EXPLANATORY NOTE

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

By section 82 of the Town and Country Planning Act, 1947, land held at the appointed day (1st July, 1948) by a local authority for the purposes of their functions is excluded from the provisions of Part VI of the Act and no development charge is payable if the land is developed or if it is appropriated or sold or leased for another purpose with a planning permission. Where land held by a local authority at any time for the purposes of their functions is compulsorily acquired from that authority the compensation on such acquisition is to be assessed on the basis that no development charge would be payable for any development by which the use of the land is made to correspond with the generally prevailing use of contiguous or adjacent land.

Certain land is excepted from the benefit of this section, including land of any class excepted by these regulations.

Class (5) refers to land which a local authority has acquired at restricted value and which is not developed by that authority. The object of taking it out of the section is that upon any compulsory acquisition from that authority, the latter (having acquired it at restricted value) shall not reap the benefit of " prevailing use value " referred to above.

On the other hand the effect of the Proviso is that the land therein mentioned (all of which will have been acquired at unrestricted value) falls back into the section and is thus excluded both from a claim under Part VI and from a development charge.

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11. DEVELOPMENT PLANS

The Town and Country Planning (Development Plans) Regulations, 1948

1948 No. 1767

Made - - - -	*28th July,* 1948
Laid before Parliament	*28th July,* 1948
Coming into Operation	*16th August,* 1948

B.2562.

The Minister of Town and Country Planning, in exercise of the powers conferred on him by Sections 8, 10, 11 and 111 of the Town and Country Planning Act, 1947(a), and of all other powers enabling him in that behalf hereby makes the following Regulations:—

PART I

GENERAL

Citation and Commencement

1. These Regulations may be cited as the Town and Country Planning (Development Plans) Regulations, 1948, and shall come into force on the sixteenth day of August, 1948.

(a) 10 & 11 Geo. 6. c. 51.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires:—

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

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

" Certified copy " or " certified extract " mean respectively a copy or extract certified by the clerk of the local planning authority as being a true copy or extract.

" Development Plan ", in relation to any area, means the maps and written statement required in relation to that area by Part II of these Regulations and includes a Development Plan relating to any part of the area of a local planning authority prepared under subsection (5) of section 5 or section 7 of the Act, and proposals for any alterations or additions to a Development Plan.

" County " means an administrative county, but does not include the administrative county of London.

" Notice by advertisement ", in relation to a Development Plan, means a notice published in the " London Gazette " and in each of two successive weeks in at least one local newspaper circulating in the locality in which the land to which the Development Plan relates is situated.

" Specified period ", in relation to a notice by advertisement inviting objections or representations, means a period to be specified by the local planning authority in the notice being not less than six weeks from the date of the first local advertisement.

" District " means a county district, or, in relation to the administrative county of London, the City of London or a metropolitan borough.

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

Maps

3.—(1) Every map comprised in a Development Plan and every extract therefrom shall include a key describing the notation used.

(2) The Minister may in any particular case, direct or approve a scale for any map comprised in a Development Plan or for any part of such map which differs from the scale prescribed for that map in Part II of these Regulations.

PART II

FORM AND CONTENT OF DEVELOPMENT PLANS

General description of Development Plan

4.—(1) A Development Plan shall subject to paragraph (2) of this regulation consist of a basic map and a written statement and such other map or maps as may be appropriate under the succeeding provisions of these regulations.

(2) A Development Plan containing proposals for alterations or additions to a Development Plan already approved or made shall consist of such map, or maps referred to in the succeeding provisions of these regulations, and such written statement, as may be appropriate to those proposals, and any such map may be in substitution for any map or part of any map, forming part of the Development Plan already approved or made, or in addition to any such map.

(a) 52 & 53 Vict. c. 63.

Basic map for county boroughs and the administrative county of London

5. Subject to the provisions of regulation 11, a basic map in the case of a county borough or the administrative county of London shall be a map (hereinafter referred to as a town map) to a scale of 6 inches to a mile and showing particulars and proposals in respect of such of the items specified in Parts I and III of the First Schedule to these regulations as may be appropriate to the area to which the particular map relates.

Basic map and town maps for counties

6.—(1) Subject to the provisions of regulation 11, a basic map in the case of a county shall be a map (hereinafter referred to as a county map) to a scale of one inch to a mile and showing particulars and proposals in respect of such of the items specified in Parts II and III of the First Schedule to these regulations as may be appropriate to the area to which the particular map relates.

(2) Town maps shall also be prepared as part of a Development Plan, for such areas in the county as the local planning authority may determine, or as the Minister may in a particular case direct.

Comprehensive development area map

7. A Development Plan which defines any land as an area of comprehensive development shall define the area on a map (hereinafter referred to as a comprehensive development area map) to a scale of 1/2,500 and such map shall show particulars and proposals in respect of such of the items specified in Part IV of the First Schedule to these regulations as may be appropriate to the area.

Designation map

8. A Development Plan which designates any land as subject to compulsory acquisition shall designate such land on a map (hereinafter referred to as a designation map) to a scale of 1/2,500 and such map shall show particulars and proposals in respect of the items specified in Part V of the First Schedule to these regulations.

Street authorisation map

9. A Development Plan which defines any land as the site of a proposed road solely for the purposes of section 47 of the Act or which designates any land as land to which section 48 of the Act (relating to the construction and improvement of private streets) applies shall define such land on a map (hereinafter referred to as a street authorisation map) to a scale of 1/2,500 and such map shall show whether the land is defined for the purposes of section 47 of the Act, or designated for the purposes of section 48 of the Act, and if designated, whether as the site of a proposed road, or as land required for the widening of an existing road.

Titles and combination of maps

10.—(1) The maps referred to in this Part of these regulations shall be identified on the face by the titles thereby conferred on them.

(2) Any map referred to in any of the last three preceding regulations may be combined with any other such map, provided that the combined map is identified as aforesaid and that separate notations are used so as to differentiate clearly between the particulars and proposals required to be shown on one map and those required to be shown on the other or others.

Basic maps in cases under section 5 (5) of the Act

11. In the case of a Development Plan relating to part of the area of a local planning authority prepared under subsection (5) of section 5 of the Act

(*a*) if that part is in a county borough or the administrative county of London, and a comprehensive development area map but not a town map is prepared in respect thereof, such comprehensive development area map shall be the basic map for that part until a town map in respect thereof has been approved, when such town map shall become the basic map, but the map or maps already approved shall, subject to the provisions of regulation 4, continue to form part of the Development Plan;

(*b*) if that part is in a county, and a town map or a comprehensive development area map but not a county map is prepared in respect thereof, such town map, or, if there is no town map, such comprehensive development area map shall be the basic map for that part until a county map in respect thereof has been approved, when such county map shall become the basic map, but the map or maps already approved shall subject to the provisions of regulation 4, continue to form part of the Development Plan.

Programme maps

12.—(1) Every county map and every town map shall be accompanied by a programme map to a similar scale indicating the stages by which the proposals shown on such county map or town map should be carried out and distinguishing at least between (*a*) the first five years from the approval of the Development Plan, and (*b*) the remainder of the period covered by the Development Plan.

(2) Every comprehensive development area map shall be accompanied by a programme map to a scale of 1/2,500 indicating by reference to intervals of not more than five years the stages by which the proposals shown on the map should be carried out.

Written statement

13. A written statement shall form part of every Development Plan and such written statement shall include:

(*a*) a summary of the main proposals of the Development Plan with such descriptive matter as the local planning authority consider necessary to illustrate the proposals of the Development Plan or as the Minister may from time to time direct for that purpose;

(*b*) in relation to any comprehensive development area map,

(i) a statement in accordance with the provisions of subsection (3) of section 5 of the Act, of the purpose or purposes for which the area is to be developed or redeveloped as a whole, and

(ii) a use zone table showing the main types of development proposed to be permitted or disallowed in different parts of the area;

(*c*) in relation to any designation map designating land allocated by the Development Plan for the purposes of any of the functions of a Minister, local authority or statutory undertaker, a statement identifying separately

(i) the land allocated to each Minister, authority or undertaker,

(ii) the purpose for which such land is allocated, and

(iii) the Minister, authority or undertaker to whom such land is allocated;

(*d*) in relation to any designation map designating land for the purpose of securing its use in the manner proposed by the Development Plan, a statement identifying the land proposed for each use and what that use is.

Reconciliation of maps and statement

14. In the case of any contradiction in respect of any land to which a Development Plan relates between the particulars or proposals shown on one map comprised in the Development Plan and those shown on another of or other such maps, the map which is to a larger scale shall, if those particulars or proposals are required by these regulations to be shown thereon, prevail, and in case of any such contradiction between the maps included in the Development Plan and the written statement, the written statement shall prevail.

PART III

PROCEDURE FOR THE SUBMISSION AND APPROVAL OF DEVELOPMENT PLANS

Submission of Development Plan to Minister

15. A Development Plan shall be prepared in duplicate, each duplicate being sealed with the seal of the local planning authority. One duplicate shall be submitted to the Minister together with a certified copy, and a certificate that the provisions of subsection (1) of Section 10, or (in the case of a Development Plan relating to land within the City of London) of paragraph (*a*) of subsection (11) of Section 114, or (in case of a Development Plan relating to land within a metropolitan borough) of paragraph (*a*) of subsection (12) of Section 114 of the Act have been complied with.

Notice of submission of Development Plan to Minister

16. On the submission of a Development Plan to the Minister the local planning authority shall publish notice by advertisement of the submission in the form specified in Part I of the Second Schedule to these Regulations, or a form substantially to the like effect.

Local inquiries or hearings

17. After the Development Plan has been submitted the Minister shall take into consideration the Development Plan and any objection or representation received by him within the specified period and shall decide whether or not to cause a public local inquiry to be held into the objections or representations at which any interested persons may be heard. If the Minister decides to dispense with an inquiry he shall, before approving the Development Plan, afford to any person who has duly made an objection and whose objection has not been met or withdrawn, an opportunity of appearing before and being heard by a person appointed by him for the purpose; and if such a hearing is arranged the Minister shall at the same time afford to the local planning authority and such other persons as he deems expedient an opportunity of appearing and being heard on the same occasion.

Notice of approval of Development Plan

18. On receiving notice of the Minister's approval of the Development Plan with or without modifications the local planning authority shall forthwith publish a notice by advertisement in the form specified in Part II of the Second Schedule to these Regulations, or a form substantially to the like effect.

Service of notice of approval of Development Plan

19. The local planning authority shall serve a notice in the same terms as the notice referred to in the last preceding regulation on any person by

whom an objection or representation was duly made to the Development Plan and who has sent to the authority a request in writing for the service of such notice specifying an address for service, and on such other persons if any, as may be required by general or special directions given by the Minister.

Certificates as to advertisements and service of notices

20. The local planning authority shall furnish to the Minister a certified copy of any advertisement published in pursuance of these Regulations and when the service of any notices required to be served under these Regulations has been completed shall furnish to the Minister a certificate that the requirement has been complied with.

Deposit of copies of Development Plan

21. Where any notice required to be given under the provisions of these Regulations refers to the deposit of a certified copy or certified extract of a Development Plan, the local planning authority shall arrange for such copy or extract to be deposited at a place generally convenient to the whole area to which the Development Plan relates, and, where that area extends over more than one district, shall arrange for the deposit in each district to which the Development Plan relates or in a place convenient thereto of a certified copy, or a certified extract relating to that district or to a group of districts which includes that district.

Access to Development Plan

22. The local planning authority shall arrange for giving access to the Development Plan and to such copies or extracts therefrom as are mentioned in regulation 21 at all reasonable hours and without charge. Where such copies or extracts are deposited in pursuance of a notice inviting objections or representations, they shall be available for inspection from the beginning of the specified period, until the expiration of six weeks from the date on which the notice referred to in regulation 18 is first published.

Making of Development Plan by Minister

23. In relation to the making of a Development Plan by the Minister under Section 7 of the Act the foregoing provisions of this Part of these Regulations and of the Second Schedule thereto with respect to the submission of the Development Plan to the Minister, to the approval thereof and to the publication and service of notice of approval, shall have effect, subject to any necessary modifications, in relation to the preparation in draft of a Development Plan by the Minister, to the making thereof and to the publication and service of notice of such making;

Provided that—

(*a*) the draft Development Plan shall not be sealed and no such certified copy or certificate as is referred to in regulation 15 shall be required;

(*b*) the local planning authority shall publish or serve such notices as are required to be published or served unless the Minister otherwise directs, and shall arrange for the deposit of copies or extracts of the Development Plan and for giving access thereto.

Sale of copies of Development Plan

24. As soon as possible after the coming into operation of a Development Plan, the local planning authority shall arrange for the printing and publishing of the Development Plan, including the reproduction on such scale as may be appropriate of any relevant maps, and shall make available printed copies for sale to the public at a reasonable cost; provided that such printing and publication shall not be necessary in regard to a Development Plan which amends an existing Development Plan but the amendment shall unless the Minister otherwise directs be sufficiently published by being incorporated in the next subsequent reprinting of the Development Plan.

PART IV

CONCURRENT PROCEDURE UNDER SECTION 8 OF THE ACT

25.—(1) Where a Development Plan has been submitted to the Minister or is prepared in draft by the Minister, the Minister or the Minister of Transport may, pending the approval or making of the Development Plan, take any proceedings to which this regulation applies with reference to any land included in the area to which the Development Plan relates concurrently with any proceedings required under the Act or these Regulations to be taken in connection with the approval or making of the Development Plan.

(2) The proceedings to which this regulation applies are

(*a*) the proceedings required to be taken by the Minister under the First Schedule to the New Towns Act, 1946 preliminary to the making of an order under Section 1 of that Act designating an area as the site of a new town and

(*b*) the proceedings required to be taken by the Minister of Transport under the Second Schedule to the Trunk Roads Act, 1946 preliminary to the making of an order directing that any road proposed to be constructed by him shall be a trunk road or authorising him to construct or improve any road under Section 4 of that Act.

FIRST SCHEDULE

PARTICULARS AND PROPOSALS TO BE INCLUDED IN TOWN, COUNTY COMPREHENSIVE DEVELOPMENT AND DESIGNATION MAPS

Note.—The Development Plan is to include, in respect of the items mentioned in this Schedule, particulars of existing development which it is intended to retain, and proposals for future development. Locations required to be shown may be shown approximately or in appropriate cases by means of symbols.

PART I

Particulars and proposals to be shown on town maps (to a scale of six inches to one mile)

(i) Areas or location of areas comprised in the following maps:

(*a*) comprehensive development area maps already approved or presently submitted, showing the other particulars and proposals specified in this Part and in Part III but (save as aforesaid) not those specified in Parts IV or V of this Schedule;

(*b*) designation maps already approved or presently submitted;

(ii) Areas primarily for:

(*a*) industrial use;

(*b*) principal business, civic, cultural or other special uses for the town as a whole;

(*c*) residential use indicating densities proposed for each area, and location or area of shopping centres;

(iii) Location of principal roads, parking places, etc., in the following categories:

(*a*) trunk roads;

(*b*) other principal traffic roads;

(*c*) principal parking places or stations for public vehicles;

(iv) Location of railway and water transport facilities in the following categories:

(*a*) railways and railway land (indicating passenger and goods stations);

(*b*) waterways, whether docks, harbours or inland waterways;

(*c*) wharves, depots and land for use with such waterways;

(v) Areas or locations of primary and secondary schools, colleges or other educational institutions; and their playing fields;

(vi) Open spaces.

PART II

Particulars and proposals to be shown on county maps (to a scale of one inch to one mile).

(i) Areas or location of areas comprised or to be comprised in the following maps:

(*a*) town maps already approved or presently submitted, showing the present and proposed built-up areas and the particulars and proposals specified in item (iv) of this Part, but not any other particulars or proposals under this Schedule;

(*b*) town maps which will be prepared at a later date;

(*c*) comprehensive development area maps already approved or presently submitted;

(*d*) designation maps already approved or presently submitted;

(ii) Areas designated or proposed to be designated under Section I of the New Towns Act, 1946, showing the particulars and proposals specified in item (iv) (*a*) of this Part but not any other particulars and proposals under this Schedule;

(iii) Location of other settlements intended as centres for social, educational or health services;

(iv) Location of principal roads, in the following categories:

(*a*) trunk roads;

(*b*) other principal traffic roads;

(v) Location of railway and water transport facilities in the following categories:

(*a*) railways;

(*b*) waterways, whether docks, harbours or inland waterways.

PART III

Other Particulars and proposals to be shown on town and county maps if applicable.

(i) Land to be used for securing the winning and working of minerals other than coal;

(ii) Surface areas required in connection with the winning and working of coal, or for collieries;

(iii) Areas for the deposit of refuse or waste materials;

(iv) Areas to be used for Government purposes (the purposes being indicated);

(v) Airfields;

(vi) Areas to be used for the purposes of local authorities or statutory undertakers (the purposes being indicated),

(vii) Areas of great landscape, scientific or historic value;

(viii) Areas where facilities for large scale holiday camping are to be provided;

(ix) Any other particulars or proposals of importance.

PART IV

Particulars and proposals to be shown on comprehensive development area maps (to a scale of 1/2500—approximately 25 inches to a mile).

(i) The boundary of the area of comprehensive development;

(ii) Use zones, indicating the densities of buildings proposed in each zone;

(iii) Principal roads, in the following categories:

(*a*) trunk roads;

(*b*) other principal traffic roads;
(*c*) streets forming the main framework of residential, industrial or business areas;
(iv) Open spaces, and the purposes for which they are to be used;
(v) Any other particulars or proposals of importance.

PART V

Particulars and proposals to be shown on designation maps (to a scale of 1/2500—approximately 25 inches to a mile)

(i) The boundary of the area or areas designated;
(ii) In relation to each area or part of an area, the following particulars:
(*a*) land allocated for the purposes of any of the functions of a Minister, local authority or statutory undertaker;
(*b*) land comprised in an area of comprehensive development;
(*c*) land contiguous or adjacent to an area of comprehensive development;
(*d*) other land allocated for the purpose of securing its use in the manner proposed by the Development Plan.

SECOND SCHEDULE

PART I

FORM OF NOTICE OF SUBMISSION OF DEVELOPMENT PLAN

Town and Country Planning Act, 1947

(Name of Local Planning Authority.)

(Title of Development Plan.)

NOTICE IS HEREBY GIVEN THAT THE ABOVE Development Plan was on the day of , 19 submitted to the Minister of Town and Country Planning for approval.

The Development Plan relates to land situate within the (1) and comprises land within the under-mentioned districts.

A certified copy of the Development Plan as submitted for approval has been deposited for public inspection at (2).

Certified copies or extracts of the Development Plan so far as it relates to the under-mentioned districts have also been deposited for public inspection at the places mentioned below (3).

The copies or extracts of the Development Plan so deposited are available for inspection free of charge by all persons interested at the places mentioned above between (4).

Any objection or representation with reference to the Development Plan may be sent in writing to the Secretary, Ministry of Town and Country Planning, 32, St. James's Square, London, S.W.1, before the day of 19 (5) and any such objection or representation should state the grounds on which it is made. Persons making an objection or representation may register their names and addresses with the (6) and will then be entitled to receive notice of the eventual approval of the Development Plan.

Dated this day of , 19 .

(Signature of duly authorised officer).

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(1) Insert name of County or County Borough.

(2) Insert address of place (e.g. " County offices, etc. ") where a copy of the Development Plan has been deposited.

(3) Insert names of districts concerned and addresses of places where appropriate extracts have been deposited. Where additional full copies of the Development Plan are available these should be deposited at central places and the wording of the notice amended if necessary. (In the case of the county boroughs deposit at one place is all that is obligatory).

(4) Specify the hours during which the Development Plan will be open for inspection.

(5) Insert date not less than six weeks from the date of first local advertisement.

(6) Insert name of local planning authority.

PART II

FORM OF NOTICE OF APPROVAL OF DEVELOPMENT PLAN

Town and Country Planning Act, 1947

(Name of Local Planning Authority.)

(Title of Development Plan.)

To (1)

NOTICE IS HEREBY GIVEN that on the day of , 19 , the Minister of Town and Country Planning approved (with modifications) the above Development Plan.

A certified copy of the Development Plan as approved by the Minister has been deposited at (2)
and certified copies or extracts of the Development Plan so far as it relates to the under-mentioned districts have also been deposited at the places mentioned below (3).

The copies or extracts of the Development Plan so deposited will be open for inspection free of charge by all persons interested between (4).

The Development Plan became operative as from the (5) day of , 19 , but if any person aggrieved by the Development Plan desires to question the validity thereof or of any provision contained therein on the ground that it is not within the powers of the Town and Country Planning Act, 1947, or on the ground that any requirement of the Act or any regulation made thereunder has not been complied with in relation to the approval of the Development Plan, he may, within six weeks from the (5) day of , 19 , make application to the High Court (6).

Dated this day of 19 .

(Signature of duly authorised officer.)

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(1) This line is required for personal notices only.

(2) Insert address of place (e.g. "County Offices, etc.") where a copy of the Development Plan has been deposited.

(3) Insert names of districts concerned and addresses of places where appropriate extracts have been deposited. Where additional full copies of the Development Plan are available, these should be deposited at central places and reference to such deposit made in the notice. (In the case of county boroughs deposit at one place is all that is obligatory.)

(4) Specify the hours during which the Development Plan will be open for inspection.

(5) Insert first date of publication of this Notice.

(6) If an order has been made by the Minister under paragraph (*c*) of the proviso to subsection (4) of section 5 of the Act, this paragraph will require modification in the light of the provisions of subsection (4) of section 11 of the Act.

Given under the Official Seal of the Minister of Town and Country Planning this twenty-eighth day of July, 1948.

(L.S.)

Lewis Silkin,
Minister of Town and Country Planning.

EXPLANATORY NOTE

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

These regulations deal with the form and content of development plans prepared under Part II of the Town and Country Planning Act, 1947, and with the procedure to be followed for bringing them into operation. By virtue of the definition of " Development Plan " in regulation 2, they apply also to proposals for alterations or additions to a development plan.

Part II of the regulations specifies the maps and written statement which make up the development plan, and, with the First Schedule, indicates their contents. Part III deals with procedure, and contains provision (in regulation 24) for the placing on sale of copies of development plans when they become operative. Part IV provides for the procedure in relation to development plans being carried out at the same time as that in relation to to the making of orders relating to trunk roads under the Trunk Roads Act, 1946, or new towns under the New Towns Act, 1946.

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12. ERECTION OF INDUSTRIAL BUILDINGS

The Town and Country Planning (Erection of Industrial Buildings) Regulations, 1948

1948 No. 1309

Made - - - -	18*th June*, 1948
Laid before Parliament	21*st June*, 1948
Coming into Operation	1*st July*, 1948

Whereas by subsection (4) of Section 14 of the Town and Country Planning Act, 1947(a), it is provided that an application to the local planning authority for permission to develop land by the erection thereon of an industrial building of any class prescribed by regulations made for the purposes of that subsection by the Board of Trade shall be of no effect unless it is certified by the Board that the development in question can be carried out consistently with the proper distribution of industry, but that no such certificate as aforesaid shall be required in respect of the erection of any industrial building which will have an aggregate floor space not exceeding five thousand square feet.

Now, therefore, the Board of Trade, in pursuance of the powers conferred upon them by the said subsection, hereby make the following regulations:—

1. All classes of industrial buildings are prescribed for the purposes of subsection (4) of Section 14 of the Town and Country Planning Act, 1947.

2. These regulations may be cited as the Town and Country Planning (Erection of Industrial Buildings) Regulations, 1948, and shall come into operation on the 1st day of July, 1948.

Dated this 18th day of June, 1948.

Harold Wilson,
President of the Board of Trade.

(a) 10 & 11 Geo. 6. c. 51.