
STATUTORY INSTRUMENTS

1982 No. 555**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES****The Town and Country Planning (Structure and Local Plans)
Regulations 1982**

<i>Made</i>	- - - -	15th April 1982
<i>Laid before Parliament</i>		4th May 1982
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FORMS OF NOTICES

The Secretary of State for the Environment (in relation to England) and the Secretary of State for Wales (in relation to Wales), in exercise of the powers conferred on them by sections 7(1A), (6) and (6A), 8(1), (2) and (3), 9(3)(a), 11(3)(b), (4A), (5) and (9), 12(1), 13(1), 18(1) and (2) and 287 of the Town and

Country Planning Act 1971(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

PART I

APPLICATION, CITATION, COMMENCEMENT AND INTERPRETATION

Application

1. These regulations shall apply to England (except Greater London) and Wales.

Citation and commencement

2. These regulations may be cited as the Town and Country Planning (Structure and Local Plans) Regulations 1982, and shall come into operation on 26th May 1982.

Interpretation

3.— (1) In these regulations:—

“the Act” means the Town and Country Planning Act 1971;

“action area” means an action area within the meaning of section 11(4A) or, as the case may be, section 7(5) of the Act(b);

“adopt”, in relation to a local plan, means adopt within the meaning of section 14(1) of the Act, and “adopted” and “adoption” shall in relation to a local plan be construed accordingly;

“appropriate form” means the relevant form specified in the Schedule, or a form substantially to the like effect;

“certified copy” means a copy certified by the proper officer of the local planning authority preparing the relevant plan or, in the case of a joint structure or local plan, by the proper officer of any of the local planning authorities concerned, as being a true copy;

“county” and “district” have the meanings respectively assigned to them by section 270(1) of the Local Government Act 1972(c);

“deposited”, in relation to a local plan, means made available for inspection in accordance with section 12(2) of the Act(d);

“document” includes a map, diagram, illustration or other descriptive matter in any form, and also includes, where appropriate, a copy of a document;

(a) 1971 c. 78; sections 7, 8 and 11 were amended by the Local Government, Planning and Land Act 1980 (c. 65), section 89 and Schedule 14, and section 9 was amended by the Town and Country Planning (Amendment) Act 1972 (c. 42), section 3(1).

(b) Subsection (5) of section 7 was repealed by the Local Government, Planning and Land Act 1980, section 194 and Schedule 34, Part X, with the saving contained in Schedule 14 to that Act, paragraph 2(b).

(c) 1972 c. 70.

(d) Section 12 was amended by the Local Government Act 1972 (c. 70), section 182 and Schedule 16, paragraph 2, and by the Local Government, Planning and Land Act 1980, Schedule 14; subsection (3) was partially repealed by that Act, section 194 and Schedule 34, Part X.

“duly made”, in relation to objections, means duly made in accordance with a notice given or served under these regulations;

“examination in public” means an examination in public within the meaning of section 9(3)(b) of the Act;

“explanatory memorandum” means an explanatory memorandum required by section 7(6A) of the Act;

“joint local plan” means a local plan prepared by two or more local planning authorities;

“joint structure plan” means a structure plan prepared by two or more county planning authorities;

“local plan” means a local plan within the meaning of section 11 of the Act;

“notice by advertisement” means a notice published in the London Gazette and in each of two successive weeks in at least one local newspaper circulating in the locality in which the land to which the notice relates is situated;

“notice by local advertisement” means a notice published in each of two successive weeks in at least one local newspaper circulating in the locality in which the land to which the notice relates is situated;

“proper officer” means, in relation to the certification of a document as a true copy, the officer appointed for that purpose by the local planning authority or, in the case of a joint structure or local plan, by any of the local planning authorities concerned;

“structure plan” means a structure plan within the meaning of section 7 of the Act;

“written statement” means, as respects a structure plan, the written statement required by section 7(1A) of the Act, and as respects a local plan the written statement required by section 11(3) of the Act.

(2) In relation to a joint structure plan, references in these regulations (except in this regulation and in regulations 7 and 19) to a county planning authority shall be read as references to the county planning authorities preparing the plan.

(3) In relation to a joint local plan, references in these regulations (except in this regulation and in regulations 36(1) and 37) to a local planning authority shall be read as references to the local planning authorities preparing the plan.

(4) A regulation referred to in these regulations only by number means the regulation so numbered in these regulations, and references to “the Schedule” are to the Schedule to these regulations.

PART II

PUBLICITY IN CONNECTION WITH THE PREPARATION OF STRUCTURE OR LOCAL PLANS: SALE OF DOCUMENTS AND PRESCRIBED PERIOD FOR MAKING REPRESENTATIONS

Sale of copies of documents made public for the purpose mentioned in section 8(1)(a) or 12(1)(a) of the Act

4. The local planning authority preparing a plan shall, in such particular cases as the Secretary of State may direct, provide persons making a request in

that behalf with copies of any plan or other document which has been made public for the purpose mentioned in section 8(1)(a) or 12(1)(a) of the Act, subject to the payment of a reasonable charge therefor.

Prescribed period for making representations

5. The prescribed period for the purposes of section 8(1) or 12(1) of the Act shall be six weeks, commencing with such date as the local planning authority preparing the plan shall specify when giving publicity thereunder to the matters proposed to be included in a structure or local plan.

PART III

CONSULTATION IN CONNECTION WITH
THE PREPARATION OF STRUCTURE PLANS

Consultation

6. Before finally determining the content of a structure plan the county planning authority shall:—

- (a) consult all district planning authorities whose areas or any part thereof are comprised in the area to which the plan relates with respect to the content of the plan;
- (b) afford the latter a reasonable opportunity to express their views; and
- (c) take those views into consideration.

PART IV

FORM AND CONTENT OF STRUCTURE PLANS AND PRESCRIBED MATTERS TO BE
CONTAINED IN EXPLANATORY MEMORANDA

Title

7. A structure plan shall be given a title which shall include the name of the county planning authority or, in the case of a joint structure plan, the names of the county planning authorities preparing the plan, and, where the plan relates to part only of the authority's area, or, as the case may be, to the whole or parts of two or more authorities' areas, an indication of the area to which the plan relates; and each document contained in or accompanying a structure plan shall bear the title of the plan.

Diagrams in structure plans

8.— (1) A structure plan shall contain or be accompanied by a diagram, called the key diagram, showing, so far as the county planning authority may think practicable, the policy and general proposals formulated in the written statement.

(2) Insets may be contained in or accompany the key diagram to show selected features thereof in greater detail: the boundary of any inset shall be shown on the main body of the key diagram and within that boundary the policy and general proposals shall be shown only on the inset and not in the main body of the key diagram.

(3) No diagram contained in, or accompanying, a structure plan, or inset contained in, or accompanying, a diagram, shall be on a map base.

(4) Any diagram contained in, or accompanying, a structure plan shall include an explanation of the notation used thereon.

Matters to be contained in explanatory memorandum

9. The prescribed matters to be contained in an explanatory memorandum (in addition to the other contents required by section 7(6A) of the Act) shall be such indications as the county planning authority may think appropriate of the regard they have had to the following matters:—

- (a) current national and regional policies;
- (b) social considerations; and
- (c) the resources likely to be available for carrying out the policy and general proposals formulated in the structure plan.

PART V

FORM AND CONTENT OF LOCAL PLANS

Title

10. Every local plan shall be given a title which shall include an indication of the area to which the plan relates and any name given to the particular plan by virtue of regulation 11, and there shall be stated separately from the title the name or names of the local planning authority or authorities who prepared the plan; and each document contained in or accompanying a local plan shall bear the title of the plan and, stated separately from the title, the name or names of the relevant authority or authorities.

Names to be given to local plans

11. A local plan shall be given the name “local plan”, preceded:—
- (a) if the local plan is for an action area, by the words “action area”, or
 - (b) if the local plan is based on a consideration of a particular description or descriptions of development or other use of land in the area to which it relates, by the name of the subject or subjects to which it relates.

Proposals

12.—(1) The proposals formulated in a local plan written statement shall be set out so as to be readily distinguishable from the other contents thereof.

(2) A local plan written statement shall contain a reasoned justification of the proposals formulated therein.

Maps and diagrams

13.— (1) The map comprised in a local plan in compliance with section 11(3) of the Act shall be called the proposals map, and shall be prepared on a map base reproduced from, or based on, the Ordnance Survey map, and show National Grid lines and numbers.

(2) Insets, prepared as specified for the proposals map, may be contained in or accompany the proposals map to show the proposals for any part of the area to which a local plan relates to a larger scale than that selected for the main body of the proposals map: the boundary of any inset shall be shown on the main body of the proposals map, and proposals relating to land within that boundary shall be shown only on the inset, and not in the main body of the proposals map.

(3) Any map forming part of a local plan shall show the scale to which it has been prepared; and any map or diagram contained in, or accompanying, a local plan shall include such explanation as the local planning authority preparing the plan may think necessary of the notation used thereon.

PART VI

ACTION AREAS: PRESCRIBED PERIOD

Prescribed period for section 11(4A)

14. The prescribed period for the purposes of section 11(4A) of the Act (preparation by the local planning authority of a local plan for an action area) shall be ten years from the date on which the particular local plan is deposited.

PART VII

PROCEDURE FOR THE APPROVAL, WITHDRAWAL OR REJECTION OF STRUCTURE PLANS

Submission of structure plan to the Secretary of State

15. A structure plan shall be prepared in duplicate; one duplicate shall be submitted to the Secretary of State, together with two certified copies thereof, an explanatory memorandum and a statement giving particulars of the matters specified in section 8(3)(a) and (b) of the Act.

Notice of submission of structure plan

16. On the submission of a structure plan to the Secretary of State the county planning authority shall give notice by advertisement in the appropriate form (Form 1).

Notice of return of structure plan

17. Where, under section 8(4) of the Act, the Secretary of State returns a structure plan to the county planning authority, that authority shall give notice by advertisement in the appropriate form (Form 2).

Notice of resubmission of structure plan

18. On the resubmission of a structure plan to the Secretary of State the county planning authority shall give notice by advertisement in the appropriate form (Form 3) and shall serve a notice in the same terms on any person who made objections to the plan to the Secretary of State when it was originally submitted to him.

Notice of withdrawal of structure plan

19. Where a county planning authority, or in relation to a joint structure plan all or any of the county planning authorities concerned, has or have given notice to the Secretary of State of withdrawal of a structure plan in accordance with section 10B of the Act the county planning authority, or in relation to a joint structure plan the county planning authority or authorities withdrawing the structure plan, shall give notice of such withdrawal, and of the withdrawal of the copies of the plan made available for inspection as required by section 8(2) of the Act, by advertisement in the appropriate form (Form 4); and for the purpose of complying with section 10B(2) of the Act shall serve a notice in the same terms on any person by whom objections to the plan have been duly made and not withdrawn.

Notice of examination in public

20. Where the Secretary of State causes an examination in public to be held into matters affecting his consideration of a structure plan he shall at least six weeks before the date of the examination give notice by advertisement of his intention to hold such an examination.

Proposed modifications

21.— (1) Where the Secretary of State proposes to modify a structure plan he shall, except as respects any proposed modification which he is satisfied will not materially affect the content of the plan:—

- (a) notify the county planning authority of the proposed modifications; and
- (b) consider any objections duly made to the proposed modifications.

(2) Where a county planning authority are notified of a proposed modification under paragraph (1) above they shall give notice by advertisement in the appropriate form (Form 5) and shall serve a notice in the same terms on such persons as the Secretary of State may direct.

Notification of the Secretary of State's decision

22. The Secretary of State shall notify the county planning authority in writing of his decision on a structure plan and the authority shall forthwith give notice by advertisement in the appropriate form (Form 6) and shall serve a notice in the same terms on any person who, in accordance with a notice given or served under this Part of these regulations, has requested the authority to notify him of the decision on the plan and on such other persons as the Secretary of State may direct.

Copies of notices and certificates as to notices to be sent to the Secretary of State

23. On first giving notice by advertisement in accordance with any provision in this Part of these regulations, the county planning authority shall send the Secretary of State a certified copy of the notice; and, after complying with the requirements of any provision in this Part of these regulations relating to the giving or to the giving and serving of notices, the authority shall send the Secretary of State a certificate to that effect.

PART VIII

PROCEDURE FOR THE ADOPTION, ABANDONMENT, APPROVAL OR
REJECTION OF LOCAL PLANS*Preparation of local plan*

24. A local plan shall be prepared in duplicate; the local planning authority who prepared the plan shall, not later than the date on which notice is first given under regulation 25, send to the Secretary of State one duplicate and two certified copies, a statement of the matters specified in section 12(3)(a) and (b) of the Act and, where the plan is prepared by the district planning authority, a certified copy of any certificate obtained pursuant to section 14(5) of the Act.

Notice of preparation of local plan

25. A local planning authority who have prepared and deposited a local plan shall give notice by advertisement in the appropriate form (Form 7).

Notice of withdrawal of copies of local plan and subsequent action

26.— (1) A local planning authority who are given directions by the Secretary of State under section 12(4) of the Act and who, in accordance with section 12(5)(a) of the Act, withdraw the copies of a local plan made available for inspection as required by section 12(2) of the Act, shall give notice by advertisement in the appropriate form (Form 8) and, for the purpose of complying with section 12(5)(b) of the Act, shall serve a notice in the same terms on any person by whom objections to the plan have been made to the authority.

(2) After satisfying the Secretary of State as mentioned in section 12(4) of the Act and before taking any further steps for the adoption of the plan, the authority shall again make copies of the plan available for inspection at the places where they were previously available for inspection, and shall give notice by advertisement in the appropriate form (Form 9) and shall serve a notice in the same terms on any person who made objections to the plan to the authority when copies were previously available for inspection.

Local inquiry to be a public inquiry

27. A local inquiry held for the purpose of considering objections made to a local plan shall be a public local inquiry.

Notice of local inquiry or other hearing

28. Where a local planning authority cause a local inquiry to be held for the purpose of considering objections made to a local plan, they shall, at least six weeks before the date of the inquiry, give notice by local advertisement in the appropriate form (Form 10) and shall serve a notice in the same terms on any person whose objections have been duly made and are not withdrawn and on such other persons as they think fit; and, where the authority cause a hearing (other than a local inquiry) to be held for the said purpose, they shall, at least six weeks before the date of the hearing, serve a notice in the appropriate form (Form 10) on any person whose objections have been duly made and are not withdrawn and on such other persons as they think fit.

Report of local inquiry or other hearing

29.— (1) Where, for the purpose of considering objections made to a local plan, a local inquiry or other hearing is held, the local planning authority who prepared the plan shall, as part of the consideration of those objections, consider the report of the person appointed to hold the inquiry or other hearing and decide whether or not to take any action as respects the plan in the light of the report and each recommendation, if any, contained therein; and the authority shall prepare a statement of their decisions, giving their reasons therefor.

(2) The authority shall make certified copies of the report, and of the statement prepared under paragraph (1) above, available for inspection when they give notice by local advertisement in compliance with regulation 31, if applicable, and in any event not later than the date on which notice is first given under regulation 32.

Procedure where no local inquiry or other hearing is held

30.— (1) Where by virtue of section 13(3)(a) or, as the case may be, section 15(4) of the Act no local inquiry or other hearing for the purposes of considering objections made to a local plan is held, the local planning authority shall prepare a statement of their decision with respect to each objection made, giving their reasons therefor.

(2) Paragraph (2) of regulation 29 shall apply for the making available of a certified copy of the statement prepared under paragraph (1) above, as it applies for the making available of such a document prepared under paragraph (1) of that regulation.

Proposed modifications

31.— (1) Where the local planning authority who prepared a local plan propose to modify it, they shall except as respects any proposed modification which they are satisfied will not materially affect the content of the plan:—

- (a) prepare a list of the proposed modifications, giving their reasons for proposing them;
- (b) give notice by local advertisement in the appropriate form (Form 11), and serve a notice in the same terms on any person whose objections to the plan have been duly made and are not withdrawn and on such other persons as they think fit;
- (c) consider any objections duly made to the proposed modifications;
- (d) decide whether to afford to persons whose objections so made are not withdrawn, or to any of them, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and
- (e) if a local inquiry or other hearing is held, also afford the like opportunity to such other persons as they think fit:

(a) Sections 13 and 15 were amended by the Local Government, Planning and Land Act 1980, Schedule 14, paragraphs 9 and 11.

Provided that, unless the Secretary of State directs them to do so, the authority shall not be obliged to cause a local inquiry or other hearing to be held for the purpose of considering objections made to proposed modifications; but, if a local inquiry is held, it shall be a public local inquiry.

(2) Regulations 28 and 29 shall apply in relation to proposed modifications as they apply in relation to a local plan.

Action where local planning authority are disposed to adopt local plan

32.— (1) Where a local planning authority are disposed to adopt a local plan, they shall, before adopting the plan, give notice by local advertisement in the appropriate form (Form 12) and shall serve a notice in the same terms on any person whose objections to the plan have been duly made and are not withdrawn, and on such other persons as they think fit.

(2) After complying with paragraph (1) above, the authority shall send the Secretary of State by recorded delivery a certificate that they have complied therewith; and (subject also to the provision of section 14(1A)(a) of the Act and paragraph (3) of this regulation) the authority shall not adopt the plan until the expiration of twenty-eight days from the date on which the certificate is sent.

(3) If, before the plan is adopted, the Secretary of State directs the authority not to adopt the plan until he notifies them that he has decided not to give a direction under section 14(3) of the Act, the authority shall not adopt the plan until they receive such notification.

Notice of adoption or abandonment of local plan

33.— (1) Where a local planning authority adopt or abandon a local plan, they shall give notice by advertisement in the appropriate form (Form 13) and shall serve a notice in the same terms on any person who, in accordance with a notice given or served under this Part of these regulations, has requested the authority to notify him of the adoption, abandonment, approval or rejection of the plan, and on such other persons as they think fit; and a copy of the notice in the form advertised shall be made available together with a copy of the plan to which it relates at every place at which a copy of the operative local plan is or has been made available in accordance with regulation 37 (availability of operative structure and local plans).

(2) The local planning authority shall, not later than the date on which notice is first given under paragraph (1) above, send two certified copies of the plan adopted to the Secretary of State.

Procedure where local plan is submitted to the Secretary of State for approval

34.— (1) Where a local planning authority are required by a direction under section 14(3) or (3A) of the Act to submit a local plan to the Secretary of State for his approval and the Secretary of State causes a local inquiry to be held for the purpose of considering objections duly made to the local plan, he shall, at

(a) Section 14 was amended by the Local Government, Planning and Land Act 1980, Schedule 14, paragraph 10.

least six weeks before the date of the inquiry, give notice by local advertisement in the appropriate form (Form 10) and shall serve a notice in the same terms on any person whose objections have been duly made and are not withdrawn and on such other persons as he thinks fit; and when the Secretary of State causes a hearing (other than a local inquiry) to be held for the said purpose, he shall, at least six weeks before the date of the hearing, serve a notice in the appropriate form (Form 10) on any person whose objections have been duly made and are not withdrawn and on such other persons as he thinks fit.

(2) A local inquiry held for the purposes of paragraph (1) above shall be a public local inquiry.

(3) Where the Secretary of State proposes to modify a local plan he shall, subject to paragraph (4) below:—

- (a) notify the local planning authority who prepared the plan of the proposed modifications, and the authority shall give notice by local advertisement in the appropriate form (Form 14) and shall serve a notice in the same terms on such persons as the Secretary of State may direct;
- (b) consider any objections duly made to the proposed modifications;
- (c) decide whether to afford to persons whose objections so made are not withdrawn, or to any of them, an opportunity of appearing before, and being heard by, a person appointed by him for the purpose; and
- (d) if a local inquiry or other hearing is held, also afford the like opportunity to the local planning authority who prepared the plan and to such other persons as he thinks fit:

Provided that the Secretary of State shall not be obliged to cause a local inquiry or other hearing to be held for the purpose of considering objections made to proposed modifications; but if a local inquiry is held it shall be a public local inquiry.

(4) Paragraph (3) above shall not apply where the Secretary of State is satisfied that either:—

- (a) the proposed modifications will not materially affect the content of the plan; or
- (b) the local planning authority have advertised the proposed modifications and considered any objections to them in accordance with regulation 31.

(5) The Secretary of State shall notify in writing the local planning authority who prepared the plan of his decision on a local plan and that authority shall forthwith give notice by advertisement in the appropriate form (Form 15) and shall serve a notice in the same terms on any person who, in accordance with a notice given or served under this Part of these regulations, has requested to be notified of the decision and on such other persons as the Secretary of State may direct.

Documents to be sent to the Secretary of State

35. In addition to the document mentioned in regulation 32(2), the local planning authority who prepared the plan shall send to the Secretary of State:—

- (a) not later than the date on which notice is first given or served under any provision in this Part of these regulations, a copy of each document

(other than a document mentioned in regulation 24 or 33(2)) referred to in the notice as having been deposited;

- (b) on first giving or serving the notice under any provision in this Part of these regulations, a certified copy of the notice; and
- (c) any other relevant document the Secretary of State may at any time require.

PART IX

STRUCTURE AND LOCAL PLANS: AVAILABILITY AND SALE OF DOCUMENTS, REGISTER AND INDEX MAP

Availability of documents referred to in notices

36.— (1) Where a notice given or served under these regulations refers to a deposited document (not being a copy of a local plan or accompanying statement required to be made available for inspection by section 12(2) of the Act at the office of the local planning authority who prepared the plan), the local planning authority who prepared the plan or, in the case of a joint structure or local plan, each of the local planning authorities concerned, shall make that document, or a copy thereof, available for inspection at their main offices and at such other places as they think appropriate.

(2) Any document made available for inspection under section 12(2) of the Act or paragraph (1) above shall, unless it is withdrawn in accordance with section 8(6) or 12(5)(a) of the Act, or unless the relevant plan is rejected or abandoned, be available for inspection free of charge at all reasonable hours from a date not later than the date on which the notice is given or served until the expiration of six weeks from the date of the publication of the first notice of the approval or adoption of the plan required by these regulations.

Availability of operative structure and local plans

37.— (1) The local planning authority who prepared a structure or local plan which has become operative (not being a joint structure or local plan) shall make copies of that structure or local plan available for inspection at their main office and at such other places as they may think appropriate: and in the case of a joint structure or local plan, the local planning authorities who prepared the plan shall make copies of the operative structure or local plan available for inspection at the main office of one of them and at such other places as they may think appropriate.

(2) Any document made available for inspection under paragraph (1) above shall be accompanied by a statement setting out the provisions of section 244(1) and (2) of the Act, and that statement shall remain on deposit until the expiration of the period specified in the said section 244(1).

(3) Any document made available for inspection under this regulation shall be available for inspection free of charge at all reasonable hours.

Printing and sale of documents

38. In the case of a structure plan, the county planning authority, or, in the case of a local plan, the local planning authority who prepared the plan shall:—

- (a) provide persons making a request in that behalf with copies of that plan or any other document which has been made available for inspection under section 8(2) or 12(2) of the Act, subject to the payment of a reasonable charge therefor; and
- (b) as soon as possible after a structure or local plan becomes operative, arrange for its printing in the form in which it was approved or, as the case may be, adopted (excluding any material not forming part of the plan as approved or adopted), together with, where applicable, the Secretary of State's notice of approval thereof; and thereafter at such time as the authority may think fit arrange for the reprinting of these documents: and make available printed copies thereof for sale to the public at a reasonable charge:

Provided that, unless the Secretary of State otherwise directs, it shall suffice, in relation to the application of this paragraph to any operative alteration of a structure or local plan, if the alteration is taken into account when the plan is next reprinted.

Register and index map

39.— (1) County planning authorities and district planning authorities shall each prepare and keep up to date in their respective main offices a register containing the following information in respect of their respective areas namely:—

- (a) brief particulars of any structure or local plan copies of which have been made available for inspection under section 8(2)(a) or 12(2) of the Act, and of any action taken in connection with any such plan, including, in the case of an operative plan, the date on which the plan became operative and a reference to the boundary of the plan as shown on the index map prepared under paragraph (2) below;
- (b) brief particulars of any proposals for the alteration, repeal or replacement of any structure or local plan copies of which have been made available for inspection under section 8(2) of the Act as applied by section 10(7)(b), or section 12(2) of the Act as applied by section 15(3) and of any action taken in connection with any such proposals, including, in the case of proposals which have been approved or adopted (as the case may be), the date of such approval or adoption.

(2) The authorities shall also each prepare and keep up to date in their respective main offices an index map for their respective areas showing the boundary of any operative structure or local plan, together with a reference to the appropriate entry in the register prepared under paragraph (1) above.

(3) The authorities shall each make their register and index map available

(a) Section 8(2) was amended by the Local Government, Planning and Land Act 1980, Schedule 14, paragraph 3.

(b) Section 10 was substituted by the Local Government, Planning and Land Act 1980, Schedule 14, paragraph 5.

for inspection with any operative structure or local plan made available for inspection at their respective main office under regulation 37; and where, pursuant to that regulation, copies of any plan are also made available for inspection at some other place, they shall include in their register an indication in respect of each operative plan of the places, apart from their main office, where copies are available, and display at each such other place where copies are available a notice indicating where the register is available; and documents made available for inspection under this paragraph shall be available for inspection free of charge at all reasonable hours.

PART X

ALTERATION, OR REPEAL AND REPLACEMENT, OF STRUCTURE PLANS AND ALTERATION, REPEAL OR REPLACEMENT OF LOCAL PLANS

Alteration, or repeal and replacement, of structure plans

40. The provisions of these regulations relating to structure plans shall apply, with any necessary modifications, in relation to proposals for alterations to, or the repeal and replacement of, a structure plan as they apply in relation to a structure plan.

Alteration, repeal or replacement of local plans

41. The provisions of these regulations relating to local plans shall apply, with any necessary modifications, in relation to proposals for the alteration, repeal or replacement of a local plan as they apply in relation to a local plan.

PART XI

PREPARATION AND MAKING ETC., OF STRUCTURE OR LOCAL PLANS BY THE SECRETARY OF STATE

Preparation and making etc., of structure or local plans by the Secretary of State

42. The provisions of these regulations shall apply, with any necessary modifications, in relation to the preparation and making of a structure plan or local plan or, as the case may be, the alteration, repeal or replacement of a structure or local plan, by the Secretary of State under section 17 of the Act:

Provided that the county planning authority in the case of a structure plan, or the local planning authority to whom it fell to prepare the plan in the case of a local plan, shall, unless the Secretary of State otherwise directs, give and serve notices as required by these regulations and shall comply with Part IX hereof in respect of the plan or the proposals (as the case may be).

PART XI

STRUCTURE AND LOCAL PLANS: RECONCILIATION OF CONTRADICTIONS

Reconciliation of contradictions in structure plans

43. Subject to regulation 46(4), in the case of any contradiction in a structure plan between the written statement and any other document forming part of the plan, the provisions of the written statement shall prevail.

Reconciliation of contradictions in local plans

44. In the case of any contradiction between the written statement and any other document forming part of a local plan, the provisions of the written statement shall prevail.

Reconciliation of contradictions between local plans

45. In the case of any contradictions between local plans for the same part of any area, the provisions which are more recently adopted, approved or made shall prevail.

Revocation, transitional and savings

46.— (1) “The 1974 regulations” referred to in this regulation are the Town and Country Planning (Structure and Local Plans) Regulations 1974(a).

(2) Where the Secretary of State has consented under regulation 8 of the 1974 regulations (treatment of certain urban or proposed urban areas) to the formulation of policy and general proposals in a separate part of a structure plan, but no separate part prepared pursuant to that consent has been submitted for his approval before the coming into operation of these regulations, no such separate part shall be submitted for his approval thereafter.

(3) Where a separate part of a structure plan prepared by virtue of regulation 8 of the 1974 regulations has been approved by the Secretary of State before the coming into operation of these regulations, or is approved thereafter (in whole or in part and with or without modifications or reservations) having been submitted for approval before the coming into operation of these regulations, proposals for the alteration of the plan of which it forms part may include, without the prior consent or direction of the Secretary of State, proposals for the alteration of that separate part or for its deletion from the structure plan: and where a proposal is submitted to the Secretary of State for the repeal and replacement of a structure plan which includes such a separate part, the structure plan with which it is proposed that it shall be replaced shall not include a corresponding or any separate part.

(4) In the case of any contradiction in a structure plan between a separate part prepared under regulation 8 of the 1974 regulations (whether or not that separate part of the plan has been subsequently altered after the coming into operation of these regulations) and the rest of the plan, the provisions of the separate part shall prevail.

(5) Regulation 11 of the 1974 regulations (action areas: prescribed period) shall continue to have effect in relation to structure plans approved by the Secretary of State before the coming into operation of these regulations.

(6) Subject to the foregoing provisions of this regulation the Town and Country Planning (Structure and Local Plans) Regulations 1974 and the Town and Country Planning (Structure and Local Plans) (Amendment) Regulations 1979(b) are hereby revoked, but without prejudice to the validity of anything done under or by virtue of the regulations hereby revoked before the coming into operation of these regulations, and provided that in so far as these

(a) S.I. 1974/1486.

(b) S.I. 1979/1738.

regulations contain a corresponding provision anything done under the regulations hereby revoked shall be deemed to have been done under the corresponding provision of these regulations.

SCHEDULE

FORMS OF NOTICES

Regulation 16

Form 1: Form of notice of submission of structure plan

NOTICE OF SUBMISSION OF STRUCTURE PLAN

Town and Country Planning Act 1971
(Title of structure plan)

(1) submitted the above-named structure plan to the Secretary of State [for the Environment] [for Wales] (2) on 19 for his approval. [The plan relates to land in the following districts(s):(3)](2).

Certified copies of the plan, of the explanatory memorandum, and of the statement mentioned in section 8(3) of the Act have been deposited at (4).

Objections to the plan should be sent in writing to (15) before (6). Objections should state the matters to which they relate and the grounds on which they are made*. A person making objections may send a written request (stating his name and the address to which notice is to be sent) to (7) to be notified of the decision on the plan.

19

(Signature)

*Forms for making objections are obtainable at the places where documents have been deposited.

Regulation 17

Form 2: Form of notice of return of structure plan

NOTICE OF RETURN OF STRUCTURE PLAN

Town and Country Planning Act 1971
(Title of structure plan)

The above-named structure plan and explanatory memorandum have been returned to (1) by the Secretary of State [for the Environment] [for Wales] (2) and the council have been directed to take certain further action as respects publicity in connection with the plan [and explanatory memorandum](2), and, after doing so, to resubmit the plan and explanatory memorandum to the Secretary of State with such modifications, if any, as the authority then consider appropriate [within (8)](2).

When the plan is resubmitted objections made to the plan as originally submitted will be considered, and there will be an opportunity to make objections to the plan as resubmitted.

19

(Signature)

Regulation 18

Form 3: Form of notice of resubmission of structure plan

NOTICE OF RESUBMISSION OF STRUCTURE PLAN

Town and Country Planning Act 1971
(Title of structure plan)

[To:](9)

(1) resubmitted the above-named structure plan and explanatory memorandum [with modifications] [without modifications] (2) to the Secretary of State [for the Environment] [for Wales] (2) on 19 for his approval. [The plan relates to land in the following district(s): (3)](2).

Certified copies of the plan, of the explanatory memorandum, and of the statement mentioned in section 8(3) of the Act have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

Objections to the plan should be sent in writing to (15) before (6). Objections should state the matters to which they relate and the grounds on which they are made*. A person making objections may send a written request (stating his name and the address to which notice is to be sent) to (7) to be notified of the decision on the plan. Objections made to the plan when it was originally submitted to the Secretary of State will be considered by him.

19

(Signature)

*Forms for making objections are obtainable at the places where documents have been deposited.

Regulation 19

Form 4: Form of notice of withdrawal of structure plan and
of copies thereof made available for public inspectionNOTICE OF WITHDRAWAL OF STRUCTURE PLAN AND OF COPIES
THEREOF MADE AVAILABLE FOR PUBLIC INSPECTION

Town and Country Planning Act 1971
(Title of structure plan)

Notice is hereby given that the above-named structure plan submitted to the Secretary of State [for the Environment] [for Wales] for approval on (14) together with copies thereof made available for public inspection has been withdrawn by (1).

19

(Signature)

Regulation 21

Form 5: Form of notice of proposed modifications to structure plan

NOTICE OF PROPOSED MODIFICATIONS TO STRUCTURE PLAN

Town and Country Planning Act 1971
(Title of structure plan)

[To:](9)

The Secretary of State [for the Environment] [for Wales] (2) proposes to modify the above-named plan.

Certified copies of the plan and of the list of proposed modifications (other than modifications which the Secretary of State is satisfied will not materially affect the content of the plan have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

Objections to the proposed modifications should be sent in writing to (15) before (6). Objections should state the matters to which they relate and the grounds on which they are made*. A person making objections may send a written request (stating his name and address to which notice is to be sent) to (7) to be notified of the decision on the plan.

19

(Signature)

*Forms for making objections are obtainable at the places where documents have been deposited.

Regulation 22

Form 6: Form of notice of approval or rejection of structure plan

NOTICE OF [APPROVAL] [REJECTION] (2) OF STRUCTURE PLAN

Town and Country Planning Act 1971
(Title of structure plan)

[To:](9)

On 19 the Secretary of State [for the Environment] [for Wales] [approved] [rejected] (2) the above-named structure plan [so far as it relates to (10)] [with modifications] [and] [with reservations](2).

Certified copies of the plan and of the Secretary of State's letter notifying his decision have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

[The plan became operative on (11), but if any person aggrieved by the plan desires to question its validity on the ground that it is not within the powers conferred by Part II of the Town and Country Planning Act 1971, or that any requirement of the said Part II or

of any regulations made thereunder has not been complied with in relation to the approval of the plan, he may, within six weeks from (12) make an application to the High Court under section 244 of the Town and Country Planning Act 1971[(13)].

19

(Signature)

Footnotes to forms 1 to 6

- (1) Insert name(s) of county planning authority or authorities.
- (2) Insert as appropriate.
- (3) Insert name(s) of district(s).
- (4) Insert address of local planning authority's office and addresses of other places at which documents deposited.
- (5) Specify days and hours during which deposited documents are available for inspection.
- (6) Specify date six weeks after date on which notice first published in local newspaper.
- (7) State appropriate officer and name and address of county planning authority.
- (8) State period specified in directions.
- (9) Insert, together with name and address of addressee, in personal notice.
- (10) Give indication of area.
- (11) Insert date appointed in Secretary of State's letter.
- (12) Insert date of publication of the first notice.
- (13) Insert paragraph only if the plan is approved.
- (14) Insert date of submission of plan.
- (15) Insert, as appropriate, the Regional Director, Department of the Environment, and address; or the Secretary, Welsh Office, New Crown Building, Cathays Park, Cardiff, CF1 3NQ.

Regulation 25

Form 7: Form of notice of preparation of local plan

NOTICE OF PREPARATION OF LOCAL PLAN

Town and Country Planning Act 1971
(Title of local plan)

(1) have prepared the above-named local plan. [The plan relates to land in the following district(s):— (2)](3).

Certified copies of the plan [of the certificate obtained pursuant to section 14(5) of the Act](3) and of the statement mentioned in section 12(3) of the Act have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

Objections to the plan should be sent in writing to (6) before (7). Objections should state the matters to which they relate and the grounds on which they are made*, and may include a request (stating the address to which notice is to be sent) to be notified of the decision on the plan.

19

(Signature)

*Forms for making objections are obtainable at the places where documents have been deposited.

Regulation 26(1)

Form 8: Form of notice of withdrawal of copies of local plan

NOTICE OF WITHDRAWAL OF COPIES OF LOCAL PLAN

Town and Country Planning Act 1971
(Title of local plan)

[To:](8)

The Secretary of State [for the Environment] [for Wales] (3) has directed (1) not to take any further steps for the adoption of the above-named local plan without taking certain further action as respects publicity in connection with the plan and satisfying him that they have done so.

The copies of the plan made available for inspection have been withdrawn. Before (1) take further steps for the adoption of the plan, copies of the plan will again be made available for inspection at the places where they were previously available for inspection. Objections made to the plan when copies were previously available for inspection will be considered, and there will be a further opportunity to make objections to the plan.

19

(Signature)

Regulation 26(2)

Form 9: Form of notice of re-deposit of copies of local plan

NOTICE OF RE-DEPOSIT OF COPIES OF LOCAL PLAN

Town and Country Planning Act 1971
(Title of local plan)

[To:](8)

(1) have decided to take further steps for the adoption of the above-named local plan. [The plan relates to land in the following district(s):—(2)](3).

Certified copies of the plan, [of the certificate pursuant to section 14(5) of the Act](3) and of the statement mentioned in section 12(3) of the Act have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

Objections to the plan should be sent in writing to (6) before (7). Objections should state the matters to which they relate and the grounds on which they are made*, and may include a request (stating the address to which notice is to be sent) to be notified of the decision on the plan. Objections made to the plan when copies were previously available for inspection will be considered.

19

(Signature)

*Forms for making objections are obtainable at the places where documents have been deposited.

Regulations 28 and 34

Form 10: Form of notice of local inquiry or other hearing

NOTICE OF [PUBLIC LOCAL INQUIRY] [HEARING] (3)

Town and Country Planning Act 1971
(Title of local plan)

(9) WILL HOLD A [PUBLIC LOCAL INQUIRY] [HEARING] (3) AT (10) INTO
OBJECTIONS MADE [TO PROPOSED MODIFICATIONS] (3) TO THE ABOVE-
NAMED LOCAL PLAN.

19

(Signature)

Regulation 31

Form 11: Form of notice of proposal to modify local plan

NOTICE OF PROPOSAL TO MODIFY LOCAL PLAN

Town and Country Planning Act 1971
(Title of local plan)

[To:](8)

(1) propose to modify the above-named local plan.

Certified copies of the plan [of the report of the [inquiry into] [hearing of] objections]
(12), [of the council's statement prepared following the consideration of the [report]
[objections]] (12) and of the list of proposed modifications (other than modifications
which the council are satisfied will not materially affect the content of the plan) have
been deposited at (4).

The deposited documents are available for inspection free of charge (5).

Objections to the proposed modifications should be sent in writing to (6) before (7).
Objections should state the matters to which they relate and the grounds on which they
are made*, and may include a request (stating the address to which notice is to be sent)
to be notified of the decision on the plan.

19

(Signature)

*Forms for making objections are obtainable at the places where documents have
been deposited.

Regulation 32

Form 12: Form of notice of disposition to adopt local plan

NOTICE OF DISPOSITION TO ADOPT LOCAL PLAN

Town and Country Planning Act 1971
(Title of local plan)

[To:](8)

(1) are disposed to adopt the above-named local plan [as modified by them] (3) on or after (11), unless, before the plan has been adopted, the Secretary of State [for the Environment] [for Wales] (3) directs that the plan shall not be adopted until further notice or shall not have effect unless approved by him.

Certified copies of the plan [together with certified copies of the reports of all local inquiries or other hearings held] (12) and of the council's statements prepared following the consideration of [such reports] [objections] (3) have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

19

(Signature)

Regulation 33

Form 13: Form of notice of adoption or abandonment of local plan

NOTICE OF [ADOPTION] [ABANDONMENT] (3) OF LOCAL PLAN

Town and Country Planning Act 1971
(Title of local plan)

[To:](8)

On 19 (1) [adopted] [abandoned] (3) the above-named local plan [as modified by the council] (3) [having received the authority of the Secretary of State [for the Environment] [for Wales] (3) under section 14(1A)(ii) of the Act to do so] (12).

Certified copies of the plan [together with certified copies of the reports of all local inquiries or other hearings held and of the council's statements prepared following the consideration of such reports] (12) have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

[The plan became operative on (13), but if any person aggrieved by the plan desires to question its validity on the ground that it is not within the powers conferred by Part II of the Town and Country Planning Act 1971, or that any requirement of the said Part II or of any regulations made thereunder has not been complied with in relation to the adoption of the plan, he may, within six weeks from (14), make an application to the High Court under section 244 of the Town and Country Planning Act 1971] (15).

19

(Signature)

Regulation 34(3)

Form 14: Form of notice of proposed modifications to local plan

NOTICE OF PROPOSED MODIFICATIONS TO LOCAL PLAN

Town and Country Planning Act 1971
(Title of local plan)

[To:](8)

The Secretary of State [for the Environment] [for Wales] (3) proposes to modify the above-named plan.

Certified copies of the plan and of the list of proposed modifications (other than modifications which the Secretary of State is satisfied will not materially affect the content of the plan) have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

Objections to the proposed modifications should be sent in writing to (16) before (7).

Objections should state the matters to which they relate and the grounds on which they are made*. A person making objections may send a written request (stating his name and the address to which notice is to be sent) to (6) to be notified of the decision on the plan.

19

(Signature)

*Forms for making objections are obtainable at the places where documents have been deposited.

Regulation 34(5)

Form 15: Form of notice of approval or rejection of local plan

NOTICE OF [APPROVAL] [REJECTION] (3) OF LOCAL PLAN

Town and Country Planning Act 1971
(Title of local plan)

[To:](8)

On 19 the Secretary of State [for the Environment] [for Wales] [approved] [rejected] (3) the above-named local plan [so far as it relates to (19)] [with modifications] [and] [with reservations] (3).

Certified copies of the plan and of the Secretary of State's letter notifying his decision have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

[The plan became operative on (17), but if any person aggrieved by the plan desires to question its validity on the ground that it is not within the powers conferred by Part II of the Town and Country Planning Act 1971, or that any requirement of the said Part II or

of any regulations made thereunder has not been complied with in relation to the approval of the plan, he may, within six weeks from (14) make an application to the High Court under section 244 of the Town and Country Planning Act 1971] (18).

19

(Signature)

Footnotes to forms 7 to 15

- (1) Insert name(s) of local planning authority or authorities.
- (2) Insert name(s) of district(s).
- (3) Insert as appropriate.
- (4) Insert address of local planning authority's office and addresses of other places at which documents deposited.
- (5) Specify days and hours during which deposited documents are available for inspection by public.
- (6) State appropriate officer and name and address of local planning authority.
- (7) Specify date six weeks after date on which notice first published in local newspaper.
- (8) Insert, together with name and address of addressee, in personal notice.
- (9) Insert name of person appointed to hold local inquiry or hearing.
- (10) State time and date of local inquiry or other hearing and address at which it is to be held.
- (11) Specify date taking account of the period of 28 days specified in regulation 32(2).
- (12) Insert, modify or omit as appropriate.
- (13) Insert date appointed in the resolution.
- (14) Insert date of publication of the first notice.
- (15) Insert paragraph only if plan is adopted.
- (16) Insert, as appropriate, the Regional Director, Department of the Environment, and address; or the Secretary, Welsh Office, New Crown Building, Cathays Park, Cardiff, CF1 3NQ.
- (17) Insert date appointed in Secretary of State's letter.
- (18) Insert paragraph only if plan is approved.
- (19) Give indication of area.

13th April 1982.

Michael R. D. Heseltine,
Secretary of State for the Environment.

15th April 1982.

Nicholas Edwards,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These regulations revoke and re-enact the Town and Country Planning (Structure and Local Plans) Regulations 1974 ("the 1974 Regulations") with amendments which take into account the provisions of the Local Government Planning and Land Act 1980 ("the 1980 Act").

2. The regulations make provision with respect to the form and content of structure and local plans prepared under Part II of the Town and Country Planning Act 1971 and with respect to their preparation, submission and approval or adoption. There is also provision for the procedure to be followed in connection with their withdrawal, alteration or repeal and replacement.

3. The principal changes made by these regulations are as follows. Local authorities are allowed to advertise certain stages in the local plan process in local newspapers only, and not in the London Gazette (Regulation 3, 28 and others). The period for the making of representations is fixed at 6 weeks, rather than not less than 6 weeks (Regulation 5). The matters prescribed to be contained in structure plans are changed so as to take account of the new system under the 1980 Act. This Act provides for the plan to consist only of the policy and general proposals and key diagram. The reasoned justification for the policy and proposals, which formerly formed part of the plan, will appear separately in an explanatory memorandum (Regulations 8 and 9).

4. The 1980 Act allows a local authority to dispense with a local inquiry into a local plan if objectors indicate that they do not wish to appear and the regulations prescribe the procedure to be followed in such cases (Regulation 30). Modifications to local plans which do not materially affect the plans' content need not now be advertised (Regulation 31). The 1980 Act allows for the repeal and replacement of structure plans in addition to their simple alteration and the regulations provide for the new procedure (Regulation 40). In the case of local plans there is now no requirement in the regulations that local authorities should consult each other. No provision is now made for separate parts of structure plans to be prepared for urban areas, and where this procedure has been initiated under the 1974 Regulations it is not to be completed (Regulation 46).

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