



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART II

#### DEVELOPMENT PLANS

#### CHAPTER I

##### UNITARY DEVELOPMENT PLANS: METROPOLITAN AREAS INCLUDING LONDON

##### *Supplementary*

#### 24 Disregard of certain representations.

Notwithstanding anything in the previous provisions of this Chapter, neither the Secretary of State nor a local planning authority shall be required to consider representations or objections with respect to a unitary development plan or any proposals for the alteration or replacement of such a plan if it appears to the Secretary of State or, as the case may be, the authority that those representations or objections are in substance representations or objections with respect to things done or proposed to be done in pursuance of—

- (a) an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the <sup>M1</sup>Highways Act 1980;
- (b) an order or scheme under any provision replaced by the provisions mentioned in paragraph (a), namely, an order or scheme under section 7, 9, 11, 13 or 20 of the <sup>M2</sup>Highways Act 1959, section 3 of the <sup>M3</sup>Highways (Miscellaneous Provisions) Act 1961 or section 1 or 10 of the <sup>M4</sup>Highways Act 1971; or
- (c) an order under section 1 of the <sup>M5</sup>New Towns Act 1981.

#### Marginal Citations

**M1** 1980 c. 66.

**M2** 1959 c. 25.

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<b>M3</b> 1961 c. 63.
<b>M4</b> 1971 c. 41.
<b>M5</b> 1981 c. 64.

## 25 Default powers.

- (1) Where, by virtue of any of the previous provisions of this Chapter, any unitary development plan or proposals for the alteration or replacement of such a plan are required to be prepared, or steps are required to be taken for the adoption of any such plan or proposals, then—
  - (a) if at any time the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the local planning authority are not taking the steps necessary to enable them to prepare or adopt such a plan or proposals within a reasonable period; or
  - (b) in a case where a period is specified for the preparation or adoption of any such plan or proposals, if no such plan or proposals have been prepared or adopted by the local planning authority within that period,
 the Secretary of State may prepare and make the plan or any part of it or, as the case may be, alter or replace it, as he thinks fit.
- (2) The previous provisions of this Chapter shall, so far as practicable, apply with any necessary modifications in relation to the doing of anything under this section by the Secretary of State and the thing so done.
- (3) The authority mentioned in subsection (1) shall on demand repay to the Secretary of State so much of any expenses incurred by him in connection with the doing of anything which should have been done by them as he certifies to have been incurred in the performance of their functions.

## 26 Regulations and directions.

- (1) Without prejudice to the previous provisions of this Chapter, the Secretary of State may make regulations with respect to the form and content of unitary development plans and the procedure to be followed in connection with their preparation, withdrawal, adoption, submission, approval, making, alteration or replacement.
- (2) Such regulations may in particular—
  - (a) provide for publicity to be given to the results of any review or survey carried out under section 11;
  - (b) provide for the notice to be given of or the publicity to be given to—
    - (i) matters included or proposed to be included in any unitary development plan,
    - (ii) the approval, adoption or making of any such plan or any alteration or replacement of it, or
    - (iii) any other prescribed procedural step,
 and for publicity to be given to the procedure to be followed as mentioned in subsection (1);
  - (c) make provision with respect to the making and consideration of representations with respect to matters to be included in, or objections to, any such plan or proposals for its alteration or replacement;

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- [<sup>F1</sup>(cc) make provision with respect to the circumstances in which representations with respect to the matters to be included in a plan or proposals are to be treated, for any of the purposes of this Chapter, as being objections made in accordance with the regulations;]
- (d) without prejudice to paragraph (b), provide for notice to be given to particular persons of the approval, adoption, alteration or replacement of any plan if they have objected to the plan and have notified the local planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge;
- (e) require or authorise a local planning authority to consult with, or consider the views of, other persons before taking any prescribed procedural step;
- (f) require a local planning authority, in such cases as may be prescribed or in such particular cases as the Secretary of State may direct, to provide persons making a request in that behalf with copies of any plan or document which has been made public [<sup>F2</sup>in compliance with the regulations or available for inspection under section 13(2)], subject (if the regulations so provide) to the payment of a reasonable charge;
- [<sup>F3</sup>(ff) make provision for steps taken in compliance with the regulations in respect of a unitary development plan which has been withdrawn to be taken into account in prescribed circumstances for the purposes of complying with the regulations in respect of a subsequent unitary development plan;]
- (g) provide for the publication and inspection of any unitary development plan which has been adopted, approved or made or any document approved, adopted or made altering or replacing any such plan, and for copies of any such plan or document to be made available on sale.
- (3) Regulations under this section may make different provision for different cases.
- [<sup>F4</sup>(3A) Any provision made by regulations under this section in its application by virtue of section 10 may differ from that made under this section in its application by virtue of section 10A.]
- (4) Subject to the previous provisions of this Chapter and to any regulations under this section, the Secretary of State may give directions to any local planning authority or to local planning authorities generally—
- (a) for formulating the procedure for the carrying out of their functions under this Chapter;
- (b) for requiring them to give him such information as he may require for carrying out any of his functions under this Chapter.

#### Textual Amendments

- F1** S. 26(2)(cc) inserted (25.11.1991 for certain purposes and otherwise 10.2.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [Sch. 4 Pt. I para. 15\(a\)](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#) and S.I. 1991/2905, [art. 4](#)
- F2** Words in s. 26(f) substituted (25.11.1991 for certain purposes and otherwise 10.2.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [Sch. 4 Pt. I para. 15\(b\)](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1991/2905, [art. 4](#)
- F3** S. 26(ff) inserted (25.11.1991 for certain purposes and otherwise 10.2.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 27, [Sch. 4 para. 15\(c\)](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#) and S.I. 1991/2905, [art. 4](#)

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**F4** S. 26(3A) (1.4.1996) by 1994 c. 19, s. 20(3), **Sch. 5 Pt. I para. 5** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**

## 27 Meaning of “development plan” in Greater London and metropolitan counties.

For the purposes of this Act and any other enactment relating to town and country planning, the <sup>M6</sup>Land Compensation Act 1961 and the <sup>M7</sup>Highways Act 1980, the development plan for any district in Greater London or a metropolitan county (whether the whole or part of the area of a local planning authority) shall be taken as consisting of—

- (a) the provisions of the unitary development plan for the time being in force for that area or the relevant part of it, together with a copy of the local planning authority’s resolution of adoption or the Secretary of State’s notice of approval or, where part of the plan has been adopted and the remainder approved, copies of the resolution and the notice; and
- (b) any alteration to that plan, together with a copy of the authority’s resolution of adoption, or the Secretary of State’s notice of approval, of the alteration or, where part of the alteration has been adopted and the remainder approved, copies of the resolution and the notice.

### Modifications etc. (not altering text)

- C1** S. 27 modified (1.5.1994) by S.I. 1994/1210, **art. 7(1)**  
 S. 27 applied (with modifications) (1.4.1998) by S.I. 1996/1863, **art. 4(3)(a)**  
 S. 27 applied (with modifications) (1.4.1998) by S.I. 1996/1867, **art. 13(3)(a)**  
 S. 27 applied (with modifications) (1.4.1998) by S.I. 1996/1875, **art. 5(5)(a)**
- C2** S. 27: functions of local authority not to be sole responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 4(1), Sch. 3**

### Marginal Citations

- M6** 1961 c. 33.  
**M7** 1980 c. 66.

## [<sup>F5</sup>27A Meaning of “development plan” in relation to Wales.

For the purposes of the enactments mentioned in section 27, the development plan for any area in Wales shall be taken as consisting of—

- (a) the provisions of the unitary development plan for the time being in force for that area, together with a copy of the relevant local planning authority’s resolution of adoption or of the Secretary of State’s notice of approval or, where part of the plan has been adopted and the remainder approved, copies of the resolution and the notice; and
- (b) any alteration to that plan, together with a copy of the relevant local planning authority’s resolution of adoption, or the Secretary of State’s notice of approval, of the alteration or, where part of the alteration has been adopted and the remainder approved, copies of the resolution and the notice.]

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#### Textual Amendments

- F5** S. 27A inserted (1.4.1996) by 1994 c. 19, s. 20(3), **Sch. 5 Pt. I para. 6** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**

## 28 Commencement of Chapter I: transitional provisions.

- (1) Subject to subsection (2), the provisions of this Chapter shall come into force in the area of any local planning authority in Greater London or a metropolitan county (other than any area in that county which is part of a National Park) on such day as may be appointed in relation to that area by an order made by the Secretary of State.
- (2) Subsection (1) does not apply in any area in relation to which an order has been made before the commencement of this Act under section 4(1) of the <sup>M8</sup>Local Government Act 1985 (commencement of Part I of Schedule 1 to that Act) and in any such area the provisions of this Chapter shall come into force at the commencement of this Act or, if later, on the day appointed by the order.
- (3) Until a unitary development plan becomes operative under this Chapter for such an area as is mentioned in subsection (1) (or where parts of such a plan become operative on different dates until every part has become operative)—
  - (a) if it is the area of a local planning authority in a metropolitan county, Part I of Schedule 2 (which provides for existing plans to continue in force and applies some of the provisions of Chapter II) shall apply in relation to it;
  - (b) if it is the area of a local planning authority in Greater London, Part II of that Schedule (which makes similar provision) shall apply in relation to it; and
  - (c) Part III of that Schedule shall apply in relation to it for the purpose of making continuing provision for the transitional matters for which provision was made immediately before the commencement of this Act by Schedule 7 to the 1971 Act (old development plans etc.).
- (4) The power to make orders under this section may be exercised so as to make different provision for different cases, including different provision for different areas.

#### Modifications etc. (not altering text)

- C3** S. 28 excluded (1.5.1994) by S.I. 1994/1210, **art. 7(2)**  
S. 28 excluded (1.4.1998) by S.I. 1996/1863, **art. 4(3)(b)**  
S. 28 excluded (1.4.1998) by S.I. 1996/1867, **art. 13(3)(b)**  
S. 28 excluded (1.4.1998) by S.I. 1996/1875, **art. 5(5)(b)**

#### Marginal Citations

- M8** 1985 c. 51.

## [<sup>F6</sup>28A Application of Chapter I in relation to Wales: transitional provisions.

- (1) Until a unitary development plan becomes fully operative for the area of any local planning authority in Wales—
  - (a) Part IA of Schedule 2, and
  - (b) Part III of Schedule 5 to the Local Government (Wales) Act 1994 (transitional provisions in relation to structure and local plans),

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shall apply in relation to that area.

- (2) For the purposes of this Chapter, a unitary development plan for the area of a local planning authority in Wales has become fully operative when—
- (a) it has become operative under this Chapter; or
  - (b) where different parts have become operative at different times, when all parts of it have become so operative.]

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**Textual Amendments**

**F6** S. 28A inserted (1.4.1996) by 1994 c. 19, s. 20(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, Sch. 2

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