the alteration or replacement of such a plan the local planning authority shall—
- (a) in addition to the persons specified in section 14(2)(b), give notice in Form 8 that the plan or proposals have been withdrawn to every person who has made a representation with respect to the plan or proposals; and
  - (b) give notice by advertisement in Form 8.
- (3) The notice of withdrawal required by section 14(2)(b) shall be in Form 8.

### **Local inquiry or other hearing**

**26.—(1)** A local planning authority shall, at least six weeks before the opening of any local inquiry or other hearing which they cause to be held to consider objections to a plan or proposals to which regulation 22 refers—

- (a) give any person who has objected to, or made a representation in respect of, the plan or proposals in accordance with these Regulations and not withdrawn the objection or representation, notice of the time and place at which the inquiry or other hearing is to be held, the name of the person appointed to hold it, and its purpose; and
- (b) in the case of a local inquiry, give notice of that information by local advertisement.

(2) A local planning authority shall, within eight weeks of receiving the report of the person holding an inquiry or other hearing to which this regulation applies, make that report available for inspection at those places at which the proposals were made available under regulation 22(1)(a).

### **Consideration of proposals following a local inquiry or other hearing**

**27.—(1)** Where a local planning authority cause a local inquiry or other hearing to be held for a purpose mentioned in regulation 26(1), the authority shall, after considering the report of the person holding the inquiry or other hearing, prepare a statement of—

- (a) the decisions they have reached in the light of the report and any recommendations contained in the report; and
- (b) the reasons for any of those decisions which do not follow a recommendation contained in the report.

(2) Where a list of proposed modifications to the plan or proposals is made available for inspection under regulation 29(1) after the statement of decisions and reasons is prepared that statement shall be made available for inspection from the date on which, and at the places at which, the list is made available for inspection.

(3) Where such a list is not made available for inspection under regulation 29(1) after the statement of decisions and reasons is prepared, the local planning authority shall—

- (a) give notice by local advertisement in Form 9;
- (b) serve a notice in similar form on any person who has objected to, or made a representation in respect of, the plan or proposals in accordance with these Regulations and not withdrawn the objection or representation and on such other persons as the authority think fit; and
- (c) make copies of the statement of decisions and reasons available for inspection at any place at which the plan or proposals were made available for inspection under regulation 22(1)(a).

(4) Where the report of the person holding the inquiry or other hearing contains recommendations that the plan or proposals should be modified in a manner specified in the report and the local planning authority intend not to accept one or more of those recommendations—

- (a) the authority shall make a list of the recommendations that they do not intend to accept available for inspection at any place at which the plan or proposals were made available for inspection under regulation 22(1)(a);
- (b) the notice given in Form 9, or in Form 10, as the case may be, shall record the authority's intention not to accept those recommendations and invite objections and representations to be made in respect of that intention within six weeks of the date on which the notice is first published in a local newspaper;
- (c) paragraphs (3) and (4) of regulation 29 shall apply to any objection and representation made in respect of that intention as they apply to objections and representations made in respect of proposed modifications;

- (d) where a local inquiry or other hearing is held to consider one or more of the objections made to that intention, regulation 26 shall apply as that regulation applies in the case of a plan or proposals, and this regulation shall apply following such a local inquiry or other hearing as it applies to a local inquiry or other hearing mentioned in paragraph (1); and
  - (e) where objections have been made to that intention in accordance with these Regulations and not withdrawn and the local planning authority do not cause a local inquiry or other hearing to be held, regulation 28 shall apply to the consideration of the objections as it applies to the consideration of objections to a plan or proposals.
- (5) Where notice is given in Form 9 and paragraph (4) does not apply, the notice shall give 28 days notice of the local planning authority's intention to adopt the plan or proposals.

### **Consideration of objections without a local inquiry or other hearing**

**28.**—(1) Where objections have been made to a plan or proposals in accordance with these Regulations and not withdrawn and the local planning authority do not cause a local inquiry or other hearing to be held, the authority shall prepare a statement of their decisions as respects all the objections and their reasons for each decision.

(2) Paragraphs (2), (3) and (5) of regulation 27 shall apply where a statement is prepared pursuant to paragraph (1) as they apply where a statement is prepared pursuant to regulation 27(1).

### **Modification of proposals**

**29.**—(1) Subject to paragraph (7), a local planning authority proposing, after an inquiry or other hearing has been held pursuant to section 16 or section 42, to modify a plan or proposals to which regulation 22 refers (whether to comply with a direction given by the Secretary of State or on their own initiative) shall, unless they are satisfied that the modifications they intend to make will not materially affect the content of the plan or proposals—

- (a) prepare a list of the modifications with their reasons for proposing them;
- (b) make copies of that list available for inspection at any place at which the plan or proposals were made available for inspection under regulation 22(1)(a);
- (c) give notice by local advertisement in Form 10; and
- (d) serve a notice in similar form on any person who has objected to, or made a representation in respect of, the plan or proposals in accordance with these Regulations and not withdrawn the objection or representation and on such other persons as the authority think fit.

(2) The period within which objections and representations may be made to the local planning authority in respect of proposed modifications is six weeks beginning with the date on which a notice given pursuant to paragraph (1) is first published in a local newspaper.

(3) Objections and representations shall be made in writing and addressed in accordance with the details given in the notice.

(4) An objection to, or representation in respect of, proposed modifications, made in accordance with this regulation, shall be treated as an objection made in accordance with these Regulations for the purpose of sections 13(6) or 40(7).

(5) Where a local inquiry or other hearing is held to consider one or more of the objections made to proposed modifications, regulation 26 shall apply as that regulation applies in the case of a plan or proposals, and regulation 27 shall apply following such a local inquiry or other hearing as it applies to a local inquiry or other hearing mentioned in paragraph (1) of that regulation.

(6) Where objections have been made to proposed modifications in accordance with this regulation and not withdrawn and the local planning authority do not cause a local inquiry or other

hearing to be held, regulation 28 shall apply to the consideration of the objections as it applies to the consideration of objections to statutory plan proposals.

(7) Unless a list of proposed modifications contains only modifications proposed by the local planning authority in order to comply with a direction given by the Secretary of State under section 17(1) or 43(4), it shall not be made available for inspection, and the notice referred to in paragraph (1) shall not be given or served until after—

- (a) the period for objecting to the plan or proposals after they have been made available for inspection has expired, or, in the case of a second or subsequent list of proposed modifications, the period for objecting to the previous list of proposed modifications has expired; and
- (b) any statement (or further statement) required by regulation 27(1) or 28(1), as the case may be, has been prepared.

#### **Notice of intention to adopt**

**30.** A plan or proposals to which regulation 22 refers shall not be adopted by a local planning authority until the period given by the authority in their notice of intention to adopt in Form 1, or where the authority has also given notice of their intention to adopt in Form 9 or Form 10, the period in the last such notice to be given by the authority, has expired.

#### **Adoption**

**31.—**(1) Where a local planning authority adopt a plan or proposals to which regulation 22 refers they shall—

- (a) give notice by advertisement in Form 11; and
- (b) serve notice in similar form on any person who has asked to be notified of the adoption.

(2) A copy of the notice given pursuant to paragraph (1) and of the adopted plan or proposals shall be made available for inspection at any place at which the proposals were made available for inspection under regulation 22(1)(a).

(3) The local planning authority shall, not later than the date on which notice is first given by advertisement pursuant to paragraph (1), send 4 copies of the adopted plan or proposals to the Secretary of State.

## **PART 6**

### **INTERVENTION BY THE SECRETARY OF STATE**

#### **Documents to be supplied to the Secretary of State**

**32.** A local planning authority shall supply the Secretary of State with a copy of every notice published by the authority in accordance with these Regulations when the notice is first published, together with a copy of every document made available for inspection in accordance with these Regulations.

#### **Direction to modify proposals**

**33.—**(1) Where the Secretary of State directs a local planning authority to modify their proposals under section 17(1), 35(2) or 43(4) the authority shall make a copy of the direction available for inspection with any subsequent list of modifications made so available pursuant to regulation 17(1) or 29(1), and that list shall indicate—

- (a) which modifications have been proposed to comply with the direction; or (b) where modifications have not been proposed to comply, or to comply fully, with the direction, the authority's reasons for not doing so.
- (2) Any notice of adoption of the proposals given pursuant to regulation 19(1) or 31(1) shall state that the local planning authority have satisfied the Secretary of State that they have made the modifications necessary to conform with the direction to modify or that the direction has been withdrawn, as the case may be.
- (3) A copy of any notification by the Secretary of State that he is satisfied with the modifications made or that the direction is withdrawn shall be made available for inspection from the date on which, and at the places at which, the adopted proposals are made available for inspection.

### **Direction not to adopt proposals**

34. If, before the local planning authority have adopted proposals for a statutory plan or for the alteration or replacement of such a plan, the Secretary of State directs them not to adopt the proposals until he has decided whether to give them a direction under section 18(1), 35A(1) or 44(1), as the case may be, they shall not adopt the proposals until he has notified them of his decision.

### **Called-in proposals**

35.—(1) Where the Secretary of State is minded to approve with modifications statutory plan proposals submitted to him for his approval, he shall, unless, in his opinion, the proposed modifications will not materially affect the content of the statutory plan proposals, send a list of the proposed modifications to the local planning authority, and the authority shall, upon receipt of the list—

- (a) make copies of the list available for inspection at any place at which the statutory plan proposals were made available for inspection;
  - (b) give notice by local advertisement in Form 12; and
  - (c) serve notice in similar form on any person who has objected to, or made a representation in respect of, the statutory plan proposals in accordance with these Regulations and not withdrawn the objection or representation and on any other person on whom the Secretary of State directs them to serve such a notice.
- (2) The period within which objections or representations may be made to the Secretary of State in respect of the proposed modifications is six weeks beginning with the date on which a notice given pursuant to paragraph (1) is first published in a local newspaper.
- (3) Objections and representations shall be made in writing and addressed in accordance with the details given in the notice.
- (4) Where the Secretary of State causes a local inquiry or other hearing to be held for the purpose of considering objections to statutory plan proposals submitted to him for his approval, or to modifications which he proposes to make to such proposals, he shall give such notice as the local planning authority would be required to give by regulation 26(1) if they were proposing to hold an inquiry or other hearing.
- (5) Where the Secretary of State causes an examination in public to be held under section 20(4) or 35B(2) of matters affecting his consideration of statutory plan proposals submitted to him for his approval, or modifications which he proposes to make to such proposals, he shall—
- (a) send a list of the matters with which the examination in public will be concerned and the persons who have been invited to take part in it to the local planning authority; and
  - (b) give such notice as the local planning authority would be required to give by regulation 14 if they were proposing to hold an examination in public.

(6) The local planning authority shall, on receipt of a list sent to them pursuant to paragraph (5), make that list available for inspection at any place at which the statutory plan proposals have been made available for inspection.

(7) The local planning authority shall, on being notified by the Secretary of State of his decision on statutory plan proposals submitted to him for his approval—

- (a) give notice by advertisement in Form 13;
- (b) serve a notice in similar form on any person who has asked to be notified of the decision reached on the proposals and on any other person on whom the Secretary of State directs them to serve such a notice; and
- (c) make a copy of the Secretary of State's notification and of the approved or rejected proposals available for inspection at any place at which the proposals were made available for inspection under regulation 11(1)(a).

### **Making, alteration and replacement of statutory plans by the Secretary of State**

**36.**—(1) These Regulations apply, so far as practicable and with any necessary modifications, to the making, alteration and replacement of a statutory plan by the Secretary of State pursuant to section 25 (default powers) or section 51 (default powers) as they apply to the making, alteration or replacement of a statutory plan by a local planning authority.

(2) When a statutory plan or alteration made by the Secretary of State becomes operative, the local planning authority entitled to prepare proposals for the alteration or replacement of the plan made or altered by the Secretary of State shall comply with regulation 38 in respect of that plan.

## **PART 7**

### **AVAILABILITY OF DOCUMENTS AND INDEX**

#### **Availability of documents for inspection**

**37.**—(1) Subject to paragraph (3), documents made available for inspection pursuant to Part II of the 1990 Act or these Regulations by a local planning authority making, altering or replacing a statutory plan shall be made so available at the place and time specified by the authority when giving notice of their availability for inspection, and shall, unless the statutory plan proposals are withdrawn, remain so available until the expiration of six weeks from the date of publication of the notice of adoption, approval or rejection of the proposals.

(2) The local planning authority shall, on request and on payment of a reasonable charge, provide, as soon as practicable, a copy of any document made available for inspection mentioned in paragraph (1).

(3) Adopted proposals made available for inspection under regulation 19(2) or 31(2) and approved proposals made available for inspection under regulation 35(7)(c) shall remain so available until printed copies of the proposals are made available for inspection under regulation 38(1).

#### **Availability of plans after adoption or approval**

**38.**—(1) As soon as practicable after proposals for a statutory plan or for the alteration or replacement of a statutory plan have been adopted or approved, the local planning authority which prepared the proposals shall secure that printed copies of the statutory plan, the statutory plan as altered, or the replacement plan, as the case may be, are available for inspection during normal office hours at their principal office and at such other places within their area as they consider appropriate and, on payment of a reasonable charge, for purchase.

(2) A local planning authority shall continue to make printed copies of a statutory plan, altered statutory plan, or replacement plan made available for inspection and purchase under paragraph (1) so available until the relevant plan is altered, further altered, or replaced, as the case may be.

## **Index**

**39.**—(1) A local planning authority shall keep an index containing the following information in respect of the development plan for their area—

- (a) the title of any plan forming part of or constituting the development plan for their area;
- (b) the date on which that plan was adopted or approved;
- (c) the title and date of adoption or approval of any alteration to that plan;
- (d) the date of the first publication of any notice given under these Regulations in respect of proposals for the making of a plan which will form part of or constitute the development plan for their area or for the alteration or replacement of such a plan; and
- (e) the places at which any plan, alteration or notice listed in the index may be inspected.

(2) In a non-metropolitan area, the index kept by the local planning authority shall also contain the date of any statement supplied under section 35C or paragraph 47 of Schedule 4 to the Planning and Compensation Act 1991<sup>(9)</sup>, or prepared under regulation 41, in relation to a plan listed in the index and shall identify the places at which the statement may be inspected.

(3) A local planning authority shall also keep a map showing the boundary of any plan listed in their index.

(4) The index and map kept in accordance with this regulation shall be made available for inspection during normal office hours at the local planning authority's principal office and at such other places within their area as they consider appropriate.

## **PART 8**

### **CONFORMITY AND CONFLICT**

#### **Statement of conformity of proposals with structure plan: prescribed period**

**40.** The prescribed period for the purpose of section 46(1)(b) is 28 days.

#### **Statement of conformity on adoption or approval of structure plan**

**41.**—(1) An authority responsible for a structure plan shall, where any proposals of theirs for the alteration or replacement of a structure plan are adopted or approved, prepare a statement in respect of any local plan for which the authority is responsible, and any minerals local plan and waste local plan for their area, stating whether the plan is, or as the case may be, is not, in general conformity with the altered or new structure plan.

(2) A statement prepared under paragraph (1) stating that a local plan, minerals local plan or waste local plan is not in general conformity with a structure plan shall specify the respects in which it is not in such conformity.

(3) A local planning authority which makes available for inspection a plan to which a statement under section 35C or paragraph (1) relates, shall make a copy of the statement available for inspection at any place at which the plan is made available for inspection.

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(9) 1991 c. 34.



(4) In this regulation, references to an authority responsible for a structure plan or a local plan shall be construed in accordance with section 35C(5).

#### **Conflict between structure plans and local plans, minerals local plans and waste local plans**

**42.** The provisions of a local plan prevail for all purposes over any conflicting provisions in a structure plan made by the same authority, and the provisions of a minerals local plan and of a waste local plan prevail for all purposes over any conflicting provisions in a structure plan, unless the local plan, minerals local plan or waste local plan is one—

- (a) stated under regulation 41(1) not to be in general conformity with the structure plan; and
- (b) neither altered nor replaced after the statement was prepared.

#### **Conflict between local plans and minerals local plans or waste local plans**

**43.** Where there is a conflict between provisions in a local plan and provisions in a minerals local plan or waste local plan, the more recently adopted or approved provisions prevail.

#### **Conflict within statutory plans**

**44.** Where there is a conflict between the written statement of a statutory plan and any other document forming part of the plan, the provisions of the written statement prevail.

## **PART 9**

### **REVOCATION AND TRANSITIONAL PROVISION**

#### **Revocation and transitional provision**

**45.—(1)** The Town and Country Planning (Development Plan) Regulations 1991<sup>(10)</sup>, the Town and Country Planning (Development Plan) (Amendment) Regulations 1997<sup>(11)</sup>, and regulation 5 of the Planning (Control of Major-Accident Hazards) Regulations 1999<sup>(12)</sup> are hereby revoked, so far as they extend to England.

(2) Any step taken before commencement which has effect under any provision of the Town and Country Planning (Development Plan) Regulations 1991 shall be treated on and after commencement as having effect under any similar provision of these Regulations.

(3) A local planning authority which has made a local plan, waste local plan, minerals local plan or unitary development plan or proposals for the alteration or replacement of such a plan available for inspection in accordance with section 13(2)(a) or 40(2)(a), and has before commencement either:

- (a) indicated in writing that it considers it appropriate to revise that plan or those proposals; or
- (b) received from the Secretary of State written notice that, in accordance with section 16 or 40 of the 1990 Act, he has appointed a person to hold an inquiry to commence within nine months of commencement; may decide that regulation 24 shall not apply in relation to that plan or those proposals; and where a local planning authority so decide, regulation 24 shall not apply in relation to the relevant plan or proposals.

(4) A written record of any decision made pursuant to paragraph (3) shall be made available for inspection at any place at which the plan or proposals were made available for inspection.

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<sup>(10)</sup> S.I. 1991/2794.

<sup>(11)</sup> S.I. 1997/531.

<sup>(12)</sup> S.I. 1999/981.

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

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Signed by authority of the Secretary of State

8th December 1999

*Nick Raynsford*  
Minister of State,  
Department of the Environment, Transport and  
the Regions