



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART II **E+W**

#### DEVELOPMENT PLANS

### CHAPTER II **E+W**

#### STRUCTURE AND LOCAL PLANS: NON-METROPOLITAN AREAS

##### *F<sup>1</sup>Local plans*

#### 40 **F<sup>1</sup>Public participation. E+W**

- (1) When preparing a local plan for their area or proposals for its alteration or replacement and before finally determining the contents of the plan or the proposals the local planning authority shall—
  - (a) comply with—
    - (i) any requirements imposed by regulations made under section 53; and
    - (ii) any particular direction given to them by the Secretary of State with respect to a matter falling within any of paragraphs (a) to (c) or (e) of subsection (2) of that section; and
  - (b) consider any representations made in accordance with those regulations.
- (2) Subject to section 46(1), where the authority have prepared a local plan or proposals for its alteration or replacement they shall—
  - (a) make copies of the relevant documents available for inspection at such places as may be prescribed by those regulations;
  - (b) send a copy of the relevant documents to the Secretary of State; and
  - (c) comply with any requirements imposed by those regulations.
- (3) In subsection (2) “the relevant documents” means—
  - (a) the plan or the proposals; and

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*Status: Point in time view as at 25/11/1991. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 40 is up to date with all changes known to be in force on or before 08 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (b) any statement supplied under section 46(2).
- (4) Each copy made available for inspection or sent under subsection (2) shall be accompanied by a statement of the prescribed period within which objections may be made to the authority.
- (5) In this section “the prescribed period” means such period as may be prescribed by or determined in accordance with regulations made under section 53 and in this Chapter “objections made in accordance with the regulations” means objections made—
  - (a) in accordance with regulations made under that section; and
  - (b) within the prescribed period.
- (6) The persons who may make objections in accordance with the regulations include, in particular, the Secretary of State.
- (7) A local plan or proposals for its alteration or replacement shall not be adopted by the authority under section 43 until—
  - (a) after they have considered any objections made in accordance with the regulations; or
  - (b) if no such objections are made, after the expiry of the prescribed period.

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**Textual Amendments**

- F1** Ss. 32-40 substituted (25.11.1991 for certain purposes and otherwise 10.2.1992) for ss. 32-41 by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 27, **Sch. 4 Pt. I para.17** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1991/2905, **art.4**

**Status:**

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