
STATUTORY INSTRUMENTS

1999 No. 3280

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

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⁽¹⁾.

(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;

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

- (d) the Environment Agency⁽²⁾;
- (e) the Countryside Agency⁽³⁾ and the Nature Conservancy Council for England⁽⁴⁾;
- (f) the Historic Buildings and Monuments Commission for England⁽⁵⁾.

(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.

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.

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

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

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

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

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.