
STATUTORY INSTRUMENTS

1994 No. 867

The Local Government Changes for England Regulations 1994

PART 4

TOWN AND COUNTRY PLANNING

Inclusion of unadopted proposals in preparation of development plans

16.—(1) In this regulation, any reference to the 1990 Act is a reference to that Act in the form in which it was in force immediately before commencement of the Planning and Compensation Act 1991 or as amended by that Act.

(2) A transferee authority may, when preparing, altering or replacing a development plan, include proposals, which have not yet been adopted, in respect of a development plan which was being made, altered or replaced by a transferor authority prior to the reorganisation date in respect of an area for which the transferee authority has a duty to prepare a development plan.

(3) The transferee authority shall publish a statement identifying a proposal so included.

(4) Where the transferee authority is satisfied that there has been no significant change in circumstances affecting the proposal, it need not repeat any step taken by the transferor authority in respect of that proposal for the purpose of complying with the 1990 Act or with regulations made thereunder.

(5) Where an examination in public has been held by the transferor authority into matters affecting the consideration of proposals for the alteration or replacement of a structure plan and the transferee authority wishes, in accordance with paragraph (2) to include any such proposals, the transferee authority need not cause an inquiry or other hearing to be held to consider objections relating to such matters, and sections 16 and 42 of the 1990 Act shall be construed accordingly⁽¹⁾.

(6) Where an inquiry or other hearing is held for the purpose of considering an objection to proposals in respect of a development plan, the person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that the objection is in respect of a proposal identified in accordance with paragraph (3) above and the person objecting has had his objection in respect of the proposal heard at an inquiry or other hearing held by the transferor authority or, where a matter affecting consideration of the proposal to which the objection relates has been considered at an examination in public considered by such an authority.

(1) Subsections (1), (1A) and (1B) of section 16 were substituted by paragraph 7 of Schedule 4 to the 1991 Act. Subsection (3) of that section was amended by paragraph 22 of Schedule 3 to the Tribunals and Inquiries Act 1992 (c. 53). Subsections (1), (2) and (2A) of section 42 were substituted by paragraph 18 of Schedule 4 to the 1991 Act. Subsection (6) of section 42 was amended by paragraph 24 of Schedule 3 to the Tribunals and Inquiries Act 1992.