

*Status: Point in time view as at 25/11/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5 **E+W**

Section 28.

#### SIMPLIFIED PLANNING ZONES

##### Commencement Information

- II** Sch. 5 wholly in force; Sch. 5 not in force at Royal Assent see s. 84(2); Sch. 5 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2 and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, art. 2 (subject to art. 3 of that S.I.).

### PART I **E+W**

#### MODIFICATION OF PROCEDURE FOR MAKING OR ALTERING SCHEMES

##### *Procedure before and after deposit of proposals*

- 1 In Schedule 7 to the principal Act (simplified planning zones) for paragraphs 5 to 7 there is substituted—

##### *“Steps to be taken before depositing proposals*

- 5 (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—
    - (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

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- (b) the matters which they are considering including in the proposals.
- (4) They shall consider any representations that are made in accordance with regulations.

*Procedure after deposit of proposals*

- 6 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.”

**Commencement Information**

- I2** [Sch. 5 para. 1](#) wholly in force; [Sch. 5 para. 1](#) not in force at Royal Assent see [s. 84\(2\)](#); [Sch. 5 para. 1](#) in force for certain purposes at 25.11.1991 by [S.I. 1991/2728](#), [art. 2](#) and in force at 9.11.1992 so far as not already in force by [S.I. 1992/2413](#), [art. 2](#) (subject to [art. 3](#) of that S.I.).

*Dealing with objections, etc.*

- 2 (1) For paragraph 8(1) to (3) (objections: local inquiry or other hearing) there is substituted—

*“ Procedure for dealing with objections*

- 8 (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.”
- (2) For paragraph 11(3) and (4) (consideration of objections, etc., by Secretary of State) there is substituted—

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- “(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—
- (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).”

#### Commencement Information

- I3** Sch. 5 para. 2 wholly in force; Sch. 5 para. 2 not in force at Royal Assent see s. 84(2); Sch. 5 para. 2 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2 and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, art. 2 (subject to art. 3 of that S.I.).

## PART II E+W

### MINOR AND CONSEQUENTIAL AMENDMENTS

- 3 In Schedule 1 to that Act, paragraph 9(2) and (3) is omitted.

#### Commencement Information

- I4** Sch. 5 para. 3 wholly in force; Sch. 5 para. 3 not in force at Royal Assent see s. 84(2); Sch. 5 para. 3 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2 and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, art. 2 (subject to art. 3 of that S.I.).

- 4 Schedule 7 to that Act is amended as follows.

#### Commencement Information

- I5** Sch. 5 para. 4 wholly in force; Sch. 5 para. 4 not in force at Royal Assent see s. 84(2); Sch. 5 para. 4 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2 and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, art. 2 (subject to art. 3 of that S.I.).

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- 5 At the end of paragraph 4(1) there is added “ 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. ”

**Commencement Information**

- I6** Sch. 5 para. 5 wholly in force; Sch. 5 para. 5 not in force at Royal Assent see s. 84(2); Sch. 5 para. 5 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2 and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, art. 2 (subject to art. 3 of that S.I.).

- 6 In paragraph 8(4) for “to hold a local inquiry or other hearing” there is substituted “ for the purposes of this paragraph ”.

**Commencement Information**

- I7** Sch. 5 para. 6 wholly in force; Sch. 5 para. 6 not in force at Royal Assent see s. 84(2); Sch. 5 para. 6 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2 and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, art. 2 (subject to art. 3 of that S.I.).

- 7 (1) In paragraph 9 for sub-paragraph (1) there is substituted—

“(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) In sub-paragraph (3) of that paragraph for “consider modifying” there is substituted “ modify ”.

**Commencement Information**

- I8** Sch. 5 para. 7 wholly in force; Sch. 5 para. 7 not in force at Royal Assent see s. 84(2); Sch. 5 para. 7 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2 and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, art. 2 (subject to art. 3 of that S.I.).

- 8 In paragraph 10(2)(a) after “hearing” there is inserted “ or any consideration of objections ”.

**Commencement Information**

- I9** Sch. 5 para. 8 wholly in force; Sch. 5 para. 8 not in force at Royal Assent see s. 84(2); Sch. 5 para. 8 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2 and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, art. 2 (subject to art. 3 of that S.I.).

- 9 For paragraph 12(1) there is substituted—

“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

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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.”

#### Commencement Information

**I10** Sch. 5 para. 9 wholly in force; Sch. 5 para. 9 not in force at Royal Assent see s. 84(2); Sch. 5 para. 9 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2 and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, art. 2 (subject to art. 3 of that S.I.).

10 In paragraph 13(2)—

- (a) after paragraph (b) there is inserted—

“(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;” and

- (b) in paragraph (e) the words from “for the purpose” to “6(2)” are omitted.

#### Commencement Information

**I11** Sch. 5 para. 10 wholly in force; Sch. 5 para. 10 not in force at Royal Assent see s. 84(2); Sch. 5 para. 10 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2 and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, art. 2 (subject to art. 3 of that S.I.).

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