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## SCHEDULES

### SCHEDULE 2

#### DEVELOPMENT PLANS: TRANSITIONAL PROVISIONS

#### <sup>F1</sup> PART IA

#### WALES

##### Textual Amendments

- F1** Sch. 2 Pt. IA inserted (1.4.1996) by 1994 c. 19, s. 20(3), **Sch. 5 Pt. II para. 8** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, **Sch. 2**

##### *Continuation of structure, local and old development plans*

- 1 (1) Every existing plan which relates to any part of Wales shall continue in force on and after 1st April 1996.
- (2) When a unitary development plan has become fully operative for the area of a local planning authority in Wales—
- (a) any existing plan which is for the time being in force; and
  - (b) any interim plan,
- shall cease to have effect in respect of its plan area to the extent that it is comprised in the area of that local planning authority.
- (3) Any existing plan or interim plan shall, while it continues in force in respect of the area, or part of the area, of any local planning authority in Wales, be treated for the purposes of—
- (a) this Act,
  - (b) any other enactment relating to town and country planning,
  - (c) the <sup>M1</sup> Land Compensation Act 1961, and
  - (d) the <sup>M2</sup> Highways Act 1980,
- as being, or as being comprised in, the development plan in respect of that area or, as the case may be, that part of that area.
- (4) Sub-paragraphs (1) to (3) have effect subject to the provisions of this Part of this Schedule and the 1994 Act transitional provisions.
- (5) In this paragraph—
- “ the 1994 Act transitional provisions ” means the provisions of Part III of Schedule 5 to the Local Government (Wales) Act 1994;
  - “ existing plan ” means a—
    - (a) structure plan;

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- (b) local plan; or
- (c) old development plan,

to the extent that it was in force in respect of any area in Wales immediately before 1st April 1996 (and includes any alteration made to, or replacement of, the plan after that date under the 1994 Act transitional provisions);

“interim plan” means any modified plan (within the meaning of the 1994 Act transitional provisions) which comes into force in respect of any area in Wales on or after 1st April 1996 under those provisions;

“old development plan” means any plan which was in force immediately before 1st April 1996 by virtue of Schedule 7 to the <sup>M3</sup> Town and Country Planning Act 1971 and Part III of this Schedule; and

“plan area”, in relation to an existing plan or interim plan, means the area in respect of which it was in force immediately before 1st April 1996 or, as the case may be, comes into force on or after that date.

#### **Marginal Citations**

- M1** 1961 c. 33.
- M2** 1980 c. 66.
- M3** 1971 c. 78.

#### *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 for the whole or part of the area of a local planning authority in Wales (“the relevant whole or part area”), he may by order—
- (a) wholly or partly revoke an existing plan which is a structure plan in respect of the plan area, to the extent that it is comprised in the relevant whole or part area or any part of it; and
  - (b) make such consequential amendments to that existing 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.

#### *Incorporation of current policy in unitary development plan*

- 3 (1) This paragraph applies where—
- (a) a unitary development plan is being prepared for the area of a local planning authority in Wales;
  - (b) the local planning authority 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;
  - (c) one or more local plans is or, as the case may be, are together in force throughout the policy area; and
  - (d) a local inquiry or other hearing is held for the purpose of considering any objection to the plan.

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- (2) 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)(b);
  - (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 any plan mentioned in sub-paragraph (1)(c).
- (3) In this paragraph—
- “ existing policy ” means a policy the substance of which (however expressed) was contained in the local plan or local plans mentioned in sub-paragraph (1)(c);
  - “ policy ” includes a proposal; and
  - “ policy area ” means so much of the area of the local planning authority to which the policy concerned relates.

*Meaning of “local plan”*

- 4 In this Part of this Schedule, “ local plan ” includes—
- (a) a minerals local plan;
  - (b) a waste local plan;
  - (c) a local plan adopted or approved before the commencement of Part I of Schedule 4 to the <sup>M4</sup> Planning and Compensation Act 1991 or under Part III of that Schedule. ]

**Marginal Citations**

**M4** 1991 c. 34.

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