1970 No. 459

LAND COMMISSION

The Material Development (Amendment) Regulations 1970

Made - - -	*23rd February* 1970
Laid before Parliament	*3rd March* 1970
Coming into Operation	*1st April* 1970

The Minister of Housing and Local Government, being for the purposes of these regulations the appropriate Minister in relation to England and Wales, in exercise of the powers conferred on him by sections 98 and 99 of the Land Commission Act 1967(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

Citation, extent, commencement and interpretation

1.—(1) These regulations, which may be cited as the Material Development (Amendment) Regulations 1970, apply to England and Wales and shall come into operation on 1st April 1970.

(2) The Interpretation Act 1889(**b**) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Amendment of the Material Development Regulations 1967

2. The Schedule to the Material Development Regulations 1967(**c**) as amended (**d**) shall, as from the date on which these regulations come into operation, be amended as follows :—

(*a*) sub-paragraphs (1)(*l*) and (2) of paragraph 1 shall be revoked ;

(*b*) there shall be added after paragraph 1(1)(*k*) :—

"(2)(i) The carrying out of operations on land for the purpose of, or the use of land for. the display of an advertisement of any kind (in this sub-paragraph called "the new advertisement") provided that the new advertisement together with any existing advertisement or advertisements does not exceed 8 square metres in area.

(ii) In this sub-paragraph, "existing advertisement" means an advertisement of any kind (other than an advertisement of any kind referred to in sub-paragraph (1) above) if

(**a**) 1967 c. 1. (**b**) 1889 c. 63.
(**c**) S.I. 1967/494 (1967 I, p. 1652).
(**d**) The amending regulations are not relevant to the subject matter of these regulations.

(*a*) the carrying out of operations on land for the purpose of, or the use of land for, its display is commenced in the financial year;

(*b*) such advertisement is on land in the occupation of the same person (or of any person connected with him within the meaning of Part II of Schedule 13 to the Act) as the land upon which the operations or use in respect of the new advertisement are to be commenced; and

(*c*) any part of such advertisement will be within 25 metres of any part of the new advertisement,

and for the purposes of this sub-paragraph "the financial year" means the financial year in which the carrying out of operations on land for the purpose of, or the use of land for, the display of the new advertisement is commenced, and "financial year" means a year ending on 31st March.

(iii) The exception given by this sub-paragraph is in addition to and is not in substitution for any exception given by sub-paragraph (1) above.

(3) In this paragraph, the expressions "advertisement", "building", "business premises", "land" and "recreational" have the meanings assigned to them respectively in regulations 2(1) and 14(3) of the Town and Country Planning (Control of Advertisements) Regulations 1969(**a**) save that there shall be included in the definition of business premises what is excluded therefrom by the proviso to the said regulation 14(3)(*a*)." ;

(*c*) there shall be added after paragraph 11(1):—

"(1A) Development for the purposes of an electricity undertaking consisting of the installation in an electric line of feeder pillars, or transforming or switching kiosks or chambers not exceeding (except when constructed underground elsewhere than under a highway) 100 cubic metres in capacity." ;

(*d*) in paragraph 11(5), after the definition of "electricity undertaking" there shall be inserted:—

" "highway" has the meaning assigned to that expression by the Highways Act 1959(**b**);" ; and

(*e*) paragraph 17(1) shall be amended by the substitution for the definition of "the General Development Order" of the following definition:—

" "the General Development Order" means the Town and Country Planning General Development Order 1963(**c**), as amended by the Town and Country Planning General Development (Amendment) Order 1968(**d**) ;".

Given under the official seal of the Minister of Housing and Local Government on 23rd February 1970.

(L.S.) *Anthony Greenwood,*
Minister of Housing and Local Government.

(**a**) S.I. 1969/1532 (1969 III, p. 4962).
(**b**) 1959 c. 25.
(**c**) S.I. 1963/709 (1963 I, p. 862).
(**d**) S.I. 1968/1623 (1968 III, p. 4446).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Schedule to the Material Development Regulations 1967 which sets out certain types of development which are not for the purposes of Part II (acquisition etc of land) and Part III (betterment levy) of the Land Commission Act 1967 treated as material development. The amendments are as follows:—

(*a*) Regulation 2(*a*) and (*b*) concern advertisements. Subject to certain conditions they except from the definition of material development the construction or display of advertisements of any kind not exceeding 8 square metres in area. Also, in its application to certain advertisements on business premises, the exception from the definition of material development is now extended to advertisements on the forecourt or other land occupied with business premises and any fence etc. enclosing such forecourt or other land. Lastly, they substitute for references to the Town and Country Planning (Control of Advertisements) Regulations 1960 reference to the Town and Country Planning (Control of Advertisements) Regulations 1969 which revoked and replaced those of 1960.

(*b*) Development consisting of the installation in an electric line of feeder pillars, or transforming or switching kiosks or chambers not exceeding 1,000 cubic feet in capacity is already excluded from the definition of material development because such development is permitted under the Town and Country Planning General Development Order 1963 and thus excluded under section 99(2)(*a*) of the Act. These regulations provide for the exclusion from the definition of material development of the same kind of development but with a limit of 100 cubic metres in capacity instead of 1,000 cubic feet.

(*c*) Article 2(*b*)(ii) of the Town and Country Planning General Development (Amendment) Order 1968 adds to the development permitted by Article 3 of the Town and Country Planning General Development Order 1963 certain development by the British Airports Authority (now paragraph H of Class XVII) if carried out in compliance with standard conditions 1 and 2. Such development if carried out in compliance with those conditions is already excluded from the definition of material development by section 99(2)(*a*) of the Land Commission Act 1967. Paragraph 15 of the Schedule to the Material Development Regulations 1967 already excludes from the definition of material development certain development permitted by the Town and Country Planning General Development Order 1963 (including that falling within Class XVII) although not carried out in compliance with the standard condition. The present regulations provide that development within paragraph H of Class XVII is also excluded from the definition although not carried out in compliance with the standard conditions.

These regulations apply to England and Wales.

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