

1970 No. 271

LAND COMMISSION

**The Betterment Levy (Planning Assumptions) (Amendment)
Regulations 1970**

Made - - - 23rd February 1970

Laid before the

House of Commons 3rd March 1970

Coming into Operation 18th March 1970

The Minister of Housing and Local Government, being for the purpose of these regulations the appropriate Minister in relation to England and Wales, in pursuance of the powers conferred on him by section 98 of, and paragraph 11 of Schedule 6 to, the Land Commission Act 1967(a), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

Citation, extent, commencement and interpretation

1.—(1) These regulations may be cited as the Betterment Levy (Planning Assumptions) (Amendment) Regulations 1970 and the Betterment Levy (Planning Assumptions) Regulations 1967(b) (in these regulations referred to as “the principal regulations”) and these regulations may be cited together as the Betterment Levy (Planning Assumptions) Regulations 1967 to 1970.

(2) These regulations apply to England and Wales, and shall come into operation on 18th March 1970.

(3) The Interpretation Act 1889(c) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Amendment of the Betterment Levy (Planning Assumptions) Regulations 1967

2. As from the date upon which these regulations come into operation, paragraph 1 of the Schedule to the principal regulations shall be amended by adding at the end of sub-paragraph (3) thereof the words “and the Town and Country Planning General Development (Amendment) Order 1968(d)”.

Given under the official seal of the Minister of Housing and Local Government on 23rd February 1970.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

(a) 1967 c. 1.
(c) 1889 c. 63.

(b) S.I. 1967/318 (1967 I, p. 1092).
(d) S.I. 1968/1623 (1968 III, p. 4446).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

For the purposes of assessing betterment levy several paragraphs in Schedules 4 and 6 to the Land Commission Act 1967 require certain planning assumptions to be made as regards material development, namely (in general) that planning permission—

- (a) would be granted for any development which does not constitute material development, but
- (b) would not be granted for any development which constitutes material development.

The expression “material development” is defined in section 99(2) of the Act as meaning any development other than (broadly) development for which planning permission is granted by a General Development Order made under the Town and Country Planning Act 1962, development falling within Schedule 3 to that Act and development of any class prescribed by regulations.

The Betterment Levy (Planning Assumptions) Regulations 1967 made under Schedule 6, paragraph 11, to the Land Commission Act 1967, provide that development of the descriptions scheduled to the Regulations, which does not constitute material development, shall nevertheless be treated as material development for the purposes of the relevant paragraphs of Schedules 4 to 6.

The Town and Country Planning General Development (Amendment) Order 1968 adds to the development permitted by the 1963 Order (see S.I. 1963/709 (1963 I, p. 862) as amended) certain development in connection with gas boreholes and by the British Airports Authority. The present regulations provide that such development shall be treated as material development for the purposes of the relevant paragraphs of Schedules 4 to 6. This is done by adding such development as from 18th March 1970 to that described in the Schedule to the 1967 Regulations.

These regulations apply to England and Wales.

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