

Status: Point in time view as at 25/11/1991. This version of this provision has been superseded.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, Paragraph 10 is up to date with all changes known to be in force on or before 15 July 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)

SCHEDULES

SCHEDULE 2 **E+W**

DEVELOPMENT PLANS: TRANSITIONAL PROVISIONS

PART II **E+W**

GREATER LONDON

Surveys and local plans

- [^{F1}10] (1) After the expiry of the period given for making objections to a local plan or, if such objections have been duly made during that period, after considering the objections so made, the local planning authority may, subject to paragraph 11 and sub-paragraphs (2), (3) and (4), by resolution adopt the plan either as originally prepared or as modified so as to take account—
- (a) of objections so made;
 - (b) of any other objections made to the plan;
 - (c) of any other considerations which appear to the authority to be material.
- (2) Where—
- (a) an objection to the plan has been made by the Minister of Agriculture, Fisheries and Food (in this paragraph referred to as “the Minister”); and
 - (b) the local planning authority do not propose to modify the plan to take account of that objection,
- the authority—
- (i) shall send the Secretary of State particulars of the Minister’s objection, together with a statement of their reasons for not modifying the plan to take account of it; and
 - (ii) shall not adopt the plan unless the Secretary of State authorises them to do so.
- (3) The local planning authority shall not adopt a local plan unless it conforms generally to the Greater London Development Plan.
- (4) After copies of a local plan have been sent to the Secretary of State and before the plan has been adopted by the local planning authority, the Secretary of State may direct that the plan shall not have effect unless approved by him.
- (5) Subject to sub-paragraph (6), where particulars of an objection to a local plan made by the Minister have been sent to the Secretary of State under sub-paragraph (2), it shall be the duty of the Secretary of State to give a direction under sub-paragraph (4).
- (6) The Secretary of State need not give such a direction if he is satisfied that the Minister no longer objects to the plan.

Status: Point in time view as at 25/11/1991.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, Paragraph 10 is up to date with all changes known to be in force on or before 15 July 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)

- (7) Where the Secretary of State gives a direction under sub-paragraph (4), the local planning authority shall submit the plan accordingly to him for his approval, and—
- (a) the Secretary of State may, after considering the plan, either approve it (in whole or in part and with or without modifications or reservations) or reject it;
 - (b) in considering the plan, the Secretary of State may take into account any matters which he thinks are relevant, whether or not they were taken into account in the plan as submitted to him;
 - (c) subject to paragraph (d), where on taking the plan into consideration the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—
 - (i) consider any objections to the plan, so far as they are made in accordance with regulations;
 - (ii) give any persons whose objections so made are not withdrawn an opportunity of appearing before, and being heard by, a person appointed by him for the purpose; and
 - (iii) if a local inquiry or other hearing is held, also give the same opportunity to the authority and such other persons as he thinks fit;
 - (d) before deciding whether or not to approve the plan the Secretary of State shall not be obliged to consider any objections to it if objections to it have been considered by the authority, or to cause an inquiry or other hearing to be held into any objections to it if any such inquiry or hearing has already been held at the instance of the authority;
 - (e) without prejudice to paragraph (c), on considering the plan the Secretary of State may consult with, or consider the views of, any local planning authority or other persons, but shall not be under an obligation to consult with, or consider the views of, any other authority or persons or, except as provided by that paragraph, to give an opportunity for the making of any objections or other representations, or to cause any local inquiry or other hearing to be held; and
 - (f) after the giving of the direction the authority shall have no further power or duty to hold a local inquiry or other hearing under paragraph 9.
- (8) Where there is a conflict between any of the provisions of a local plan which has been adopted or approved under this paragraph or under section 14 of the 1971 Act and the provisions of the Greater London Development Plan, the provisions of the local plan shall be taken to prevail for all purposes.]

Textual Amendments

- F1** Sch. 2 Pt. II paras. 3-16 repealed (25.11.1991 for certain purposes and otherwise *prosp.*) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 27, 84\(2\)-\(4\)\(6\)](#), Sch. 4 Pt. II para. 36(1)(b), Sch. 19 Pt. I (with s. 84(5)); [S.I. 1991/2728](#), [art.2](#)

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, Paragraph 10 is up to date with all changes known to be in force on or before 15 July 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.