



# Town and Country Planning Act 1968

## 1968 CHAPTER 72

### PART I

#### NEW PROVISIONS AS TO DEVELOPMENT PLANS

##### *Supplementary provisions*

#### **11 Disregarding of representations with respect to development authorised by or under other enactments.**

Notwithstanding anything in the foregoing provisions of this Act, neither the Minister nor a local planning authority shall be required to consider representations or objections with respect to a structure plan, a local plan or any proposal to alter, repeal or replace any such plan if it appears to the Minister or the authority, as the case may be, that those representations or objections are in substance representations or objections with respect to things done or proposed to be done in pursuance of—

- (a) an order or scheme under section 7, 9, 11 or 13 of the Highways Act 1959 (trunk road orders, special road schemes and ancillary orders), or under any enactment repealed by that Act making provision corresponding to any of those sections ;
- (b) an order under section 1 of the New Towns Act 1946 or 1965 (designation of sites of new towns).

#### **12 Default powers of Minister.**

(1) Where, by virtue of any of the foregoing provisions of this Part of this Act, any survey is required to be carried out, or any structure or local plan or proposals for the alteration, repeal or replacement thereof are required to be prepared or submitted to the Minister, or steps are required to be taken for the adoption of any such plan or proposals, then—

- (a) if at any time the Minister is satisfied, after holding a local inquiry or other hearing, that the local planning authority are not carrying out the survey or are

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not taking the steps necessary to enable them to submit or adopt such a plan or proposals within a reasonable period; or

- (b) in a case where a period is specified for the submission or adoption of any such plan or proposals, if no such plan or proposals have been submitted or adopted within that period,

the Minister may carry out the survey or prepare and make a structure plan or local plan or, as the case may be, alter, repeal or replace it, as he thinks fit.

- (2) Where under subsection (1) above the Minister has power to do anything which should have been done by a local planning authority, he may, if he thinks fit, authorise any other local planning authority who appear to the Minister to have an interest in the proper planning of the area of the first-mentioned authority to do that thing.
- (3) Where under this section anything which ought to have been done by a local planning authority is done by the Minister or another such authority, the foregoing provisions of this Part of this Act shall, so far as applicable, apply with any necessary modifications in relation to the doing of that thing by the Minister and the latter authority and the thing so done.
- (4) Where the Minister incurs expenses under this section in connection with the doing of anything which should have been done by a local planning authority, so much of those expenses as may be certified by the Minister to have been incurred in the performance of functions of that authority shall on demand be repaid by that authority to the Minister.
- (5) Where under this section anything which should have been done by one local planning authority is done by another such authority, any expenses reasonably incurred in connection with the doing of that thing by the latter authority, as certified by the Minister, shall be repaid to the latter authority by the former authority.

### **13 Supplementary provisions as to structure and local plans.**

- (1) Without prejudice to the foregoing provisions of this Part of this Act, the Minister may make regulations with respect to the form and content of structure and local plans and with respect to the procedure to be followed in connection with their preparation, submission, withdrawal, approval, adoption, making, alteration, repeal and replacement; and in particular any such regulations may—
  - (a) provide for the publicity to be given to the report of any survey carried out by a local planning authority under section 1 of this Act;
  - (b) provide for the notice to be given of, or the publicity to be given to, matters included or proposed to be included in any such plan, and the approval, adoption or making of any such plan or any alteration, repeal or replacement thereof or to any other prescribed procedural step, and for publicity to be given to the procedure to be followed as aforesaid;
  - (c) make provision with respect to the making and consideration of representations with respect to matters to be included in, or objections to, any such plan or proposals for its alteration, repeal or replacement;
  - (d) without prejudice to paragraph (b) above, provide for notice to be given to particular persons of the approval, adoption or alteration of any plan, if they have objected to the plan and have notified the local planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge for receiving it;

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- (e) require or authorise a local planning authority to consult with, or consider the views of, other persons before taking any prescribed procedural step ;
  - (f) require a local planning authority, in such cases as may be prescribed or in such particular cases as the Minister may direct, to provide persons making a request in that behalf with copies of any plan or document which has been made public for the purpose mentioned in section 3(1)(a) or 7(1)(a) of this Act or has been made available for inspection under section 3(2) or 7(2) of this Act, subject (if the regulations so provide) to the payment of a reasonable charge therefor;
  - (g) provide for the publication and inspection of any structure plan or local plan which has been approved, adopted or made, or any document approved, adopted or made altering, repealing or replacing any such plan, and for copies of any such plan or document to be made available on sale.
- (2) Regulations under this section may extend throughout England and Wales or to specified areas only and may make different provisions for different cases.
- (3) Subject to the foregoing provisions of this Part of this Act and to any regulations under this section, the Minister may give directions to any local planning authority, or to local planning authorities generally,—
- (a) for formulating the procedure for the carrying out of their functions under this Part of this Act;
  - (b) for requiring them to give him such information as he may require for carrying out any of his functions under this Part of this Act.
- (4) Subject to the provisions of section 176 of the principal Act (validity of development plans etc.), a structure plan or local plan or any alteration, repeal or replacement thereof shall become operative on a date appointed for the purpose in the relevant notice of approval, resolution of adoption or notice of the making, alteration, repeal or replacement of the plan.

#### **14 Application to Greater London.**

In their application to Greater London the foregoing provisions of this Part of this Act shall have effect subject to the provisions of Schedule 1 to this Act.