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

## SCHEDULES

### SCHEDULE 4

#### DEVELOPMENT PLANS

#### PART II

##### MINOR AND CONSEQUENTIAL AMENDMENTS

- 30 In section 284(1)(a) of the principal Act (validity of development plans etc.)—
- (a) after “local plan” there is inserted “ minerals local plan, waste local plan ”; and
  - (b) “repeal”, in both places where it occurs, is omitted.

##### Commencement Information

- I1** Sch. 4 para. 30 wholly in force: Sch. 4 para. 30 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 30 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

- 31 In section 287 of that Act (proceedings for questioning validity of development plans, etc.)—
- (a) in subsection (1) after “local plan” there is inserted “ minerals local plan or waste local plan ”; and
  - (b) in subsections (1) to (3) and (5) “repeal” is omitted.

##### Commencement Information

- I2** Sch. 4 para. 31 wholly in force: Sch. 4 para. 1 3 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 31 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

- 32 In section 306(2) of that Act (contributions by local authorities and statutory undertakers)—
- (a) after “local plan” there is inserted “ minerals local plan or waste local plan ”; and
  - (b) “repeal” is omitted.

##### Commencement Information

- I3** Sch. 4 para. 32 wholly in force: Sch. 4 para. 32 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 32 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

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- 33 In section 324(1)(a) (rights of entry in connection with preparation etc. of plans), after “local plan” there is inserted “ minerals local plan or waste local plan ”.

**Commencement Information**

- I4** Sch. 4 para. 33 wholly in force: Sch. 4 para. 33 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 33 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

- 34 In section 336(1) (interpretation) in the definition of “development plan” after “Schedule 2” there is inserted “ and Part III of Schedule 4 to the Planning and Compensation Act 1991 ”.

**Commencement Information**

- I5** Sch. 4 para. 34 wholly in force: Sch. 4 para. 34 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 34 in force at 10.2.1992 so far as not already in force by S.I. 1991/2095, art. 4

- 35 (1) In Schedule 1 to that Act (local planning authorities: distribution of functions) for paragraph 2 there is substituted—

- “2 The functions of a local planning authority—
- (a) under sections 30 to 35B, 38(2) and 50(1), (4), (5) and (7) shall be exercisable by the county planning authority and not by the district planning authority;
  - (b) under section 36, 39, 40, 42 to 44 and 50(6), (7A) and (8) shall be exercisable by the district planning authority and not by the county planning authority;
- and references to a local planning authority in those sections shall be construed accordingly.”

- (2) In paragraph 7(3) of that Schedule, in paragraph (a)—

- (a) for sub-paragraphs (i) to (iii) there is substituted—
  - “(i) of any policy contained in a structure plan which has been adopted or approved;
  - (ii) of any policy contained in proposals made available for inspection under section 33(2);” and
- (b) for sub-paragraphs (v) to (vii) there is substituted—
  - “(v) of any policy contained in a minerals local plan or a waste local plan which has been adopted or approved;
  - (vi) of any policy contained in proposals for the making, alteration or replacement of a minerals local plan or a waste local plan which have been made available for inspection under section 40(2);
  - (vii) of any proposal contained in a local plan which was prepared by the county planning authority and continued in operation by virtue of paragraph 44 of Schedule 4 to the <sup>M1</sup>Planning and Compensation Act 1991;

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- (viii) of any proposal contained in proposals in respect of a local plan which have been prepared by the county planning authority and are adopted or approved by virtue of paragraph 43 of that Schedule or made available for inspection in pursuance of that paragraph.”.

#### Commencement Information

**I6** Sch. 4 para. 35 wholly in force: Sch. 4 para. 35 in force for certain purposes at 25.11.1991, see s. 84(2)(3) and S.I. 1991/2728, art. 2; Sch. 4 para. 35 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

#### Marginal Citations

**M1** 1991 c. 34.

- 36 (1) In Schedule 2 to that Act (transitional provisions with respect to unitary development plans)—
- (a) in Part I, paragraphs 3, 5 and 6, and
  - (b) in Part II, paragraphs 3 to 16 and 18,
- are omitted.
- (2) For paragraph 4 of Part I of that Schedule and paragraph 17 of Part II of that Schedule there is substituted in each case—
- “0 (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).”

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#### Commencement Information

- I7** Sch. 4 para. 36 wholly in force: Sch. 4 para. 36 in force for certain purposes at 25.11.1991, see s. 84(2)(3) and S.I. 1991/2728, art. 2; Sch. 4 para. 36 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4
- 37 (1) In Schedule 13 to that Act (blighted land) in paragraph 1 in Note (1) for paragraphs (a) and (b) there is substituted—
- “(a) proposals for the alteration or replacement of a structure plan which have been made available for inspection under section 33(2);
- (b) any proposed modifications to those proposals which have been published in accordance with regulations under section 53.”
- (2) In Note (2) to that paragraph for the words from “33(9)” to the end there is substituted “ 34 ”.
- (3) In Note (5) for “in force” there is substituted “ in operation ”.
- (4) After that Note there is inserted—
- “(5A) In Note (5) the reference to a local plan in operation includes a reference to a minerals local plan, a waste local plan, which in either case is in operation, and to a local plan continued in operation by virtue of paragraph 44 of Schedule 4 to the <sup>M2</sup>Planning and Compensation Act 1991.”
- (5) In Note (7) to that paragraph for the words from “and all references” to the end there is substituted “ and Notes (1) to (4) shall be omitted ”.
- (6) In paragraph 2 of that Schedule in paragraph (a) for “in force” there is substituted “ in operation ”.
- (7) For Note (1) to paragraph 2 there is substituted—
- “(1) In this paragraph the reference to a local plan in operation includes a reference to a minerals local plan, a waste local plan, which in either case is in operation, and to a local plan continued in operation by virtue of paragraph 44 of Schedule 4 to the <sup>M3</sup>Planning and Compensation Act 1991, and also includes—
- (a) proposals for the making or alteration and replacement of any such plan where copies of the proposals have been made available for inspection under section 40(2) or by virtue of paragraph 43 of Schedule 4 to the <sup>M4</sup>Planning and Compensation Act 1991; and
- (b) any proposed modifications to those proposals which have been published in accordance with regulations under section 53.”
- (8) Notes (2) and (5) to that paragraph are omitted.
- (9) In Note (3) to that paragraph “also” is omitted.
- (10) In paragraph 3 of that Schedule, in Note (1)—
- (a) in paragraph (a) for “13(3)” there is substituted “ 13(2) ”; and
- (b) in paragraph (b) “or under section 22” is omitted.
- (11) In Note (2) to that paragraph “13(7) or” is omitted.

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- (12) In paragraph 4 of that Schedule, in Note (1)—
- (a) in paragraph (a) for “13(3)” there is substituted “ 13(2) ”;
  - (b) in paragraph (b) “or under section 22” is omitted.
- (13) In Note (2) to that paragraph “13(7) or” is omitted.

**Commencement Information**

**I8** Sch. 4 para. 38 wholly in force: Sch. 4 para. 38 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 38 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

**Marginal Citations**

**M2** 1991 c. 34.  
**M3** 1991 c. 34.  
**M4** 1991 c. 34.

- 38 In Schedule 4 to the <sup>M5</sup>Planning (Consequential Provisions) Act 1990—
- (a) in paragraph 1, in the Table, the entry relating to section 9(4) of the 1971 Act and paragraph 2 of that Schedule is omitted;
  - (b) paragraph 2 is omitted.

**Commencement Information**

**I9** Sch. 4 para. 38 wholly in force: Sch. 4 para. 38 in force for certain purposes at 25.11.1991, see s. 84(2) (3) and S.I. 1991/2728, art. 2; Sch. 4 para. 38 in force at 10.2.1992 so far as not already in force by S.I. 1991/2905, art. 4

**Marginal Citations**

**M5** 1990 c. 11.

<sup>F139</sup> .....

**Textual Amendments**

**F1** Sch. 4 para. 39 repealed (1.4.1997) by 1995 c. 25, ss. 120(3), 125(1), Sch.24(with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2,Sch.

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