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SCHEDULES

SCHEDULE 5

DEVELOPMENT PLANS: PROVISIONS IN FORCE UNTIL SUPERSEDED BY PART II OF THIS ACT

PART II

GREATER LONDON

Development plans

- 8 (1) In the application of this Schedule to Greater London, paragraphs 1(1) and (5) and 3(1) and (2) shall not apply but the provisions of this and the next following paragraph shall have effect in place thereof.
- (2) Subject to the provisions of any order under section 84 of the London Government Act 1963, any development plans under the Act of 1962 operative on 31st March 1965 which relate, or so far as they relate, to any part of Greater London shall together constitute as from 1st April 1965 the initial development plan for Greater London.
- (3) The Greater London Council shall cause to be carried out a survey of Greater London and shall, within such period as the Secretary of State may allow, submit to the Secretary of State a report of that survey and a general development plan for Greater London, to be known as the Greater London development plan, which, subject to any regulations made (by virtue of paragraph 10(5)(e) of this Schedule) under paragraph 6 of this Schedule, shall lay down considerations of general policy with respect to the use of land in the various parts of Greater London, including in particular guidance as to the future road system, and may make any necessary consequential modifications in the initial development plan aforesaid; and as from the date when the Greater London development plan becomes operative, that plan and the initial development plan aforesaid with any modifications therein made by the Greater London development plan shall together constitute the interim development plan for Greater London.
- (4) Within such period as the Secretary of State may allow after the Greater London development plan becomes operative, each London borough council shall as respects their borough carry out on behalf of the Greater London Council such further survey, if any, as the borough council may consider necessary or as the Greater London Council may direct, and submit to the Greater London Council a report on any such further survey and a local development plan which, subject to any such regulations as aforesaid, shall restate as respects the borough the relevant provisions of the initial development plan aforesaid as modified by the Greater London development plan with any alterations and additions appearing to them necessary or expedient which are consistent with the Greater London development plan; and, without prejudice to paragraph 10(1) of this Schedule, the Greater London Council shall within such further period as the Secretary of State may allow forward any such reports and those

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local development plans to the Secretary of State with any observations thereon by that Council.

- (5) The development plan for the purposes of this Act for any London borough shall be the following, as amended from time to time by virtue of any provision of paragraphs 9 and 10 of this Schedule, that is to say—
- (a) as from 1st April 1965 until the Greater London development plan becomes operative, the relevant provisions of the initial development plan aforesaid ;
 - (b) as from the date when the Greater London development plan becomes operative until the date when the local development plan submitted by the borough council becomes operative, the relevant provisions of the interim development plan aforesaid;
 - (c) as from the date when the said local development plan becomes operative, that plan together with the Greater London development plan.

Amendment of development plans

- 9 (1) The Greater London Council shall from time to time cause fresh surveys of Greater London to be carried out and, not less than once in every five years after the approval of the Greater London development plan by the Secretary of State (but subject to paragraph 1 of Schedule 7 to this Act), submit to the Secretary of State a report of any such surveys together with proposals for any alterations or additions to that plan which appear to that Council to be required having regard to those surveys.
- (2) Without prejudice to the provisions of the foregoing sub-paragraph, the Greater London Council may (subject to paragraph 1 of the said Schedule 7) at any time, and shall at any time when so directed by the Secretary of State, submit to the Secretary of State proposals for such alterations or additions as appear to the Council to be expedient or as may be required by that direction—
- (a) in the case of proposals made before the date of the Secretary of State's approval of the Greater London development plan, to the initial development plan referred to in paragraph 8(2) of this Schedule ; or
 - (b) in the case of proposals made after that date, to the Greater London development plan.
- (3) After the Greater London development plan has become operative, the council of any London borough may (subject to paragraph 1 of the said Schedule 7) at any time, and shall at any time when so directed by the Secretary of State or, with the approval of the Secretary of State, by the Greater London Council, after carrying out on behalf of the Greater London Council such, if any, fresh survey of the borough as may appear to the borough council to be expedient or as may be required by that direction, submit to the Greater London Council proposals for such alterations or additions as may appear expedient or as may be so required—
- (a) in the case of proposals made before the date of the Secretary of State's approval of their local development plan under paragraph 8(4) of this Schedule, to the initial development plan aforesaid as modified by the Greater London development plan ; or
 - (b) in the case of proposals made after that date, to that local development plan ;
- and, without prejudice to paragraph 10(1) of this Schedule, the Greater London Council shall, within such time as the Secretary of State may allow, forward any such proposals to the Secretary of State together with any observations thereon by that Council.

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Supplementary provisions as to development plans

- 10 (1) If any local development plan submitted to the Greater London Council under paragraph 8(4) of this Schedule, or any proposal so submitted under paragraph 9(3) of this Schedule, contains any provision which in the opinion of the Greater London Council involves a departure from the Greater London development plan, that Council may, if they think fit, require the council submitting the plan or proposal to reconsider that provision within such period as maybe specified in the requirement, and thereupon—
- (a) unless within the period so specified the submitting council agree that the provision involves such a departure, the question shall be referred to the Secretary of State for decision ;
 - (b) if the submitting council agree as aforesaid, or if on such a reference to the Secretary of State the Secretary of State decides that the provision involves such a departure, the Greater London Council may if they think fit cause that provision to be struck out from the local development plan or proposal for the purpose of its consideration by the Secretary of State ;
 - (c) if on such a reference to the Secretary of State the Secretary of State decides that the provision does not involve such a departure, the provision shall be included in the local development plan or proposal for the purpose of its consideration by the Secretary of State, but the Secretary of State, if so required by the Greater London Council, shall afford that Council an opportunity to make further observations thereon.
- (2) Any survey under paragraph 8(3) or 9(1) of this Schedule shall, unless for special reasons the Greater London Council decide to carry it out themselves, be carried out on behalf of that Council by the London borough councils as respects their respective areas ; and subject to sub-paragraph (6) of this paragraph any such survey and any survey under paragraph 8(4) or 9(3) of this Schedule shall be carried out on such lines as the Greater London Council may direct.
- (3) The Greater London Council, before preparing the Greater London development plan or any proposals under paragraph 9(1) or (2) of this Schedule, shall consult with the London borough councils or, in the case of any such proposals, with such of those councils as are affected by the proposals, and before submitting the plan or proposals to the Secretary of State shall give to each of those councils an opportunity to make representations with respect to the plan or proposals and shall consider any representations so made.
- (4) A London borough council—
- (a) when preparing their local development plan under paragraph 8(4) or any proposal under paragraph 9(3) of this Schedule shall give to the Greater London Council any information which that Council may require with respect to the matters to be included in that plan or proposal; and
 - (b) before submitting that plan or proposal to the Greater London Council shall give that Council an opportunity to make representations in the light of that information and shall consider any representations so made.
- (5) The following provisions of Part I of this Schedule, that is to say—
- (a) paragraph 1(2), (3) and (4);
 - (b) paragraph 2 ;
 - (c) paragraph 3(3);
 - (d) paragraph 4 ;

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- (e) paragraph 6(2) and (3) ;
- (f) paragraph 7,

shall apply for the purposes of paragraphs 8 and 9 of this Schedule with the modifications specified in sub-paragraph (7) of this paragraph as if any report or plan submitted or forwarded under paragraph 8(3) or (4) of this Schedule were a report or plan submitted under paragraph 1(1) of this Schedule and any report or proposal submitted or forwarded under paragraph 9 of this Schedule were a report or proposal submitted under paragraph 3 of this Schedule.

- (6) Paragraph 6(4) of this Schedule shall not apply to Greater London but, subject to any express provision contained in or having effect by virtue of this paragraph or paragraphs 8 or 9 of this Schedule, the Secretary of State may give directions—
 - (a) to the Greater London Council with respect to the form and content of any directions by the Greater London Council under sub-paragraph (2) of this paragraph ;
 - (b) to that Council and to any London borough council—
 - (i) with respect to the procedure for the carrying out of the functions exercisable under or by virtue of those paragraphs by any of those councils ; and
 - (ii) with respect to the furnishing to the Secretary of State by those councils of information required for the purpose of the functions exercisable under or by virtue of those paragraphs by the Secretary of State.
- (7) In the application by virtue of sub-paragraph (5) of this paragraph of the provisions of this Schedule hereinafter mentioned—
 - (a) any reference in paragraph 1(4) to the opinion of the local planning authority shall be construed as a reference to the opinion of either the Greater London Council or the council of the London borough in which the land in question is situated;
 - (b) the reference in paragraph 4(1)(b) to the local planning authority shall be construed as a reference to any of the following councils, that is to say, the Greater London Council and the London borough councils, by whom there fall to be taken the steps necessary to enable the plan, report or proposal in question to be submitted within the period in question;
 - (c) the reference in paragraph 4(4) to the preceding provisions of this Schedule shall be construed as including a reference to the provisions of paragraphs 8 and 9 of this Schedule and sub-paragraphs (1) to (4) of this paragraph ;
 - (d) any reference in paragraph 6(2) or (3) to objections or representations shall be construed as a reference only to objections or representations arising from—
 - (i) any addition, modification or alteration to the initial development plan referred to in paragraph 8(2) of this Schedule which is proposed to be effected by the Greater London development plan or which is proposed under paragraph 9(2)(a) of this Schedule ;
 - (ii) any addition or alteration to the initial development plan aforesaid as modified by the Greater London development plan which is proposed to be effected by any local development plan forwarded to the Secretary of State under paragraph 8(4) of this Schedule or which is proposed under paragraph 9(3)(d) thereof ;

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- (iii) any alteration or addition to the Greater London development plan proposed under paragraph 9(1) or (2)(b) of this Schedule ;
- (iv) any alteration or addition to such a local development plan as aforesaid proposed under paragraph 9(3)(b) of this Schedule ;
- (e) the reference in paragraph 7(1) to the local planning authority shall be construed—
 - (i) in relation to any amendment of the initial development plan aforesaid made before the Greater London development plan becomes operative or made by the Greater London development plan, as a reference to the Greater London Council;
 - (ii) in relation to any amendment of the provisions with respect to any London borough of the initial development plan aforesaid as modified by the Greater London development plan, as a reference to the council of that borough ;
 - (iii) in relation to the Greater London development plan, as a reference to the Greater London Council;
 - (iv) in relation to a local development plan under paragraph 8(4) of this Schedule, as a reference to the council of the London borough in question.