

Status: Point in time view as at 28/09/2004.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Cross Heading: Unitary development plan is up to date with all changes known to be in force on or before 15 June 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 8

TRANSITIONAL PROVISIONS: PARTS 1 AND 2

Unitary development plan

- 3 (1) This paragraph applies to proposals for the alteration or replacement of a unitary development plan for the area of a local planning authority.
- (2) If before the relevant date the authority have not complied with section 13(2) of the principal Act (making copies of the proposals available for inspection)—
- (a) they must take no further step in relation to the proposals;
 - (b) the proposals have no effect.
- (3) In any other case paragraph 4 or 5 below applies.

Commencement Information

- II** Sch. 8 para. 3 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

- 4 (1) This paragraph applies if—
- (a) before the relevant date the local planning authority is not required to cause an inquiry or other hearing to be held by virtue of section 16(1) of the principal Act (inquiry must be held if objections made), or
 - (b) before the commencement of Part 2 of this Act a person is appointed under that section to hold an inquiry or other hearing.
- (2) If this paragraph applies the provisions of Chapter 1 of Part 2 of the principal Act continue to have effect in relation to the proposals.
- (3) The relevant date is whichever is the later of—
- (a) the end of any period prescribed by regulations under section 26 of the principal Act for the making of objections to the proposals;
 - (b) the commencement of Part 2 of this Act.

Commencement Information

- I2** Sch. 8 para. 4 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)
- I3** Sch. 8 para. 4 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(j\)](#)

- 5 (1) If paragraph 4 does not apply the provisions of Chapter 1 of Part 2 of the principal Act continue to have effect in relation to the proposals subject to the modifications in sub-paragraphs (2) to (5) below.

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- (2) If before the commencement of Part 2 of this Act the local planning authority have not published revised proposals in pursuance of regulations under section 26 of the principal Act—
- (a) any provision of the regulations relating to publication of revised proposals must be ignored,
 - (b) the authority must comply again with section 13(2) of the principal Act.
- (3) If before the commencement of Part 2 of this Act the local planning authority have published revised proposals in pursuance of regulations under section 26 of the principal Act the authority must comply again with section 13(2) of that Act.
- (4) Any provision of regulations under section 26 of the principal Act which permits the local planning authority to modify proposals after an inquiry or other hearing has been held under section 16 of that Act must be ignored.
- (5) If such an inquiry or other hearing is held the authority must adopt the proposals in accordance with the recommendations of the person appointed to hold the inquiry or other hearing.

Commencement Information

I4 Sch. 8 para. 5 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

- 6 If proposals are adopted or approved in pursuance of paragraph 4 or 5 above paragraph 1 of this Schedule applies to the policies contained in the proposals as if—
- (a) they were policies contained in a development plan for the purposes of section 27 of the principal Act;
 - (b) the date of commencement of section 38 is the date when the proposals are adopted or approved.

Commencement Information

I5 Sch. 8 para. 6 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

- 7 (1) This paragraph applies if at the date of commencement of Part 1 a local planning authority have not prepared a unitary development plan in pursuance of section 12 of the principal Act.
- (2) References in paragraphs 3 to 6 to proposals for the alteration or replacement of a plan must be construed as references to the plan.

Commencement Information

I6 Sch. 8 para. 7 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(j\)](#)

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