

Changes to legislation: Town and Country Planning Act 1990, SCHEDULE 2 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

Sections 28 and 54.

DEVELOPMENT PLANS: TRANSITIONAL PROVISIONS

^{F1}PART I

THE METROPOLITAN COUNTIES

Textual Amendments

- F1** Sch. 2 Pts. 1, 2, 3 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, Sch. 6 para. 17, [Sch. 9](#) (with s. 111)

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.5.1994) by [S.I. 1994/1210](#), [art. 7\(3\)\(a\)](#)
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by [S.I. 1996/1863](#), [art. 4\(4\)\(a\)](#)
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by [S.I. 1996/1867](#), [art. 13\(4\)\(a\)](#)
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by [S.I. 1996/1875](#), [art. 5\(6\)\(a\)](#)

Publicity in connection with local plan

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Pending proposals by metropolitan county council

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^{F4}PART IA

WALES

Textual Amendments

- F4** Sch. 2 Pt. IA inserted (1.4.1996) by [1994 c. 19](#), s. 20(3), [Sch. 5 Pt. II para. 8](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); [S.I. 1995/3198](#), art. 4, [Sch. 2](#)

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Continuation of structure, local and old development plans

- 1 (1) Every existing plan which relates to any part of Wales shall continue in force on and after 1st April 1996.
- (2) When a unitary development plan has become fully operative for the area of a local planning authority in Wales—
- (a) any existing plan which is for the time being in force; and
 - (b) any interim plan,
- shall cease to have effect in respect of its plan area to the extent that it is comprised in the area of that local planning authority.
- (3) Any existing plan or interim plan shall, while it continues in force in respect of the area, or part of the area, of any local planning authority in Wales, be treated for the purposes of—
- (a) this Act,
 - (b) any other enactment relating to town and country planning,
 - (c) the ^{M1} Land Compensation Act 1961, and
 - (d) the ^{M2} Highways Act 1980,
- as being, or as being comprised in, the development plan in respect of that area or, as the case may be, that part of that area.
- (4) Sub-paragraphs (1) to (3) have effect subject to the provisions of this Part of this Schedule and the 1994 Act transitional provisions.
- (5) In this paragraph—
- “ the 1994 Act transitional provisions ” means the provisions of Part III of Schedule 5 to the Local Government (Wales) Act 1994;
- “ existing plan ” means a—
- (a) structure plan;
 - (b) local plan; or
 - (c) old development plan,
- to the extent that it was in force in respect of any area in Wales immediately before 1st April 1996 (and includes any alteration made to, or replacement of, the plan after that date under the 1994 Act transitional provisions);
- “ interim plan ” means any modified plan (within the meaning of the 1994 Act transitional provisions) which comes into force in respect of any area in Wales on or after 1st April 1996 under those provisions;
- “ old development plan ” means any plan which was in force immediately before 1st April 1996 by virtue of Schedule 7 to the ^{M3} Town and Country Planning Act 1971 and Part III of this Schedule; and
- “ plan area ”, in relation to an existing plan or interim plan, means the area in respect of which it was in force immediately before 1st April 1996 or, as the case may be, comes into force on or after that date.

Marginal Citations

M1 1961 c. 33.

M2 1980 c. 66.

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M3 1971 c. 78.

Revocation of structure plan

- 2 (1) Where under Chapter I of Part II of this Act the Secretary of State approves all or any of Part I of a unitary development plan for the whole or part of the area of a local planning authority in Wales (“ the relevant whole or part area ”), he may by order—
- (a) wholly or partly revoke an existing plan which is a structure plan in respect of the plan area, to the extent that it is comprised in the relevant whole or part area or any part of it; and
 - (b) make such consequential amendments to that existing plan as appear to him to be necessary or expedient.
- (2) Before making an order under this paragraph, the Secretary of State shall consult the local planning authority for the area to which the unitary development plan relates.

Incorporation of current policy in unitary development plan

- 3 (1) This paragraph applies where—
- (a) a unitary development plan is being prepared for the area of a local planning authority in Wales;
 - (b) the local planning authority preparing that plan have published in the prescribed manner a statement in the prescribed form identifying a policy included in the plan as an existing policy;
 - (c) one or more local plans is or, as the case may be, are together in force throughout the policy area; and
 - (d) a local inquiry or other hearing is held for the purpose of considering any objection to the plan.
- (2) The person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that—
- (a) the objection is to a policy identified in the statement published under sub-paragraph (1)(b);
 - (b) the policy so identified is an existing policy; and
 - (c) there has been no significant change in circumstances affecting the existing policy since it first formed part of any plan mentioned in sub-paragraph (1) (c).
- (3) In this paragraph—
- “ existing policy ” means a policy the substance of which (however expressed) was contained in the local plan or local plans mentioned in sub-paragraph (1)(c);
 - “ policy ” includes a proposal; and
 - “ policy area ” means so much of the area of the local planning authority to which the policy concerned relates.

Meaning of “local plan”

- 4 In this Part of this Schedule, “ local plan ” includes—
- (a) a minerals local plan;
 - (b) a waste local plan;

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- (c) a local plan adopted or approved before the commencement of Part I of Schedule 4 to the ^{M4} Planning and Compensation Act 1991 or under Part III of that Schedule.]

Marginal Citations

M4 1991 c. 34.

^{F5F5}**PART II**

GREATER LONDON

Textual Amendments

F5 Sch. 2 Pts. 1, 2, 3 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, Sch. 6 para. 17, [Sch. 9](#) (with s. 111)

Surveys and local plans

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Joint plans

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Incorporation of current local plan in unitary development plan

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- 17 (1) Sub-paragraph (2) applies where—
- (a) a local plan is in force in the area of a local planning authority;
 - (b) a unitary development plan is being prepared;
 - (c) the local planning authority who are preparing that plan have published in the prescribed manner a statement in the prescribed form identifying a policy included in the plan as an existing policy; and
 - (d) a local inquiry or other hearing is held for the purpose of considering any objection to the plan.
- (2) Where this sub-paragraph applies, the person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that—
- (a) the objection is to a policy identified in the statement published under sub-paragraph (1)(c);
 - (b) the policy so identified is an existing policy; and
 - (c) there has been no significant change in circumstances affecting the existing policy since it first formed part of the plan mentioned in sub-paragraph (1)(a).
- (3) In this paragraph “ existing policy ” means a policy or proposal the substance of which (however expressed) was contained in a local plan in force as mentioned in sub-paragraph (1)(a).

Publicity in connection with local plan

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F20F20 **PART III**

OLD DEVELOPMENT PLANS

Textual Amendments

F20 Sch. 2 Pts. 1, 2, 3 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, Sch. 6 para. 17, [Sch. 9](#) (with s. 111)

Modifications etc. (not altering text)

- C2** Sch. 2 Pt. III applied (*temp.* from 1.5.1994) by [S.I. 1994/1210](#), [art. 7\(3\)](#)
- Sch. 2 Pt. III applied (*temp.* from 1.4.1998) by [S.I. 1996/1863](#), [art. 4\(4\)\(b\)](#)
- Sch. 2 Pt. III applied (*temp.* from 1.4.1998) by [S.I. 1996/1867](#), [art. 13\(4\)\(b\)](#)
- Sch. 2 Pt. III applied (*temp.* from 1.4.1998) by [S.I. 1996/1875](#), [art. 5\(6\)\(b\)](#)

Development plans for compensation purposes

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- 5 Where there is no local plan in force in a district, then, for any of the purposes of the Land Compensation Act 1961—
- (a) the development plan or current development plan shall as respects that district be taken as being whichever of the following plans gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land acquired, for that purpose, namely the structure plan or, as the case may be, the Greater London Development Plan, so far as applicable to the district, and any alterations to it, together with the Secretary of State’s notice of approval of the plan and alterations, and the old development plan;
 - (b) land situated in an area defined in the current development plan as an area of comprehensive development shall be taken to be situated in whichever of the following areas leads to such assumptions as are mentioned in paragraph (a), namely any area wholly or partly within that district selected by the structure plan or, as the case may be, the Greater London Development Plan as an action area and the area so defined in the old development plan.

Discontinuance of old development plan on adoption of local plan

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6 Subject to paragraph 8, on the adoption or approval of a local plan under section 43 or 45 or paragraph 10 of Part II of this Schedule so much of any old development plan as relates to the area to which the local plan relates shall cease to have effect.

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7 The Secretary of State may by order direct that any of the provisions of the old development plan shall continue in force in relation to the area to which the local plan relates.

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8 If the Secretary of State makes an order under paragraph 7, the provisions of the old development plan specified in the order shall continue in force to the extent so specified.

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9 Subject to paragraph 10, the Secretary of State may by order wholly or partly revoke a development plan continued in force under this Schedule whether in its application to the whole of the area of a local planning authority or in its application to part of that area and make such consequential amendments to the plan as appear to him to be necessary or expedient.

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10 Before making an order with respect to a development plan under paragraph 7 or 9, the Secretary of State shall consult with the local planning authority for the area to which the plan relates.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision [2016 c. 22, s. 5\(8\)](#) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision [2004 c. 5, s. 45\(2\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision [2004 c. 5, s. 45\(3\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)
- s. 141(6) inserted by [2017 c. 20 Sch. 3 para. 7](#)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by [2017 c. 20 s. 26\(5\)\(a\)](#)
- s. 169(1)(b) inserted by [2017 c. 20 s. 26\(5\)\(b\)](#)
- s. 170(8BA) inserted by [2017 c. 20 s. 26\(6\)](#)
- s. 174(2AA)(b) words substituted by [2023 c. 55 s. 113\(6\)](#)
- s. 208(5A) inserted by [2008 c. 29 Sch. 10 para. 9\(2\)](#)

- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)