

1976 No. 1419

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES****The Town and Country Planning General Regulations 1976**

<i>Made</i>	- - -	<i>1st September 1976</i>
<i>Laid before Parliament</i>		<i>10th September 1976</i>
<i>Coming into Operation</i>		<i>1st October 1976</i>

ARRANGEMENT OF REGULATIONS

PART I

TITLE, COMMENCEMENT AND INTERPRETATION

1. Citation and commencement.
2. Interpretation.

PART II

OBTAINING OF PLANNING PERMISSION BY LOCAL AUTHORITIES

Development Permissions

3. Application of Part III of the Act.
4. Deemed permission for development by a local authority.
5. Deemed permission for development of land vested in a local authority which it does not itself propose to carry out.
6. Exercise of powers by officers.
7. Applications to the Secretary of State.
8. Industrial development.
9. Office development.
10. Consultation and furnishing of information.
11. Development affecting highways.
12. Other consents.
13. Savings.

PART III

GENERAL

14. Claims for compensation and purchase notices.
15. Marking of certain notices and documents.
16. Application of the Public Health Act 1936 to enforcement notices.
17. Concurrent procedure for acquisition of land and extinguishment of rights of way.
18. Notices and counter-notices relating to planning blight.
19. Advertisement and notice of unopposed order revoking or modifying planning permission.
20. Revocation and savings.

2. Subject to the provisions of this Schedule, the amount of levy to be imposed on an employer in respect of a wool, jute and flax establishment shall be equal to the appropriate percentage of the sum of the emoluments of all the persons employed by the employer in the twelfth base period at or from the establishment.

3. There shall be exempt from the levy:—

(a) an employer in whose case the number of employees employed by him (or by an associated company of the employer) under a contract of service at or from the wool, jute and flax establishment or establishments of the employer (or of any associated company of the employer), on 31st March 1976 did not exceed 25;

(b) a charity.

4. The amount of the levy imposed in respect of a wool, jute and flax establishment that ceases to carry on business in the twelfth levy period shall be in the same proportion to the amount that would otherwise be due in accordance with the foregoing provisions of this Schedule as the number of days between the commencement of the said levy period and the date of cessation of business (both dates inclusive) bears to the number of days in the said levy period.

APPENDIX

Group No.	Description of Activities	Appropriate Percentage
1.	The activities following or any of them:— (a) the production of yarn from jute; (b) the manufacture of any woven fabric from such yarn, or (c) the production of any other yarn or the manufacture of any other woven fabric, being production or manufacture in a textile factory from any textile fibres, yarn or continuous filament and, in any case, by a system commonly employed in the production of jute yarn or in the manufacture of jute fabric or by a system similar thereto.	0.57%
2.	Any other activities of the wool, jute and flax industry not being activities comprised in Group 1 of this Appendix.	0.50%

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect to proposals of the Wool, Jute and Flax Industry Training Board which were submitted to and approved by the Manpower Services Commission, and thereafter submitted by the Manpower Services Commission to the Secretary of State for Employment. The proposals are for the imposition of a further levy on employers in the wool, jute and flax industry for the purpose of encouraging adequate training in the industry.

The levy is to be imposed in respect of the twelfth levy period commencing with the day upon which this Order comes into operation and ending on 31st March 1977. The levy will be assessed by the Board and there will be a right of appeal against an assessment to an industrial tribunal.

SCHEDULES

SCHEDULE 1—Prescribed forms of blight notice and counter notice.

SCHEDULE 2—Advertisement and notice of unopposed order revoking or modifying a planning permission.

The Secretary of State for the Environment and the Secretary of State for Wales in exercise of the powers conferred on them by sections 164, 169, 170, 180, 187, 188, 189, 193, 194 and 283 of the Town and Country Planning Act 1971(a) and section 78 of the Land Compensation Act 1973(b) and of all other powers enabling them in that behalf, and the Secretary of State for the Environment also in exercise of the powers conferred on him by sections 46, 91, 177, 201, 212, 219, 270, 287 and 290 of the Town and Country Planning Act 1971 and of all other powers enabling him in that behalf, hereby make the following regulations:—

PART I

TITLE, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. These regulations may be cited as the Town and Country Planning General Regulations 1976 and shall come into operation on 1st October 1976.

Interpretation

2.—(1) In these regulations, except so far as the context otherwise requires—

“the Act” means the Town and Country Planning Act 1971;

“the Common Council” means the Common Council of the City of London;

“listed building” has the same meaning as in Part IV of the Act;

“local authority” means the council of a county or district, the Common Council, the Greater London Council, the council of a London borough and any other authority (except the Receiver for the Metropolitan Police District) who are a local authority within the meaning of the Local Loans Act 1875(c), and includes any drainage board, any joint board or joint committee and any special planning board established under paragraph 3 of Schedule 17 to the Local Government Act 1972(d), if all the constituent authorities are local authorities within the meaning of the said Act of 1875;

“local planning authority” means a county planning authority, a district planning authority, the council of a London borough, the Greater London Council and the Common Council.

(2) References in these regulations to the register of planning applications are to be interpreted as references to the register kept, pursuant to section 34 of the Act, by the local planning authority (as defined by article 17(1) of the Town and Country Planning General Development Order 1973(e) (as amended) (f)) for the area in which the land to which a resolution referred to in regulation 4(1) or regulation 5(2) relates is situated.

(3) A regulation referred to in these regulations only by number means the regulation so numbered in these regulations.

(4) The Interpretation Act 1889(g) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) 1971 c. 78.

(c) 1875 c. 83.

(e) S.I. 1973/31 (1973 I, p. 207).

(f) The relevant amending order is S.I. 1974/418 (1974 I, p. 1318).

(g) 1889 c. 63.

(b) 1973 c. 26.

(d) 1972 c. 70.

PART II

OBTAINING OF PLANNING PERMISSION BY LOCAL AUTHORITIES

*Development permissions**Application of Part III of the Act*

3. In relation to—

- (a) development by a local authority being a local planning authority (other than the Greater London Council, the council of a London borough, the Common Council or, as respects land any part of which is within a National Park, a district council) of land within their area;
- (b) development by the Greater London Council which by virtue of paragraph 3 of Schedule 3 to the Act is deemed to be development by that council of land in respect of which they are the local planning authority;
- (c) development by the Greater London Council or the Inner London Education Authority of land in Greater London which is vested in the Council;
- (d) development by the council of a London borough or the Common Council of land in their area which is vested in the corporation of the borough or the City, as the case may be, or development in respect of which the council are the local planning authority by virtue of paragraph 2 of Schedule 3 to the Act;
- (e) development of any land which is vested in a local planning authority and which is situated within their area (other than development of land any part of which is within a National Park and which is vested in a district council),

the provisions of Part III of the Act specified in Part V of Schedule 21 to the Act shall have effect subject to the exceptions and modifications prescribed in regulations 4 to 12; and in this part of these regulations “the appropriate Part III provisions” means the provisions of Part III specified in the said Schedule.

Deemed permission for development by a local authority

4.—(1) The provisions of this regulation apply where the authority require a permission for development which they propose to carry out and which is not granted by a development order (other than a permission for development which consists in or includes works for the alteration or extension of a listed building) and where they resolve to seek permission for the carrying out of that development.

(2) The authority shall, after passing the resolution referred to in paragraph (1) of this regulation—

- (a) give notice in writing—
 - (i) to all persons who at the date of the said resolution were entitled to a material interest (within the meaning of section 6(1) and (2) of the Community Land Act 1975(a) in any of the land on which the authority propose to carry out the development; and
 - (ii) where any of the said land constitutes or forms part of an agricultural holding (within the meaning of the Agricultural Holdings Act 1948(b)), on every person who was at the date of the resolution a tenant of such a holding,

(a) 1975 c. 77.

(b) 1948 c. 63.

that they are seeking permission to carry out the development, describing both the development and the land on which it is to be carried out;

- (b) where the development consists of or includes development of any class which is prescribed for the purposes of section 26 of the Act, publish a notice of their proposal to seek permission for the development in a local newspaper circulating in the locality in which the land on which the authority proposes to carry out the development is situated, describing the development and the land on which it is to be carried out;
- (c) where the development consists of or includes development within any of the descriptions set out in section 28(1) of the Act, publish in a local newspaper circulating in the locality in which the land is situated, and display (for not less than 7 days) on or near the land, notices describing the development;

and in each case such notice shall state that any objection to the proposal should be made to the authority in writing within such period (not being less than 21 days) as may be specified in the notice.

(3) After passing the resolution referred to in paragraph (1) of this regulation, the authority shall take steps to secure that a copy of it is placed in Part I of the register of planning applications, together with a plan indicating the land on which it is proposed to carry out the proposed development; and if the proposed development consists of or includes the carrying out of operations on the land and the resolution refers to plans showing details of those operations, those plans shall also be placed in Part I of the said register.

(4) The authority shall comply with the requirements of any development order and of any direction given by the Secretary of State thereunder as though the resolution to seek permission to carry out the development were an application for planning permission made to a local planning authority.

(5) On the expiry of—

- (a) the period specified in the notice given pursuant to paragraph (2)(a) of this regulation; or
- (b) the period specified in any notice given pursuant to paragraph (2)(b) of this regulation; or
- (c) the period specified in any notice published or displayed pursuant to paragraph (2)(c) of this regulation; or
- (d) the period specified in any development order or direction made thereunder (being a period during which a local planning authority is prohibited from granting planning permission on an application or from determining an application for planning permission); or
- (e) the period of 21 days from the date when a copy of the resolution referred to in paragraph (1) of this regulation was placed in Part I of the register of planning applications,

whichever period last expires, the authority may, unless the Secretary of State has required them to make an application to him for permission for the development described in the resolution referred to in paragraph (1) of this regulation, resolve, by a resolution which is expressed to be passed for the purposes of this paragraph, to carry out that development; and, subject to the provisions of regulations 8 to 11, on the passing of such resolution permission shall be deemed to be granted by the Secretary of State for that development.

(6) After passing a resolution expressed to be passed for the purposes of paragraph (5) of this regulation the authority shall take steps to secure that particulars of the development concerned and of the land on which it is to be carried out, and the date of the authority's resolution, are placed in the register of planning applications; and the provisions of section 34 of the Act shall apply as if the resolution were a decision on an application for planning permission made to the local planning authority.

(7) A permission deemed to be granted by virtue of paragraph (5) of this regulation shall enure only for the benefit of the authority passing the resolution under that paragraph and not for the benefit of the land; but it shall be treated for all purposes of the Act as a permission granted by a planning decision given on an application, and as if it had been granted on the date of the authority's resolution under paragraph (5) of this regulation.

(8) Where the development authorised by a permission deemed to be granted by virtue of paragraph (5) of this regulation includes the erection of a building or the carrying out of any other operation, and plans showing details of the development have not been placed in Part I of the register of planning applications (pursuant to paragraph (3) of this regulation) before the passing of the resolution referred to in paragraph (5) of this regulation, the authority shall take steps to secure that as soon as practicable after the passing of the resolution under paragraph (5) of this regulation plans showing the details of the work authorised by the permission (including, in the case of a planning permission which authorises the erection of a building, details of the siting, design and external appearance of the building, the means of access to the building and (where appropriate), the landscaping of the site on which the building is to be erected) are placed in that Part of the said register.

(9) No plans relating to development authorised by a permission deemed to be granted by virtue of paragraph (5) of this regulation which have been placed in Part I of the register of planning applications pursuant to paragraph (3) or paragraph (7) of this regulation shall be removed from the said register until the development is completed.

Deemed permission for development of land vested in a local authority which it does not itself propose to carry out

5.—(1) The provisions of this regulation shall apply where the authority seek to obtain permission for development (other than a permission for development which consists of or includes works for the alteration or extension of a listed building) of land in their area which is vested in them but where they do not themselves propose to carry out such development.

(2) The authority shall pass a resolution, expressed to be passed for the purposes of this regulation, to seek permission for the development, and the provisions of paragraphs (2) to (4) of regulation 4 shall apply to such resolution as though it were a resolution of the kind referred to in paragraph (1) of that regulation.

(3) Where the development for which the authority seek to obtain permission consists of or includes the carrying out of operations, the resolution passed for the purposes of this regulation may state either—

- (a) that permission is to be sought for the carrying out of the development in accordance with such plans, showing details of the operations concerned, as may be specified in the resolution; or

- (b) that details of the operations are to be reserved for the approval of the local planning authority in the event of permission being obtained;

and where the resolution is in the form indicated at (a) above, the authority shall comply with the requirements of paragraph (3) of regulation 4 by taking steps to secure that copies of the plans specified in the resolution are placed in Part I of the register of planning applications, together with a copy of their resolution, before any of the notices referred to in paragraph (2) of regulation 4 is given or published (as the case may be).

(4) Paragraph (5) of regulation 4 shall apply with the following modifications:—

- (a) for the reference to a resolution to carry out the development, there shall be substituted a reference to a resolution authorising the carrying out of the development pursuant to the provisions of this regulation;
- (b) the resolution authorising the carrying out of the development may include such conditions as the authority think fit, and where such conditions are imposed the planning permission which is deemed, by virtue of the said paragraph (5), to be granted for the development shall be deemed to be granted subject to such conditions; and
- (c) where the development includes the erection of a building, and the resolution passed for the purposes of this regulation is in the terms indicated at (b) of paragraph (3) of this regulation, the resolution authorising the carrying out of the development shall include conditions requiring the approval of the local planning authority to be obtained to the siting, design and external appearance of the building, the means of access to the building and (where appropriate) the landscaping of the site on which the building is to be erected.

(5) After passing a resolution authorising the carrying out of development pursuant to the provisions of this regulation, the authority shall—

- (a) prepare a statement, in the form of a notice of the granting of planning permission under section 29 of the Act, describing the development authorised and the land on which it is authorised to be carried out, setting out the terms of the conditions (if any) included in the authority's resolution and giving the date of that resolution; and
- (b) take steps to secure that particulars of the permission, as set out in the statement required under (a) above, are placed in the register of planning applications;

and the provisions of section 34 of the Act shall apply as if the resolution were a decision on an application for planning permission made to the local planning authority.

(6) Where a permission is deemed to be granted by virtue of paragraph (5) of regulation 4 as applied by paragraph (4) of this regulation, that deemed permission shall be treated for all purposes of the Act as a permission granted by a planning decision given on an application, and as if it had been granted on the date of the authority's resolution under paragraph (5) of regulation 4, as applied by paragraph (4) of this regulation.

Exercise of powers by officers

6.—(1) Where an authority proposing to seek permission for the carrying out of development under regulation 4 have made arrangements under section 101 of the Local Government Act 1972 for the discharge of the relevant functions

by an officer of the authority, the provisions of the regulation 4 shall apply as though references to the passing of a resolution by the authority to seek permission were references to the giving of written notice to the authority by that officer that he proposes to seek permission and references to a resolution to carry out the development were references to written notice given to the authority by that officer that the development is authorised pursuant to regulation 4(5).

(2) Where an authority proposing to seek permission for development under regulation 5 have made arrangements under section 101 of the Local Government Act 1972 for the discharge of the relevant functions by an officer of the authority, the provisions of regulation 5 shall apply as though references to the passing of a resolution by the authority to seek permission for the development were references to the giving of written notice to the authority by that officer that he proposes to seek permission under that regulation and references to a resolution authorising the carrying out of the development pursuant to the provisions of that regulation were references to the issuing by that officer of written notice, in the form of a notice of the granting of planning permission under section 29 of the Act, authorising the carrying out of development.

Applications to the Secretary of State

7.—(1) Where—

- (a) the authority require a permission for development which consists of or includes works for the alteration or extension of a listed building; or
- (b) the Secretary of State requires the authority to make an application to him for permission for any particular development,

the authority shall make application for permission for such development in the form of an application to the local planning authority and shall lodge the application with the Secretary of State; and such application shall be deemed to have been referred to the Secretary of State under section 35 of the Act, and the provisions of that section shall apply to the determination of the application by the Secretary of State.

(2) Where, in respect of any development to which regulation 4 or regulation 5 applies, the authority are required by the provisions of paragraph (4) of regulation 4 or the provisions of that paragraph as applied by paragraph (2) of regulation 5 (as the case may be) to comply with the requirements of any direction made under a development order which prohibits or restricts the granting of planning permission, the authority may make an application for permission for such development in the form set out in paragraph (1) of this regulation; and the provisions of that paragraph shall apply to such application as if it had been made pursuant to the requirements of that paragraph.

(3) Where an application is made under the provisions of this regulation section 34 of the Act shall apply to that application as though it had been made to the local planning authority.

Industrial development

8.—(1) No permission shall be deemed to be granted by virtue of paragraph (5) of regulation 4 (or by virtue of that paragraph as applied by paragraph (4) of regulation 5) in a case where an industrial development certificate issued under section 67 of the Act would be required if an application had to be made under sections 25 and 31 of the Act, unless prior to the date of the authority's resolution to carry out the development, or the authority's resolution authorising the carrying out of the development (as the case may be), the

Secretary of State has issued an industrial development certificate in respect of such development; and any planning permission deemed to be granted under the said paragraph (5) of regulation 4 (or that paragraph as applied) in respect of such development shall be deemed to have been granted subject to any conditions which may have been attached to such certificate.

(2) Where an application is made under the provisions of regulation 7 the application shall be accompanied by an industrial development certificate issued under section 67 of the Act in any case where such a certificate would have been required if the application had been made to the local planning authority under sections 25 and 31 of the Act.

Office development

9. No permission shall be deemed to be granted by virtue of paragraph (5) of regulation 4 (or by virtue of that paragraph as applied by paragraph (4) of regulation 5) in a case where an office development permit issued under section 74 of the Act would be required if an application had to be made to the local planning authority under sections 25 and 31 of the Act, unless prior to the date of the authority's resolution to carry out the development, or the authority's resolution authorising the development (as the case may be), the Secretary of State has issued an office development permit in respect of such development; and any planning permission deemed to have been granted under the said paragraph (5) of regulation 4 (or that paragraph as applied) in respect of such development shall be deemed to have been granted subject to any condition which may be attached to such permit.

Consultation and furnishing of information

10.—(1) The authority shall notify the terms of any permission deemed to be granted under paragraph (5) of regulation 4 (or that paragraph as applied by paragraph (4) of regulation 5) to any other authority or person in any case where they would have been required to do so had the permission been granted on an application in respect of the development made to them under Part III of the Act.

(2) A county planning authority or district planning authority shall in every case before passing a resolution under paragraph (5) of regulation 4 (or that paragraph as applied by paragraph (4) of regulation 5) or making an application under regulation 7 consult with any other local planning authority for the area in which the land or any part thereof is situated.

(3) The Greater London Council shall in every case before passing a resolution under paragraph (5) of regulation 4 (or that paragraph as applied by paragraph (4) of regulation 5) or making an application under regulation 7 consult with the Common Council or with the council of the London borough, as the case may be, for the area in which the land or any part thereof is situated.

(4) The council of a London borough or the Common Council shall consult with the Greater London Council in any case where, if an application had been made in respect of the development, it would have been dealt with by the Greater London Council (by virtue of regulations made by the Secretary of State under paragraph 3 of Schedule 3 to the Act) or the council would have been required (by regulations made by the Secretary of State under paragraph 7 of Schedule 3 to the Act) to refer it to the Greater London Council.

(5) Where under this regulation the authority are required to consult with any other authority, they shall give notice to that authority that they propose to pass a resolution to carry out the development, or authorising the carrying out of the development (as the case may be), and shall not pass such a resolution except after 21 days from the giving of the notice and after taking into account any representations received from that authority.

Development affecting highways

11.—(1) Where the authority seek to obtain permission under regulation 4 or regulation 5 for development which consists of or includes:—

- (a) the formation, laying out or alteration of any means of access to a highway to which this regulation applies; or
- (b) any other development of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under any development order) from the middle of a highway or proposed highway to which this regulation applies,

the authority shall notify the Secretary of State in writing of their proposal, and shall not pass a resolution for the purposes of paragraph (5) of regulation 4 or for the purposes of that paragraph as applied by paragraph (4) of regulation 5, as the case may be, for a period of 21 days from the date when such notification is given.

(2) This regulation applies to the following highways and proposed highways:—

- (i) trunk roads;
- (ii) any highway which is comprised in the route of a special road to be provided by the Secretary of State in pursuance of a scheme under the provisions of Part II of the Highways Act 1959(a) and which has not for the time being been transferred to him;
- (iii) any highway which has been or is to be provided by the Secretary of State in pursuance of an order under the provisions of Part II of the said Act relating to trunk roads and special roads and has not for the time being been transferred to any other highway authority;
- (iv) any highway which the Secretary of State proposes to improve in pursuance of an order under the provisions of Part II of the said Act;
- (v) any highway which the Secretary of State proposes to construct or improve, being a highway the route of which is shown as such in the development plan, or in respect of which the Secretary of State has given notice in writing to (a) in Greater London, the local planning authority, or (b) elsewhere than in Greater London, the district planning authority, together with maps or plans sufficient to identify the route of the highway to be constructed or the length of the highway to be improved.

Other consents

12. Where an authority require any consent or approval of a local planning authority under any provisions of the Act specified in Part V of Schedule 21 to the Act, other than a permission for development, and that authority are themselves the local planning authority by whom such consent or approval would be given, the application shall be made to the Secretary of State and his decision thereon shall be final and shall take the place of the decision of the local planning authority.

(a) 1959 c. 25.

Savings

13. Any application, reference, representation or notice made or given or any action taken under Part III of the Town and Country Planning General Regulations 1974(a) which at the coming into operation of these regulations is outstanding shall have effect as if made, given or taken under and in accordance with this Part of these regulations.

PART III
GENERAL

Claims for compensation and purchase notices

14.—(1) A claim for compensation made to a local planning authority under section 164, 165, 169, 170, 177, 187 or 212 of the Act, or a purchase notice served on the council of a district or London borough or on the Common Council under section 180, 188, 189 or 191 of the Act, shall be in writing and shall be served on that authority or council by delivering it at the offices of the authority or council, or by sending it by pre-paid post.

(2) The time within which any such claim or notice as is mentioned in paragraph (1) of this regulation shall be served shall be—

- (a) in the case of a claim for compensation, 6 months; and
- (b) in the case of a purchase notice, 12 months;

from the date of the decision in respect of which the claim or notice is made or given:

Provided that the period may be extended by the Secretary of State in any particular case.

Marking of certain notices and documents

15. The manner in which a notice or document such as is referred to in subsection (2) of section 283 of the Act shall be marked in order that it shall be deemed to be duly served under head (b) of that subsection shall be by inscribing clearly and legibly upon the notice or document, and upon the envelope containing it, the words "Important—This Communication affects your Property".

Application of the Public Health Act 1936 to enforcement notices

16. The provisions of sections 276, 289 and 294 of the Public Health Act 1936(b) shall apply in relation to steps required to be taken by an enforcement notice, or by a notice under section 65 of the Act, as if—

- (a) references to a local authority were references to a local planning authority;
- (b) references (in whatever form) to the execution of works under the said Act of 1936 were references to the taking of steps required to be taken under the notice;
- (c) references in the said section 289 to the occupier were references to a person having an interest in the premises other than the owner; and
- (d) the reference in the said section 294 to "expenses under this Act" were a reference to expenses incurred in the taking of such steps as aforesaid.

(a) S.I. 1974/596 (1974 I, p. 2382).

(b) 1936 c. 49.

Concurrent procedure for acquisition of land and extinguishment of rights of way

17.—(1) Where under section 112 of the Act a compulsory purchase order for the acquisition of any land has been made by a local authority and submitted to the Secretary of State in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946(a), or where any land has been acquired by a local authority under section 119 of the Act, the succeeding provisions of this regulation shall apply in relation to the extinguishment of public rights of way over such land and the acquisition of land for the provision of alternative rights of way.

(2) The Secretary of State may on or after any such submission or acquisition publish in accordance with the provisions of section 215(1) of the Act notice of an order proposed to be made under section 214 of the Act relating to the extinguishment of any such right of way.

(3) On or after the publication of any such notice, the Secretary of State may prepare in draft or a local highway authority may make a compulsory purchase order under section 218(1) of the Act for the acquisition of land for providing an alternative right of way.

(4) Any other proceedings required to be taken in connection with the making of an order under section 214 of the Act may be taken concurrently with the proceedings required to be taken in connection with such an order as is mentioned in paragraph (1) of this regulation and any other proceedings for the making or confirmation of such a compulsory purchase order as is referred to in paragraph (3) of this regulation may be taken concurrently with either or both of the said proceedings:

Provided that—

- (a) no such order under section 214 shall be made until the land over which the right of way subsists has been acquired by the local authority; and
- (b) no such compulsory purchase order as is referred to in paragraph (3) of this regulation shall be made by the Secretary of State or confirmed, until the original right of way has been extinguished by an order under section 214.

Notices and counter-notices relating to planning blight

18. The forms set out in Schedule 1 hereto or forms substantially to the like effect are the prescribed forms of blight notice for the purposes of sections 193 and 201 of the Act and section 78 of the Land Compensation Act 1973 and of counter-notice for the purposes of section 194 of the Act.

Advertisement and notice of unopposed order revoking or modifying planning permission

19. The advertisement, for the purposes of section 46(2) of the Act, of an order made under section 45 of the Act shall be in the form set out in Form 1 of Schedule 2 to these regulations or a form substantially to the like effect; and the notice required to be served by section 46(3) of the Act shall be in the form set out in Form 2 of that Schedule or a form substantially to the like effect.

(a) 1946 c. 49.

Revocation and savings

20. The Town and Country Planning General Regulations 1974 are hereby revoked, but without prejudice to the validity of anything done thereunder before the date of the coming into operation of these regulations, and subject to the savings in regulation 13 hereof.

Regulation 18

SCHEDULE 1

FORM 1

TOWN AND COUNTRY PLANNING ACT 1971
 LAND COMPENSATION ACT 1973
 COMMUNITY LAND ACT 1975

Blight Notice

To (a)

at (b)

[I] [We]* (c)

pursuant to the provisions of section 193(1) of the Town and Country Planning Act 1971 (hereinafter called "the Act of 1971") HEREBY GIVE YOU NOTICE:—

1. [I am] [We are]* entitled to the interest set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto.

2. [[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within paragraph (d) of section 192(1) of the Act of 1971 [as that paragraph is amended or extended by section (e) of the Land Compensation Act 1973 (hereinafter called "the Act of 1973").]

OR

[[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within section 192(1) of the Act of 1971 [by virtue of section (e) of the Community Land Act 1975]*.]

3. [I] [We]* have made reasonable endeavours to sell [my] [our]* interest and in consequence of the fact that [the] [part of the]* [hereditament] [agricultural unit]* was or was likely to be comprised in land in one of the descriptions set out in section 192(1) of the Act of 1971 (as amended) [I] [we]* have been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the [hereditament] [agricultural unit]* were, or were likely to be, comprised in such land. Particulars of those endeavours are set out [below] [in the letter accompanying this notice]*(f).

4. [My] [Our]* interest qualifies for protection under sections 192 to 207 of the Act of 1971 because(g)

EITHER

[the annual value of the hereditament does not exceed the prescribed limit of annual value and [my] [our]* interest is that of owner-occupier(s) of the hereditament within the meaning of section 203(1) of the Act of 1971.]*

OR

[[my] [our]* interest is that of resident owner-occupier(s) of the hereditament within the meaning of section 203(3) of the Act of 1971.]*

OR

[[my] [our]* interest is that of owner-occupier(s) of the agricultural unit within the meaning of section 203(2) of the Act of 1971.]*

[5. [The] [The part of the] agricultural unit in which [I am] [we are]* entitled to an interest contains land which does not fall within any of the descriptions set out in section 192(1) of the Act of 1971 (as amended) as well as land which does so and that area which is unaffected is not reasonably capable of being farmed either by itself or in conjunction with other relevant land (within the meaning of section 79(2) of the Act of 1973), as a separate agricultural unit.]

6. [[I] [We]* therefore require you to purchase [my] [our]* interest in the [hereditament] [agricultural unit]*.]

OR

[[I] [We]* therefore require you to purchase [my] [our]* interest in [the whole of the agricultural unit] [the whole of that part of the agricultural unit to which this notice relates]*.](h)

FIRST SCHEDULE

Particulars of interest in land together with the names and addresses of any mortgagees thereof and a note of any other encumbrances thereon

SECOND SCHEDULE

Particulars of the [hereditament] [agricultural unit](j)*

Dated 19 . Signed]*
[On behalf of]*

* Delete where inappropriate.

FORM 2

TOWN AND COUNTRY PLANNING ACT 1971
LAND COMPENSATION ACT 1973
COMMUNITY LAND ACT 1975

Mortgagee's Blight Notice

To (a)
at (b)
[I] [We]* (c)
pursuant to the provisions of section 201(1) of the Town and Country Planning Act 1971 (hereinafter called "the Act of 1971") HEREBY GIVE YOU NOTICE:—

1. [I am] [We are]* entitled as mortgagee(s) (by virtue of a power which has become exercisable) to sell the interest (hereinafter called "the said interest") set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto, giving immediate vacant possession of the land.

2. [[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within paragraph (d) of section 192(1) of the Act of 1971 [as that paragraph is amended or extended by section (e) of the Land Compensation Act 1973 (hereinafter called "the Act of 1973")]*.]*

OR

[[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within section 192(1) of the Act of 1971 by virtue of section (e) of the Community Land Act 1975.]*

3. [I] [We]* have made reasonable endeavours to sell the said interest and in consequence of the fact that [the] [part of the]* [hereditament] [agricultural unit]* was or was likely to be comprised in land in one of the descriptions set out in section 192(1) of the Act of 1971 (as amended) [I] [we]* have been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the [hereditament] [agricultural unit]* were, or were likely to be, comprised in such land. Particulars of those endeavours are set out [below] [in the letter accompanying this notice]*.(f)

4. [I am] [We are]* entitled to take advantage of the provisions of sections 192 to 207 of the Act of 1971 because (g)

EITHER

[the annual value of the hereditament does not exceed the prescribed limit of annual value and the person entitled (otherwise than as mortgagee) to the said interest *either*

is an owner-occupier of the hereditament within the meaning of section 203(1) of the Act of 1971 *or* was such an owner-occupier on an earlier date not more than six months before the service of this notice, on which earlier date, namely 19 , the particulars in paragraph 2 above were correct in relation to the hereditament. (h)*

OR

[the person entitled (otherwise than as mortgagee) to the said interest *either* is a resident owner-occupier of the hereditament within the meaning of section 203(3) of the Act of 1971 *or* was such a resident owner-occupier on an earlier date not more than six months before the service of this notice, on which earlier date, namely 19 , the particulars in paragraph 2 above were correct in relation to the hereditament. (h)*

OR

[the person entitled (otherwise than as mortgagee) to the said interest *either* is an owner-occupier of the agricultural unit within the meaning of section 203(2) of the Act of 1971 *or* was such an owner-occupier on an earlier date, not more than six months before the service of this notice, on which earlier date, namely 19 , the particulars in paragraph 2 above were correct in relation to the agricultural unit. (h)*

[5. [The] [Part of the] agricultural unit in which the said interest is held contains land which does not fall within any of the descriptions set out in section 192(1) of the Act of 1971 (as amended) as well as land which does so and that area which is unaffected is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land (within the meaning of section 79(2) of the Act of 1973), as a separate agricultural unit.]

6. [[I] [We]* therefore require you to purchase the said interest in the [hereditament] [agricultural unit]*.]*

OR

[[I] [We]* therefore require you to purchase the said interest in [the whole of the agricultural unit] [the whole of that part of the agricultural unit to which this notice relates.]*] (i).

FIRST SCHEDULE

Particulars of interest in land, together with the names and addresses of any other known mortgagees thereof and a note of any other encumbrances thereon known to the claimant

SECOND SCHEDULE

Particulars of the [hereditament] [agricultural unit] (j)*

Dated

19 .

Signed

[On behalf of

]*

*Delete where inappropriate.

FORM 3

TOWN AND COUNTRY PLANNING ACT 1971
LAND COMPENSATION ACT 1973
COMMUNITY LAND ACT 1975

Personal Representative's Blight Notice

To

(a)

at

(b)

[I] [We]*

(c)

pursuant to the provisions of section 78(1) of the Land Compensation Act 1973 (hereinafter called "the Act of 1973") HEREBY GIVE YOU NOTICE:—

1. [I am] [We are]* the personal representative(s) of a person (hereinafter called "the deceased") who at the date of [his] [her]* death was entitled to the interest set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto.

2. [[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within paragraph (d) of section 192(1) of the Town and Country Planning Act 1971 (hereinafter called "the Act of 1971") [as that paragraph is amended or extended by section (e) of the Act of 1973]* and was so included on the date of death of the deceased.]*

OR

[[The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within section 192(1) of the Act of 1971 by virtue of section (e) of the Community Land Act 1975, and was so included on the date of the death of the deceased.]*

3. Since the date of death of the deceased [I] [We]* have made reasonable endeavours to sell [his] [her]* interest and in consequence of the fact that [the] [part of the]* [hereditament] [agricultural unit]* was or was likely to be comprised in land in one of the descriptions set out in section 192(1) of the Act of 1971 (as amended) [I] [we]* have been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the [hereditament] [agricultural unit]* were, or were likely to be, comprised in such land. Particulars of those endeavours are set out [below] [in the letter accompanying this notice]*.(f).

4. The deceased's interest qualified for protection under sections 192 to 207 of the Act of 1971 because(g)

EITHER

[the annual value of the hereditament does not exceed the prescribed limit of annual value and [his] [her]* interest was that of owner-occupier of the hereditament within the meaning of section 203(1) of the Act of 1971.]*

OR

[[his] [her]* interest was that of resident owner-occupier of the hereditament within the meaning of section 203(3) of the Act of 1971.]*

OR

[[his] [her]* interest was that of owner-occupier of the agricultural unit within the meaning of section 203(2) of the Act of 1971.]*

5. One or more individuals are (to the exclusion of any body corporate) beneficially entitled to the deceased's interest in the [hereditament] [agricultural unit]*.

[6. [The] [The part of the] agricultural unit in which the deceased was entitled to an interest contains land which does not fall within any of the descriptions set out in section 192(1) of the Act of 1971 (as amended) as well as land which does so and that area which is unaffected is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land (within the meaning of section 79(2) of the Act of 1973), as a separate agricultural unit.]

7. [[I] [We]* therefore require you to purchase the deceased's interest in the [hereditament] [agricultural unit]*.]*

OR

[[I] [We]* therefore require you to purchase the deceased's interest in [the whole of the agricultural unit] [the whole of that part of the agricultural unit to which this notice relates]*.]**(i)

FIRST SCHEDULE

Particulars of deceased's interest in land, together with the names and addresses of any mortgagees thereof and a note of any other encumbrances thereon

SECOND SCHEDULE

*Particulars of the [hereditament] [agricultural unit]**(j)*

Dated 19 . Signed [On behalf of]*

* Delete where inappropriate.

Notes to Forms 1, 2 and 3

- (a) Insert name of authority to be served.
- (b) Insert address of authority.
- (c) Insert full name(s) and address(es) of person(s) serving this notice.
- (d) Insert letter of the paragraph of the subsection which is applicable.
- (e) Insert (if appropriate) number of the section (and sub-section) of the Act of 1973 and/or 1975 which is applicable.
- (f) Particulars of the steps taken to sell the land should be given here or in an accompanying letter, and should include dates, price asked and any offers received.
- (g) The claimant should choose which paragraph is to form part of the notice and delete the others.
- (h) Within the paragraph chosen, underline those words after "either" which are appropriate to the case.
- (i) The second alternative paragraph applies only to agricultural units coming within the description set out in the preceding paragraph of the notice (where appropriate). The claimant should choose which alternative is to form part of the notice and delete the other.
- (j) A plan should be attached to identify the land, if this is necessary.

FORM 4

TOWN AND COUNTRY PLANNING ACT 1971
LAND COMPENSATION ACT 1973
COMMUNITY LAND ACT 1975

Counter-Notice Objecting to Blight Notice

To (a)
THE (b)

HEREBY GIVE YOU NOTICE under section 194(1) of the Town and Country Planning Act 1971 that they OBJECT to the Blight Notice served by you on 19 under [section 193(1) of that Act] [section 201(1) of that Act] [section 78(1) of the Land Compensation Act 1973]* in respect of the [hereditament] [agricultural unit]* described as(c).

The grounds on which objection is taken are(d)—

Dated 19 .

On behalf of the(b).

* Delete where inappropriate.

NOTE: If you do not accept this objection, you may require the objection to be referred to the Lands Tribunal, under the provisions of section 195 of the Town and Country Planning Act 1971. In that case you should notify the Registrar, The Lands Tribunal, 5 Chancery Lane, London WC2A 1LX within 2 months of the date of service of this notice.

Notes to Form 4

- (a) Insert name and address of addressee.
- (b) Insert name of authority.
- (c) Insert particulars.
- (d) These must specify the grounds on which the authority object to the notice (being one or more of the grounds specified in section 194(2) of the Town and Country Planning Act 1971 (as amended by paragraph 6(3) of Schedule 10 to the Community Land Act 1975) or, where relevant, in section 80 of the Land Compensation Act 1973). Regard should be had to the restrictions imposed by section 194(3) of the Town and Country Planning Act 1971 on the grounds on which objections may be made to a blight notice and (where appropriate) to the restrictions imposed by section 76 of the Land Compensation Act 1973 on the grounds on which objections may be made to a blight notice served by virtue of one of those sections.

Regulation 19

SCHEDULE 2

FORM 1

TOWN AND COUNTRY PLANNING ACT 1971

Advertisement under section 46(2) of the Making of a Revocation Order or Modification Order

Planning permission for (a)
 at (b).
 NOTICE IS HEREBY GIVEN THAT THE (c) council have made
 an order under section 45 of the Town and Country Planning Act 1971 to [revoke the
 above planning permission] [to the following extent (d)]
 [modify the above planning permission as follows (e)].*

The council have been notified in writing by the owner and the occupier of the land
 [and by all other persons who in the council's opinion will be affected by the order]*
 that they do not object to the order.

Any person who will be affected by the order and who wishes for an opportunity of
 appearing before, and being heard by, a person appointed by the [Secretary of State
 for the Environment] [Secretary of State for Wales]* must give notice in writing to
 that effect to the [Secretary, Department of the Environment, 2 Marsham Street,
 London SW1P 3EB] [Secretary, Welsh Office, Summit House, Windsor Place,
 Cardiff CF1 3BX]* not later than 19 (f).

If no such notice has been given by that date, the order will take effect, by virtue of
 the provisions of section 46 of the Town and Country Planning Act 1971, on
 19 (g) without being confirmed by the Secretary of State.

* Delete where inappropriate.

FORM 2

TOWN AND COUNTRY PLANNING ACT 1971

Notice under section 46(3) of the Making of a Revocation Order or Modification Order

Planning permission for (a)
 at (b).
 TAKE NOTICE THAT THE (c) council have made an order under
 section 45 of the Town and Country Planning Act 1971 to [revoke the above planning
 permission] [to the following extent (d)]
 [modify the above planning permission as follows (e)].*

The council have been notified in writing by the owner and the occupier of the land
 [and by all other persons who in the council's opinion will be affected by the order]
 that they do not object to the order.

If you will be affected by the order and wish for an opportunity of appearing before
 and being heard by, a person appointed by the [Secretary of State for the Environment]
 [Secretary of State for Wales]* you should give notice in writing to that effect to the
 [Secretary, Department of the Environment, 2 Marsham Street, London SW1P 3EE]
 [Secretary, Welsh Office, Summit House, Windsor Place, Cardiff CF1 3BX]* not later
 than 19 (f).

If no such notice has been given by that date, the order will take effect, by virtue of
 the provisions of section 46 of the Town and Country Planning Act 1971, on
 19 (g) without being confirmed by the Secretary of State.

* Delete where inappropriate.

Notes to Forms 1 and 2

- (a) Insert description of the development for which permission has been granted.
- (b) Insert site or locality of development.
- (c) Insert name of council.
- (d) Insert particulars of extent of revocation.
- (e) Insert particulars of modification.
- (f) Insert a date not less than 28 days later than the date on which the relevant advertisement first appears.
- (g) Insert a date not less than 14 days later than the date to which note (g) relates.

27th August 1976.

Peter Shore,
Secretary of State for the Environment.

Signed by Authority of the Secretary
of State.

1st September 1976.

S. Barry Jones,
Parliamentary Under Secretary
of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and re-enact the Town and Country Planning Regulations 1974, with amendments.

The principal amendments are as follows:

- (a) The procedure whereby a local authority may obtain a deemed planning permission for development they propose to carry out has been revised. The authority are now required (by Regulation 4) to pass two resolutions in order to obtain deemed permission, and to take certain steps to publicise their proposal. The first resolution is a resolution to seek permission for the carrying out of the development: after passing this resolution the authority are required (i) to serve notice on owners of the land affected that they are seeking planning permission, giving details of their proposals; (ii) where the development consists of or includes development which would need to be advertised in the case of a normal planning application, to publish notice of their proposals in a local newspaper; (iii) to carry out any other publicity which would be required by the statutory provisions in the case of a normal application; and (iv) to place a copy of the resolution to seek permission in the planning register. In cases (i) to (iii), an opportunity must be given for persons to make objections to the development which must be considered by the authority. At the end of a specified period the authority may resolve to carry out the development (if the Secretary of State has not required them to make an application to him for permission for the development) and on the passing of that second resolution permission for the development is

deemed to be granted by the Secretary of State. The permission however enures only for the benefit of the authority and not for the benefit of the land.

- (b) Where a local authority propose to carry out operational development, plans showing the details of the proposed operations must be placed in the planning register either at the time of the passing of the first resolution or after the deemed permission has been obtained (Regulation 4(3), (8) and (9)).
- (c) A new procedure is provided (Regulation 6) whereby an authority may obtain deemed planning permission for development of land which is vested in them in cases where they do not themselves propose to carry out the development. Under the new procedure (which is similar to that described in paragraphs (a) and (b)) the authority may obtain deemed planning permission in accordance with detailed plans or deemed planning permission in outline; but in the latter case the resolution authorising the carrying out of the development must include a condition requiring the local planning authority's approval to the siting, design, external appearance of the building, means of access to the building and, where appropriate, the landscaping of the site. Such deemed permissions enure for the benefit of the land.
- (d) There is provision (Regulation 6) for officers who exercise functions on behalf of their authority to obtain deemed permission under regulation 4 or regulation 5.
- (e) The provisions of Regulation 5 of the Regulations of 1974 (which applied the provisions of section 34 of the Town and Country Planning Act 1971 concerning planning registers to permissions deemed to be granted under Part II of those regulations) have been replaced, so far as development to which regulation 4 or regulation 5 of the present regulations applies, by express requirements for the entering of details of the authority's resolutions in the planning register (Regulation 4(3) (6), (8) and (9) and regulation 5(3) and (5)).
- (f) There is no longer any express reference to development which does not accord with the provisions of the development plan, but the procedure for obtaining permission for such development is unchanged. By virtue of the provisions of Regulation 4(4) (which is applied to the procedure for obtaining deemed permission under regulation 5 by paragraph (2) of that regulation) the authority are required to comply with the requirements of any development order and of any direction given by the Secretary of State under such an order (which will include directions issued by the Secretary of State setting out the procedure for the granting of planning permission for development which constitutes or involves a departure from a development plan).
- (g) That part of regulation 9 of the Regulations of 1974 which required the authority to comply with any directions which may have been given to them restricting the grant of planning permission has been replaced by the provisions of Regulation 4(4) of the present regulations (referred to in the last preceding paragraph), which is expressly confined to directions given by the Secretary of State. (The provisions in the former Regulation 9 which enabled the authority to make an application to the Secretary of State for planning permission in respect of development to which such directions applied are now contained in Regulation 7 of the present regulations, together with other provisions relating to applications for planning permission to the Secretary of State formerly contained in Regulation 4(2) of the Regulations of 1974.

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- (h) The authority are required to notify the Secretary of State of proposals to seek permission for development affecting certain classes of highway (Regulation 1).
 - (i) The prescribed forms of blight notice (Schedule 1) have been amended to incorporate reference to those provisions of the Community Land Act 1975 which amend the provisions of section 192 of the Act of 1971 concerning the circumstances in which a blight notice may be served.

Some minor drafting amendments have also been made.

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