

Status: Point in time view as at 01/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Paragraph 46. (See end of Document for details)

SCHEDULES

SCHEDULE 4

DEVELOPMENT PLANS

PART III

TRANSITIONAL PROVISIONS

Minerals and waste local plans

- 46 (1) Sub-paragraph (2) below applies where after commencement—
- (a) there is in operation in the area of a local planning authority a saved local plan which does not fall within paragraph 44(2)(b) above and which contains—
 - (i) any detailed policies for development consisting of the winning and working of minerals or involving the depositing of mineral waste; or
 - (ii) any waste policies;
 - (b) proposals are made in pursuance of the new law for the making, alteration or replacement of a minerals local plan or a waste local plan for that area;
 - (c) the local planning authority who are making those proposals 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 proposals.
- (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) above;
 - (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 saved local plan.
- (3) In this paragraph “existing policy” means any policy falling within sub-paragraph (1) (a) above the substance of which (however expressed) was contained in the saved local plan falling within that sub-paragraph.

Subordinate Legislation Made

PI [Sch. 4 para. 46\(1\)](#): Sch. 4 paras. 40, 41(2), 45(1), 46(1) and 47(7) power exercised (10. 12. 1991) by [S.I.1991/2794](#).

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Commencement Information

- II** Sch. 4 para. 46 wholly in force: Sch. 4 para. 46 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, **art. 2**; Sch. 4 para. 46 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, **art. 4**

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