
STATUTORY INSTRUMENTS

1997 No. 531

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning (Development
Plan) (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>26th February 1997</i>
<i>Laid before Parliament</i>		<i>3rd March 1997</i>
<i>Coming into force</i>	- -	<i>24th March 1997</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 12, 26, 31, 36, 37(4), 38(5), 53 and 336(1) of, and paragraph 4 of Part 1 and paragraph 17 of Part II of Schedule 2 to the Town and Country Planning Act 1990(1) and of all other powers enabling them in that behalf hereby make the following regulations—

Citation, commencement and interpretation

1. These Regulations may be cited as the Town and Country Planning (Development Plan) (Amendment) Regulations 1997 and shall come into force on 24th March 1997.

Amendment of Regulations

2. The Town and Country Planning (Development Plan) Regulations 1991(2) are amended as follows.

Interpretation

3. In regulation 2(1) (interpretation), after the definition of “by local advertisement” insert the following definition—

(1) 1990 c. 8. Sections 12, 26, 31 and 53 were amended by paragraphs 2, 15, 16 and 28 of Schedule 4 to the Planning and Compensation Act 1991. Section 13 was substituted by paragraph 4, sections 33, 36, 37(4), 38(5) and 40 by paragraph 17, section 46 by paragraph 22, and paragraph 4 of Part 1 and paragraph 17 of Part II of Schedule 2 by paragraph 36(2), of Schedule 4 to the 1991 Act. Part 1A of Schedule 2 was inserted by paragraph 8 of Schedule 5 to the Local Government (Wales) Act 1994 (c. 19). See the definition of “prescribed” in section 336(1).

(2) S.I.1991/2794.

““national waste strategy” means a statement which contains the Secretary of State’s policies in relation to the recovery and disposal of waste in England and Wales, and which is made under section 44A of the Environmental Protection Act 1990;”(3).

Regard to be had to certain matters and statement of regard

4. In regulation 9 (regard to be had to certain matters and statement of regard)—
- (a) at the end of paragraph (1)(b), delete “and”;
 - (b) at the end of paragraph (1)(c), delete “area.” and insert
“area; and
(d) national waste strategy.”;
 - (c) in paragraph (2), after “section 50 of the Environmental Protection Act 1990” insert “(4) or to the national waste strategy as the case may be”;
 - (d) for paragraph (3)(b), substitute—
 - “(b) the regard which the authority have had in formulating their waste policies in Part II to any waste disposal plan for their area or to the national waste strategy and the reason for any inconsistency between their waste policies and the waste disposal plan or the national waste strategy; and”;
 - (e) for paragraph (5)(b), substitute—
 - “(b) in the case of a waste local plan, or a local plan or a minerals local plan containing waste policies, the regard which the local planning authority have had in formulating their waste policies to any waste disposal plan or to the national waste strategy and the reason for any inconsistency between their waste policies and the waste disposal plan or the national waste strategy.”.

Pre-deposit consultation

5. For regulation 10(1)(b) (pre-deposit consultation), substitute—
- “(b) any local authority or urban development corporation for an area covered by the proposals;”.

Consideration of proposals following a local inquiry or other hearing or examination in public

6. In regulation 16 (consideration of proposals following a local inquiry or other hearing or examination in public)—
- (a) in paragraph (3)(b) after “objection or representation” insert “, and on such other persons as the authority think fit”;
 - (b) in paragraph (4)(d), after “hearing is held to consider” insert “one or more of the”.

(3) Section 44A was inserted by section 92 of the Environment Act 1995 (c. 25).

(4) Section 50 of the Environmental Protection Act 1990 (waste disposal plans of waste regulation authorities) ceased to have effect on 1 April 1996 (S.I. 1996/186, commencing paragraph 78 of Schedule 22 to the Environment Act 1995). However, under paragraph 16 of Schedule 23 to the Environment Act 1995 and S.I. 1996/234, any waste disposal plan or modification of such a plan under section 50 of the Environmental Protection Act 1990, whose content has been finally determined before 1 April 1996, is to continue in force until the content of the national waste strategy is finally determined, notwithstanding the repeal of section 50. At the date of making these Regulations, the content of the national waste strategy has not been finally determined.

Modification of proposals

7. In regulation 18 (modification of proposals)—
- (a) In paragraph (1)(d) after “objection or representation” insert “, and on such other persons as the authority think fit”;
 - (b) in paragraph (5), after “hearing is held to consider” insert “one or more of the”.

Existing policy statement

8. In regulation 35(5) (existing policy statement) after “paragraph 4 of Part I” insert “, paragraph 3 of Part IA(5)”.

Schedule—Prescribed Forms

9. For the Schedule to the Regulations substitute the new Schedule set out in the Schedule hereto.

Signed by authority of the Secretary of State for the Environment

25th February 1997

Paul Beresford
Parliamentary Under Secretary of State,
Department of the Environment

Signed by authority of the Secretary of State for Wales

26th February 1997

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

(5) Part IA of Schedule 2 to the 1990 Act was inserted by paragraph 8 of Schedule 5 to the Local Government (Wales) Act 1994 (c. 19).

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SCHEDULE

Regulation 9

SCHEDULE TO THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLAN) REGULATIONS 1991 AS SUBSTITUTED BY THESE REGULATIONS

“SCHEDULE

Regulation 2(2)(b)

PRESCRIBED FORMS

FORM 1:NOTICE OF DEPOSIT OF PROPOSALS FOR A STATUTORY PLAN OR FOR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN *Town and Country Planning Act 1990*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*Notice of Deposit of Proposals for [the [Alteration] [Replacement] of] a
[Unitary Development Plan] [Structure Plan] [Local Plan]
[Minerals Local Plan] [Waste Local Plan]*

(Title of plan)

(1) have prepared proposals for [the [alteration] [replacement] of] the above plan. If, and when, these plan proposals are adopted they will form [part of] the development plan for (1). The development plan forms the basis for decisions on land use planning affecting that area.

Copies of the proposals are available for public inspection at (2) free of charge on (3).

Objections to, and representations in respect of, the proposals, should be sent in writing to (4) before (5). Objections and representations should specify the matters to which they relate and the grounds on which they are made. They may also be accompanied by a request to be notified at a specified address of the withdrawal, adoption, approval or rejection of the proposals.

[Only objectors whose objections are made in writing and arrive at the address specified above within the six week period ending on (5) will have a right to have their objections considered at a local inquiry or hearing.] [Only those objections made in writing which arrive at the address above within the six week period ending on (5) will have a right to have their objections considered.]

Further information is available from (6).

Notice of Intention to Adopt Proposals

If no objections to the proposals are received during the period given for making objections (1) intend to adopt the proposals on the expiry of that period.

Notes

- (a) Omit any expression within square brackets which is inappropriate.
- (b) The first sentence of the fourth paragraph of the form should be used in respect of local plan or unitary development plan proposals. The second sentence of fourth paragraph should be used in respect of structure plan proposals.
- (c) Insert—
 - (1) the name of the local planning authority;
 - (2) the address of the local planning authority's principal office and any other place at which the documents are available for inspection;
 - (3) the days on which, and the hours between which, the documents are available for inspection;
 - (4) the name or title of the officer to whom objections and representations should be sent and the address to which they are to be sent;
 - (5) the date (six weeks from the date on which the notice is first published in a local newspaper) by which objections and representations should be received;
 - (6) any places where further information can be obtained.
- (5) the date (six weeks from the date on which the notice is first published in a local newspaper) by which objections and representations should be received;
- (6) any places where further information can be obtained.

FORM 2:NOTICE OF WITHDRAWAL OF PROPOSALS FOR A STATUTORY PLAN OR FOR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN *Town and Country Planning Act 1990*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 13

*Notice of Withdrawal of Proposals for [the [Alteration] [Replacement]
of] a [Unitary Development Plan] [Structure Plan] [Local Plan]
[Minerals Local Plan] [Waste Local Plan]*

(Title of plan)

Copies of these proposals made available for inspection by (1) have been withdrawn because
(2)

Notes

- (a) Omit any expression within square brackets which is inappropriate.
- (b) Insert at—
 - (1) the name of the local planning authority;
 - (2) the reasons why the proposals have been withdrawn.

FORM 3:NOTICE OF INTENTION TO ADOPT PROPOSALS FOR A STATUTORY PLAN
OR FOR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN WITHOUT
PROPOSING MODIFICATIONS OR FURTHER MODIFICATIONS *Town and Country Planning
Act 1990*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*Notice of Intention to Adopt Proposals for [the [Alteration]
[Replacement] of] a [Unitary Development Plan]
[Structure Plan] [Local Plan] [Minerals Local Plan] [Waste Local Plan]*

(Title of plan)

[The [local inquiry] [hearing] [examination in public] into these plan proposals has been held and the report of the person holding the [inquiry] [hearing] [examination in public] has been considered by (1).] [(1) has considered the objections made to these plan proposals.]

(1) propose to adopt these plan proposals without any [further] modifications. The following documents are available for inspection at (2) on (3):

Copies of the plan proposals;

[the report of the person who held the [local inquiry] [hearing] [examination in public] and [the authority's statement of reasons and decisions in the light of the report;]

[the authority's statement of reasons and decisions as respects objections to the plan proposals].

[The authority do not intend to accept the recommendations in the report that the proposals should be modified. A list of the recommendations which the authority do not intend to accept is available for inspection with the above documents. Objections to, and representations in respect of, the intention not to modify the plan proposals in accordance with the recommendations in the report should be sent in writing to (4) before (5). Objections and representations should specify the matters to which they relate and the grounds on which they are made. They may be accompanied by a request to be notified at a specified address of the withdrawal, adoption, approval or rejection of the plan proposals. (1) will adopt the proposals after that date if no objections are received.]

[(1) will adopt the proposals after (6)]

Notes

- (a) Omit any expression within square brackets which is inappropriate.
- (b) The second sentence in paragraph 1 and the last indent of paragraph 2 apply where there has been no inquiry, hearing, or examination in public.
- (c) Paragraph 4 should only be used if paragraph 3 is not used.
- (d) Insert:
 - (1) the name of the local planning authority;
 - (2) the address of the local planning authority's principal office and any other place at which the documents are available for inspection;
 - (3) the days on which, and the hours between which, the documents are available for inspection;
 - (4) the name or title of the officer to whom objections and representations should be sent and the address to which they are to be sent;
 - (5) the date (six weeks from the date on which the notice is first published in a local newspaper) by which objections and representations should be received;
 - (6) the date which is 28 days after the date on which the notice is first published in a local newspaper.

FORM 4:NOTICE OF INTENTION TO ADOPT AND OF PROPOSED MODIFICATIONS TO PROPOSALS FOR A STATUTORY PLAN OR FOR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN *Town and Country Planning Act 1990*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 18

*Notice of intention to adopt and of Proposed Modifications to
Proposals for [the [Alteration] [Replacement] of]
a [Unitary Development Plan] [Structure Plan]
[Local Plan] [Minerals Local Plan] [Waste Local Plan]*

(Title of plan)

[The [local inquiry] [hearing] [examination in public] into these plan proposals has been held and the report of the person holding the [inquiry] [hearing] [examination in public] has been considered by (1).] [(1) has considered the objections made to these plan proposals.]

(1) propose to modify these plan proposals.

A list of the proposed modifications (other than modifications which the authority are satisfied will not materially affect the content of the plan proposals), with the authority's reasons for proposing them, are available for inspection at (2) on (3). Also available for inspection are:

copies of the plan proposals;

[a direction from the Secretary of State directing the authority to modify the plan proposals;]

[the report of the person who held the [local inquiry] [hearing] [examination in public] and the authority's statement of reasons and decisions in the light of the report;]

[the authority's statement of reasons and decisions as respects objections to the plan proposals.]

[The authority do not intend to accept all of the recommendations in the report. A list of the recommendations which the authority do not intend to accept is available for inspection with the above documents.]

Objections to, and representations in respect of, the proposed modifications [and the intention not to modify the plan proposals in accordance with certain of the recommendations in the report] should be sent in writing to (4) before (5). Objections and representations should specify the matters to which they relate and the grounds on which they are made. They may be accompanied by a request to be notified at a specified address of the withdrawal, adoption, approval or rejection of the plan proposals.

Notice of Intention to Adopt Proposals

If no objections are received during the period given for making objections [and the Secretary of State is satisfied that the modifications proposed conform with his direction or the direction is withdrawn], (1) intend to adopt the proposals on the expiry of that period.

Notes

- (a) Omit any expression within square brackets which is inappropriate.
- (b) The second sentence of paragraph 1 and the last indent of paragraph 3 apply where there has been no inquiry, hearing, or examination in public.
- (c) Insert at:
 - (1) the name of the local planning authority;
 - (2) the address of the local planning authority's principal office and any other place at which the documents are available for inspection;
 - (3) the days on which, and the hours between which, the documents are available for inspection;
 - (4) the name or title of the officer to whom objections and representations should be sent and the address to which they are to be sent;
 - (5) the date (six weeks from the date on which the notice is first published in a local newspaper) by which objections and representations should be received.

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Regulation 20

*Notice of Adoption of Proposals for [the [Alteration] [Replacement]
of] a [Unitary Development Plan] [Structure Plan] [Local Plan]
[Minerals Local Plan] [Waste Local Plan]*

(Title of plan)

On (1) (2) adopted these plan proposals [with modifications]. [The Secretary of State [was satisfied that the necessary modifications had been made to comply with] [withdrew] his direction to the authority to modify the proposals]. The adopted proposals will form [part of] the development plan for (1). The development plan forms the basis for decisions on land use planning affecting that area.

Copies of the adopted proposals [and of the Secretary of State's notification [that he was satisfied with the modifications made to comply with] [withdrawing] his direction] are available for inspection at (3) on (4).

The proposals came into operation on their adoption. A person aggrieved by the proposals who desires to question their validity on the ground that they are not within the powers conferred by Part II of the Town and Country Planning Act 1990 or that any requirement of that Act or any regulation made under it has not been complied with in relation to the adoption of the proposals, may, within six weeks from (5), make an application to the High Court under section 287 of the 1990 Act.

Notes

- (a) Omit any expression in square brackets which is inappropriate.
- (b) Insert:
 - (1) the date on which the proposals were adopted;
 - (2) the name of the local planning authority;
 - (3) the address of the local planning authority's principal office and any other place at which the documents are available for inspection;
 - (4) the days on which, and the hours between which, the documents are available for inspection;
 - (5) the date on which this notice is first published.

FORM 6:NOTICE OF PROPOSED MODIFICATIONS BY THE SECRETARY OF STATE TO PROPOSALS FOR A STATUTORY PLAN OR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN SUBMITTED TO HIM FOR HIS APPROVAL*Town and Country Planning Act 1990*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 24

*Notice of Proposed Modifications to Proposals for [the [Alteration]
[Replacement] of] a [Unitary Development Plan]
[Structure Plan] [Local Plan] [Minerals Local Plan] [Waste Local Plan]*

(Title of plan)

Proposals for this plan prepared by (1) have been submitted to the Secretary of State for [the Environment] [Wales] for his approval. The Secretary of State has considered the proposals and now proposes to modify them.

A copy of the plan proposals and a list of the proposed modifications (other than modifications which the Secretary of State is satisfied will not materially affect the content of the plan proposals) are available for inspection at (2) on (3).

Objections to, and representations in respect of, the proposed modifications should be sent in writing to (4) before (5). They may be accompanied by a request to be notified at a specified address of the approval or rejection of the plan proposals.

Notes

- (a) Omit any expression in square brackets which is inappropriate.
- (b) Insert:
 - (1) the name of the local planning authority;
 - (2) the address of the local planning authority's principal office and any other place at which the documents are available for inspection;
 - (3) the days on which, and the hours between which, the documents are available for inspection;
 - (4) the name and address of the Director (Planning) of the appropriate Government Office for the Region or the Chief Planning Adviser of the Welsh Office to whom such objections and representations should be sent;
 - (5) the date (six weeks from the date on which the notice is first published in a local newspaper) by which objections and representations should be received.

FORM 7:NOTICE OF APPROVAL OR REJECTION BY THE SECRETARY OF STATE OF PROPOSALS FOR A STATUTORY PLAN OR THE ALTERATION OR REPLACEMENT OF A STATUTORY PLAN SUBMITTED TO HIM FOR HIS APPROVAL *Town and Country Planning Act 1990*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*Notice of [Approval] [Rejection] by the Secretary of State of
Proposals for [the [Alteration] [Replacement] of] a
[Unitary Development Plan] [Structure Plan] [Local Plan]
[Minerals Local Plan] [Waste Local Plan]*

(Title of plan)

Proposals for this plan prepared by (1) have been submitted to the Secretary of State for [the Environment] [Wales] for his approval. The Secretary of State has [approved] [rejected] these proposals [in part] [and] [with modifications] [and] [with reservations].

Copies of the proposals and of the Secretary of State's letter notifying his decision are available for inspection at (2) on (3).

[The proposals [come] [came] into operation on (4). Any person aggrieved by the proposals who desires to question their validity on the ground that they are not within the powers conferred by Part II of the Town and Country Planning Act 1990 or that any requirement of that Act or any regulation made under it has not been complied with in relation to the approval of the proposals, may, within six weeks from (5), make an application to the High Court under section 287 of the 1990 Act.]

Notes

- (a) Omit any expression within square brackets which is inappropriate.
- (b) Insert:
 - (1) the name of the local planning authority;
 - (2) the address of the local planning authority's principal office and any other place at which the documents are available for inspection;
 - (3) the days on which, and the hours between which, the documents are available for inspection;
 - (4) the appropriate date;
 - (5) the date on which the notice is first published.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 35

*Planning and Compensation Act 1991
Statement Identifying Policies in Proposals for [the [Alteration]
[Replacement] of] a [Unitary Development Plan] [Local Plan]
[Minerals Local Plan] [Waste Local Plan] as Policies
Previously Contained in a Local Plan*

(Title of plan)

The proposals for [the [alteration] [replacement] of] the above plan, made available for inspection by (1) at (2), include policies which were, in the opinion of the authority, previously contained in a local plan for the area. These “existing policies” identified by the authority are set out in the list below.

[Objections may be made to these policies at the same time and in the same manner as objections made to other policies in the proposals.] [The period for objecting to the above proposals set out in the notice of deposit first published locally on (3) is extended, and such objections, including objections to policies identified as existing policies, should be sent in writing to (4) before (5).] The person holding any local inquiry or hearing need not allow a person who objects to a policy identified as an existing policy to appear at the inquiry or hearing if he is satisfied that the policy identified is an existing policy, and that there has been no significant change in circumstances affecting the existing policy since it first formed part of the local plan. Where an objection has been duly made, it will be considered by the person holding the inquiry or hearing, whether or not the relevant objector has appeared at the inquiry or hearing.

(List of policies identified by the authority as existing policies (6))

Notes

- (a) Omit any expression within square brackets which is inappropriate.
- (b) Insert:
 - (1) the name of the local planning authority;
 - (2) the address of the local planning authority’s principal office and any other place at which the documents are available for inspection;
 - (3) the date on which the notice of deposit was first published in a local newspaper;
 - (4) the name or title of the officer to whom objections should be sent and the address to which they are to be sent;
 - (5) the date (six weeks from the date on which the notice is first published in a local newspaper) by which objections and representations should be received;
 - (6) the list of policies need only give policy references based upon the adopted or approved plan. It need not repeat the policies in full.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Town and Country Planning (Development Plan) Regulations 1991. The 1991 Regulations make provision for the form and content of structure plans, local plans, minerals local plans, waste local plans and unitary development plans made under the Town and Country Planning Act 1990 and the procedure for the making, alteration and replacement of such plans. They also set out rules for resolving conflict between and within such plans.

The main changes to the 1991 Regulations are as follows:

- (a) to require local planning authorities to have regard to any future national waste strategy in formulating development plans (regulations 3 and 4). The national waste strategy has not yet been prepared but a White Paper on a strategy for sustainable waste management in England and Wales “Making Waste Work” was presented to Parliament by the Secretary of State for the Environment and the Secretary of State for Wales in December 1995 (Cm 3040 London: HMSO);
- (b) to require a local planning authority, including a new National Park Authority as the sole local planning authority for the Park area, to consult any local authority or urban development corporation for an area covered by the development plan proposals (regulation 5);
- (c) to require a local planning authority, in giving notice of its intended adoption of its plan proposals without modifications or further modifications, or of its intended modifications to its plan proposals, to serve notice not just on anyone who has made an objection or representation, but also on any other person who the authority considers should be given notice (regulations 6(a) and 7(a));
- (d) to replace the prescribed forms (regulation 9 and the Schedule).

Paragraph 233(1) of Schedule 22 to the Environment Act 1995 provides, inter alia, that in any subordinate legislation for any reference to the National Rivers Authority there shall be substituted a reference to the Environment Agency.