
STATUTORY INSTRUMENTS

1999 No. 3280

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

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that they have made the modifications necessary to conform with the direction to modify or that the direction has been withdrawn, as the case may be.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of any notification by the Secretary of State that he is satisfied with the modifications made or that the direction is withdrawn shall be made available for inspection from the date on which, and at the places at which, the adopted proposals are made available for inspection.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.