The Town and Country Planning (New Towns Special Development) Order, 1950

1950 No. 152

Made - - - -	*27th January*, 1950
Laid before Parliament	*30th January*, 1950
Coming into Operation	*1st March*, 1950

B4043.

The Minister of Town and Country Planning, in exercise of the powers conferred on him by Section 13 of the Town and Country Planning Act, 1947(a), and subsection (2) of Section 3 of the New Towns Act, 1946(b), as amended by that Act, and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This Order shall apply to land in England and Wales within any area for the time being designated by an Order under Section 1 of the New Towns Act as the site of a new town.

(2) Subject to the provisions of this Order, the General Development Order shall apply to the land to which this Order applies.

(3) This Order may be cited as the Town and Country Planning (New Towns Special Development) Order, 1950, and shall come into force on the first day of March, 1950.

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely:—

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

"the New Towns Act" means the New Towns Act, 1946, as amended by the Act;

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

"the General Development Order" means the Town and Country Planning (General Development) Order, 1948(c), as amended by any subsequent order;

"development corporation" means a development corporation established by an order under Section 2 of the New Towns Act, and "their area" in relation to any such corporation means the area, designated by an order under Section 1 of that Act, which it is the duty of the corporation to develop as a new town;

"building" does not include plant or machinery or a structure or erection of the nature of plant or machinery but includes any other structure or erection and any part of a building as so defined;

"classified road", "road" and "trunk road" have the meanings assigned to them by the General Development Order;

"unapproved means of access" means a means of access which is not shown in a proposal approved by the Minister under subsection (1) of Section 3 of the New Towns Act.

(a) 10 & 11 Geo. 6. c. 51. (b) 9 & 10 Geo. 6. c. 68. (c) S.I. 1948 (No. 958) I, p. 4147.

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

3.—(1) The carrying out by a development corporation, within their area, of development of the following classes, not being development for which permission under Part III of the Act is granted or deemed to be granted otherwise than by this Order, is hereby permitted, subject to such of the limitations and conditions hereinafter contained as are applicable to the development:—

CLASS A—Development in accordance with proposals approved by the Minister under subsection (1) of Section 3 of the New Towns Act.

CLASS B—Development consisting of the erection or construction of buildings, works, plant or machinery needed temporarily in connection with development of Class A, or the institution of any temporary use in connection with the carrying out of development of Class A, subject to the condition that such buildings, works, plant or machinery shall be removed, or such use discontinued, within such period as may at any time be specified by notice in writing given in that behalf by the Minister as respects all or any development of this Class within the area of any particular development corporation.

(2) The carrying out by a person to whom a development corporation have disposed of land, or by a successor in title or lessee of such person, of authorised development on that land shall be deemed for the purposes of this Article, except as respects the grant of permission for development of Class B, to be the carrying out of such development by the development corporation.

(3) The expression "authorised development" in the last foregoing paragraph means any development of land in accordance with proposals approved by the Minister under subsection (1) of Section 3 of the New Towns Act which has been authorised in writing by a development corporation at the time they dispose of the land and after they have complied with any requirement of Article 5 of this Order applicable to the development, and references in that Article to the authorising of development by a development corporation shall be construed accordingly.

4. Nothing in this Order shall operate so as to permit any development—

(*a*) for which permission is required as a result of an order under Section 21 or Section 26 of the Act;

(*b*) which involves the erection of an industrial building of any class prescribed by regulations for the time being in force under subsection (4) of Section 14 of the Act, unless the Board of Trade have granted the certificate which would have been required in the case of an application for planning permission for such development, or the development is of a class in respect of which the said regulations direct that no such certificate is required.

5.—(1) It shall be a condition of permission granted by this Order that before the development corporation undertake or authorise development in any of the following cases they shall consult with the authorities or persons therein respectively mentioned, namely:—

(*a*) in the case of development consisting of the formation, laying out or alteration of an unapproved means of access to a trunk road, with the Minister of Transport;

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

(*b*) in the case of development consisting of the formation, laying out or alteration of an unapproved means of access to a classified road, or to a road shown in a proposal approved by the Minister under subsection (1) of Section 3 of the New Towns Act as a road access to which is required to be the subject of such consultation, with the local highway authority ;

(*c*) where it appears to the development corporation that the development is likely to affect land outside their area, with the local planning authority in respect of that land ;

(*d*) where the development consists of the erection of a building (other than an alteration, extension or re-erection of an existing building or the erection of a building of a temporary character) in an area of proposed coal working notified by the National Coal Board to the local planning authority, with the National Coal Board ;

(*e*) where the development is of land which is situate within 2 miles from Windsor Great Park or Windsor Home Park or which is within half a mile from any Royal Palace or from any other Royal Park, and might affect the amenities of that Palace or Park, with the Minister of Works ;

(*f*) in the case of development in respect of which the local planning authority for the land proposed to be developed are required by any direction for the time being in force under the General Development Order to consult with any authority or person other than the development corporation, with that authority or person as required by that direction.

(2) When required by this Order to consult with any authority or person the development corporation shall give to such authority or person not less than 21 days' notice in writing, specifying the site of, and giving particulars sufficient to describe, the proposed development, and shall not undertake or authorise the development until after the expiration of the period of such notice ; and the development corporation shall take into account any representations received from such authority or person.

(3) Where any objection or representation has been made by an authority or person consulted as aforesaid and has not been withdrawn, the development corporation shall send particulars of the proposal and of the objection or representation to the Minister in writing, and shall not undertake or authorise the development in pursuance of this Order until the Minister has notified them that he does not intend to give a direction under Article 6 of this Order in respect of the development.

6.—(1) If the Minister is satisfied that it is expedient that any development of either class permitted by this Order should not be undertaken unless permission is granted on an application in that behalf, the Minister may direct that the permission granted by Article 3 of this Order shall not apply to that development.

(2) Notice of a direction given by the Minister under this Article shall, except in the case of development to be carried out by the development corporation, be served by the development corporation on any owner and occupier of the land affected, and any such direction shall come into force on the date on which notice thereof is served on the occupier, or if there is no occupier, on the owner.

7.—(1) Any power conferred by this Order to give a direction shall be construed as including power to cancel or vary the direction by a subsequent direction.

(2) Any notice to be served or given under this Order may be served or given in the manner prescribed by Section 105 of the Act and by any regulations for the time being in force under that Section.

Dated this twenty-seventh day of January, 1950.

Given under the Official Seal of the Minister of Town and Country Planning.

(L.S.) *Lewis Silkin,*
Minister of Town and Country Planning.

EXPLANATORY NOTE

(This Note is not part of this Order, but is intended to indicate its general purport.)

Under subsection (1) of Section 3 of the New Towns Act, 1946, the Minister of Town and Country Planning, after consultation with the appropriate local planning authority and with any other local authority who appear to him to be concerned, may approve proposals submitted to him by a development corporation for the development of land within an area designated as the site of a new town. Subsection (2) of that Section, as amended by the Town and Country Planning Act, 1947, provides that a special development order made by the Minister under the latter Act may grant permission for any development of land in accordance with proposals so approved.

This Order, which applies to any area for the time being designated as the site of a new town, grants permission for such development, either by the development corporation or, in certain circumstances, by a person to whom the corporation have disposed of land in the area (Article 3, Class A). Permission is also granted for the carrying out by the corporation of temporary development in connection with development of Class A (Class B). The permission granted by the Order is subject to limitations and conditions (Articles 4 and 5) and may be withdrawn in any particular case by direction of the Minister (Article 6).

The Town and Country Planning (Tree Preservation Order) Regulations, 1950

1950 No. 534

Made - - - -	30*th March,* 1950
Laid before Parliament	1*st April,* 1950
Coming into Operation	6*th April,* 1950

B4174.

The Minister of Town and Country Planning, in exercise of the powers conferred on him by sections 28 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 :—

1.—(1) These Regulations may be cited as the Town and Country Planning (Tree Preservation Order) Regulations, 1950, and shall come into force on the sixth day of April, 1950.

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