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SCHEDULES

SCHEDULE 2 **E+W**

DEVELOPMENT PLANS: TRANSITIONAL PROVISIONS

PART I **E+W**

THE METROPOLITAN COUNTIES

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.5.1994) by S.I. 1994/1210, **art. 7(3)(a)**
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by S.I. 1996/1863, **art. 4(4)(a)**
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by S.I. 1996/1867, **art. 13(4)(a)**
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by S.I. 1996/1875, **art. 5(6)(a)**

Continuation of structure plans, local plans and old development plans

- 1 (1) Subject to paragraphs 2 and 3—
- (a) the structure plan,
 - (b) any local plan; and
 - (c) any old development plan,
- which immediately before the commencement of this Act was in force in the area of a local planning authority in a metropolitan county (or in that and other areas) shall continue in force in respect of the area of that authority until a unitary development plan for that area becomes operative under Chapter I of Part II of this Act or, where parts of a unitary development plan become operative on different dates, until every part of it has become operative.
- (2) A plan which continues in force by virtue of this paragraph shall, while it continues in force, be treated for the purposes of this Act, any other enactment relating to town and country planning, the ^{M1}Land Compensation Act 1961 and the ^{M2}Highways Act 1980 as being, or being comprised in, the development plan in respect of the area in question.
- (3) In this paragraph “old development plan” means any plan which was in force in the area in question immediately before the commencement of this Act by virtue of Schedule 7 to the 1971 Act and paragraph 18 of Schedule 1 to the ^{M3}Local Government Act 1985.

Marginal Citations

- M1** 1961 c. 33.

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M2 1980 c. 66.

M3 1985 c. 51.

Revocation of structure plan

- 2 (1) Where under Chapter I of Part II of this Act the Secretary of State approves all or any of Part I of a unitary development plan he may by order—
- (a) wholly or partly revoke a structure plan continued in force by paragraph 1, either in its application to the whole of the area of a local planning authority or in its application to part of that area; and
 - (b) make such consequential amendments to that plan as appear to him to be necessary or expedient.
- (2) Before making an order under this paragraph the Secretary of State shall consult the local planning authority for the area to which the unitary development plan relates.
- (3) Until the structure plan for an area in a metropolitan county ceases to be operative under paragraph 1 or this paragraph, paragraph 7(1) of Schedule 1 shall apply in that area with the omission of the words “in a non-metropolitan county”.

Local plans until commencement of Chapter I of Part II

- [^{F13} (1) Until the coming into force of Chapter I of Part II of this Act in the area of a local planning authority in a metropolitan county section 30 and the provisions of Chapter II of that Part relating to the preparation, alteration, repeal or replacement of local plans by local planning authorities which are metropolitan district councils and section 54(5) shall apply in relation to that area, but subject to the following provisions of this paragraph.
- (2) In respect of the matters referred to in sub-paragraph (1) the following provisions (which relate to county planning authorities) do not apply to metropolitan district councils, namely, sections 37, 38(4), 39(4) and (5)(c), 40(2)(c), 46(2) to (6), 47, 48(2) and 50(7).
- (3) A metropolitan district council may at any time—
- (a) make proposals for the preparation of a local plan or the alteration, repeal or replacement of a local plan adopted by them or adopted by the metropolitan county council and in force in the area of that authority on 1st April 1986;
 - (b) with the consent of the Secretary of State, make proposals for the alteration, repeal or replacement of a local plan approved by him.
- (4) On the coming into force in any area of Chapter I of Part II of this Act, any local plan or proposal for the alteration, repeal or replacement of a local plan which—
- (a) has been prepared by a metropolitan district council (or by such a council jointly with one or more other such councils); but
 - (b) has not been adopted or approved,
- shall be treated as having been abandoned by that council or those councils.
- (5) Paragraph 1 shall apply to plans which are prepared or altered in pursuance of this paragraph as it applies to those there mentioned.]

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Textual Amendments

- F1** Sch 2 Pt. I para. 3 repealed (25.11.1991 for certain purposes and otherwise *prosp.*) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 27, 84\(2\)-\(4\)\(6\)](#), Sch. 4 Pt. II para. 36(1)(a), Sch. 19 Pt. I (with s. 84(5)); [S.I. 1991/2728, art.2](#)

Incorporation of current local plan in unitary development plan

- [^{F24} (1) Sub - paragraph (2) applies where -
- (a) a local plan is in force in the area of a local planning authority;
 - (b) a unitary development plan is being prepared;
 - (c) the local planning authority who are preparing that plan have published in the prescribed manner a statement in the prescribed form identifying a policy included in the plan as an existing policy; and
 - (d) a local inquiry or other hearing is held for the purpose of considering any objection to the plan.
- (2) Where this sub-paragraph applies, the person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that—
- (a) the objection is to a policy identified in the statement published under sub-paragraph (1)(c);
 - (b) the policy so identified is an existing policy; and
 - (c) there has been no significant change in circumstances affecting the existing policy since it first formed part of the plan mentioned in sub-paragraph (1)(a).
- (3) In this paragraph “existing policy” means a policy or proposal the substance of which (however expressed) was contained in a local plan in force as mentioned in sub-paragraph (1)(a).]

Textual Amendments

- F2** Sch. 2 Pt. I para. 4 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. II](#), para. 36(2) (with s. 84(5)); [S.I. 1991/2728, art.2](#); [S.I. 1991/2905, art.4](#)

Publicity in connection with local plan

- [^{F35} In determining the steps to be taken by a local planning authority or local planning authorities to secure the purposes of section 13(1)(a) to (c) or section 23(3)(a) to (c) in relation to proposals made in respect of a unitary development plan, the authority or authorities may under those provisions, and the Secretary of State may under section 13(6), take into account any steps taken by the authority or authorities to secure those purposes in relation to the same or similar proposals made in respect of a local plan.]

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Textual Amendments

- F3** Sch. 2 Pt. I para. 5 repealed (25.11.1991 for certain purposes and otherwise *prosp.*) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 27](#), [84\(2\)-\(4\)\(6\)](#), Sch. 4 Pt. II para. 36(1)(a), Sch. 19 Pt. I (with s. 84(5)); [S.I. 1991/2728](#), [art.2](#)

Pending proposals by metropolitan county council

- [^{F4}6 Where before 1st April 1986 the Secretary of State directed that any local plan or proposals for the alteration, repeal or replacement of a local plan which had been prepared by a metropolitan county council before 1st April 1986 but had not been adopted or approved should not have effect unless approved by him, he shall continue to consider the plan or the proposals and give his decision on them as if the plan or proposals had been prepared and submitted by the metropolitan district council whose area is affected by the plan or proposals or, where the areas of two or more such councils are affected, as if the plan or proposals had been a joint plan or joint proposals prepared by those councils.]

Textual Amendments

- F4** Sch. 2 Pt. I para. 6 repealed (25.11.1991 for certain purposes and otherwise *prosp.*) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 27](#), [84\(2\)-\(4\)\(6\)](#), Sch. 4 Pt. II para. 36(1)(a), Sch. 19 Pt. I (with s. 84(5)); [S.I. 1991/2728](#), [art.2](#)

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