

## 1977 No. 815

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**
**The Town and Country Planning (New Towns in Rural Wales)  
Special Development Order 1977**

<i>Made - - - -</i>	<i>3rd May 1977</i>
<i>Laid before Parliament</i>	<i>26th May 1977</i>
<i>Coming into Operation</i>	<i>16th June 1977</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 24 and 287 of the Town and Country Planning Act 1971(a) as extended by paragraph 1(2) of Schedule 3 to the Development of Rural Wales Act 1976(b), and of all other powers enabling him in that behalf, hereby makes the following order:—

*Application, citation and commencement*

**1.**—(1) This order shall apply to land in Wales within any area of a new town situated within the area for which the Board is responsible under section 1(2) of the Development of Rural Wales Act, and which has not been designated by an order made under section 1(3) of that Act.

(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 in Rural Wales) Special Development Order 1977 and shall come into operation on 16th June 1977.

*Interpretation*

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

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

“area of a new town” has the same meaning as in the New Towns Act;

“authorised development” means development of land which has been authorised in writing by the Board at the time when it disposes 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 the Board shall be construed accordingly;

“the Board” means the Development Board for Rural Wales, established by section 1 of the Development of Rural Wales Act, and “its area”

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 (a) 1971 c. 78.

(b) 1976 c. 75.

in relation to the Board means the area of a new town situated within the area for which the Board is responsible under section 1(2) of the Development of Rural Wales Act, and which has not been designated by an order under section 1(3) of that Act;

“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;

“the Development of Rural Wales Act” means the Development of Rural Wales Act 1976;

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

“the New Towns Act” means the New Towns Act 1965(b);

“unapproved means of access” means a means of access which is not shown in a proposal approved by the Secretary of State under section 3(7) of the Development of Rural Wales 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(c) 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 the Board, within its area, of the following class of development, namely, development in accordance with proposals approved by the Secretary of State under section 3(7) of the Development of Rural Wales Act in accordance with paragraph 1(1) of Schedule 3 to that 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.

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

- (a) the development is authorised development; and
- (b) the Board 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 Board has sent a copy of the authorisation to the district planning authority in whose area the land is situated; and
- (d) the development is commenced within a period of five years from the date on which the Board disposed of the land.

(a) S.I. 1977/289 (1977 I, p. 731).

(b) 1965 c. 59.

(c) 1889 c. 63.

(3) The foregoing paragraph applies to any person coming within any of the following descriptions, namely:—

- (a) a person to whom the Board has 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 had 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 Board undertakes or authorises any development it 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

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- under section 3(7) of the Development of Rural Wales 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(a)), with the local highway authority;
- (d) in the case of development which appears to the Board likely to affect land outside its 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 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;
- (g) 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(b), with the Nature Conservancy Council, except where the Nature Conservancy Council dispense with this requirement;
- (h) where the development is of any land on which there is a theatre, as defined in the Theatres Trust Act 1976(c), with the Theatres Trust;
- (i) 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 Board in respect of applications for planning permission, with that authority or person.

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(a) 1959 c. 25.

(b) 1949 c. 97.

(c) 1976 c. 27.

(2) When required by this order to consult with any authority or other person the Board 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 Board 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 Board 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 it 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 Board, be served by the Board 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.

*John Morris,*  
Secretary of State for Wales.

3rd May 1977.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

Under section 3(7) of the Development of Rural Wales Act 1976 the Secretary of State may approve proposals submitted to him by the Development Board for Rural Wales for the development of land within the area for which it is responsible. Where those proposals relate to the development of land designated as the site of a new town, paragraph 1(1) of Schedule 3 to that Act requires the Secretary of State to consult the local planning authority before approving the proposals. Paragraph 1(2) of Schedule 3 to the Act provides that a special development order (that is, a special development order made under section 24 of the Town and Country Planning Act 1971) may grant permission for any development of land so designated in accordance with proposals approved under section 3(7) and paragraph 1(1) of Schedule 3.

This Order, which applies to any land in the area for which the Board is responsible which is for the time being designated as the site of a new town, grants permission for the carrying out of such development either by the Board or (where the Board has authorised the development in the manner set out in the Order) by any other person in possession of land formerly held by the Board (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 Town and Country Planning (New Towns) Special Development Order 1977 (S.I. 1977/665) similarly grants permission for the carrying out by a development corporation or (where the development corporation have authorised the development in the manner set out in that Order), by any other person in possession of land formerly held by a development corporation, of any development of land in accordance with proposals approved by the Secretary of State under section 6(1) of the New Towns Act 1965.

SI 1977/815  
ISBN 0-11-070815-6

