
PLANNING POLICY GUIDANCE

SIMPLIFIED PLANNING ZONES

Planning policy guidance notes are prepared by the Government after public consultation, to explain statutory provisions and provide guidance to local authorities and others on policies and the operation of the planning system. This one covers simplified planning zones (SPZs), the procedures for preparation of which have been streamlined by the Planning and Compensation Act 1991 and new regulations. It builds on previous advice updated to reflect changes in the procedures. The guidance note outlines the general nature and role of SPZs. Detailed guidance is given in Annexes A and B.

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NATURE OF SIMPLIFIED PLANNING ZONES

1 SPZs are one weapon in an authority's potential armoury to help secure development or redevelopment in parts of their areas. The procedures have been streamlined to facilitate their use. A scheme for an SPZ achieves its effect by granting planning permission for the types of development it specifies, subject to any conditions or limitations attached. Any conforming development started within 10 years of making the scheme does not require a separate planning application.

GENERAL BENEFITS OF SPZS

2 For the *developer or landowner*, SPZs offer savings in time, money and effort. They avoid the

need for delay while planning applications are considered for successive stages of a large development. They provide certainty on what is permitted without the need to make a specific planning application and pay the associated fee, and flexibility to make changes in a project within the framework of the scheme where these are necessary to respond to market demands. They create development value in land, at the local authority's initiative, and thus can make project funding more certain for inward investors.

3 For *local planning authorities*, SPZs can be a useful promotional tool, as discussed below, because an incoming investor can have the certainty of being able to start construction work without delay. They also allow authorities to promote their own solutions for sites where an owner seems unwilling to bring forward an application for development. SPZs can also offer administrative savings for authorities, though they will wish to satisfy themselves that adequate arrangements are in place to ensure that developments conform to the terms of schemes.

PROMOTION OF PARTICULAR AREAS

4 Like enterprise zones, from which the concept was derived, SPZs are particularly useful as part of an overall promotional programme, to generate private sector interest in the zone concerned or more widely in the authority's area as a whole. Indeed, in considering the possibilities for SPZ schemes, authorities will wish to bear in mind the wider effects for their areas of designating particular parts as SPZs. The promotional value of an SPZ can be enhanced by providing and highlighting other facilities in the zone. These may include the availability of specific sites, the possibility of financial assistance (e.g. from any relevant Government grants), arrangements for the prompt handling of Building Regulations applications and any remaining requirements for consents (e.g. for alterations to listed buildings), and coordinated advice on infrastructure services. Material on all these aspects can usefully be appended to the SPZ scheme.

INITIATIVE IN MAKING SPZ SCHEMES

5 Local planning authorities have a statutory duty to keep under review for which part or parts of their area an SPZ scheme is desirable. The Secretaries of State are keen that authorities should review regularly the scope for SPZ schemes in their areas. Whilst, in normal circumstances, only local planning authorities can make (or alter) schemes, anyone can ask an authority to do so. If the authority refuse, or fail to make a decision within three months, the applicant can require the request to be referred to the Secretary of State, who may direct the authority to make (or alter) the scheme. The Secretaries of State hope that authorities will respond constructively to any proposals put to them by developers or landowners as well as actively devising their own proposals. Should an authority, after careful consideration, not feel able to respond positively to a request for an SPZ scheme, they should provide the applicant with a full statement of reasons.

6 SPZs will normally be most appropriate in older urban areas where there is a particular need to promote regeneration and to encourage economic activity. Old industrial sites and sites in single ownership may be particularly suitable for SPZ treatment. But there may be other areas where carefully thought out SPZ schemes could be of benefit, where design flexibility is to be encouraged within an overall framework of control. One example might be an extensive tourist operation where, within a large site, frequent investment in new attractions is needed. Where sites suitable for SPZ treatment straddle local planning authority boundaries, it is open to the authorities concerned to prepare a scheme jointly.

RELATIONSHIP TO DEVELOPMENT PLANS

7 Where it is intended that planning permission for particular development proposed in a local plan or Part II of a unitary development plan will be granted by making an SPZ scheme, this should be indicated in the plan's reasoned justification. The plan should also take account of any existing SPZ schemes in the area. Conversely, the authority should indicate in the SPZ written statement the relationship of their SPZ proposals to those of the development plan for the area. Whilst there are separate procedures for preparation of development plans and SPZs, it may sometimes help to process, in the initial stages, an SPZ scheme simultaneously with a development plan where the latter is making new provision for development (e.g. a new industrial park). This is so that the principle of the land use is established in the plan and the planning permission granted in the SPZ scheme. SPZs should, in any event, normally be closely related to plan policies and proposals and thereby reflect the social, economic and environmental considerations to which development plans must have regard. Where, exceptionally, proposals depart from the plan in such a way as significantly to prejudice its implementation, a local inquiry will be appropriate (see *Annex B*, paragraph 3.18).

MORE DETAILED GUIDANCE

8 More detailed guidance on the use, content and effect of SPZs, and the relationship to other controls and planning procedures, is contained in *Annex A*.

9 The procedures for making (or altering) an SPZ under the Town and Country Planning Act 1990 were simplified by the Planning and Compensation Act 1991. The current arrangements are outlined in the flow-chart opposite. Further guidance on the Act and the regulations (the Town and Country Planning (Simplified Planning Zones) Regulations 1992)(SI No 2414) is given in *Annex B*.

CANCELLATION OF PREVIOUS ADVICE

10 DOE Circulars 25/87 (WO 50/87), 24/88 (WO 48/88)(insofar as it relates to SPZs), and the January 1988 version of PPG5 are hereby cancelled.

ANNEX A USE, CONTENT AND EFFECT OF SPZs

Selection of areas

1 There are no restrictions on the size of SPZs. Typically, SPZ schemes may be most useful for carefully selected areas of significant size. They could also be prepared for large individual sites, or for a series of sites with similar characteristics. In most cases, areas selected for SPZs are likely to provide concentrated opportunities for development or redevelopment. In others, potential development sites may be more dispersed. Where a series of separate sites is involved there are likely to be administrative advantages in making a single SPZ scheme, rather than several individual SPZ schemes. SPZs may include land in local authority or Crown ownership. The arrangements for development by local authorities or on their land (described in DOE Circular 19/92 (WO 39/92)) do not apply to SPZs. In the case of Crown land, the Crown - like the owners of other land in the area of proposed scheme - must be consulted.

2 SPZs may not be set up in National Parks, the area of the Broads Authority, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, approved green belts, conservation areas, or any other area excluded by an order made by the Secretary of State. Other land of significant conservation, landscape, recreational and agricultural value should be avoided. Such areas include best and most versatile agricultural land, common land, greens, open space and heritage coast and other locally important areas of conservation interest. Authorities should not designate areas where they would adversely affect areas or buildings adjacent to them (unless potential harm can be avoided through use of exclusions, conditions or limitations). Land containing hazardous installations should not be designated. Care should also be taken to avoid sterilising important mineral resources and to give due consideration to any land use constraints imposed by unstable or contaminated land.

Extent of permission to be given

3 The planning permission attached to an SPZ scheme can vary considerably in scope. SPZs could grant permission for a wide range of major developments or one predominant use. Or they might permit a wide range of minor developments including changes of use, extensions and infill development. Depending on the nature of the area designated as an SPZ, and the types of development permitted, authorities will wish to consider what degree of detailed control needs to be maintained during the period of the SPZ in order to protect against bad neighbour development and the possibility of poor quality schemes and otherwise ensure that the terms of permission conferred by the SPZ are adhered to. In the interests of clarity, permissions or exclusions should as far as possible be specified in terms of the descriptions used in the Town and Country Planning (Use Classes) Orders. (For more detailed guidance on exclusions, conditions, etc. see paragraphs 6-18 below.)

Specific or general permissions

4 There are two basic approaches to SPZ schemes:

- (a) *A specific scheme* gives a permission which specifically itemises the types of development permitted and the limit imposed. By omission, any other types of development is excluded from the scheme and would be subject to the normal

requirements of planning legislation. This type of scheme, which is the model all authorities have adopted to date, is more definite and precise about the types of development which have advance permission. It is easier to prepare and operate and may better serve to encourage the types of development which the authority considers most needed. Examples are at Appendix 1. To date, the most frequent permitted uses have been business uses, general industrial uses, and storage of distribution (Classes B1, B2 and B8).

- (b) A *general scheme* gives a general or wide permission covering almost all types of development but listing the exceptions. This type of scheme needs to be as clear about the kinds of development that are not given permission by the scheme as about those that are. Where a wide range of development is being permitted by a scheme it will probably be more convenient to list the exceptions to a general permission than to list the individual types of development permitted. An example is at Appendix 2.

Possible uses of SPZs

5 Both the size and character of SPZ schemes can be varied to suit different objectives and prevailing local circumstances. The following examples illustrate the versatility of SPZs and how they can be used in conjunction with other measures as part of a wider marketing strategy:

- (a) *Large old industrial areas or estates*

Many towns and cities have such areas. In some cases they were purpose-built industrial estates or large establishments in single ownership. Some of the buildings are now obsolete and need to be replaced, whilst others can be refitted and reused. Some plots of land may be vacant. There is a range of central government grants and incentives which could help to bring land and buildings in these areas back into beneficial use. The availability and/or rate of grant is in most cases determined by the degree of priority which the Government accords to the relevant needs of the geographical area concerned. In some cases many of these grants will be channelled through Urban Development Corporations, which have wide powers to regenerate their areas, including the power to make SPZs. Grants can be used to reclaim derelict land, to carry out environmental improvement, to convert and improve buildings, and to sponsor joint projects between local authorities and the private sector, as well as to provide other financial incentives to industry and local enterprise.¹ There are additional benefits from declaring areas to be industrial

¹Further information on grants and incentives can be obtained as follows:

England	
Derelict Land Grant	} DOE regional offices
Urban Programme Grant	
Urban Development Corporations	
City Grant-LDGD Division, DOE, 2 Marsham Street, London SW1P 3EB	
City Challenge-ICGD Division, DOE, 2 Marsham Street, London SW1P 3EB	

and/or commercial improvement areas where authorities have been designated under the Inner Urban Areas Act 1978. Designation as an SPZ with permission granted for a wide range of extensions, change of use and redevelopment could reinforce the effectiveness of other measures. When the proposed Urban Regeneration Agency comes into being it will form another important channel for funds to promote the regeneration of vacant and derelict land and buildings.

(b) *New employment areas*

The term 'employment area' is used to cover an area suitable for mixed industrial warehousing, commercial and retailing development. Typically, this may be a large disused site where the surroundings impose few, if any, constraints. The SPZ scheme could grant permission for a wide range of developments or give a general permission with a small number of exclusions.

(c) *Urban areas*

Urban Programme authorities might consider whether SPZs would be a useful part of their bids for assistance including (in England) City Challenge resources. Private sector partners may be more confident in commitments to urban regeneration, including City Challenge, where SPZ designation allows speedy development of the land. Designation of SPZs helps to draw attention to the prospects of an area for redevelopment, and in conjunction with City Challenge will reinforce the vision of the partners if planning permissions are already in place for development proposals in the approved Action Plan. Appropriate conditions may need to safeguard the overall quality of the development and the use of sub-zones (see paragraphs 16-18 below) may be helpful. SPZ schemes could also play an important part in the redevelopment and rehabilitation of older urban areas outside the 57 Urban

Regional Selective Assistance Regional Enterprise Grants	}	Department of Trade and Industry regional offices
Wales		
Urban Programme Grant Urban Investment Grant Cardiff Bay Development Corporation	}	ERP4 Division, Welsh Office, Cathays Park, Cardiff CF1 3NQ
Regional Selective Assistance Regional Enterprise Grants	}	ID Division, Welsh Office, Cathays Park, Cardiff CF1 3NQ
Derelict Land Reclamation Grant		Welsh Development Agency Land Reclamation Department, Peel House, Greyfriars Road, Cardiff CF1 3XX

Programme authorities, particularly for housing, to generate confidence in an area and remove one of the delaying factors to the renewal process.

(d) *New residential areas*

In the case of areas intended for sizeable new residential developments an SPZ scheme could lay down broad objectives and essential design criteria allowing maximum freedom for developers to innovate. Indeed, SPZs generally may have a useful role to play in encouraging good quality innovative design. The exact mix of dwelling types, layout and landscaping features, details of elevation and choice of materials can be left to developers. They can then respond more quickly to changing client preferences. Such schemes may need to be supported by clearly drafted conditions and exceptions to safeguard the quality of the initial project.

(e) *Large single ownership sites*

Single ownership is likely to be advantageous to progressing an SPZ scheme rapidly. Large sites in single ownership, in both private and public sectors, can be found in most towns and cities. Some may never have been developed, but retained as reserve sites, eg for future educational purposes. Others - perhaps close to the town centre - will have been in beneficial use, but are now redundant or underused. The reuse of such sites can play an important part in reducing the pressure for peripheral expansion, as well as improving the local environment and economy. Often these areas may be suitable for one predominant use - such as housing with local shops and community amenities or large tourist complexes. Or they may be appropriate for mixed commercial development - perhaps light industry and offices, depending on the surrounding area.

(f) *Redevelopment sites*

Large vacant or underused sites represent a considerable land resource, much of which has development potential. The successful disposal and subsequent development of these sites for beneficial uses often depends on positive marketing. The planning status of sites is an important aspect of their promotion. An SPZ scheme can offer, from the outset, a clear and reliable statement of what development would be appropriate, coupled with the permission to develop. This can greatly enhance any other form of publicity to stimulate interest in the sites.

(g) *Land requiring provision of services etc by the public sector*

Sometimes it is important to encourage the timely and orderly development of land in association with the provision of roads and services - such as water supply and sewerage facilities. It can be particularly important to regulate, by phasing, the location and timing of development of large areas where the private and public elements need to proceed in tandem. The likely timing of adequate road and service provision may affect when it is sensible to make an SPZ scheme. SPZ schemes set up by the local authority could provide a better form of co-ordination than separate responses to individual planning applications. In some cases, conditions may be appropriate to regulate the timing of development relative to infrastructure provision. In all cases, it is important to consult the infrastructure

providers when SPZ schemes are being prepared. Such consultations should take place against the background of, or in parallel with, those held during preparation of the relevant development plans, which provide an important means of coordinating infrastructure provision in the development proposals (see chapter 5 of PPG12).

The use of exclusions

6 Certain developments cannot be granted permission by SPZ schemes. Mineral and waste disposal developments are excluded under the Town and Country Planning (Simplified Planning Zones) (Excluded Development) Order 1987 (SI No 1849).

7 SPZ schemes themselves do not require environmental assessment (EA) under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI No 1199) (amended by SI 1990/367 and SI 1992/1494). Nor, by virtue of the Town and Country Planning (Simplified Planning Zones) Regulations 1992 (SI No 2414), can they grant planning permission for development which would require an EA. Development which falls within any of the descriptions included in Schedule 1 to the 1988 Regulations will always require EA, so such projects must be excluded from the SPZ permission. Where an SPZ scheme might otherwise have the effect of granting permission for a Schedule 1 project, authorities must include an exclusion provision in the scheme.

8 Development of a type listed in Schedule 2 to the 1988 Regulations will require EA if the particular project is likely to have significant effects on the environment by virtue of such factors as its nature, size or location and, if so, it must be excluded from the permission granted by an SPZ scheme. In the case of a specific SPZ scheme (see paragraph 4(a) above) it may be possible for an authority to define the permission in such a way as to exclude any Schedule 2 project requiring EA, either by excluding development of any description mentioned in Schedule 2, or by excluding development of any such description which would be likely in practice to give rise to significant effects on the environment. In all other cases it will be necessary to include a provision which makes it clear that development is not permitted for any purpose mentioned in Schedule 2 of the 1988 Regulations unless, in the case of any particular development not otherwise excluded from the permission conferred by the SPZ, the authority notify the developer in writing that it would not be likely to have significant effects on the environment. The Secretaries of State will be prepared to use their powers, if necessary, to direct the inclusion of a provision on these lines where they consider that one is required. Where such a provision is included the developer will not be free to undertake any development of the type in question in the SPZ without consulting the local planning authority beforehand. The authority can then consider the need for an EA and notify the developer accordingly. Any project within the area of an SPZ requiring an EA will fall outside the scope of the SPZ permission and will have to be submitted for planning permission in the usual way.

9 Appropriate provisions for inclusion where an SPZ scheme would otherwise permit development requiring EA are contained in the examples in Appendices 1 and 2.

10 SPZ schemes should not be used to permit the construction of buildings, or use of buildings or land, for Special Industrial Uses as listed in Use Classes B3 to B7 (inclusive) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, or for any activity which may give rise to the presence of a controlled quantity of a hazardous substance (as specified in the Planning (Hazardous Substances) Regulations 1992 (SI No 656)) on any site in the scheme area or for the laying or construction of a notifiable pipeline.

11 It may also be necessary to exclude such developments as:

- (i) Aerodromes/heliports
- (ii) Caravan sites
- (iii) Funfairs
- (iv) Scrapyards
- (v) Slaughterhouses

This list is illustrative rather than exhaustive. There may be occasions where an SPZ might reasonably permit some of these suggested exclusions. It will depend on the other uses permitted by the scheme, the location of the SPZ and the character of the surrounding areas.

The use of conditions and limitations

12 It may be necessary for conditions and limitations to be attached to the development permitted by an SPZ scheme. These should be kept to the minimum and should be enforceable. The fewer the restrictions attached to SPZ schemes, the more flexibility there will be as to how projects proceed and what form they take. The greater the degree of freedom given by an SPZ scheme, the easier it will be for developers and landowners to respond to client preferences and market conditions. As noted in paragraph 5(d) above, authorities may wish to use SPZ schemes to play a positive role in encouraging good quality innovative design.

13 In general, SPZ schemes should not be concerned with detailed aspects of development. They should, however, ensure that any essential health and safety standards are specified where such matters are not already covered by other statutory provisions. Such matters as pollution emissions, contaminated land, unstable land, access for disabled people, vehicular access, parking, highway construction, crime prevention and design may need to be included insofar as planning control is appropriate. Particular attention should be paid to flood defence and to safeguarding water quality and water resources.

14 SPZ schemes may also need to set down the basic criteria for development to ensure that a satisfactory form and scale of development is achieved. This could be achieved by specifying, for example, the maximum height or density range of buildings, floor space limits and parking standards. Landscaping and open space requirements should also be considered.

15 Wherever possible SPZ schemes should be drafted so as to enable developers to comply with any conditions specified rather than having to seek the authority's consent. Where it is necessary to require that specific approval of the authority be sought, the SPZ scheme should make clear exactly what criteria will apply. Authorities should make special arrangements to deal expeditiously with such applications in SPZ areas (e.g. by the delegation of decisions where appropriate).

The use of sub-zones

16 It may be necessary to include special sub-zones in which the planning regime of the SPZ schemes is further tailored to take account of local factors. Examples include: health and safety sub-zones around hazardous installations or unstable and contaminated land in or near the SPZ; sensitive boundary sub-zones (for example, where the SPZ adjoins a residential area, conservation area, SSSI, nature conservation area or other environmentally important area); safeguarding areas for strategic public services and major highways; landscaping sub-zones reserved for major planting; archaeological sub-zones on and around important archaeological sites or areas. As noted in PPG16 (paragraph 23 of Annex 3)(paragraph 25 of Annex 2 of PPG16 Wales), where archaeological remains lie within the area of a proposed SPZ it may be necessary to tailor the scheme to accommodate them. The local planning authority will therefore need to carry out a site assessment or evaluation, and consult archaeological interests, in formulating proposals for an SPZ.

17 Sub-zones may exclude most of the development permitted by the SPZ scheme, in particular residential development in a scheme where this type of development is otherwise allowed. In addition, sub-zones may need to add to the conditions of the scheme. For example, a more limited height restriction, details of screening to be submitted for approval or detailed constructional standards. Sub-zones might be useful for unstable land and the preservation of important archaeological remains, for examples.

18 Sub-zones could be used to restore normal planning control to selected parts of the SPZ, say, where noise was an important factor. Or it may be necessary only to add selected exclusions to the SPZ scheme to safeguard adjacent property interests or the line of future highway schemes.

Relationship of SPZs to other controls

19 An SPZ scheme grants planning permission only for the development which it specifies and on the basis it sets out. SPZ schemes cannot grant listed building consent, scheduled monument consent, hazardous substances consent, consent for the display of advertisements, or consent for the stopping up or diversion of a right of way. These requirements will continue to apply in the normal way within an SPZ. Similarly, SPZ schemes cannot grant any necessary licences or give Building Regulations approval needed. The local authority's consent will continue to be required for cutting down, lopping or topping a tree protected by a Tree Preservation Order.

20 The planning controls over demolition of certain buildings, which came into force in July 1992, will not apply where demolition is required as part of the redevelopment authorised by the scheme: see DOE Circular 16/92 (WO 33/92).

Enforcement

21 The enforcement of planning control in SPZs, and in areas in which SPZs have expired, is the same as elsewhere under the powers given to local planning authorities. Guidance on use of these powers is given in PPG18.

APPENDIX 1

EXAMPLES OF AN SPZ WRITTEN STATEMENT WHICH SPECIFIES THE TYPES OF DEVELOPMENT PERMITTED BY THE SPZ SCHEME

The following examples are illustrative only. They are not legal models. Local planning authorities are advised to obtain legal advice on drafting their SPZ schemes.

Example A

Boundary of the SPZ scheme

The area of land to which this SPZ scheme relates is delineated on the map attached.

Planning permission

Planning permission is granted by this SPZ scheme for development for the purposes of the retail sale of goods, finance and professional services, the sale of food and drink, business, general industry, storage, distribution, hotels and hostels, residential and non-residential institutions, dwelling houses (ie Classes A1, A2, A3, B1, B2, B8, C1, C2, C3 and D1 of the 1987 Use Classes Order (SI No 764)) *except*

- (a) development which falls within any of the descriptions included in **Schedule 1** to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI No 1199);
- (b) development for any purpose mentioned in **Schedule 2** to the 1988 Regulations unless, in the case of any particular development not otherwise excluded from this permission, the authority notify the developer in writing that it would not be likely to have significant effects on the environment;

subject to the following conditions;

- (i) no activity shall take place which may give rise to the presence of a controlled quantity of a hazardous substance (as specified in the Planning (Hazardous Substances) Regulations 1992 (SI No 656)), nor land use for the laying or construction of a notifiable pipeline;
- (ii) no single retail unit shall exceed 'x' square metres in total floor area;
- (iii) the buildings and structures shall not be more than 'x' metres in height; outside storage shall be restricted to no more than 'y' metres in height;
- (iv) arrangements for access, parking, loading and unloading shall be in accordance with Appendix X attached to this scheme; and
- (v) noise levels shall not exceed those as set out in Appendix Y attached to this scheme.

Landscaping sub-zone

This SPZ scheme contains a landscape sub-zone, the boundary of which is delineated on the map attached. Within this sub-zone, no development, including building and landscaping works, shall take place until a scheme for landscaping has been submitted to and approved by the local planning authority. Annex Z to this scheme sets out, for illustrative purposes, the type and details of landscaping which the authority consider appropriate to the landscaping sub-zone.

Normal planning procedures

Full planning applications are required for development proposals which fall outside the terms of the general planning permission granted by this SPZ scheme.

Other permissions and licences

This SPZ scheme only grants planning permission. All other consents (eg listed buildings) and compliance with Building Regulations should be sought in the normal way.

In particular:

the following buildings are listed:

- (i) Nos 1-5 Canalside;
- (ii) Station Warehouse.

Example B

Boundary of the SPZ scheme

The three areas of land to which the SPZ scheme relates are delineated on the map attached.

Planning permission

Planning permission is granted by this SPZ scheme for residential purposes *except*

- (a) development which falls within any of the descriptions included in **Schedule 1** to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI NO 1199);
- (b) development for any purpose mentioned in **Schedule 2** to the 1988 Regulations unless, in the case of any particular development not otherwise excluded from this permission, the authority notify the developer in writing that it would not be likely to have significant effects on the environment;

subject to the following conditions

- (i) development shall not exceed 'x' dwellings per hectare net, in areas A and B on the map; 'y' dwellings per hectare net, in area C;
- (ii) no building shall be more than 'x' metres in height in areas A and B, or 'y' metres in height in area C; and
- (iii) development shall be carried out in accordance with the standards for parking and access set out in Appendix Z and with the landscape requirements set out in Appendix Y, both of which are attached to this scheme.

Highway sub-zone

The highway sub-zone on the map attached affects areas A and B. The sub-zone safeguards the area of land indicated for the central area inner relief road.

Normal planning procedures

Full planning applications are required for development proposals which fall outside the terms of the general planning permission granted by this SPZ scheme.

Other permissions and licences

This SPZ scheme only grants planning permission. All other consents (eg listed buildings) and compliance with Building Regulations should be sought in the normal way.

In particular:

the trees indicated on the map attached are protected by Tree Preservation Orders

APPENDIX 2

EXAMPLE OF AN SPZ WRITTEN STATEMENT WHICH GIVES A WIDE PERMISSION: THE GENERAL TYPE OF SPZ SCHEME

Boundary of the SPZ scheme

This SPZ scheme relates to those areas of land indicated on the map attached.

Planning permission

This SPZ scheme grants planning permission for all development (as defined by Section 55(1) of the Town and Country Planning Act 1990) *except*:

- (a) special industrial uses as listed in Use Classes B4-B7 (inclusive) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (SI No 764)(as amended);
- (b) aerodromes/heliports;
- (c) scrapyards;
- (d) slaughterhouses;
- (e) the storage, treatment, disposal or re-cycling of waste, other than as an ancillary use to permitted development;
- (f) development which falls within any of the descriptions included in **Schedule 1** to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI No 1199); and
- (g) development for any purpose mentioned in **Schedule 2** to the 1988 Regulations unless, in the case of any particular development not otherwise excluded from this permission, the authority notify the developer in writing that it would not be likely to have significant effects on the environment;

subject to the following conditions:

- (i) no activity shall take place which may give rise to the presence of a controlled quantity of a hazardous substance (as specified in the Planning (Hazardous Substances) Regulations 1992 (SI No 656)), nor land used for the laying or construction of a notifiable pipeline;
- (ii) no development shall take place in the area shown on the SPZ map as being protected for future highway improvements without prior approval of the authority;
- (iii) those areas indicated on the map as amenity corridors shall be landscaped in accordance with the standards specified in Annex X to the scheme;

- (iv) no buildings shall be erected within 'x' metres of those site boundaries indicated on the SPZ map.

Normal planning procedures

Any development proposals not in accordance with the terms of the planning permission of this SPZ scheme shall be the subject of a planning application in the normal way.

Other requirements

Any developments proposed within this SPZ scheme must comply with all other necessary licences, permits and controls e.g. Building Regulations, gaming/drinking licence.

There are no listed buildings or tree preservation orders in any of the areas forming part of this site.

ANNEX B

GUIDANCE ON SPZ PROCEDURES

1. Introduction

1.1 This annex provides guidance on the preparation, adoption, and alteration of SPZ schemes in England and Wales. Primary legislation is contained in sections 82 to 87 of and Schedule 7 to the Town and Country Planning Act 1990 ('the 1990 Act'), as amended by Schedule 5 to the Planning and Compensation Act 1991 ('the 1991 Act'). The Town and Country Planning (Simplified Planning Zones) Regulations 1992 (SI No 2414) ('the 1992 Regulations') prescribe procedures. References to the Act and Regulations are set out in the margin.¹ Local planning authorities should consult the Act and the Regulations for the legal requirements.

1.2 'The Secretary of State' and 'the Department' are, in respect of England, the Secretary of State for the Environment and the Department of the Environment; in Wales they are the Secretary of State for Wales and the Welsh Office. All references to 'local planning authorities' or, simply, 'authorities' denote the district council, London borough council or Urban Development Corporation which are, as the case may be, the planning authority responsible for preparing SPZ schemes for their area.

2. Format of SPZ schemes

P.1 2.1 An SPZ scheme consists of a map and a written statement, and such diagrams, illustrations and descriptive matter as the local planning authority think appropriate for explaining or illustrating the provisions of the scheme. An SPZ scheme written statement must specify:

- (a) the development or classes of development permitted by the scheme;
- (b) the land in relation to which permission is granted; and
- (c) any conditions, limitations or exceptions subject to which it is granted.

The Secretary of State has not prescribed any additional requirements by regulation.

3. Procedures for SPZ schemes

S.83(1)
& (2)

Preparation of SPZ schemes and alterations

3.1 Local planning authorities are required to consider in which part or parts of their area it is desirable to create SPZs and to keep that question under review. Where they decide that it would be beneficial to make an SPZ scheme, they must prepare one.

3.2 An authority can decide at any time to make an SPZ scheme or alter

P.2 a scheme adopted by them or, with the consent of the Secretary of State, to alter a scheme approved by him. An authority who decide to make or alter a scheme are required to:

(a) notify the Secretary of State of their decision as soon as practicable; and

(b) determine the date on which they will begin to prepare the scheme or alterations.

3.3 The procedures for altering SPZ schemes are the same as those for preparing a new scheme.

P.3

Requests to make or alter SPZ schemes and power of Secretary of State to direct making or alteration of schemes

3.4 If anyone requests an authority to make or alter an SPZ scheme and they refuse to do so, or do not decide to do so within 3 months, he may require them to refer the matter to the Secretary of State. However, no such reference can be called for:

(a) if an SPZ scheme for the whole or part of the area covered by the request has been adopted or approved within the preceding 12 months; or

(b) if, in the case of a request to alter a scheme, the scheme was adopted or approved within that period.

P.3

3.5 Where a request is referred to the Secretary of State he must send the authority any representations made by the applicant which they have not already received and ask them to make any representations they want to make within 28 days. After considering any written representations from the applicant or the authority and carrying out any other consultations he considers necessary, the Secretary of State may give the authority an 'SPZ direction'. Where he does so he must notify the applicant and the authority of his decision and his reasons for it.

P.4

3.6 Depending on the nature of the request made by the applicant, an SPZ direction will direct the authority either to make an SPZ scheme or to alter an existing scheme as the Secretary of State considers appropriate, and will require them to take the necessary steps to adopt the scheme or alteration. A direction may extend to the whole or a part of the land specified in the request to the authority; or to such land together with other land. It may direct that land shall be added to or excluded from an existing SPZ.

Steps to be taken before depositing proposals

P.5 (3)

3.7 The Secretary of State has not prescribed any steps for authorities to take before deposit to publicise proposals to make or alter an SPZ

scheme or what they are considering including in a scheme. Thus, apart from certain bodies whom authorities are required to consult (see paragraphs 3, 10 and 3.11 below), the extent and length of pre-deposit publicity and consultation is left to authorities' judgement, having regard to the particular circumstances.

3.8 It is obviously sensible to resolve any points of difficulty at an early stage or preparing a scheme so as to minimise objections once the scheme is on deposit. Thus it is important that publicity is adequate and that people have sufficient opportunity to comment on proposals. In addition to the prescribed bodies, authorities are advised to consult local people living in the area of the proposed SPZ. They should take reasonable steps to consult owners as well as occupiers of land adjoining the proposed SPZ and the owners of mineral rights in the area of the proposed SPZ itself. The other bodies whom it would be appropriate to consult will vary according to the characteristics of the area concerned. For example, where an SPZ is likely to affect the interests of the tourist industry the views of the Regional Tourist Board should be sought. Generally, authorities are advised to consult conservation and amenity groups (including archaeological interests) and businesses and developers with an interest in the proposed SPZ or areas outside it which could be affected by development within it. Adequate consultation with infrastructure authorities is particularly important.

3.9 Some specific bodies with whom consultation is advised (over and above any required by the Regulations) are:

- *Countryside Commission/Countryside Council for Wales*: where development is likely to affect National Parks, the Broads, AONBs, and other areas of landscape significance;
- *English Heritage/CADW*: where development is likely to affect the site or setting of a Grade 1 or II listed building or the demolition of any listed building or affect the character or appearance of an adjoining conservation area;
- *National Rivers Authority*: where development is likely to lead to increased industrial discharge into a river or estuary, development in areas at risk from flooding or having a high water table;
- *Her Majesty's Inspectorate of Pollution*: where development is likely to involve pollution control matters regulated by HMIP. These include processes designated for central control under Part 1 of the Environmental Protection Act 1990 and processes covered by the Alkali, &c Works Act 1906 and the Health and Safety at Work etc. Act 1974; and sites where radioactive material is kept or used or where radioactive waste is accumulated or disposed of;

- *New Towns Commission*: where a proposed SPZ adjoins an area where the Commission has inherited planning approvals under section 7(1) of the New Towns Act 1981;
- *British Railways Board*: where development is near an operational railway line.

- P.5 (2)
(a) & (b) 3.10 Authorities are required to consult (in England) the Secretary of State for Transport or (in Wales) the Secretary of State for Wales on the effect of the proposals on existing or future highways. Additionally, if the authority are a district planning authority they must consult the county council both as planning authority and as to the effect of the proposals on existing or future highways.
- R.3(1)(a) 3.11 Regulations also require the authority to consult the bodies listed in the table in Article 18(1) of the Town and Country Planning General Development Order 1988 (SI No. 1813)(as amended) on the basis there set out for development proposed in the scheme. They must consult parish and community councils whose areas fall within the area of the scheme. They must consult any Urban Development Corporation whose area is likely to be affected by the scheme. And they must take all reasonable steps to consult the owners of land within the area of the scheme. It is intended that authorities should be required to consult the proposed Urban Regeneration Agency if their SPZ proposals affect a designated area where the Agency will have development control powers.
- R.3(1)(b)
- R.3(1)(d)
- R.3(1)(c)
- R.3. (3) 3.12 When the authority consult the bodies prescribed they must also notify the Secretary of State that they intend to make or alter an SPZ scheme and about the proposed contents.
- R.3. (2) 3.13 The authority must consider any representations made to them by the prescribed consultees.
- P.6(d) 3.14 When an SPZ scheme is placed on deposit the authority must send a copy to the Secretary of State, to the Secretary of State for Transport or for Wales and, where appropriate, to the County Council. (The deposited scheme will be contained in the authority's planning register.)
- R.4(b) Deposit must be advertised in the London Gazette and, for two successive weeks, in a local newspaper. The authority must invite objections and representations to be made to them in writing within six weeks and notify those required to be consulted at the pre-deposit stage and any other individuals and organisations whom they think should be notified. (Similar publicity must be given if the authority subsequently decide to *withdraw* the scheme or alterations.)
- R.4(b)
- R.4(c)
- R.6
- R.4(d) 3.15 Additionally, authorities must put up site notices with the text of the advertised deposit notice on or near the land proposed to be included in the scheme for a period of not less than 6 weeks. It is for authorities to

decide where best to post site notices and how many to post. But it is recommended that sites include any where it has been difficult to contact the landowners.

- R.4 (b) 3.16 When advertising deposit the authority must publish for two successive weeks in a local newspaper a notice of intention to adopt the proposed scheme (or alterations) if no objections (or representations to be treated as objections) are received in the six-week period.

Dealing with objections

- R.5 3.17 All objections and representations made in accordance with the regulations and not withdrawn must be considered. This includes any representations that a scheme omits particular land use planning matters. It should also include similar representations on an omission from a proposed alteration where it is within the overall scope of the latter.
- R.5 (2)

- 3.18 The authority may arrange for a local inquiry to be held for the purpose of considering such objections. In the Secretary of State's view, circumstances in which an inquiry will be appropriate include those where a scheme constitutes a departure which would significantly prejudice the implementation of the development plan or raises strategic planning issues, is the subject of substantial local controversy, covers a substantial area of land in the authority's ownership, or involves planning issues of more than local importance. Where an inquiry is held the authority should give at least six weeks' notice. Alternatively, the authority may require the objections to be considered by a person appointed by the Secretary of State. In either case, the Planning Inspectorate require six months notice of the need to provide an Inspector. The Secretary of State has power to direct the authority to hold an inquiry or to have objections considered by an Inspector without an inquiry. The Secretary of State may use his powers to direct an inquiry if any of the circumstances outlined above obtain. The authority also have the option of considering the objections themselves.
- R.7 (2)
- R.8 (1)

- 3.19 Whichever course the authority choose they must make available for inspection a reasoned statement of their decisions and (where appropriate) a copy of the report of the person holding the inquiry or considering the objections for them. Where the authority resolve to consider objections without an inquiry (even if with the assistance of an Inspector) they should notify that fact to those making objections and representations in accordance with the regulations.
- R.10
- R.7 (1)

P.9

Adoption

3.20 The authority may adopt their proposals for making or altering an SPZ scheme either as originally put on deposit or in a modified form, provided that:

- they have considered objections made in accordance with the regulations and (where appropriate) the views of the person holding any public inquiry or considering the objections in writing; and
- the scheme has not been called-in by the Secretary of State.

The authority may also take account of other considerations which appear to them to be material.

R.12

3.21 Where the authority propose modifications they must put them on deposit, advertise the fact, notify those previously making objections and representations and anyone else whom the authority consider should be notified, and give six weeks for objections. When doing so they should publish a further notice of intention to adopt if there are no objections in the six-week period. If the authority do not propose to make modifications they should just publish the notice of intention to adopt after 28 days. The procedures for the consideration of objections to proposed modifications would be the same as those at paragraph 3.17-3.19 above.

R.11

R.15

3.22 When the authority adopt an SPZ scheme or alterations they must advertise the fact, notify those who have asked to be notified, make the scheme or alterations available for inspection for at least six weeks, and send copies to the Secretary of State. The adopted scheme/alterations will be contained in the authority's planning register.

Secretary of State's power to direct modifications

P.9(3)
& (4)

3.23 After copies of the SPZ scheme have been sent to the Secretary of State he may, if it appears to him that the proposals in the scheme are unsatisfactory, direct the authority to modify them. Where such a direction is given the authority must not adopt the scheme unless they have made the modifications necessary to conform with the direction or the direction has been withdrawn.

P.10

Secretary of State's call-in power: approval by Secretary of State

3.24 After copies of the SPZ scheme have been sent to the Secretary of State and before it has been adopted, the Secretary of State may direct that the scheme be submitted to him for approval. Where he does so the authority must take no further steps towards the adoption of the scheme; in particular

they must not hold a local inquiry or other hearing or consider objections after receiving the direction.

P.11 3.25 When an SPZ scheme has been called in by the Secretary of State he may, after considering the scheme, either approve it in whole or in part and with or without modifications, or reject it. Where he decides not to reject the scheme, the Secretary of State is obliged to take account of any duly made objections not already considered by the authority or by someone appointed for the purpose. He may also take into account any matters which he feels are relevant whether or not they were taken into account in the SPZ scheme as called in. In considering the proposals he may, in addition, carry out what consultations he thinks fit. He may arrange for a local inquiry to consider objections or appoint someone to do so.

R.16(1) 3.26 Where the Secretary of State is minded to approve the proposals with modifications, he will notify the authority of the modifications he proposes to make and the authority must make them available for inspection and give notice of them by local advertisement and to individuals and organisations (on the same basis as if the authority had proposed the modifications themselves), with six weeks for objections.

R.16(4) 3.27 Where the Secretary of State approves the proposals he will require the authority to give appropriate publicity, broadly as in paragraph 3.22 above.

R.21(1) *Copies of SPZ documents*

3.28 An authority must on request and on payment of a reasonable charge provide a copy of the scheme (and of any other document made available for inspection). Printed copies of the scheme (incorporating any alterations adopted) should be made available for inspection as soon as practicable (and, on payment of a reasonable charge, for purchase) and remain available until the scheme is (further) altered, replaced or comes to an end.

R.20(2)

R.21(2)

Register and index of SPZ schemes

S.69

3.29 Local planning register authorities are required by Article 27 of the Town and Country Planning General Development Order 1988 (SI No 1813) to prepare and keep up to date a register containing brief particulars of all SPZs in their areas, including particulars of all proposals for the preparation or alteration of SPZs and an index map showing the boundary of any operative or proposed SPZ.

4. Duration of SPZ schemes and permissions

S.85(1)

& (2)

4.1 SPZ schemes take effect on the date of their adoption or approval and last for a period of 10 years from that date. At the end of that period a scheme (including any alterations made to it meanwhile) and the planning permission it grants cease to have effect except in relation to development already begun. There is nothing to prevent local planning authorities from designating a new SPZ covering the same area of land at that stage.

S.86(4)
& (5) 4.2 The adoption or approval of alterations providing for the exclusion of land from the SPZ, the withdrawal of planning permission, or the imposition of new or more stringent conditions, limitations or restrictions has effect from the end of the period of 12 months beginning with the date of adoption or approval of the alterations. Other alterations come into force on the date of adoption or approval.

4.3 The provisions of Sections 94 and 95 of the 1990 Act apply to planning permission granted under an SPZ scheme where a development has begun but has not been completed by the time the SPZ expires. After that date the local planning authority may serve a completion notice stating that the planning permission under the scheme will cease to have effect after a further specified period of not less than 12 months. Such notices require confirmation by the Secretary of State. The provisions of Section 56 of the Act apply in determining when development in an SPZ shall be taken to have begun; that is the earliest date, on which any 'material operation' (as defined in Section 56) comprised in the development begins to be carried out.

5. Transitional provisions

R.23(2) 5.1 If proposals for making or altering an SPZ scheme are put on deposit before 9 November 1992

the local planning authority shall proceed to adoption on the basis of the law (ie the 1990 Act before its amendment by the 1991 Act and the Town and Country Planning (Simplified Planning Zones) Regulations 1987 (SI No 1750)). Any subsequent alterations will be made on the basis of the new law (ie the 1990 Act, as amended by the 1991 Act, and the 1992 Regulations).

5.2 Where an authority carried out pre-deposit publicity and consultation under the old law before 9 November 1992, they must meet the requirements of the new law on pre-deposit matters before they can put proposals on deposit after that date. However, consultation undertaken before 9 November 1992 for the purposes of the old law shall count for the purposes of similar provisions under the new law.

R.23(3)

1. In these marginal references, 'S' denotes a section of the 1990 Act, 'P' a paragraph of Schedule 7 to the Act as amended, and 'R' one of the regulations.