



Town and Country Planning Act 1962

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PART II

DEVELOPMENT PLANS

4 Surveys of planning areas and preparation of development plans

- (1) Any local planning authority who have not submitted to the Minister a development plan for their area shall carry out a survey of their area and shall, within such period as the Minister may in any particular case allow, submit to the Minister a report of the survey together with a development plan for their area.
- (2) Subject to the following provisions of this Part of this Act, in this Act “development plan ” means a plan indicating the manner in which a local planning authority propose that land in their area should be used, whether by the carrying out thereon of development or otherwise, and the stages by which any such development should be carried out.
- (3) Subject to the provisions of any regulations made under this Act for regulating the form and content of development plans, any such plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals in question with such degree of particularity as may be appropriate to different parts of the area; and any such plan may in particular—
 - (a) define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds, nature reserves and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan;
 - (b) designate, as land subject to compulsory acquisition by a Minister, local authority or statutory undertakers, any land allocated by the plan for the purposes of any of their functions (including any land which that Minister or authority or those undertakers are or could be authorised to acquire compulsorily under any enactment other than this Act);
 - (c) designate as land subject to compulsory acquisition by the appropriate local authority—

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- (i) any land comprised in an area defined by the plan as an area of comprehensive development (including any land therein which is allocated by the plan for any such purpose as is mentioned in paragraph (b) of this subsection) or any land contiguous or adjacent to any such area ;
 - (ii) any other land which, in the opinion of the local planning authority, ought to be subject to compulsory acquisition for the purpose of securing its use in the manner proposed by the plan.
- (4) For the purposes of this section, a development plan may define as an area of comprehensive development any area which, in the opinion of the local planning authority, should be developed or redeveloped as a whole for any one or more of the following purposes, that is to say—
- (a) for the purposes of dealing satisfactorily with extensive war damage or conditions of bad lay-out or obsolete development, or
 - (b) for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the development or redevelopment of any other area, or
 - (c) for any other purpose specified in the plan ;
- and land may be included in any area so defined, and designated as subject to compulsory acquisition in accordance with the provisions of the last preceding subsection, whether or not provision is made by the plan for the development or redevelopment of that particular land.
- (5) At any time before a development plan with respect to the whole of the area of a local planning authority has been approved by the Minister, that authority may, with the consent of the Minister, and shall, if so required by directions of the Minister, prepare and submit to him a development plan relating to part of that area; and the preceding provisions of this section shall apply in relation to any such plan as they apply in relation to a plan relating to the whole of the area of a local planning authority.

5 Approval of development plans

- (1) Subject to the provisions of this section, the Minister may approve any development plan submitted to him under the last preceding section, either without modification or subject to such modifications as he considers expedient.
- (2) The Minister shall not approve a development plan which designates any land as subject to compulsory acquisition if it appears to him that the acquisition is not likely to take place within ten years from the date on which the plan is approved.
- (3) The Minister shall not, except with the consent of all persons interested, approve a development plan subject to a modification designating as subject to compulsory acquisition any land not so designated in the plan as submitted to him.
- (4) Where a development plan as submitted to the Minister designates as subject to compulsory acquisition any such land as is mentioned in paragraph 9 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which relates to land of local authorities and statutory undertakers and inalienable land of the National Trust), then, if objection to the proposed designation is duly made by the local authority or statutory undertakers or the National Trust, as the case may be, and is not withdrawn, the land shall not be so designated except in pursuance of an order

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made by the Minister, and any such order shall be subject to special parliamentary procedure.

- (5) In relation to agricultural land within the meaning of the Rating and Valuation (Apportionment) Act, 1928, subsection (2) of this section shall have effect as if for the words “ten years ” there were substituted the words “seven years ”.

6 Amendment of development plans

- (1) At least once in every five years after the date on which a development plan for any area was approved by the Minister, the local planning authority shall carry out a fresh survey of that area, and submit to the Minister a report of the survey, together with proposals for any alterations or additions to the plan which appear to them to be required having regard thereto.
- (2) Without prejudice to the provisions of the preceding subsection, any local planning authority may at any time, and shall if so required by directions of the Minister, submit to the Minister proposals for such alterations or additions to the development plan for their area or any part thereof as appear to them to be expedient, or as may be required by those directions, as the case may be.
- (3) Subject to the next following subsection, where proposals for alterations or additions to a development plan are submitted to the Minister under this section, the Minister may amend that plan to such extent as he considers expedient having regard to those proposals and to any other material considerations; and any such amendment may in particular provide for securing that any land previously designated by the plan as subject to compulsory acquisition shall cease to be so designated, or that any land not previously so designated shall be so designated.
- (4) Subsections (2) to (5) of the last preceding section shall apply in relation to the amendment of a development plan as they apply in relation to the approval of such a plan, with the substitution—
- (a) in subsection (2) of that section, for the reference to the date on which the plan is approved, of a reference to the date on which the amendment is effected, and
 - (b) in subsections (3) and (4) of that section, for the references to the plan as submitted to the Minister, of references to the proposals submitted to him under this section.
- (5) Where in accordance with the provisions of subsection (5) of section four of this Act a development plan has been prepared for part of the area of a local planning authority, and has been approved by the Minister, then (without prejudice to the provisions of subsection (2) of this section) the periods of five years mentioned in subsection (1) of this section shall run from the date on which development plans in respect of the whole of the area have been approved by the Minister.

7 Additional powers of Minister with respect to development plans

- (1) Where, by virtue of any of the preceding provisions of this Part of this Act, or of any directions of the Minister thereunder, any development plan, report or proposals for alterations or additions to a development plan are required to be submitted to the Minister, then—
- (a) if within the period allowed in that behalf under those provisions or directions no such plan, report or proposals, or no such plan or proposals satisfactory to the Minister, have been so submitted, or

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- (b) if at any time the Minister is satisfied, after holding a local inquiry, that the local planning authority are not taking the steps necessary to enable them to submit such a plan, report or proposals within that period,
- the Minister may, after carrying out any survey which appears to him to be expedient for the purpose, make such development plan, or, as the case may be, amend the development plan to such extent, as he considers expedient.
- (2) Where, under the preceding subsection, the Minister has power to make or amend a development plan, he may, if he thinks fit, authorise the local planning authority for any neighbouring area, or any other local planning authority which appears to the Minister to have an interest in the proper planning of the area concerned, to submit such a plan to him for his approval, or, as the case may be, to submit to him proposals for the amendment of the plan, and to carry out any survey of the land which appears to him to be expedient for the purpose.
- (3) The Minister may approve any plan submitted to him under the last preceding subsection, either without modification or subject to such modifications as he considers expedient, or, as the case may be, may amend any development plan, with respect to which proposals for amendment have been submitted to him under that subsection, to such extent as he considers expedient having regard to those proposals and to any other material considerations.
- (4) The preceding provisions of this Part of this Act shall, so far as applicable, apply to the making, approval or amendment of development plans under this section, and to plans so made, approved or amended, as they apply to the approval or amendment of development plans under those provisions, and to plans approved or amended thereunder.
- (5) Where the Minister incurs expenses under this section in connection with the making or amendment of a plan with respect to the area, or any part of the area, of a local planning authority, so much of those expenses as may be certified by the Minister to have been incurred in the performance of functions of that authority shall on demand be repaid by that authority to the Minister.
- (6) Where, under this section, a plan, or proposals for the amendment of a plan, are authorised to be submitted to the Minister by the local planning authority for any area other than the area in which the land is situated, any expenses reasonably incurred in that behalf by that authority, as certified by the Minister, shall be repaid to that authority by the local planning authority for the area in which the land is situated.

8 Incorporation in development plans of orders and schemes relating to highways and new towns

- (1) Where the Minister of Transport—
- (a) makes an order under section seven of the Highways Act, 1959, directing that a highway proposed to be constructed by him shall become a trunk road, or
 - (b) makes or confirms an order or scheme under section nine, section eleven or section thirteen of that Act,
- any development plan approved or made under this Act which relates to land on which a highway is to be constructed or altered in accordance with that order or scheme shall have effect as if the provisions of that order or scheme were included in the plan.
- (2) Where an order is made by the Minister under section one of the New Towns Act, 1946, designating an area as the site of a new town under that Act, any development

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plan approved or made under this Act which relates to land in that area shall have effect as if the provisions of that order were included in the plan.

- (3) Nothing in this section shall be construed as prohibiting the inclusion in a development plan, as approved or made by the Minister or as for the time being amended, of provisions—
- (a) defining the line of a highway proposed to be constructed or altered in accordance with any such order or scheme as is mentioned in subsection (1) of this section, or
 - (b) defining an area designated as the site of a new town by any such order as is mentioned in subsection (2) of this section, or
 - (c) defining land as likely to be made the subject of any such order or scheme as is mentioned in either of those subsections.
- (4) Provision may be made by regulations under this Act for enabling any proceedings preliminary to the making of any such order as is mentioned in paragraph (a) of subsection (1) of this section, or in subsection (2) thereof, to be taken concurrently with proceedings required under this Act to be taken in connection with the approval or making of a development plan relating to land to which any such order applies, or in connection with any amendment of a development plan rendered necessary or desirable in consequence of any such order.

9 Modification of development plans in relation to land designated as subject to compulsory acquisition

- (1) Where any land is designated by a development plan as subject to compulsory acquisition, and, at the end of the period of twelve years from the date on which the plan, or the amendment of the plan, by virtue of which the land was first so designated came into operation, any of that land has not been acquired by a Minister, local authority or statutory undertakers who could be authorised to acquire it compulsorily under the provisions of this Act, any owner of the land may, within the prescribed time and in the prescribed manner, serve on the local planning authority a notice requiring his interest in the land to be so acquired.
- (2) Where a notice has been served under the preceding subsection, then, unless within the period of six months after the service of the notice either—
- (a) notice to treat in respect of the interest to which the notice relates has been served by any such Minister, local authority or statutory undertakers as are mentioned in that subsection, or
 - (b) an offer has been made to the owner of the interest by any such Minister, local authority or statutory undertakers to acquire it on terms that the price payable for it shall be equal to (and shall be determined, in default of agreement, in like manner as) the compensation which would be payable in respect of that interest if it were acquired compulsorily,
- the development plan shall have effect, after the end of that period, as if the land were not designated as subject to compulsory acquisition.
- (3) The power conferred by section thirty-one of the Land Compensation Act, 1961, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is served as mentioned in paragraph (a) of the last preceding subsection.
- (4) Where any land is designated by a development plan as subject to compulsory acquisition by the appropriate local authority (not being land comprised in an area

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defined by the plan as an area of comprehensive development) then if planning permission is granted for any development of the land so designated, or any part thereof, and that development is carried out in accordance with the permission so granted, the development plan shall have effect as if the land to which the permission relates were not designated as subject to compulsory acquisition:

Provided that, in the case of planning permission granted for a limited period, the provisions of this subsection shall cease to have effect in relation to the land at the end of the period for which the permission was granted.

- (5) In relation to agricultural land within the meaning of the Rating and Valuation (Apportionment) Act, 1928, subsection (1) of this section shall have effect as if for the words “twelve years ” there were substituted the words “eight years ”.

10 Supplementary provisions as to development plans

- (1) A local planning authority, before preparing a development plan relating to any land in a county district, or proposals for alterations or additions to any such plan, shall consult with the council of that district, and shall, before submitting any such plan or proposals to the Minister, give to that council an opportunity to make representations with respect thereto and shall consider any representations so made.
- (2) Provision may be made by regulations under this Act with respect to the form and content of development plans, and with respect to the procedure to be followed in connection with the preparation, submission, approval, making and amendment of such plans; and such regulations shall in particular make provision for securing—
- (a) that notice shall be given by advertisement in the London Gazette, and in at least one newspaper circulating in the area concerned, of the submission to the Minister of any such plan, or of proposals for the amendment of any such plan, and of any proposal by the Minister to make or amend such a plan, and of the place or places where copies of the plan or proposals as so submitted, or of any such proposal of the Minister, may be inspected;
 - (b) that objections and representations duly made in accordance with the regulations shall be considered, and that such local inquiries or other hearings as may be prescribed shall be held, before such a plan is approved, made or amended by the Minister ; and
 - (c) that copies of any such plan as approved or made by the Minister, including any amendments thereof, shall be available for inspection by the public, and that copies thereof (including reproductions, on such scale as may be appropriate, of any relevant maps) shall be available for sale to the public at a reasonable cost.
- (3) If, as the result of any objections or representations considered, or local inquiry or other hearing held, in connection with a development plan or proposals for amendment of such a plan submitted to or prepared by the Minister under this Part of this Act, the Minister is of opinion that the local planning authority, or any other authority or person, ought to be consulted before he decides whether to approve or make the plan, either with or without modifications, or to amend the plan, as the case may be, he shall consult that authority or person, but shall not be under any obligation to consult any other authority or person, or to afford any opportunity for further objections or representations, or to cause any further local inquiry or other hearing to be held.
- (4) Subject to the preceding provisions of this section, the Minister may give directions to any local planning authority, or to local planning authorities generally.—

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- (a) for formulating the procedure for the carrying out of their functions under the preceding provisions of this Part of this Act;
 - (b) for requiring them to give him such information as he may require for the purpose of the exercise of any of his functions under those provisions.
- (5) In the application of the Statutory Orders (Special Procedure) Act, 1945, to any order made in pursuance of subsection (4) of section five of this Act, any requirements imposed by regulations under this section with respect to the publication of notices and the consideration of objections in relation to the development plan shall be deemed, for the purposes of section two of that Act, to be requirements with respect to proceedings preliminary to the making of the order.

11 Publication, and date of operation, of development plans

- (1) Immediately after a development plan has been approved or made or amended by the Minister under this Part of this Act, the local planning authority shall publish, in such manner as may be prescribed, a notice stating that the plan has been approved, made or amended, as the case may be, and naming a place where a copy of the plan, or of the plan as amended, may be seen at all reasonable hours, and shall serve a like notice—
- (a) on any person who duly made an objection to, or representation with respect to, the proposed plan or amendment, and has sent to the local planning authority a request in writing to serve him with the notice required by this subsection, specifying an address for service, and
 - (b) on such other persons (if any) as may be required by general or special directions given by the Minister.
- (2) Subject to the next following subsection, and to the provisions of Part XI of this Act as to the validity of development plans and of amendments of such plans, a development plan, or an amendment of a development plan, shall become operative on the date on which the notice required by the preceding subsection is first published.
- (3) Where in accordance with subsection (4) of section five of this Act any land to which a development plan relates is designated as subject to compulsory acquisition in pursuance of an order which is subject to special parliamentary procedure, the last preceding subsection shall not apply to the plan in so far as it so designates that land.