

SCHEDULE 5

AREA OF SPECIAL CONTROL ORDERS

PART 1

PROCEDURE FOR AREA OF SPECIAL CONTROL ORDERS

1. Where a local planning authority proposes—

- (a) to designate an area of special control; or
- (b) to modify an area of special control order,

it shall make an area of special control order designating the area or indicating the modifications by reference to a map annexed to the order.

2. If an area of special control order contains any descriptive matter relating to the area or the modifications in question, that descriptive matter shall prevail, in the case of any discrepancy with the map, unless the order provides to the contrary.

3. As soon as may be after the making of an area of special control order, the authority shall submit it to the Secretary of State for approval, together with—

- (a) two certified copies of the order;
- (b) a full statement of the authority's reasons for making it;
- (c) in the case of an order modifying an existing order, unless the boundaries of the existing area of special control are indicated on the map annexed to the order, a plan showing both those boundaries and the proposed modifications; and
- (d) such additional certified copies of any of the material referred to in subparagraphs (a) to (c) as the Secretary of State may, by notice in writing to the authority, require.

4. The authority shall, as soon as reasonably practicable after the making of an area of special control order, publish in the London Gazette, and in two successive weeks in at least one newspaper circulating in the locality, a notice in Form 1.

5. If any objection is made to an order, in the manner and within the time specified in the notice, the Secretary of State—

- (a) may offer all interested parties an opportunity to make representations to her in writing about any such objection before such date as she may specify;
- (b) may, and at the request of any interested party shall, either provide for a local inquiry to be held or afford to the parties an opportunity of a hearing before a person appointed by her.

6. After considering any representations or objections duly made and not withdrawn and, where applicable, the report of any person holding an inquiry or hearing, the Secretary of State may, subject to paragraph 7, approve the order with or without modification.

7. If the Secretary of State proposes to modify an order by the inclusion of additional land, she shall—

- (a) publish notice of her proposed modification;
- (b) afford an opportunity for the making of objections to, or representations about, the proposed modification; and
- (c) if she considers it expedient, provide for a further inquiry or hearing to be held.

Status: This is the original version (as it was originally made).

8. As soon as may be after the order has been approved, the local planning authority shall publish in the London Gazette, and in two successive weeks in at least one newspaper circulating in the locality, a notice of its approval in Form 2.

9. An area of special control order shall come into force on the date on which the notice of its approval is published in the London Gazette.

10. Where a local planning authority proposes to make an order revoking an area of special control order, a map showing the area then subject to special control shall be annexed to the order.

11. Paragraphs 3 to 6, 8 and 9 shall apply in relation to an order under paragraph 10 as they apply in relation to the making and approval of an area of special control order, as if—

- (a) for references to the area of special control order (in whatever terms) there were substituted references to the revocation order;
- (b) paragraph 3(c) were omitted;
- (c) in paragraph 3(d), for “(a) to (c)”, there were substituted “(a) and (b)”;
- (d) in paragraph 4, for “Form 1”, there were substituted “Form 3”;
- (e) in paragraph 6 the words “, subject to paragraph 7,” were omitted; and
- (f) in paragraph 8, for “Form 2” there were substituted “Form 4”.

12. Any reference in this Part to a form followed by a number is a reference to the form bearing that number in Part 2 of this Schedule or a form substantially to the like effect.