STATUTORY INSTRUMENTS

1987 No. 1750

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Simplified Planning Zones) Regulations 1987

Made - - - -	*1st October 1987*
Laid before Parliament	*12th October 1987*
Coming into force	*2nd November 1987*

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales in exercise of the powers conferred upon them by sections 287(1) and 290(1) of, and paragraphs 5(2), 6(4) and 13 of Schedule 8A to, the Town and Country Planning Act 1971**(a)**, and all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Simplified Planning Zones) Regulations 1987 and shall come into force on 2nd November 1987.

(2) These Regulations extend throughout England and Wales.

Interpretation

2. In these Regulations–

"local advertisement" means an advertisement on at least one occasion in each of two successive weeks in a local newspaper circulating in the area likely to be affected by the proposed simplified planning zone scheme or where the scheme to be altered has effect, as the case may be; and

"Schedule 8A" means that Schedule to the Town and Country Planning Act 1971.

Prescribed period for making representations

3. The period for making representations about proposals to make or alter a simplified planning zone scheme is a period of six weeks beginning with such date as the local planning authority specify when giving publicity to their proposals in accordance with paragraph 5(2) of Schedule 8A or, where the authority are proceeding under paragraph 6 as respects proposed alterations, a period of six weeks beginning with the date on which the alterations are first made available for inspection in accordance with paragraph 6(2).

(a) 1971 c.78. As to section 290(1), *see* the definition of "prescribed". Schedule 8A is set out in Schedule 6 to the Housing and Planning Act 1986 (c.63).

Objections to a proposed scheme etc.

4. Objections to a proposed scheme or proposals to alter an existing scheme shall be made in writing within a period of six weeks beginning with the date on which the proposed scheme or alterations are first made available for inspection in accordance with paragraph 5(3) or 6(2) of Schedule 8A, as the case may be.

Notice that documents containing proposals to make or alter a scheme are open to inspection

5.—(1) When a local planning authority make copies of a proposed simplified planning zone scheme or proposed alterations to an existing scheme available for public inspection in accordance with paragraphs 5(3) or 6(2) of Schedule 8A they shall publish a notice in the London Gazette and by local advertisement stating–

(a) the area affected by the proposed scheme or the scheme which it is proposed to alter, as the case may be;

(b) the general nature of the proposed scheme or alterations;

(c) the place and times at which copies of the proposed scheme or alterations may be inspected by the public;

(d) that any objections to the proposed scheme or alterations, and in a case where the authority is acting pursuant to paragraph 6 any representations about the alterations, should be made in writing;

(e) the time within which such objections and representations must be made and the address to which they must be sent; and

(f) that any person making an objection may ask to be notified of the local planning authority's decision in writing at such address as he specifies.

(2) Where a local planning authority comply with paragraph (1) above in relation to copies of proposed alterations made available for inspection in accordance with paragraph 6(2), they shall notify any persons who in their opinion may be expected to wish to make representations about the proposed alterations that they are entitled to do so and inform them of the matters specified in heads (a) to (e) of paragraph (1) as they apply to those proposed alterations.

Advertisement of the withdrawal of a scheme etc.

6. A local planning authority withdrawing copies of a proposed scheme or alterations (or of proposed modifications) whether in accordance with paragraph 7(4)(a) of Schedule 8A or on their own initiative shall give notice of the withdrawal in the London Gazette and by local advertisement. They shall also notify any person who has duly objected to the proposed scheme or alterations or to the proposed modifications of the withdrawal and any other person whom they consider should be notified.

Modification of a proposed scheme or of alterations to an existing scheme

7.—(1) Where the local planning authority intend to modify their proposals for a simplified planning zone scheme or for the alteration of an existing scheme, whether to comply with a direction given by the Secretary of State under paragraph 9(3) of Schedule 8A or on their own initiative, they shall unless they are satisfied that the proposed modifications will not materially affect the content of the scheme or the alterations:–

(a) prepare a list of the proposed modifications with their reasons for proposing them;

(b) publish a notice in Form 1 in the Schedule hereto by local advertisement;

(c) serve a notice in similar form on any person who has duly objected to the scheme or alteration and not withdrawn his objection and on any other person whom they consider should be given notice;

(d) subject to any direction of the Secretary of State, decide whether to afford any person who duly makes objection to the proposed modifications and does not withdraw his objections an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and

(e) where a local inquiry or other hearing is held, afford an opportunity to such

other persons as they think fit to appear before, and be heard by, the person appointed.

(2) Without prejudice to any other provision as to the time at which a proposed simplified planning zone scheme or proposed alterations to such a scheme may be adopted, a local planning authority shall not proceed to adopt proposals for the making or alteration of a scheme with modifications until–

(i) the period for making objections to the modifications has expired; and

(ii) where objections were duly made within that period, the objections so made have been considered; and

(iii) where a direction has been given by the Secretary of State under paragraph 9(3) of Schedule 8A, details of the modifications it is proposed to incorporate in the scheme or alterations and the reasons for proposing them have been sent to the Secretary of State and he has notified the authority that he is satisfied with the modifications or he has withdrawn the direction.

Local inquiries and other hearings

8.—(1) A local planning authority intending to hold a local inquiry to consider objections to proposals to make or alter a simplified planning zone scheme or to proposed modifications to such proposals shall at least six weeks before the inquiry is due to open–

(a) give notice by local advertisement of the time and place at which the inquiry is to open and of the purpose of the inquiry; and

(b) notify every person who has duly made objection (other than an objector who has indicated in writing that he does not wish to appear at any inquiry or hearing), and any other person whom they consider should be given notice, of the matters mentioned in sub-paragraph (a) above.

(2) A local planning authority intending to hold a hearing to consider such objections as are mentioned in paragraph (1) shall at least six weeks before the date of the hearing notify every person who has made objection as aforesaid and every other person whom they consider should be given notice of the hearing of the time and place at which the hearing is to be held and of the purpose of the hearing.

(3) A local inquiry held for the purpose mentioned in paragraph (1) shall be held in public.

9.—(1) If a local inquiry or other hearing is held for the purpose mentioned in regulation 8, the local planning authority shall after considering the report of the person appointed to hold the inquiry or hearing prepare a statement of—

(a) the decisions they have reached in the light of the report and any recommendations as to the action to be taken (or not to be taken) contained in the report; and

(b) of the reasons for those decisions.

(2) A copy of the report and of the statement of decisions and reasons mentioned in paragraph (1) shall be made available by the local planning authority for public inspection—

(a) from the date on which notice is first given under regulation 10(1) or,

(b) where a list of proposed modifications or further proposed modifications to the proposed scheme or alterations is made available for public inspection after the statement mentioned in paragraph (1) has been prepared, from the date on which that list is made available for public inspection,

until the date on which the scheme is, or alterations are, adopted, approved, withdrawn or rejected.

Action prior to adopting a scheme or alterations

10.—(1) Where a local planning authority are disposed to adopt proposals for the making or alteration of a simplified planning zone scheme, they shall before adopting the proposals—

(a) publish a notice in Form 2 in the Schedule hereto by local advertisement; and

(b) serve a notice in similar form on any person who has duly objected to the scheme or alteration or to any proposed modifications thereto and not withdrawn his objection and on any other person whom they consider should be given notice.

(2) The local planning authority shall after complying with paragraph (1) send the Secretary of State—

(a) a certificate that they have so complied; and

(b) particulars of any modifications that have been made to the original proposal otherwise than in consequence of the giving by him of a direction under paragraph 9(3) of Schedule 8A.

(3) Without prejudice to paragraph 9(4) of Schedule 8A and paragraph (5) of this regulation, a local planning authority shall not adopt proposals to make or alter a simplified planning zone scheme until at least 28 days after complying with paragraph (1).

(4) Where after a local planning authority have complied with paragraph (1), the relevant proposals are modified in consequence of a direction by the Secretary of State under paragraph 9(3) of Schedule 8A, the authority shall comply with sub-paragraphs (1) and (2) in relation to the modified proposals before adopting them.

(5) If before the local planning authority have adopted proposals for the making or alteration of a simplified planning zone scheme, the Secretary of State directs them not to adopt those proposals until he has decided whether to give them a direction under paragraph 10(1) of Schedule 8A in relation to the proposals, they shall not adopt the proposals until he has notified them of his decision.

Notice of adoption of a simplified planning zone scheme etc.

11.—(1) Where a local planning authority adopt proposals for a simplified planning zone scheme or the alteration of such a scheme they shall give notice in Form 3 in the Schedule hereto in the London Gazette and by local advertisement and shall serve a notice in similar form on any interested person who has asked the authority to notify him of their decision; and a copy of the notice and a copy of the scheme or alteration to which it relates shall be made available for inspection at every place at which the copies of the proposed scheme or alteration were made available for public inspection.

(2) The local planning authority shall, not later than the date on which notice is first given by advertisement in accordance with paragraph (1), send two copies of the scheme or alteration to the Secretary of State.

Notice of an inquiry or hearing on behalf of the Secretary of State

12. Where under paragraph 11(3) of Schedule 8A, the Secretary of State causes a local inquiry or other hearing to be held for the purpose of considering objections to proposals for the making or alteration of a simplified planning zone scheme submitted to him under paragraph 10(1) of that Schedule, he shall give such notice and notification as is mentioned in regulations 8(1) (a) and (b) or (2), as appropriate.

Modifications as to a proposed scheme etc. by the Secretary of State

13. Where the Secretary of State is minded to approve with modifications proposals for the making or alteration of a simplified planning zone scheme which have been submitted to him in accordance with paragraph 10 of Schedule 8A, the local planning authority on being notified by him of the modifications he proposes to make shall–

(i) give notice by local advertisement in Form 4 in the Schedule hereto and

(ii) comply with any direction which the Secretary of State has served on them requiring notice to be given in similar form to the persons named in the direction.

Documents to be sent to the Secretary of State

14. The local planning authority shall send to the Secretary of State at the time of first publication, a copy of any notice given by local advertisement in accordance with the requirements of these Regulations.

Preparation of simplified planning zone schemes etc. by the Secretary of State

15.—(1) These Regulations apply so far as practicable and with any necessary modifications to action taken by the Secretary of State in connection with the making or alteration of a simplified planning zone scheme by him under paragraph 12 of Schedule 8A as they apply to the making of a scheme or alteration by a local planning authority.

(2) The Secretary of State may require the local planning authority concerned to give in relation to any proposals by him to make or alter a simplified planning zone scheme or any scheme or alterations so made any notice or notification required to be given by these Regulations in their application by virtue of paragraph (1).

Nicholas Ridley
1st October 1987 — Secretary of State for the Environment

Peter Walker
1st October 1987 — Secretary of State for Wales

SCHEDULE

FORM 1 — Regulation 7

Form of notice of proposed modifications to a proposed simplified planning zone scheme or to proposed alterations to such a scheme

NOTICE OF PROPOSED MODIFICATIONS
TO [A PROPOSED] [PROPOSALS FOR THE ALTERATION OF A] (1)
SIMPLIFIED PLANNING ZONE SCHEME

Town and Country Planning Act 1971
(Title of scheme)

The ..... (2) are disposed to make modifications to [the above named proposed scheme] [the proposed alterations to the above named scheme] (1) which [was] [were] made available for public inspection at ..... (3).

[The modifications are intended to implement a direction given by the Secretary of State for [the Environment] [Wales] (1) on ..... (4)]

[A copy of the Secretary of State's direction, and a] [A] (1) list of the proposed modifications and of the reasons for making them together with the original proposals have been deposited at ..... (5).

The deposited documents are available for inspection free of charge on ..... (6).

Objections to any of the proposed modifications may be made in writing. They must be sent to ..... (7) on or before ..... (8).

If any objections that are duly made are not withdrawn the local planning authority may decide to cause a public local inquiry or other hearing to be held.

19 — (Signature of a responsible officer of the authority)

Notes

(1) Use whichever words are appropriate.

(2) Insert the name of the local planning authority.

FORM 1 – *continued*

(3) Insert the address of the local planning authority and of any other places at which the original documents were deposited and the period during which they were available for inspection.

(4) Delete if no direction has been given. If the paragraph is included, insert the date of the direction.

(5) Insert the address of the local planning authority's office and of any other places where the documents are being made available for inspection.

(6) Specify the days on which, and hours during which, the deposited documents are available for public inspection.

(7) Insert the name and address of the planning authority.

(8) Insert such date as allows a period of six weeks beginning with the date of first publication of the notice by local advertisement for objections to be lodged.

FORM 2 Regulation 10

Form of notice of disposition to adopt a simplified planning zone scheme or alterations to an existing scheme

NOTICE OF DISPOSITION TO ADOPT [ALTERATIONS TO] (1) A SIMPLIFIED PLANNING ZONE SCHEME

Town and Country Planning Act 1971
(Title of scheme)

..... (2) are disposed to adopt the above-named scheme ..... (3) [as modified by them] (1) on or after ..... (4), unless, before the scheme has been adopted, the Secretary of State directs that the scheme shall not be adopted until further notice, or that the scheme shall be submitted to him for his approval.

Copies of the scheme [together with copies of the report of the [local inquiry] [hearing] held and of the council's statements prepared following the consideration of that report] have been deposited at ..... (5).

The deposited documents are available for inspection free of charge ..... (6).

19 (Signature of the responsible officer of the authority)

Notes

(1) Omit these words and other words in square brackets, if irrelevant.

(2) Insert the name of the local planning authority.

(3) When this form is to be used in connection with proposals to alter an existing scheme, references to a scheme should be appropriately changed.

(4) Insert a date allowing for the period which must intervene to comply with Regulation 10(3).

(5) Insert the address of the local planning authority's office and of any other places at which the documents are available for inspection.

(6) Specify the days on which, and the hours during which, the deposited documents are available for public inspection.

FORM 3 Regulation 11

Form of notice of adoption of simplified planning zone scheme or of alterations to an existing scheme

NOTICE OF ADOPTION OF [ALTERATIONS TO] (1) A SIMPLIFIED PLANNING ZONE SCHEME

Town and Country Planning Act 1971
(Title of scheme)

On 19 (2) adopted the above-named scheme ..... (3) [as modified by that authority] ..... (1).

Copies of the scheme [together with a copy of the report of the [local inquiry] [hearings] held and of the council's statements prepared following the consideration of that report] have been deposited at ..... (4).

The deposited documents are available for inspection free of charge ..... (5).

The scheme became operative on ..... (6), but if any person aggrieved by the scheme desires to question its validity on the ground that it is not within the powers conferred by the Town and Country Planning Act 1971, or that any requirement of that Act or of any regulation made under it has not been complied with in relation to the adoption of the scheme, he may, within six weeks from ..... (7), make an application to the High Court under section 244 of that Act.

19 (Signature of the responsible officer of the authority)

Notes

(1) Omit these words and other words in square brackets, if irrelevant.

(2) Insert the date of adoption and the name of the local planning authority.

(3) Where the form is to be used in connection with the alteration of an existing scheme, all references to a scheme should be changed appropriately.

(4) Insert the address of the local planning authority's office and of other places at which the documents are deposited.

(5) Specify the days on which, and the hours during which, the deposited documents are available for public inspection.

(6) Insert the operative date.

(7) Insert the date of first publication of the this notice by local advertisement.

FORM 4 Regulation 13

Form of notice of proposed modifications by the Secretary of State to a proposed simplified planning zone scheme or to proposed alterations to such a scheme

NOTICE OF PROPOSED MODIFICATIONS BY THE SECRETARY OF STATE TO [A PROPOSED] [PROPOSED ALTERATIONS TO A] (1) SIMPLIFIED PLANNING ZONE SCHEME

Town and Country Planning Act 1971
(Title of scheme)

The Secretary of State for [the Environment] [Wales] (1) proposes to modify [the alterations to] (2) the above-named scheme proposed by ..... (3)

Copies of the [scheme] [alterations] (1) and of the list of proposed modifications subject to which the Secretary of State is minded to approve the [scheme] [alterations] have been deposited at ..... (4).

The deposited documents are available for inspection free of charge.

FORM 4 – *continued*

Objections to the proposed modifications should be sent in writing to the Secretary of State at ..... by ..... (5).

Objections should state the matters to which they relate and the grounds on which they are made. A person making objections may write to ..... (6) requesting that they be notified of the Secretary of State's decision at such address as they mention.

19 (Signature of the responsible officer of the authority)

Notes

(1) Use whichever wording is appropriate.

(2) Delete if inapplicable.

(3) Insert the name of the local planning authority.

(4) Insert the address of the local planning authority's office and of other places at which the documents are available for inspection and the days on which, and the hours within which, the documents are available for public inspection.

(5) Insert the address notified by the Secretary of State and such date as allows a period of six weeks beginning with the date of first publication of the notice by local advertisement for objections to be lodged.

(6) Insert the name and address of the local planning authority.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Housing and Planning Act 1986 amends the Town and Country Planning Act 1971 to empower local authorities to make simplified planning zone schemes. Such a scheme provides planning permission within the area covered by the scheme for development in accordance with the scheme, without the need for specific application.

These Regulations, which apply throughout England and Wales, are concerned with the procedure for making and altering such schemes. They are made under, and supplement the provision made by, Schedule 8A to the 1971 Act (which is set out in Schedule 6 to the 1986 Act). They prescribe the periods within which representations and objections must be made (regulations 3 and 4) and lay down a procedure for the consideration by the local planning authority of any reports occasioned by objections (regulation 9) and for the modification of proposals to make or alter a scheme (regulations 7 and 13). They also specify the content or form of certain notices to be given by the authority (regulations 5, 6, 10 and 11).

Regulation 15 generally applies the regulations with necessary modifications where the Secretary of State intervenes to make or alter a scheme himself.

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