
STATUTORY INSTRUMENTS

1977 No. 665

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning (New
Towns) Special Development Order 1977**

<i>Made</i>	- - - -	<i>6th April 1977</i>
<i>Laid before Parliament</i>		<i>19th April 1977</i>
<i>Coming into Operation</i>		<i>10th May 1977</i>

The Secretary of State for the Environment in relation to England and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred by sections 24 and 287 of the Town and Country Planning Act 1971 as extended by section 6(2) of the New Towns Act 1965, and of all other powers enabling them in that behalf, hereby make the following order:—

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, other than any such area within the area for which the Development Board for Rural Wales is responsible under section 1(2) of the Development of Rural Wales Act 1976.

(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 1977 and shall come into operation on 10th May 1977.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

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

“authorised development” means development of land which has been authorised in writing by a development corporation at the time when they dispose of the land on which it is to be carried out, and references in article 8 of this order to the authorising of development by a development corporation shall be construed accordingly;

“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”, “highway” and “trunk road” have the meanings assigned to them by the General Development 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 made in respect of the new town for the purposes of which the corporation was established;

“transfer date” as respects a development corporation means the date specified in an order made by the Secretary of State under section 41(1) of the New Towns Act as the date on which the property of that corporation (other than property excepted under the following provisions of that Act) shall vest in the Commission for the New Towns;

“the New Towns Act” means the New Towns Act 1965;

“the General Development Order” means the Town and Country Planning General Development Order 1977(1) as amended or replaced by any subsequent order;

“unapproved means of access” means a means of access which is not shown in a proposal approved by the Secretary of State under section 6(1) of the New Towns Act.

(2) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

(3) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Permitted 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 Secretary of State under section 6(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 set out in articles 4 to 8 of this order as are applicable to the development, and subject—

- (a) in the case of the carrying out of development by a development corporation to the development being so carried out either—
 - (i) before the transfer date as respects that development corporation, or
 - (ii) after that transfer date in pursuance of a binding contract for that development entered into by the development corporation before that transfer date,
- (b) in the case of the carrying out of development which by paragraph (2) below is deemed to be the carrying out of development by a development corporation, to the development being commenced within a period of 5 years from the date on which the development corporation disposed of the land.

(2) For the purposes of this article, the carrying out of development on land held or formerly held by a development corporation by a person to whom this paragraph applies shall be deemed to be the carrying out of such development by the development corporation where—

- (a) the development is authorised development; and

(1) (1977 I, p. 731).

- (b) the development corporation had, before disposing of the land, complied with any requirements of article 8 of this order which were applicable to the development; and
 - (c) the development corporation have sent a copy of the authorisation to the district planning authority in whose area the land is situated.
- (3) The foregoing paragraph applies to any person coming within either of the following descriptions, namely:—
- (a) a person to whom a development corporation have, before the transfer date as respects that development corporation, disposed of land; or
 - (b) a successor in title or lessee of such a person as is referred to in (a) above.

Exceptions from permitted development

4. Nothing in this order shall operate so as to permit any development in respect of which an industrial development certificate issued under section 67 of the Act would be required if an application had to be made to the local planning authority under Part III of the Act, unless the Secretary of State has issued an industrial development certificate in respect of such development; and any planning permission granted under article 3 of this order in respect of such development shall be deemed to have been granted subject to any conditions which may have been attached to such certificate.

5. Nothing in this order shall operate so as to permit any development in respect of which 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 Part III of the Act unless the Secretary of State has issued an office development permit in respect of such development; and any planning permission granted under article 3 of this order in respect of such development shall be deemed to have been granted subject to any conditions which may have been attached to such permit.

6. Where planning permission for development has been granted on an application made under Part III of the Act and that permission has subsequently been revoked by an order made under section 45 of the Act, nothing in this order shall operate so as to permit the carrying out of development of the same description as that which was authorised by the revoked permission on the land to which the revoked permission applied.

7. Where, by virtue of an order under section 51 of the Act, the use of land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, or where, by virtue of any such order, any buildings or works are required to be altered or removed, nothing in this order shall operate to permit the carrying out of any development which would result in the resumption of the use of the land or the replacement or restoration of the buildings or works, as the case may be, as they were before the order under section 51 of the Act took effect.

Consultation before development

8.—(1) In any of the following cases it shall be a condition of permission granted by this order that before the development corporation undertake or authorise any development they shall consult with the following authorities or persons, 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 Secretary of State at such office or address as he may appoint;
- (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 Secretary of State under section 6(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) in the case of development consisting of the laying out or construction of a new street (within the meaning of Part VIII of the Highways Act 1959), with the local highway authority;
- (d) in the case of development which appears to the development corporation likely to affect land outside their area, with the district planning authority for the area in which the land is situated, unless that authority have already been formally consulted;
- (e) 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 coal working notified by the National Coal Board to the district planning authority, with the National Coal Board;
- (f) where the development is of land which is situate within 3 kilometres from Windsor Great Park or Windsor Home Park or which is within 800 metres from any Royal Palace or from any other Royal Park, and might affect the amenities of that Palace or Park, with the Secretary of State at such office or address as he may appoint;
- (g) where the development consists of or includes:—
 - (i) the carrying out of works or operations in the bed or on the banks of a river or stream;
 - (ii) the carrying out of building or other operations or use of land for the purpose of refining or storing mineral oils and their derivatives;
 - (iii) the use of land for the deposit of any kind of refuse or waste;
 - (iv) the carrying out of building or other operations (other than the laying of sewers, the construction of pump houses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single buildings in which not more than 10 people will normally reside, work or congregate and works ancillary thereto) on land, or use of land, for the retention, treatment or disposal of sewage, trade waste or sludge; or
 - (v) the use of land as a cemetery,
 with the regional water authority exercising functions in the area in which the development is to take place or the Welsh National Water Development Authority, as appropriate;
- (h) where the development is of land in an area of special interest notified to a local planning authority by the Nature Conservancy Council in accordance with section 23 of the National Parks and Access to the Countryside Act 1949, with the Nature Conservancy Council, except where the Nature Conservancy Council dispense with this requirement;
- (i) where the development is of any land on which there is a theatre, as defined in the Theatres Trust Act 1976, with the Theatres Trust;
- (j) in the case of development or a class of development specified in any direction for the time being in force under the General Development Order by which a local planning authority are required to consult with any authority or person other than the development corporation in respect of applications for planning permission, with that authority or person.

(2) When required by this order to consult with any authority or other 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 objections or other representations received from such authority or person.

(3) Where any objection or representation has been made by an authority or other 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 Secretary of State in writing, and shall not undertake or authorise the development in pursuance of this order until the Secretary of State has notified them that he does not intend to give a direction under article 9 of this order in respect of the development.

Directions restricting permitted development

9.—(1) If the Secretary of State is satisfied that it is expedient that any development of the class specified in article 3(1) of this order should not be undertaken unless permission is granted on an application in that behalf, the Secretary of State 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 Secretary of State 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 the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which notice thereof is served on the occupier of that part or, if there is no occupier, on the owner.

Directions and notices

10.—(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 283 of the Act and by any regulations for the time being in force under that section.

Revocation and savings

11.—(1) The Town and Country Planning (New Towns Special Development) Order 1963⁽²⁾ and the Town and Country Planning (New Towns Special Development) (Amendment) Order 1965⁽³⁾ are hereby revoked, but without prejudice to any development already carried out under and in accordance with the provisions of any permission given thereby and to the carrying out under and in accordance with the provisions of any permission given thereby of any development already authorised thereunder.

(2) Where immediately before the coming into operation of this order any direction is in force under article 6 of the Town and Country Planning (New Towns Special Development) Order 1963, such direction shall continue in force and have effect as if given under this order.

4th April 1977

Peter Shore
Secretary of State for the Environment

(2) (1963 II, p. 1936).
(3) (1965 III, p. 4755).

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6th April 1977

John Morris
Secretary of State for Wales

EXPLANATORY NOTE

This Order under section 24 of the Town and Country Planning Act 1971 revokes and re-enacts with amendments the Town and Country Planning (New Towns Special Development) Order 1963 (as amended), made under the corresponding section of the Town and Country Planning Act 1962 (c. 38).

Under section 6(1) of the New Towns Act 1965 the Secretary of State, 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 6(2) of that Act provides that a special development order (that is, a special development order made under section 24 of the Act of 1971) 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 (other than any such area for which the Development Board for Rural Wales is responsible), grants permission for the carrying out of such development either by the development corporation or (where the development corporation have authorised the development in the manner set out in the order) by any other person in possession of land formerly held by a development corporation (article 3). The permission granted by the order is subject to limitations and conditions (articles 4, 5, 6, 7 and 8) and may be withdrawn in any particular case by direction of the Secretary of State (article 9).

The principal amendments made by this order to the previous order, as amended, are as follows:—

- (a) time limits have been imposed on the carrying out of development by a development corporation or on the commencement of development authorised by the development corporation, and permission for the latter development is granted by the order only where a copy of the authorisation has been sent to the district planning authority (article 3(2));
- (b) additions have been made to the requirements for consultation before a development corporation may carry out development or authorise development, as the case may be (article 8);
- (c) drafting amendments have been made to the provisions which re-enact those of article 4 of the previous order, which set out exceptions from the permissions granted by article 3 (articles 4, 5, 6, and 7).