10. DEVELOPMENT BY LOCAL PLANNING AUTHORITIES

The Town and Country Planning (Development by Local Planning Authorities) Regulations, 1948

1948 No. 2302

Made - - - -	*14th October,* 1948
Laid before Parliament	*15th October,* 1948
Coming into Operation	*1st November,* 1948

B2713

The Minister of Town and Country Planning, in exercise of the powers conferred on him by subsection (3) of Section 35 of the Town and Country Planning Act, 1947(a) (hereinafter referred to as " the Act ") and of all other powers enabling him in that behalf hereby makes the following regulations.

Citation, interpretation and commencement

1. These regulations may be cited as the Town and Country Planning (Development by Local Planning Authorities) Regulations, 1948 and shall come into operation on the first day of November, 1948.

2.—(1) In these regulations:

" the Act " means the Town and Country Planning Act, 1947;

" the Minister " means the Minister of Town and Country Planning.

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

Development permissions

3. In relation to the development by local authorities of land in respect of which they are the local planning authority, the provisions of Part III of the Act (including subsection (2) of Section 35 and the Fifth Schedule) shall have effect subject to the exceptions and modifications prescribed in the following regulations.

4.—(1) Where the authority requires permission to develop the land, the authority shall notify the Minister in writing of its intention to develop in accordance with the form set out in the Schedule hereto and unless within one month from the receipt of such notice (or such extended period as the Minister may during the said month or any period so extended notify in writing to the authority) the Minister requires the authority to make a formal application to him for permission, the Minister shall be deemed to have granted permission for the development described in the notice.

(2) If the Minister directs the authority to make a formal application for permission in accordance with the preceding paragraph, the application shall be made in the form of an application to the local planning authority, and the Minister's direction shall be deemed to be a direction under Section 15 of the Act and the application shall be deemed to have been referred to the Minister under that Section, and the provisions of that Section shall apply to the determination of the application by the Minister.

(a) 10 & 11 Geo. 6. c. 51. (b) 52 & 53 Vict. c. 63.

5.—(1) Subsection (4) of Section 14 of the Act (under which a certificate of the Board of Trade is required in relation to development consisting of industrial buildings) and subsection (5) of that Section (which provides for the keeping of a register with respect to applications for permission) shall apply as if references in those subsections to an application to the local planning authority for permission included a reference to a notice of intention to develop under these regulations.

(2) Before notifying the Minister under the preceding regulation of its intention to develop the land, the authority shall consult with any authority or person with whom but for the modifications herein prescribed the local planning authority would have been required to consult before dealing with the application.

(3) In any case in which any such consultation has taken place, and in any case in which directions have been given to the local planning authority restricting the grant of permission in respect of such development as is applied for, or in which representations have been made to the authority objecting to that development, a statement giving short particulars of such consultation, directions or representations shall accompany the notice of intention.

(4) When the authorisation of a government department referred to in Section 35 (1) of the Act is required, or has been obtained by the authority in respect of the development of the land without a direction that such permission shall be deemed to be granted as provided in that subsection, a statement to this effect shall accompany the notice of intention.

Other consents

6.—(1) Where the authority requires any consent or approval of the local planning authority other than a permission for development, and that authority is itself the local planning authority to which the application for such consent or approval should be made, such application shall be made to the Minister and his decision thereon shall be final and shall take the place of the decision of the local planning authority.

(2) Where a local planning authority proposes to execute or cause or permit to be executed any works for the demolition, alteration or extension of a building listed under Section 30 of the Act the notice required under subsection (6) of that Section shall be given to the Minister instead of to the local planning authority, and references in that Section to the local planning authority shall be construed as if they were references to the Minister.

Delegate Councils

7. The modifications referred to in these regulations shall not apply to a Council to whom the functions of a local planning authority have been delegated but any such Council shall notwithstanding such delegation apply to the local planning authority for any permission consent or approval hereinbefore referred to and shall give to the local planning authority any notice required under Section 30(6) of the Act, as if the delegation to the said Council had not been made.

Purchase Notices and Compensation

8. No claim shall be made by a local authority, in relation to land in respect of which they are the local planning authority, under the following sections and paragraphs of the Act:—

Section 19 (which entitles the owner of land, on refusal of permission, to require the Council of the County Borough or County District to purchase his interest),

Section 20 (which entitles the owner of an interest in land to compensation on refusal of permission),

Section 22 (which entitles a person interested in the land to claim compensation for revocation or modification of a permission);

Section 27 (which entitles any person to claim compensation who has suffered damage from an order requiring the discontinuance or removal of an authorised use or building);

paragraph (*d*) of subsection (1) of Section 28 (relating to compensation in respect of tree preservation orders);

paragraph (*c*) of subsection (2) of Section 29 (relating to compensation in respect of building preservation orders); and

paragraphs 1(3), 2(2), 3(3) and 4(3), of the Fifth Schedule (relating to compensation in respect of operational land).

THE SCHEDULE

FORM OF NOTICE OF INTENTION TO DEVELOP

Town and Country Planning Act, 1947 (*Section* 35(3))

To the Minister of Town and Country Planning.

WHEREAS the..... Council are the local planning authority in respect of the land described in the First Schedule hereto,

NOW in pursuance of the Town and Country Planning (Development by Local Planning Authorities) Regulations 1948 the said Council hereby give notice of their intention to develop the said land in the manner described in the Second Schedule hereto.

THE SAID COUNCIL have consulted with every authority and person with whom a local planning authority is required to consult before dealing with an application for permission and the Third Schedule hereto contains short particulars of such consultation, of all representations (if any) which have been made to the Council objecting to the proposed development, and of any directions restricting the grant of permission in respect thereof.

Signed.....

.....19..... Clerk of the.....Council.

FIRST SCHEDULE

Description of land affected

(A plan should be supplied if necessary to enable the land to be identified.)

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SECOND SCHEDULE

Description of Proposed Development

(This description should be accompanied by such plans as may be necessary to enable the nature and extent of the proposed development to be appreciated.)

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THIRD SCHEDULE

1. *Names of interested parties consulted as to the proposals, with particulars of any observations received*.....

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2. *Particulars of any representations objecting to the proposals which have been made to the Council*.....

.....

3. *If the proposals involve development affecting trunk roads within the meaning of the Town and Country Planning (General Development) Order* 1948,* *particulars of the observations of the Divisional Road Engineer of the Ministry of Transport* .....

.....

4. *Particulars of any direction restricting the grant of permission for the proposed development given by the Minister of Transport under Article* 7 *of the Town and Country Planning (General Development) Order* 1948*.....

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5. *Particulars of any direction restricting the grant of permission for the proposed development given by the Minister of Town and Country Planning under Article* 6 *of the said Order.**.....

.....

6. *The proposed development* $\frac{\text{does}}{\text{does not}}$ *involve the demolition, alteration or extension of any building included in any list compiled or approved under Section* 30 *of the Act.*

7. *The proposed development requires the authorisation of*..... ..... (*name of authorising department*), *Application has been made under authorisation reference number* ..... *for such authorisation, but no direction* $\frac{\text{has been given}}{\text{will be applied for}}$ $\frac{\text{will be made}}{}$ *that planning permission shall be deemed to be granted pursuant to subsection* (1) *of Section* 35 *of the Act.*

Given under the Official Seal of the Minister of Town and Country Planning this fourteenth day of October, One Thousand Nine Hundred and Forty-eight.

(L.S.)

Evelyn Sharp,
Deputy Secretary to Ministry of Town and Country Planning.

* S.I. 1948 No. 958, p. 4147 above.

EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

These Regulations are made under section 35(3) of the Town and Country Planning Act, 1947, which provides that where a local planning authority owns land, or wishes to develop land, for which it is itself the local planning authority Part III of the Act (which includes the power of the local planning authority to grant permission to develop land and the power of the Minister to direct a local planning authority to refer any application for such permission to the Minister for determination), shall have effect, subject to such exceptions and modifications as are prescribed by Regulations.

The main modifications made by these Regulations are—(1) that such an authority shall notify its intention to develop to the Minister who, unless he considers a formal application unnecessary, may require the application to be made to him for determination; (2) that any other applications for consent or approval by a local planning authority in relation to any such land shall be made to the Minister, whose decision shall be final; and (3) that compensation in cases of refusal or revocation of the permission, and in other kindred cases shall not be claimed by the authority in respect of such land.

The Town and Country Planning (Local Authorities' Land: Exceptions to Section 82) Regulations, 1948

1948 No. 1461

Made - - - -	*30th June,* 1948
Laid before Parliament	*30th June,* 1948
Coming into Operation	*1st July,* 1948*

B2521.

The Minister of Town and Country Planning in exercise of the powers conferred on him by Section 82 (1) (*c*) of the Town and Country Planning Act, 1947(**a**), and all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Town and Country Planning (Local Authorities' Land: Exceptions to Section 82) Regulations, 1948, and shall come into force on the appointed day.*

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

(3) In these regulations—

(*a*) " the Act " means the Town and Country Planning Act, 1947(**a**); and " the appointed day " means the day appointed for the coming into force of the Act;*

(**a**) 10 & 11 Geo. 6. c. 51. (**b**) 52 & 53 Vict. c. 63.

* *See* S.I. 1948 No. 213, p. 4087 above.