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SCHEDULES

SCHEDULE 10

Section 107.

TRANSITIONAL PROVISIONS AND SAVINGS.

Development plans

- 1 Until the repeal of Part II of the principal Act and, where applicable, section 25 of the London Government Act 1963 as respects any district (whether the whole or part of the area of a local planning authority), proposals for any alterations or additions to a development plan in force in the area consisting of or comprising that district shall not without the approval of the Minister be submitted to him under section 6 of the principal Act or under section 26 of the said Act of 1963.
- 2 On the repeal of the said Part II and, where applicable, the said section 25 as respects any district, the development plan which was in force in the area consisting of or comprising that district immediately before the repeal takes effect (hereafter in this Schedule referred to as " the old development plan ") shall, subject to the following provisions of this Schedule, continue in force as respects that district and be treated for the purposes of the principal Act, this Act, any other enactment relating to town and country planning, the Land Compensation Act 1961 and the Land Commission Act 1967 as being comprised in, or as being, the development plan therefor.
- 3 Subject to the following provisions of this Schedule, where by virtue of paragraph 2 above the old development plan for any district is treated as being comprised in a development plan for that district and there is a conflict between any of its provisions and those of the structure plan for that district, the provisions of the structure plan shall be taken to prevail for the purposes of Part III, IV, V, VI and VIII of the principal Act, Parts II and VI of this Act and Schedule 5 to this Act.
- 4 Where a structure plan is in force in any district, but no local plan is in force in that district, a street authorisation map prepared in pursuance of the Town and Country Planning (Development Plans) Regulations 1965 or the Town and Country Planning (Development Plans for Greater London) Regulations 1966 for any area consisting of or comprising that district shall—
 - (a) if in force immediately before the structure plan comes into force be treated for the purposes of this Act as having been adopted as a local plan by the local planning authority ;
 - (b) if immediately before the structure plan comes into force it was under consideration by the Minister be treated for those purposes as having been so adopted on being approved by the Minister.
- 5 Where a structure plan is in force in any district, but no local plan is in force in that district, then, for any of the purposes of the Land Compensation Act 1961,—
 - (a) the development plan or current development plan shall as respects that district be taken as being whichever of the following plans gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land acquired, for that purpose, that is to say,

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the structure plan, so far as applicable to the district, and any alterations thereto, together with the Minister's notice of approval of the plan and alterations, and the old development plan ;

- (b) land situated in an area defined in the current development plan as an area of comprehensive development shall be taken to be situated in whichever of the following areas leads to such assumptions as aforesaid, that is to say, any area wholly or partly within that district selected by the structure plan as an action area and the area so defined in the old development plan.

6 Subject to paragraph 7 below, the Minister may by order wholly or partly revoke a development plan continued in force under this Schedule whether in its application to the whole of the area of a local planning authority or in its application to part of that area and make such consequential amendments to the plan as appear to him to be necessary or expedient.

7 Before making an order with respect to a development plan under paragraph 6 above, the Minister shall consult with the local planning authority for the area to which the plan relates or, where the area is a London borough, with the council of that borough and the Greater London Council.

8 Any reference in the foregoing provisions of this Schedule to a development plan shall as respects any district in Greater London, be construed as a reference to the initial development plan within the meaning of section 25 of the London Government Act 1963, the Greater London development plan and any development plan prepared for the area consisting of or comprising that district by the council of the relevant London borough.

9 Any reference in paragraphs 1 and 2 above to the repeal of Part II of the principal Act or section 25 of the London Government Act 1963 shall, in a case where that repeal is brought by an order under section 105 of this Act into operation on different days, be construed as a reference to a repeal of such of the provisions of the said Part II or the said section 25 as may be specified in the order.

Enforcement of planning control

10 (1) References in this Act to an enforcement notice shall be construed as not including references to an enforcement notice served, before the commencement of Part II of this Act, under section 45 of the principal Act, or having effect by virtue of paragraph 11 or 12 of Schedule 13 to the principal Act, or paragraph 1 or 17 of Schedule 14 to that Act.

(2) In relation to an enforcement notice so served, the provisions of the principal Act, and of any other Act passed before this Act, shall continue to apply as if this Act had not been passed.

(3) Nothing in this paragraph shall prevent the withdrawal, after the said commencement, of an enforcement notice so served or the service thereafter of an enforcement notice under Part II of this Act.

11 Section 9 of the Control of Offices and Industrial Development Act 1965 shall, in relation to an enforcement notice served before the commencement of Part II of this Act, have effect as originally enacted and not as amended by paragraph 63 of Schedule 9 to this Act.

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- 12 The amendment of section 14 of the Civic Amenities Act 1967 which is made by paragraph 72 of Schedule 9 to this Act shall not have effect in relation to a notice served under that section before the commencement of Part II of this Act.

Acquisition of land

- 13 Sections 27 to 29 of this Act shall not apply to any land the acquisition of which was, immediately before the commencement of those sections, authorised by a compulsory purchase order made by a local authority or statutory undertakers or by a Minister, or was then proposed to be authorised by such an order which had not been confirmed by a Minister or, as the case may be, had been prepared in draft by a Minister, but with respect to which a notice had then been published in accordance with paragraph 3(1)(a) of Schedule 1 to the Act of 1946.
- 14 Section 30 of this Act shall not apply to the compulsory acquisition of land with respect to which a compulsory purchase order was in force before the commencement of that section.
- 15 In relation to a notice served under section 139 of the principal Act before the commencement of section 33 and 34 of this Act, and to any hereditament or agricultural unit which is the subject of the notice, sections 140 to 151 of the principal Act shall, after that commencement, have effect without any of the amendments made by Part IV of this Act.
- 16 (1) Notwithstanding any amendment by this Act of sections 138 to 151 of the principal Act, the description of land contained in section 138(1)(b) of that Act (land allocated by a development plan for the purposes of a government department, etc.) shall continue as one of the specified descriptions for the purposes of those sections in their application to any district to which this paragraph applies.
- (2) This paragraph applies to any district for which no local plan is in force under Part I of this Act—
- (a) allocating any land in the district for the purposes of such functions as are mentioned in section 33(1)(a) of this Act; or
 - (b) defining any land in the district as the site of proposed development for the purposes of any such functions.
- (3) To the extent that section 138(1)(b) of the principal Act survives by virtue of this paragraph and for so long as it does so, the amendment by this Act of section 139(3) (a) of that Act (definition of "relevant date" by reference to section 138(1)(b)) shall be treated as not displacing the reference in that paragraph to section 138(1)(b).
- 17 The validity of a compulsory purchase order made under section 67, 68 or 69 of the principal Act shall not be affected by the repeal of that section; and a compulsory purchase order made (but not confirmed), or made in draft, before the repeal of that section took effect may be confirmed or made thereunder as if this Act had not been passed.

Buildings of architectural or historic interest

- 18 (1) Where, before the commencement of Part V of this Act, consent under a building preservation order has been given, either by the local planning authority or by the Minister on appeal, for the execution of any works, the consent shall operate in respect of those works as listed building consent, subject to the same conditions (if any) as were attached to the consent under the building preservation order.

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- (2) In the case of demolition works for which consent has been given under a building preservation order compliance with section 40(4)(b) of this Act shall not be required.
- 19 Where, before the commencement of Part V of this Act an application has been made for consent under a building preservation order for any works, any proceedings pending at the commencement of Part V of this Act and arising out of the application (including any appeal) may be continued and disposed of under and in accordance with title provisions of Part V of this Act corresponding to provisions of the building preservation order as to the making of applications, the decision of the local planning authority thereon and appeals to the Minister against the said decision.
- 20 The repeal by this Act of section 30 of the principal Act shall not prevent a council from taking such proceedings as could have been taken to enforce any building preservation order made under that section and for securing the restoration of a building to its former state as could have been taken but for the repeal; and in relation to any such proceedings the provisions of the order and of any provisions of the principal Act incorporated therein, shall continue to have the same effect as if this Act had not been passed.
- The National Coal Board*
- 21 The provisions of Part X of the principal Act applied by regulations under section 204(1) of that Act in relation to the National Coal Board and land of that Board shall, until the coming into operation of the first regulations made under that subsection after the commencement of sections 69 to 71 of this Act, continue to have effect as so applied as if those sections had not been enacted.