

Status: Point in time view as at 30/04/2005.

Changes to legislation: Town and Country Planning Act 1990, SCHEDULE 7 is up to date with all changes known to be in force on or before 14 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 7 **E+W**

Section 83.

SIMPLIFIED PLANNING ZONES

General

- 1 (1) A simplified planning zone scheme shall consist of a map and a written statement, and such diagrams, illustrations and descriptive matter as the local planning authority think appropriate for explaining or illustrating the provisions of the scheme.
- (2) A simplified planning zone scheme shall specify—
- (a) the development or classes of development permitted by the scheme,
 - (b) the land in relation to which permission is granted, and
 - (c) any conditions, limitations or exceptions subject to which it is granted;
- and shall contain such other matters as may be prescribed.

Notification of proposals to make or alter scheme

- 2 An authority who decide under section 83(2) to make or alter a simplified planning zone scheme shall—
- (a) notify the Secretary of State of their decision as soon as practicable, and
 - (b) determine the date on which they will begin to prepare the scheme or the alterations.

Power of Secretary of State to direct making or alteration of scheme

- 3 (1) If a person requests a local planning authority to make or alter a simplified planning zone scheme but the authority—
- (a) refuse to do so, or
 - (b) do not within the period of three months from the date of the request decide to do so,
- he may, subject to sub-paragraph (2), require them to refer the matter to the Secretary of State.
- (2) A person may not require the reference of the matter to the Secretary of State if—
- (a) in the case of a request to make a scheme, a simplified planning zone scheme relating to the whole or part of the land specified in the request has been adopted or approved within the 12 months preceding his request;
 - (b) in the case of a request to alter the scheme, the scheme to which the request relates was adopted or approved, or any alteration to it has been adopted or approved, within that period.
- (3) The Secretary of State shall, as soon as practicable after a matter is referred to him—
- (a) send the authority a copy of any representations made to him by the applicant which have not been made to the authority, and

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- (b) notify the authority that if they wish to make any representations in the matter they should do so, in writing, within 28 days.
- (4) After the Secretary of State has—
 - (a) considered the matter and any written representations made by the applicant or the authority, and
 - (b) carried out such consultations with such persons as he thinks fit, he may give the authority a simplified planning zone direction.
- (5) The Secretary of State shall notify the applicant and the authority of his decision and of his reasons for it.
- 4 (1) A simplified planning zone direction is—
 - (a) if the request was for the making of a scheme, a direction to make a scheme which the Secretary of State considers appropriate; and
 - (b) if the request was for the alteration of a scheme, a direction to alter it in such manner as he considers appropriate [^{F1}and, in either case, requires the local planning authority to take all the steps required by this Schedule for the adoption of proposals for the making or, as the case may be, alteration of a scheme.]
- (2) A direction under sub-paragraph (1)(a) or (b) may extend—
 - (a) to the land specified in the request to the authority,
 - (b) to any part of the land so specified, or
 - (c) to land which includes the whole or part of the land so specified;
 and accordingly may direct that land shall be added to or excluded from an existing simplified planning zone.

Textual Amendments

F1 Words in *Sch. 7 para. 4(1)* inserted (25.11.1991 for certain purposes and otherwise 9.11.1992) by *Planning and Compensation Act 1991 (c. 34, SIF 123:1)*, s. 28, **Sch. 5 Pt. II para.5**; S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

^{F2} Steps to be taken before depositing proposals

Textual Amendments

F2 *Sch. 7 paras. 5-6* and cross headings substituted for paras. 5-7 (25.11.1991 for certain purposes and otherwise 9.11.1992) by *Planning and Compensation Act 1991 (c. 34, SIF 123:1)*, s. 28, **Sch. 5 Pt. I para.1** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

- ^{F35} (1) A local planning authority proposing to make or alter a simplified planning zone scheme shall, before determining the content of their proposals, comply with this paragraph.
- (2) They shall—
 - (a) consult the Secretary of State having responsibility for highways as to the effect any proposals they may make might have on existing or future highways,
 - (b) if they are the district planning authority, consult the county council—

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- (i) as county planning authority, and
 - (ii) as to the effect which any matters the district planning authority are considering including in the proposals might have on existing or future highways, and
 - (c) consult or notify such persons as regulations may require them to consult or, as the case may be, notify.
- (3) They shall take such steps as may be prescribed or as the Secretary of State may, in a particular case, direct to publicise—
- (a) the fact that they propose to make or alter a simplified planning zone scheme, and
 - (b) the matters which they are considering including in the proposals.
- (4) They shall consider any representations that are made in accordance with regulations.]

Textual Amendments

- F3** Sch. 7 paras. 5-6 and cross headings substituted for paras. 5-7 (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, Sch. 5 Pt. I para.1 (with s. 84(5)); S.I. 1991/2728, art.2; S.I. 1992/2413, art. 2 (with art. 3)

[^{F4}Procedure after deposit of proposals

Textual Amendments

- F4** Sch. 7 paras. 5-6 and cross headings substituted for paras. 5-7 (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, Sch. 5 Pt. I para.1 (with s. 84(5)); S.I. 1991/2728, art.2; S.I. 1992/2413, art. 2 (with art. 3)

- ^{F56} Where a local planning authority have prepared a proposed simplified planning zone scheme, or proposed alterations to a simplified planning zone scheme, they shall—
- (a) make copies of the proposed scheme or alterations available for inspection at such places as may be prescribed,
 - (b) take such steps as may be prescribed for the purpose of advertising the fact that the proposed scheme or alterations are so available and the places at which, and times during which, they may be inspected,
 - (c) take such steps as may be prescribed for inviting objections to be made within such period as may be prescribed, and
 - (d) send a copy of the proposed scheme or alterations to the Secretary of State and to the Secretary of State having responsibility for highways and, if they are the district planning authority, to the county council.]

Textual Amendments

- F5** Sch. 7 paras. 5-6 and cross headings substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) for paras. 5-7 by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, Sch. 5 Pt. I para.1 (with s. 84(5)); S.I. 1991/2728, art.2; S.I. 1992/2413, art. 2 (with art. 3)

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Powers of Secretary of State to secure adequate publicity and consultations

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- 7 (1) The documents sent by the local planning authority to the Secretary of State under paragraph 5(3) shall be accompanied by a statement—
- (a) of the steps which the authority have taken to comply with paragraph 5(2), and
 - (b) of the authority’s consultations with other persons and their consideration of the views of those persons.
- (2) The documents sent by the local planning authority to the Secretary of State under paragraph 6(2) shall be accompanied by a statement of the steps which the authority are taking to comply with paragraph 6(4).
- (3) If, on considering the statement and the proposals and any other information provided by the local planning authority, the Secretary of State is not satisfied with the steps taken by the authority, he may, within 21 days of the receipt of the statement, direct the authority not to take further steps for the adoption of the proposals without—
- (a) proceeding in accordance with paragraph 5 (if they have proceeded instead in accordance with paragraph 6), or
 - (b) in any case, taking such further steps as he may specify, and satisfying him that they have done so.
- (4) A local planning authority who are given directions by the Secretary of State shall—
- (a) immediately withdraw the copies of the documents made available for inspection as required by paragraph 5(3)(b) or 6(2)(a), and
 - (b) notify any person by whom objections to the proposals have been made to the authority that the Secretary of State has given such directions.

[^{F6} Procedure for dealing with objections]

Textual Amendments

F6 Sch. 7 para. 8(1)(2) and cross heading substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) for para. 8(1)-(3) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. I para. 2\(1\)](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1992/2413, [art. 2](#) (with art. 3)

- ^{F78} (1) Where objections to the proposed scheme or alterations are made, the local planning authority may—
- (a) for the purpose of considering the objections, cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, appointed by the authority, or
 - (b) require the objections to be considered by a person appointed by the Secretary of State.
- (2) A local planning authority shall exercise the power under sub-paragraph (1), or paragraph (a) or (b) of that sub-paragraph, if directed to do so by the Secretary of State.

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- (4) Regulations may—
- (a) make provision with respect to the appointment, and qualifications for appointment, of persons [^{F8}for the purposes of this paragraph];
 - (b) include provision enabling the Secretary of State to direct a local planning authority to appoint a particular person, or one of a specified list or class of persons;
 - (c) make provision with respect to the remuneration and allowances of the person appointed.
- (5) Subsections (2) and (3) of section 250 of the ^{M1}Local Government Act 1972 (power to summon and examine witnesses) apply to an inquiry held under this paragraph.
- (6) The ^{M2}Tribunals and Inquiries Act [^{F9}1992] applies to a local inquiry or other hearing held under this paragraph as it applies to a statutory inquiry held by the Secretary of State, with the substitution in [^{F10}section 10(1)] (statement of reasons for decision) for the references to a decision taken by the Secretary of State of references to a decision taken by a local authority.

Textual Amendments

- F7** Sch. 7 para. 8(1)(2) and cross heading substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) for para. 8(1)-(3) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. I para. 2\(1\)](#) (with s. 84(5)); S.I. 1991/2728, [art.2](#); S.I. 1992/2413, [art. 2](#) (with art. 3)
- F8** Words in Sch. 7 para. 8(4) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. II para. 6](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1992/2413, [art. 2](#) (with art. 3)
- F9** Word in Sch. 7 para. 8(6) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), [Sch. 3 para. 29\(a\)](#)
- F10** Words in Sch. 7 para. 8(6) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), [Sch. 3 para. 29\(b\)](#)

Marginal Citations

- M1** 1972 c. 70.
M2 1992 c. 53.

Adoption of proposals by local planning authority

- 9 [^{F11}(1) After the expiry of the period for making objections or, if objections have been made in accordance with the regulations, after considering those objections and the views of any person holding an inquiry or hearing or considering the objections under paragraph 8, the local planning authority may by resolution adopt the proposals (subject to the following provisions of this paragraph and paragraph 10).]
- (2) The authority may adopt the proposals as originally prepared or as modified so as to take account of—
- (a) any such objections as are mentioned in sub-paragraph (1) or any other objections to the proposals, or
 - (b) any other considerations which appear to the authority to be material.

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- (3) If, before the proposals have been adopted by the local planning authority, it appears to the Secretary of State that they are unsatisfactory, he may direct the authority to [^{F12}modify] the proposals in such respects as are indicated in the direction.
- (4) An authority to whom such a direction is given shall not adopt the proposals unless—
 - (a) they satisfy the Secretary of State that they have made the modifications necessary to conform with the direction, or
 - (b) the direction is withdrawn.

Textual Amendments

- F11** Sch. 7 para. 9(1) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para. 7(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)
- F12** Word in Sch. 7 para. 9(3) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para. 7(2)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/2413, **art. 2** (with art. 3)

Calling in of proposals for approval by Secretary of State

- 10 (1) Before the proposals have been adopted by the local planning authority the Secretary of State may direct that they shall be submitted to him for his approval.
- (2) If the Secretary of State gives such a direction—
 - (a) the authority shall not take any further steps for the adoption of the proposals, and in particular shall not hold or proceed with a local inquiry or other hearing [^{F13}or any consideration of objections] in respect of the proposals under paragraph 8; and
 - (b) the proposals shall not have effect unless approved by the Secretary of State and shall not require adoption by the authority.

Textual Amendments

- F13** Words in Sch. 7 para. 10(2) inserted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para.8** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

Approval of proposals by Secretary of State

- 11 (1) The Secretary of State may after considering proposals submitted to him under paragraph 10 either approve them, in whole or in part and with or without modifications, or reject them.
- (2) In considering the proposals the Secretary of State may take into account any matters he thinks are relevant, whether or not they were taken into account in the proposals as submitted to him.
- [^{F14}(3) Where on taking the proposals into consideration the Secretary of State does not determine then to reject them he shall, before determining whether or not to approve them, consider any objections made in accordance with regulations (and not withdrawn) except objections which—

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- (a) have already been considered by the local planning authority or by a person appointed by the Secretary of State, or
 - (b) have already been considered at a local inquiry or other hearing.
- (4) The Secretary of State may—
- (a) for the purpose of considering any objections and the views of the local planning authority and of such other persons as he thinks fit, cause a local inquiry or other hearing to be held by a person appointed by him, or
 - (b) require such objections and views to be considered by a person appointed by him.
- (5) In considering the proposals the Secretary of State may consult with, or consider the views of, any local planning authority or any other person; but he need not do so, or give an opportunity for the making or consideration of representations or objections, except so far as he is required to do so by sub-paragraph (3).]

Textual Amendments

F14 Sch. 7 para. 11(3)-(5) substituted for para. 11(3)(4) (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, Sch. 5 para. 2(2)(with s. 84(5)); S.I. 1991/2728, art.2; S.I. 1992/2413, art. 2 (with art. 3)

Default powers

- [^{F15}12 (1) Where —
- (a) a local planning authority are directed under paragraph 3 to make a simplified planning zone scheme which the Secretary of State considers appropriate or to alter such a scheme in such manner as he considers appropriate, and
 - (b) the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the authority are not taking within a reasonable period the steps required by this Schedule for the adoption of proposals for the making or, as the case may be, alteration of a scheme,
- he may himself make a scheme or, as the case may be, the alterations.]
- (2) Where under this paragraph anything which ought to have been done by a local planning authority is done by the Secretary of State, the previous provisions of this Schedule apply, so far as practicable, with any necessary modifications, in relation to the doing of that thing by the Secretary of State and the thing so done.
- (3) Where the Secretary of State incurs expenses under this paragraph 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 Secretary of State to have been incurred in the performance of functions of that authority shall on demand be repaid by the authority to the Secretary of State.

Textual Amendments

F15 Sch. 7 para. 12(1) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, Sch. 5 Pt. II para. 9 (with s. 84(5)); S.I. 1991/2728, art.2; S.I. 1992/2413, art. 2 (with art. 3)

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Regulations and directions

- 13 (1) Without prejudice to the previous provisions of this Schedule, the Secretary of State may make regulations with respect—
- (a) to the form and content of simplified planning zone schemes, and
 - (b) to the procedure to be followed in connection with their preparation, withdrawal, adoption, submission, approval, making or alteration.
- (2) Any such regulations may in particular—
- (a) provide for the notice to be given of, or the publicity to be given to—
 - (i) matters included or proposed to be included in a simplified planning zone scheme, and
 - (ii) the adoption or approval of such a scheme, or of any alteration of it, or any other prescribed procedural step,
 and for publicity to be given to the procedure to be followed in these respects;
 - (b) make provision with respect to the making and consideration of representations as to matters to be included in, or objections to, any such scheme or proposals for its alteration;
 - [^{F16}(bb) make provision with respect to the circumstances in which representations with respect to the matters to be included in such a scheme or proposals for its alteration are to be treated, for the purposes of this Schedule, as being objections made in accordance with regulations;]
 - (c) without prejudice to paragraph (a), provide for notice to be given to particular persons of the adoption or approval of a simplified planning zone scheme, or an alteration to such a scheme, if they have objected to the proposals 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;
 - (d) require or authorise a local planning authority to consult with, or consider the views of, other persons before taking any prescribed procedural step;
 - (e) require a local planning authority, in such cases as may be prescribed or in such particular cases as the Secretary of State may direct, to provide persons making a request with copies of any document which has been made public ^{F17} . . . , subject (if the regulations so provide) to the payment of a reasonable charge;
 - (f) provide for the publication and inspection of a simplified planning zone scheme which has been adopted or approved, or any document adopted or approved altering such a scheme, and for copies of any such scheme or document to be made available on sale.
- (3) Regulations under this paragraph may extend throughout England and Wales or to specified areas only and may make different provision for different cases.
- (4) Subject to the previous provisions of this Schedule and to any regulations under this paragraph, the Secretary of State 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 Schedule;
 - (b) for requiring them to give him such information as he may require for carrying out any of his functions under this Schedule.

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Textual Amendments

- F16** Sch. 7 para. 13(2)(bb) inserted (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 28, **Sch. 5 Pt. II para. 10(a)**(with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)
- F17** Words in Sch. 7 para. 13(2)(e) repealed (25.11.1991 for certain purposes and otherwise 9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 28, 84(6), Sch. 5 Pt. II para. 10(b), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/2413, **art. 2** (with art. 3); S.I. 1992/2831, art. 2, **Sch.**

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