
STATUTORY INSTRUMENTS

1999 No. 3280

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

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(1).

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

(1) 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.