STATUTORY INSTRUMENTS

1963 No. 1142

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (New Towns Special Development) Order 1963

Made - - - -	*24th June* 1963
Laid before Parliament	1*st July*, 1963
Coming into Operation	2*nd July* 1963

The Minister of Housing and Local Government, in exercise of the powers conferred on him by section 14 of the Town and Country Planning Act 1962(a) and section 3(2) of the New Towns Act 1946(b) as amended by the Town and Country Planning Act 1947(c) and of all other powers enabling him in that behalf, hereby orders as follows:—

Application, citation and commencement

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 1963 and shall come into operation on 2nd July 1963.

Interpretation

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 1962;

"the New Towns Act" means the New Towns Act 1946 as amended by any other enactment;

"the Minister" means the Minister of Housing and Local Government;

"the General Development Order" means the Town and Country Planning General Development Order 1963(d) as amended or replaced 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;

(a) 10 & 11 Eliz. 2. c. 38.
(b) 9 & 10 Geo. 6. c. 68.
(c) 10 & 11 Geo. 6. c. 51.
(d) S.I. 1963/709 (1963 I, p. 862).

classified road", "highway" 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 section 3(1) of the New Towns Act.

(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.

Permitted development and authorised development

3.—(1) The carrying out by a development corporation, within their area, of the following class of development, namely, development in accordance with proposals approved by the Minister under section 3(1) of the New Towns Act, 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.

(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 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 section 3(1) 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.

Exceptions from permitted development

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 27 or section 28 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 section 38 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.

Consultation before development

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 highway shown in a proposal approved by the Minister under section 3(1) of the New Towns Act as a highway 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 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 Public Building and 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.

Directions restricting permitted development

6.—(1) If the Minister is satisfied that it is expedient that any development of the 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.

Directions and notices

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 214 of the Act and by any regulations for the time being in force under that section.

Revocation and savings

8.—(1) The Town and Country Planning (New Towns Special Development) Order 1950(a) is hereby revoked, but without prejudice to any permission given under and in accordance with the provisions hereof.

(2) Where immediately before the coming into operation of this order any notice has been given by the Minister under article 3(1) of the order revoked by this article or any direction is in force under article 6 of that order, such notice or direction shall continue in force and have effect as if given under this order.

Given under the official seal of the Minister of Housing and Local Government on 24th June 1963.

(L.S.)

Keith Joseph,
Minister of Housing and Local Government.

EXPLANATORY NOTE

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

This order under section 14 of the Town and Country Planning Act 1962 replaces the Town and Country Planning (New Towns Special Development) Order 1950 made under the corresponding section of the Town and Country Planning Act 1947.

Under section 3(1) of the New Towns Act 1946 the Minister of Housing and Local Government, 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. Section 3(2) of that Act provides that a special development order 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). 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).

(a) S.I. 1950/152 (1950 II, p. 1091).