



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART II

#### DEVELOPMENT PLANS

#### CHAPTER II

##### STRUCTURE AND LOCAL PLANS: NON-METROPOLITAN AREAS

##### *Structure plans*

### **31 Structure plans: continuity, form and content**

- (1) Each structure plan approved by the Secretary of State under the 1971 Act with respect to the area of a local planning authority which is in operation immediately before the commencement of this Act shall continue in force after its commencement (subject to any alterations then in operation and to the following provisions of this Part).
- (2) The structure plan for any area shall be a written statement—
  - (a) formulating the local planning authority's policy and general proposals in respect of the development and other use of land in that area (including measures for the improvement of the physical environment and the management of traffic); and
  - (b) containing such other matters as may be prescribed or as the Secretary of State may in any particular case direct.
- (3) The written statement shall be illustrated by such diagram or diagrams as may be prescribed, which shall be treated as forming part of the plan.
- (4) In formulating their policy and general proposals under subsection (2), the local planning authority shall secure that the policy and proposals are justified by the results of their survey under section 6 of the 1971 Act or any fresh survey instituted by them

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under section 30 and by any other information which they may obtain and shall have regard—

- (a) to current policies with respect to the economic planning and development of the region as a whole;
  - (b) to the resources likely to be available for the carrying out of the proposals of the structure plan; and
  - (c) to such other matters as the Secretary of State may direct them to take into account.
- (5) Where under section 7(7) of the 1971 Act the Secretary of State gave a consent or direction for the preparation of a structure plan for part of the area of a local planning authority, references in this Part of this Act to the area of the authority shall, in relation to a structure plan, be construed as including references to part of that area.

### **32 Alteration and replacement of structure plans**

- (1) A local planning authority may at any time submit to the Secretary of State and shall, if so directed by him, submit to him within a period specified in the direction, proposals for such alterations to the structure plan for their area as appear to them to be expedient or, as the case may be, as the Secretary of State may direct.
- (2) Such proposals may relate to the whole or part of the area to which the plan relates.
- (3) A local planning authority may at any time submit proposals for the repeal and replacement of the structure plan for their area to the Secretary of State.
- (4) An authority submitting a proposal under subsection (3) for the repeal and replacement of a structure plan shall at the same time submit to the Secretary of State the structure plan with which they propose that it shall be replaced.
- (5) Proposals under subsection (1) or (3) shall be accompanied by an explanatory memorandum summarising—
  - (a) in the case of proposals under subsection (1), the reasons which in the opinion of the local planning authority justify the alterations which they are proposing; and
  - (b) in the case of proposals under subsection (3), the reasons which in their opinion justify the repeal and replacement of the structure plan.
- (6) The explanatory memorandum shall also state the relationship of the proposals to general proposals for the development and other use of land in neighbouring areas which may be expected to affect the area to which the proposals relate.
- (7) The explanatory memorandum—
  - (a) shall also contain any information on which the proposals are based; and
  - (b) may contain such illustrative material as the local planning authority think appropriate.

### **33 Publicity in connection with proposals for alteration or replacement of structure plans**

- (1) When preparing proposals for the alteration or repeal and replacement of a structure plan for their area and before finally determining their content for submission to the Secretary of State, the local planning authority shall take such steps as will in their opinion secure—

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- (a) that adequate publicity is given in their area to the matters which they propose to include in the proposals and to the proposed content of the explanatory memorandum relating to each such matter;
  - (b) that persons who may be expected to desire an opportunity of making representations to the authority with respect to those matters are made aware that they are entitled to an opportunity of doing so; and
  - (c) that such persons are given an adequate opportunity of making such representations.
- (2) The authority shall consider any representations made to them within the prescribed period.
- (3) Not later than the submission of proposals to the Secretary of State, the local planning authority shall make copies of the proposals as submitted to the Secretary of State and of the explanatory memorandum available for inspection at their office and at such other places as may be prescribed.
- (4) Each copy of the proposals and of the explanatory memorandum shall be accompanied by a statement of the time within which objections to the proposals may be made to the Secretary of State.
- (5) Proposals submitted by the local planning authority to the Secretary of State for his approval shall be accompanied by a statement containing such particulars, if any, as may be prescribed—
  - (a) of the steps which the authority have taken to comply with subsections (1) and (2); and
  - (b) of the authority's consultations with, and consideration of the views of, other persons with respect to those matters.
- (6) If after considering the statement submitted with, and the matters included in, the proposals and any other information provided by the local planning authority, the Secretary of State is satisfied that the purposes of paragraphs (a) to (c) of subsection (1) have been adequately achieved by the steps taken by the authority in compliance with that subsection, he shall proceed to consider whether to approve the proposals.
- (7) If the Secretary of State is not satisfied as mentioned in subsection (6), he shall return the proposals to the authority and direct them—
  - (a) to take such further action as he may specify in order better to achieve those purposes; and
  - (b) after doing so, to resubmit the proposals with such modifications, if any, as they then consider appropriate and, if so required by the direction, to do so within a specified period.
- (8) Where the Secretary of State returns the proposals to the local planning authority under subsection (7), he shall—
  - (a) inform the authority of his reasons for doing so, and
  - (b) if any person has made an objection to the proposals to him, also inform that person that he has returned the proposals.
- (9) A local planning authority who are given directions under subsection (7) shall immediately withdraw the copies of the proposals made available for inspection as required by subsection (3).

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- (10) Subsections (3) to (9) shall apply, with the necessary modifications, in relation to proposals resubmitted to the Secretary of State in accordance with directions given under subsection (7) as they apply in relation to the proposals as originally submitted.

### **34 Withdrawal of proposals for alteration and replacement of structure plans**

- (1) Proposals for the alteration or repeal and replacement of a structure plan submitted to the Secretary of State for his approval may be withdrawn by the local planning authority submitting them by a notice given to the Secretary of State at any time before he has approved them.
- (2) Proposals which are so withdrawn shall be treated as never having been submitted.
- (3) On the withdrawal of such proposals, the authority preparing them shall also withdraw the copies of the proposals which they have made available for inspection in accordance with section 33(3), and shall give notice that the proposals have been withdrawn to every person who has made an objection to them.
- (4) In determining the steps to be taken by them to secure the purposes of paragraphs (a) to (c) of section 33(1), the local planning authority preparing such proposals may take into account any steps taken to secure those purposes in connection with any other such proposals which either were not submitted to the Secretary of State for his approval or were so submitted and then withdrawn.
- (5) The authority submitting for approval by the Secretary of State proposals in the case of which they have taken any steps into account by virtue of subsection (4) shall give particulars of those steps in their statement to him under subsection (5) of section 33 and the Secretary of State may treat the steps as having been taken by them in connection with those proposals in determining under subsection (6) of that section whether he is satisfied as there mentioned.

### **35 Approval or rejection of proposals for alteration or replacement of structure plans**

- (1) The Secretary of State may, after considering proposals for the alteration or repeal and replacement of a structure plan submitted (or resubmitted) to him, either approve them (in whole or in part and with or without modifications or reservations) or reject them.
- (2) In considering any such proposals the Secretary of State may take into account any matters which he thinks are relevant, whether or not they were taken into account in the proposals as submitted to him.
- (3) Where on taking any such proposals into consideration the Secretary of State does not determine then to reject them, he shall before determining whether or not to approve them—
  - (a) consider any objections to the proposals, so far as they are made in accordance with regulations under this Chapter, and
  - (b) subject to subsection (4), cause a person or persons appointed by him for the purpose to hold an examination in public of such matters affecting his consideration of the proposals as he considers ought to be so examined.
- (4) If it appears to the Secretary of State, on consideration of the proposals, that no matters which require an examination in public arise from them or from any structure plan submitted with them under section 32(4), no such examination need be held.

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- (5) The Secretary of State may, after consultation with the Lord Chancellor, make regulations with respect to the procedure to be followed at any examination under subsection (3)(b).
- (6) The Secretary of State need not secure to any local planning authority or other person a right to be heard at any such examination and, subject to subsection (7), only such bodies and persons as he may before or during the course of the examination invite to do so may take part in it.
- (7) The person or persons holding the examination may before or during the course of the examination invite additional bodies or persons to take part in it if it appears to him or them desirable to do so.
- (8) An examination under subsection (3)(b) shall constitute a statutory inquiry for the purposes of section 1(1)(c) of the Tribunals and Inquiries Act 1971 but shall not constitute such an inquiry for any other purpose of that Act.
- (9) On considering any proposals the Secretary of State may (but need not) consult with or consider the views of any local planning authority or other person.
- (10) On exercising his powers under subsection (1) in relation to any proposals, the Secretary of State shall give such statement as he considers appropriate of the reasons governing his decision.