STATUTORY INSTRUMENTS

1974 No. 460

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Development Plans) Order 1974

Made - - -	13*th March* 1974
Laid before Parliament	27*th March* 1974
Coming into Operation	1*st April* 1974

The Secretary of State for the Environment (in relation to England) and the Secretary of State for Wales (in relation to Wales), in exercise of the powers conferred on them by section 254 (1) and (2)(*a*) and (*h*) of the Local Government Act 1972**(a)**, and of all other powers enabling them in that behalf, hereby make the following order:—

Title, application and commencement

1.—(1) This order may be cited as the Town and Country Planning (Development Plans) Order 1974, and shall come into operation on 1st April 1974.

(2) This order shall apply to England (excluding Greater London) and Wales.

Interpretation

2.—(1) The Interpretation Act 1889**(b)** shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

"the Act" means the Town and Country Planning Act 1971**(c)**;

"county planning authority" means a county planning authority as defined in section 1 of the Act;

"development plan" means a development plan as defined in Schedule 5 to the Act;

"district planning authority" means a district planning authority as defined in section 1 of the Act;

"existing authority" means the council of a county or county borough in existence immediately before 1st April 1974;

(a) 1972 c. 70. **(b)** 1889 c. 63. **(c)** 1971 c. 78.

"structure plan" means a structure plan as defined in section 7 of the Act;

"Wales" means the area consisting of the counties established by section 20 of the Local Government Act 1972 (new local government areas in Wales), and "England" does not include any area included in any of those counties.

(3) References in this order to any enactment or instrument shall, unless the context otherwise requires, be construed as references to that enactment or instrument as amended by any subsequent enactment or instrument.

Development plans operative on 1st April 1974

3. As from 1st April 1974 the development plan for the area of a county or district planning authority shall consist of such parts of any development plan operative immediately before 1st April 1974 as relate to the area of that authority.

4. Any proposals under Schedule 5 to the Act for the amendment of a development plan, which have been submitted to the Secretary of State before 1st April 1974 by an existing authority, shall be deemed to have been submitted by the county planning authority for the area to which the proposals for amendment relate, and where such proposals relate to an area which falls within the areas of two or more county planning authorities, each such county planning authority shall be deemed to have submitted the proposals for amendment in so far as they relate to land within their area.

5.—(1) Any sealed copy of the development plan for the area of an existing authority which is, immediately before 1st April 1974, in their custody or control shall, on 1st April 1974, be delivered to the county planning authority for the area to which the plan relates, or where the plan relates to land any part of which falls within the areas of two or more county planning authorities, to that county planning authority whose area includes the greatest part thereof.

(2) A county planning authority receiving a development plan under the provisions of paragraph (1) above shall, within one month of the date of receipt, deliver a copy of that plan, or any relevant parts thereof, to each other county or district planning authority whose area includes any part of the land to which the plan relates.

Structure plans submitted to the Secretary of State

6. Any structure plan submitted to the Secretary of State for approval under Part II of the Act, before 1st April 1974, by an existing authority, shall be deemed to have been submitted by the county planning authority for the area to which the plan relates or, where the area of the existing authority is, on 1st April 1974, included within the areas of two or more county planning authorities, by those authorities jointly.

Structure and local plans register

7.—(1) Any register maintained by an existing authority in accordance with regulation 42 of the Town and Country Planning (Structure and Local Plans) Regulations 1972**(a)** shall, on 1st April 1974, be delivered to the county planning authority for the area to which the register relates, or where the register relates to land any part of which falls within the areas of two or more county planning authorities, to that county planning authority whose area includes the greatest part thereof.

(a) S.I. 1972/1154 (1972 II, p. 3404).

(2) A county planning authority receiving a register under the provisions of paragraph (1) above shall, within one month of the date of receipt of such register, deliver a copy of the register, or any relevant parts thereof, to each other county or district planning authority whose area includes all or any part of the land to which the register relates.

Availability of documents

8. A county planning authority shall be entitled, at all reasonable times, to inspect and take copies of all plans and documents to which they reasonably require access in connection with their functions under Part II of the Act and which are, on 1st April 1974, in the possession or under the control of any other county or district planning authority and relate to, or form part of—

(*a*) any development plan for their area, or proposals for amendment thereto which have been submitted to the Secretary of State; or

(*b*) a structure plan for their area which has been submitted to the Secretary of State.

Anthony Crosland,
Secretary of State for the Environment.

12th March 1974.

John Morris,
Secretary of State for Wales.

13th March 1974.

EXPLANATORY NOTE

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

This Order makes transitional provisions consequential upon the Local Government Act 1972, in relation to development plans made under the Town and Country Planning Act 1971 (as amended by the Town and Country Planning (Amendment) Act 1972 (c. 42)).

The Order provides, *inter alia*, for—

(*a*) the continuity of development plans,

(*b*) the custody of sealed copies of development plans,

(*c*) the custody of structure and local plan registers, and

(*d*) the distribution of copies of the documents referred to in (*b*) and (*c*) above, to other local planning authorities affected.

The Order makes special provision for the case where the area of a former county or county borough is, from 1st April 1974, included within the areas of two or more new county planning authorities. It provides that proposals for amendment of a development plan submitted to the Secretary of State shall be deemed to have been submitted by the new county planning authorities in so far as they relate to land within their area, and that structure plans submitted for approval shall be deemed to have been submitted jointly by the new authorities concerned.

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