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STATUTORY INSTRUMENTS

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1986 No. 443

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**
**The Town and Country Planning (Local Government  
Reorganisation) (Miscellaneous Amendments) Regulations 1986**

<i>Made - - - -</i>	10th March 1986
<i>Laid before Parliament</i>	11th March 1986
<i>Coming into Operation</i>	1st April 1986

The Secretary of State, in exercise in relation to each instrument set out in column 1 of Schedule 2 to these regulations of the powers conferred on him by the provisions set out against that instrument in column 2, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Town and Country Planning (Local Government Reorganisation) (Miscellaneous Amendments) Regulations 1986 and shall come into operation on 1st April 1986.

*Amendments and revocation*

2. The regulations mentioned in Schedule 1 to these regulations shall have effect subject to the relevant amendments mentioned in that schedule.

3. The Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1980(a) are hereby revoked.

## Regulation 2

## SCHEDULE 1

## AMENDMENTS TO REGULATIONS

*Town and Country Planning General Regulations 1976*

1. In regulation 2 of the Town and Country Planning General Regulations 1976 (b) —

- (a) in the definition of “local authority” the words “the Greater London Council,” shall be omitted; and
- (b) for the definition of “local planning authority” there shall be substituted —  
“ “local planning authority” includes an urban development corporation where it is a local planning authority by virtue of an order made under section 149 of the Local Government, Planning and Land Act 1980;”.

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(a) S.I. 1980/443.

(b) S.I. 1976/1419, amended by S.I. 1981/558.

2. For regulation 3 of those regulations there shall be substituted —

“3. In relation to —

- (a) development by a local authority or an urban development corporation of land in respect of which they are a local planning authority, other than —
  - (i) development by a non-metropolitan district council of land any part of which is in a National Park, and
  - (ii) development by another local planning authority of land in respect of which an urban development corporation is a local planning authority; and
- (b) development of land vested in a local planning authority for the area in which the land is situated, other than —
  - (i) development of land any part of which is within a National Park and which is vested in a non-metropolitan district council, and
  - (ii) development of land in respect of which an urban development corporation is a local planning authority and which is vested in another local planning authority,

the provisions of Part III of the Act specified in Part V of Schedule 21 to the Act shall have effect subject to the exceptions and modifications prescribed in regulations 4 to 12.”.

3. In regulation 10 of those regulations paragraphs (3), (4) and (4A) shall be omitted and there shall be inserted in their place —

“(3) An urban development corporation in Greater London shall not pass a resolution under regulation 4(5) (or under that regulation as applied by regulation 5(4)) or make an application under regulation 7 without first consulting the council of the London borough for the area in which the land or any part of it is situated.

(4) Paragraph (3) does not apply where the council has notified the corporation that they do not wish to be consulted pursuant to paragraph (3) about the development or a class of development which comprises the development.”.

4. In regulation 11(2)(v) of those regulations after the words “Greater London” in both places where they occur there shall be inserted the words “or a metropolitan county”.

*Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1977*

5. In regulation 2(1) of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1977(a) for the definition of “local planning authority” there shall be substituted —

“ “local planning authority” means —

- (a) in regulation 9, the council of a district, the Common Council, the council of a London borough or (as respects Greater London) the Historic Buildings and Monuments Commission for England;
- (b) in regulation 11, the council of a district or county, the Common Council or the council of a London borough; and
- (c) elsewhere in these regulations, the council of a district, the Common Council or the council of a London borough.”.

6. In Schedule 3 to those regulations —

- (a) the entry in respect of paragraph 2 of Schedule 3 to the Town and Country Planning Act 1971 shall be omitted; and
- (b) for the paragraph to be substituted for paragraph 6 of Schedule 11 to the Town and Country Planning Act 1971 there shall be substituted —

“ “6. Where application for listed building consent is made to a local planning authority, being the council of a London borough, that authority

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(a) S.I. 1977/228.

shall notify the Historic Buildings and Monuments Commission for England of that application, shall not determine such application until the expiry of a period of 28 days from such notification, shall take into account any representations made by the Commission within such period in respect of that application, and shall notify the Commission of their decision on that application.” ”.

*Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1981*

7. In regulation 2 of the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1981 (a), in the definition of “local planning authority” for the words “planning authority” in paragraph (a) there shall be substituted the word “council”.

*Town and Country Planning (Structure and Local Plans) Regulations 1982*

8. For regulation 1 of the Town and Country Planning (Structure and Local Plans) Regulations 1982 (b) there shall be substituted —

*“Application*

1.—(1) The provisions of these regulations do not extend to Greater London in so far as they relate to local plans.

(2) The provisions of these regulations relating to structure plans only extend to Greater London and the metropolitan counties (apart from to any part of such a county forming part of a National Park) in so far as they relate to structure plans prepared by the Greater London Council or a metropolitan county council.

(3) In the application of these regulations to any part of a metropolitan county forming part of a National Park, references to a county planning authority shall be construed as references to the joint planning board for the Park.”.

9. In regulation 24 of those regulations for the words “the district planning authority” there shall be substituted the words “a district planning authority”.

10. After regulation 35 of those regulations there shall be inserted —

“35A. Where by virtue of paragraph 23(3) of Schedule 1 to the Local Government Act 1985 (c) the Secretary of State continues after 31st March 1986 to consider a local plan prepared by a metropolitan county council the provisions of regulations 34 and 35 shall apply (but not so as to require the repetition of anything already done) as if that plan had been prepared by the local planning authority or, if more than one, jointly by the local planning authorities, whose area is affected by it.”.

11. At the end of regulation 36 of those regulations there shall be inserted —

“(3) Where a plan prepared by a metropolitan county council has become operative before 1st April 1986 but the period provided for by paragraph (2) above has not by then expired, the documents referred to in that paragraph or copies thereof shall be made available for inspection free of charge at all reasonable hours until the expiry of that period by each local planning authority in whose area that plan is operative at their main office and at such other places as they think appropriate.

(4) Where, in the case of a local plan to which regulation 35A applies, a notice given or served under these regulations refers to a deposited document, each local planning authority whose area is affected by that plan shall make that document or a copy thereof available for inspection free of charge at their main office and at such other places as they think appropriate at all reasonable hours until the expiration of six weeks from the date of the publication of the first notice of the approval of the plan required by these regulations (or until the plan’s earlier rejection).”.

(a) S.I. 1981/804.

(b) S.I. 1982/555, amended by S.I. 1984/6.

(c) 1985 c.51.

12. There shall be inserted in regulations 37 and 38 of those regulations, as paragraph (4) of the former and as paragraph (2) of the latter (with the existing provisions of the latter becoming paragraph (1)) —

“This regulation shall apply in the case of a plan prepared by a metropolitan county council or the Greater London Council as if each local planning authority in whose area the plan is operative had been the authority who prepared it.”.

13. In regulation 39(1) of those regulations for the words “County planning authorities and district planning authorities” there shall be substituted the words “Local planning authorities”.

14. The provisions of regulation 42 of those regulations shall become paragraph (1) of that regulation and after that paragraph there shall be inserted —

“(2) In the case of the alteration, repeal or replacement of a local plan prepared by a metropolitan county council, the proviso to paragraph (1) above shall apply as if each local planning authority in whose area the plan is operative had been the authority to whom it fell to prepare it.”.

*Town and Country Planning (Local Plans for Greater London) Regulations 1983*

15. In regulation 3 of the Town and Country Planning (Local Plans for Greater London) Regulations 1983(a) there shall be omitted —

(a) in paragraph (1) —

(i) the definition of “G.L.C. action area”; and

(ii) in the definition of “local planning authority”, the words “the Greater London Council,”; and

(b) in paragraph (2) the words from “save that in regulation 6” to “Greater London Council”.

16. Regulation 7(b) of those regulations shall be omitted.

17. In regulations 11 and 14 of those regulations the words from “Subject to” to “Local Government Act 1972,” shall be omitted.

18. There shall be inserted in regulations 23 and 24 of those regulations, as paragraph (4) of the former and paragraph (2) of the latter, the following —

“This regulation shall apply in the case of a local plan prepared by the Greater London Council as if each local planning authority in whose area the plan is operative had been the authority who prepared it.”.

19. In regulations 25(1), (3) and (4) of those regulations the words “The Greater London Council and” shall be omitted.

20. The provisions of regulation 27 of those regulations shall become paragraph (1) of that regulation and after that paragraph there shall be inserted —

“(2) In the case of the alteration, repeal or replacement of a local plan prepared by the Greater London Council, the proviso to paragraph (1) above shall apply as if each local planning authority in whose area the plan is operative had been the authority to whom it fell to prepare it.”.

*Town and Country Planning (Control of Advertisements) Regulations 1984*

21. In regulation 2 of the Town and Country Planning (Control of Advertisements) Regulations 1984(b) —

(a) in the definition of “local authority” in paragraph (1), the words “the Greater London Council,” shall be omitted; and

(b) for paragraph (2) there shall be substituted —

“(2) Subject to paragraph (2A) below, any reference in these regulations to a local planning authority shall, in respect of land in an area outside Greater

London and the metropolitan counties, be construed as a reference to the district planning authority for that area or, where such land is within a National Park, to the county planning authority for that area.

(2A) In respect of land in an urban development area, any reference in these regulations to a local planning authority other than any such reference in regulation 26(6) shall be construed as a reference to the urban development corporation for the area if that corporation is a local planning authority by virtue of an order made under section 149 of the Local Government, Planning and Land Act 1980 and the powers relating to the control of advertisements contained in sections 63 and 109 of the Act are vested in it.”.

22. In regulation 17(3) of those regulations after the words “a National Park” there shall be inserted the words “outside a metropolitan county”.

23. In regulation 26 of those regulations for paragraph (6) there shall be substituted —

“(6) For the purposes of paragraph (5) above, the appropriate local planning authority in respect of an area of special control shall be the local planning authority within whose area that area is situated; and where the area of special control is situated within the area of more than one local planning authority, each such authority shall be the appropriate local planning authority in so far as the order defining the area of special control relates to the area of that authority.”.

## SCHEDULE 2

### PROVISIONS CONFERRING POWERS RELIED ON IN MAKING THESE REGULATIONS

In this schedule “the 1971 Act” means the Town and Country Planning Act 1971 (a) .

Column 1	Column 2
The Town and Country Planning General Regulations 1976	Sections 91, 164, 169, 170, 177, 187, 212, 219, 270 and 287 of the 1971 Act; Section 149 of the Local Government, Planning and Land Act 1980 (b) .
The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1977	Sections 99, 171, 172, 173, 271, 277A and 287 of the 1971 Act.
The Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1980	Section 287 of, and paragraphs 3 and 7 of Schedule 3 to, the 1971 Act.
The Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1981	Section 287 of, and paragraph 1 of Schedule 9 to, the 1971 Act.
The Town and Country Planning (Structure and Local Plans) Regulations 1982	Sections 7, 8, 18 and 287 of the 1971 Act.
The Town and Country Planning (Local Plans for Greater London) Regulations 1983	Sections 18 and 287 of, and paragraph 11 of Schedule 4 to, the 1971 Act.
The Town and Country Planning (Control of Advertisements) Regulations 1984	Sections 63, 109, 176 and 287 of the 1971 Act.

(a) 1971 c.78.

(b) 1980 c.65.

*Kenneth Baker,*  
Secretary of State for the Environment.

10th March 1986.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations make provision consequential on the Local Government Act 1985 which abolishes the Greater London Council and the metropolitan county councils on 1st April 1986.

Regulation 2 provides for the amendment of the following regulations to take account of the abolition of those councils and the provision made by the 1985 Act for planning in Greater London and the metropolitan counties after abolition —

- the Town and Country Planning General Regulations 1976;
- the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1977;
- the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1981;
- the Town and Country Planning (Structure and Local Plans) Regulations 1982;
- the Town and Country Planning (Local Plans for Greater London) Regulations 1983; and
- the Town and Country Planning (Control of Advertisements) Regulations 1984.

Regulation 3 revokes the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1980.

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