

**Town and country planning : model clauses for use in the preparation of schemes (with notes).**

**Contributors**

Great Britain. Ministry of Health.

**Publication/Creation**

London : H.M.S.O., 1935.

**Persistent URL**

<https://wellcomecollection.org/works/p36srcm8>

**License and attribution**

This work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights and is being made available under the Creative Commons, Public Domain Mark.

You can copy, modify, distribute and perform the work, even for commercial purposes, without asking permission.



Wellcome Collection  
183 Euston Road  
London NW1 2BE UK  
T +44 (0)20 7611 8722  
E [library@wellcomecollection.org](mailto:library@wellcomecollection.org)  
<https://wellcomecollection.org>

FB  
23



MINISTRY OF HEALTH  
TOWN AND COUNTRY  
PLANNING

MODEL CLAUSES FOR USE IN  
THE PREPARATION OF SCHEMES

(With Notes)

The Royal Sanitary Institute  
Library.

MARCH 1935

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

Adastral House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;

York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;

80 Chichester Street, Belfast;

or through any Bookseller

1935

Price 2s. 6d. Net

WA790

1935

6781

-302

# CONTENTS

PREFATORY NOTE	...	...	...	...	...	Page 5
MODEL CLAUSES.						

## PART I. GENERAL.

	Clause	Page
Short title and arrangement of Scheme	1	7
Interpretation	2	7
Area of Scheme	3	9
Responsible Authorities	4	9

## PART II. RESERVATION OF LANDS.

Reservation of lands	5	11
Buildings, etc., not to be erected on reserved lands	6	11
Acquisition of land	7	13
Power to maintain open spaces	8	13
Uses of private open spaces	9	15

## PART III. STREETS AND BUILDING LINES.

Interpretation	10	15
----------------	----	----

### *Streets.*

Sites of new streets and widenings	11	17
Land adjoining sites of streets	12	17
Application of Private Street Works Act, 1892	13	17
Number and sites of new streets to enter classified roads	14	19
Expenses of constructing sewers	15	23
Construction of streets by owners	16	23
Communicating streets	17	27
Notice of commencement and completion of streets	18	29
Diversion or stopping up of highways	19	29

### *Building lines, etc.*

Fixing of building line for new street not shown on Map	20	31
Fixing of building line for existing street for which no building line is shown on Map	21	31
Effect of building line	22	33
Suspension of Public Health (Buildings in Streets) Act, 1888	23	35
Prevention of obstruction to view at corners and bends	24	35

## PART IV. BUILDING RESTRICTIONS AND USE OF LAND.

Interpretation	25	35
Predominant use of buildings	26	39

### *Erection and use of buildings and use of land.*

Erection and use of buildings	27	39
Use of land	28	45
Applications for special uses	29	45
Offensive trades	30	45
Saving for special uses	31	47

### *Density.*

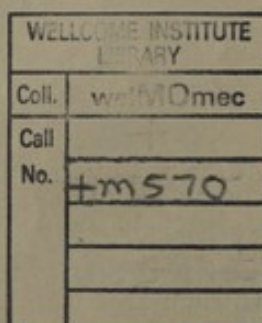
Declaration of land units	32	47
Restriction of building on land not in land unit	33	49
Building units	34	49
Number of building units which may be erected	35	49
Minimum size of plots	36	53
Plot plans	37	53
Variation of land units and plot plans	38	55
Land units vested in more than one owner	39	55
Registration of land units and plot plans	40	55

### *Space about buildings.*

Proportion of site which may be covered by buildings	41	55
Breaks in buildings	42	59

### *Height of buildings.*

Limitation of height of buildings	43	61
-----------------------------------	----	----



22900393812



PART IV.— <i>cont.</i>				Clause	Page
<i>External appearance of buildings.</i>					
External appearance of buildings	...	...	...	44	61
<i>General.</i>					
Buildings and plots partly within Area	...	...	...	45	63
PART V. GENERAL AMENITY AND CONVENIENCE.					
Interpretation	...	...	...	46	63
Preservation of trees	...	...	...	47	65
Protection of woodlands	...	...	...	48	67
Maintenance of private gardens, etc.	...	...	...	49	67
Advertisements	...	...	...	50	69
Provision of loading accommodation	...	...	...	51	69
PART VI. MAINTENANCE, USE, ALTERATION, EXTENSION AND REPLACEMENT OF EXISTING BUILDINGS, AND CONTINUANCE OF EXISTING USE OF LAND.					
Power to prohibit maintenance or use of existing buildings and continuance of existing use of land	...	...	...	52	71
Existing buildings, and uses of land for which approval may be sought	...	...	...	53	73
Alterations and extensions of existing buildings	...	...	...	54	73
Replacement of existing and certain other buildings	...	...	...	55	73
Power to prohibit alterations, etc., of existing and certain other buildings	...	...	...	56	75
External appearance of alterations, etc.	...	...	...	57	77
Buildings used for more than one purpose	...	...	...	58	77
PART VII. MISCELLANEOUS.					
Agreements	...	...	...	59	77
Adjustment of boundaries of estates	...	...	...	60	77
Application of Scheme to development uncompleted at commencement of Scheme	...	...	...	61	79
Application of Scheme to development prior to operation of Scheme	...	...	...	62	79
Fulfilment of conditions	...	...	...	63	79
Disposal of land	...	...	...	64	79
Appropriation of land	...	...	...	65	79
Provisions as to commons, open spaces and allotments	...	...	...	66	81
Entry on land for inspection	...	...	...	67	81
Penalties	...	...	...	68	83
Application of money received by Council	...	...	...	69	83
Suspension of byelaws, local Acts, etc.	...	...	...	70	83
Appeals	...	...	...	71	83
Register of permissions and conditions	...	...	...	72	85
Extension of time for claiming compensation or betterment	...	...	...	73	85
Exclusion of claims for compensation	...	...	...	74	87
Charging Orders	...	...	...	75	87
Maintenance of registers and supply of copies of notices under the Scheme	...	...	...	76	89
Inspection of Scheme	...	...	...	77	89
Service of notices	...	...	...	78	89
Saving for powers of Local Authorities	...	...	...	79	91
Saving for works below high-water mark	...	...	...	80	91
Saving for Crown lands	...	...	...	81	91
Saving for agricultural buildings	...	...	...	82	93
For the protection of the Postmaster-General	...	...	...	83	93
Supplementary Orders	...	...	...	84	93
SCHEDULES.					
First Schedule (Relaxation of Byelaws as to New Streets)	...	...	...	95	
Second Schedule (Highways to be Diverted or Stopped up)	...	...	...	97	
Third Schedule (Special Industrial Buildings)	...	...	...	97	
Fourth Schedule (Constitution and Procedure of Tribunal of Appeal)	...	...	...	99	
Fifth Schedule (Agreements)	...	...	...	99	
Sixth Schedule (Special Interim Development Permissions)	...	...	...	101	
Seventh Schedule (Charging Order)	...	...	...	101	



## Appendix I.

Page

Definitions in Section 53 of the Town and Country Planning Act, 1932 ... ..	103
---	-----

## Appendix II.

## Part I—Alternative and Supplementary Clauses—

1. Alternative Clauses 4 (Responsible Authorities) and 72 (Register of Permissions and Conditions) ... ..	107
2. Supplementary Clause 8A. (Acquisition of land for cemeteries)	109
3. Alternative Clauses 10, 13 and 15. (Application of Section 150 of Public Health Act, 1875) ... ..	109
4. Alternative Clause 43. (Height of buildings)... ..	111
5. Supplementary Clause 43A. (Number of storeys) ... ..	113
6. Alternative Clause 76. (Maintenance of registers and supply of copies of notices under the Scheme) ... ..	113
7. Alternative Clause 77. (Inspection of Scheme) ... ..	113

## Part II—

1. Amendments to be made where it is decided to include special provisions as to underground working of minerals...	115
2. Amendments to be made in Clause 4 (or Alternative Clause 4) where it applies to a rural district ... ..	115
3. Amendments to be made in Clause 16 where appeals in regard to plans and sections of a street are to lie to the Minister ... ..	115
4A. Amendments to be made where provisions are not included as to use and density of buildings to be allowed on making of General Development Order ... ..	117
4B. Amendments to be made to provide for the erection, with consent, of certain special industrial buildings in residential or shopping areas ... ..	117
5. Amendments to be made where it is decided to apply the land unit machinery to dwelling-houses only ... ..	117
Amendments to be made where appeals in regard to external appearance of buildings lie to a Court of Summary Jurisdiction ... ..	117

## TOWN AND COUNTRY PLANNING: MODEL CLAUSES

## PREFATORY NOTE

It should be clearly understood that the following collection of Clauses is not to be regarded as constituting a model scheme which is suitable for universal adoption. In many instances particular clauses will not be required and it will often be necessary to adapt particular clauses to meet special local circumstances. The Minister retains full discretion on the issue whether it is proper in a particular scheme to include or modify any individual clause. The Local Authority in framing their scheme should, however, be careful not to omit provisions the inclusion of which is required by the Town and Country Planning Act, 1932 (see Clause 31 (i); Part VI; and Clause 82).

The Model Clauses will in particular need adaptation and supplementation in the case of a scheme prepared by a Local Authority for an area outside their district, or of a scheme prepared by several Authorities jointly. Nor again do the Clauses purport fully to cover all the matters which may in particular areas properly be included in a planning scheme, and it will be open to the Local Authority to submit supplementary clauses designed to meet their special needs.

In view of the diversity of circumstances to be considered, it has been impracticable to include in the Model Clauses forms of clauses containing provisions generally suitable for application to land or buildings belonging to a statutory undertaking. Under Section 41 of the Act the consent of statutory undertakers (see definition in Section 53 of the Act) to such an application is necessary and may generally be most conveniently obtained in the shape of a formal agreement.

In some cases the statutory undertakers may desire that certain modifications should be made in the proposed provisions so far as their land is affected and will be prepared to give their consent subject to the adoption of these modifications. Where such an agreement as is mentioned above is made, the modifications would ordinarily be incorporated in the agreement, of which particulars would be set out in the Fifth Schedule to the scheme, and could in any case be made by means of an appropriate protective clause in the scheme itself. If agreement between the Local Authority and the statutory undertakers should prove impracticable, the question whether the consent of the undertakers is unreasonably withheld will fall to be determined by the Minister.

In such matters as the reservation of land for new streets or open spaces, it is important that the position of the statutory undertakers should be settled as soon as possible, and in any case before the scheme is approved.

It may, however, be possible to leave the question of the application of some of the provisions of a scheme to the land or buildings of statutory undertakers for *ad hoc* settlement at the time when the undertakers propose to make some new use of the land or buildings. Arrangements should in that case be made for due notice to be given to the Local Authority of any such proposal.



## TOWN AND COUNTRY PLANNING ACT, 1932

## EXPLANATORY NOTE

It should be noted that the explanatory notes are not to be taken as authoritative. The notes are intended to assist in the interpretation of the Act, but they do not constitute part of the Act itself. The notes are intended to assist in the interpretation of the Act, but they do not constitute part of the Act itself. The notes are intended to assist in the interpretation of the Act, but they do not constitute part of the Act itself.

The notes are intended to assist in the interpretation of the Act, but they do not constitute part of the Act itself. The notes are intended to assist in the interpretation of the Act, but they do not constitute part of the Act itself. The notes are intended to assist in the interpretation of the Act, but they do not constitute part of the Act itself.

### Clause 2. Interpretation.

"*Person having control.*"—This expression has the same meaning as "owner" in the Public Health Act, 1875. "Owner" in the Town and Country Planning Act, 1932, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, or of any term of years therein granted or agreed to be granted by a lease or agreement the unexpired term whereof exceeds three years, and the expression is used in the same sense in the Model Clauses. The expression "persons interested in the land" is used where still other interests have to be covered.

"*The material date.*"—The date to be inserted is the date on which the resolution took effect or such later date as may be appropriate, either generally or for the purposes of any particular provision.

*Expressions not defined* have the same meaning as in the Act. For convenience definitions in the Act are reproduced in Appendix I to these clauses and might with advantage be similarly printed with the Scheme.

WELLCOME INSTITUTE LIBRARY	
Coll.	we!MOmec
Call	
No.	

## TOWN AND COUNTRY PLANNING ACT, 1932.

*Model Clauses.*

## PART I.—GENERAL.

1. This Scheme may be cited as the Planning Scheme and is divided into the following Parts:—

Short title  
and  
arrange-  
ment of  
Scheme.

- Part I ... General.
- Part II ... Reservation of Lands.
- Part III ... Streets and Building Lines.
- Part IV ... Building Restrictions and Use of Land.
- Part V ... General Amenity and Convenience.
- Part VI ... Provisions as to maintenance, use, alteration, extension, and replacement of Existing Buildings and continuance of Existing Use of Land.
- Part VII ... Miscellaneous.

Interpreta-  
tion.

2.—(1) In this Scheme, except where the context otherwise requires or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:—

“ The Borough [District] ” means the

“ The Borough [District] Council ” means the

“ The County Council ” means the

“ The Council ” means in relation to any provision of this Scheme the authority responsible for enforcing and carrying into effect that provision;

“ The Minister ” means the Minister of Health;

“ The Act ” means the Town and Country Planning Act, 1932 (22 and 23 Geo. V, c. 48);

“ The Regulations ” means the Regulations made by the Minister under Section 37 of the Act and for the time being in force in the Borough [District];

“ The Map ” means the map which has been prepared in duplicate, each map being sealed with the official seal of the Minister and with the common seal of the Council, and marked “ Map referred to in the Planning Scheme,” of which one is deposited in the office of the Minister and the other in the offices of the Council;

“ The Area ” means the area described in Clause 3;

“ Interim development order ” includes an order relating to interim development made under any Act repealed by the Act;

“ The byelaws and local Acts ” means the byelaws, local Acts, orders or regulations for the time being in force in the Area;

“ Person having control ” in relation to any land or building means the person who receives the rack-rent of the land or building, whether on his own account or as agent or trustee for any other person, or who would so receive it, if the land or building were let at a rack-rent;



#### Clause 4. Responsible Authorities.

The Borough or District Council will be the authority responsible for enforcing all the provisions of the Scheme except as regards any existing road which is vested in the County Council, and any proposed road for which the County Council have undertaken to be responsible.

As regards these roads the form of provision will depend on whether or not the powers of the County Council under the ordinary law have been delegated to the Borough or District Council. Clause 4 is applicable where the powers of the County Council in regard to all the roads in question have been so delegated. Alternative Clause 4 (No. 1, Part I, Appendix II) should be substituted where the powers of the County Council have not been so delegated.

Both under Clause 4 and the Alternative Clause, the County Council are the responsible authority as regards roads which are vested in them and any proposed roads for which they have undertaken to be responsible. Under Clause 4, however, their functions will be wholly delegated to the Borough or District Council, subject to such conditions as may be agreed, or in default of agreement determined by the Minister. Under the Alternative Clause, on the other hand, the only functions of the County Council which will be delegated will be those under Clauses 16 (Construction of streets by owners) and 17 (Communicating streets). Sub-clause (3) of Clause 4 and Sub-clause (2) of the Alternative Clause contemplate that the agency arrangements will have been agreed before the Scheme comes into operation, but provide for their alteration from time to time.

If the highway functions of the County Council under the ordinary law in regard to the roads to which the Scheme applies are partly delegated and partly retained by the County Council, the appropriate clause will be a matter for agreement between the two Authorities.

Where the County Council have delegated to a Rural District Council their powers in regard to all roads, classified and unclassified, the amendments set out in paragraph 2, Part II, Appendix II, should be made.

If in a Borough or Urban District no roads in respect of which provisions are included in the Scheme have been claimed, Sub-clause (5) should be omitted. If all county roads in respect of which provision is made in the Scheme have been claimed under Section 32 of the Local Government Act, 1929, the Clause should be limited to Sub-clause (1) (with the omission of the opening words), and Sub-clause (5), unless the County Council are undertaking responsibility for any new roads under the Scheme or some main arterial road continues to vest in them, in which case Sub-clauses (2), (3), (4) and (6) will be needed as regards those roads. Claimed roads vest in the Borough or District Council, who are wholly responsible for the maintenance and repair of the road, and the County Council have no control in the matter, although in certain circumstances they are bound to defray the expenditure incurred by the Borough or District Council. The agency arrangements for which the Clause provides in the case of delegated roads are, therefore, inappropriate, and all that is necessary as regards the claimed roads is to apply the provisions of Section 33 of the above Act in regard to expenses incurred by the Urban Authority under the ordinary law, to expenses for similar purposes incurred under the Scheme.

If the County Council is to be responsible in respect of proposals in a scheme other than in regard to street improvements, e.g., specified open spaces, the Clause should be modified accordingly.



"The material date" means the day of 19 ;

The "erection of a building" includes the structural alteration of, or the making of any addition to, a building;

"Street" has the same meaning as in the Public Health Act, 1875, and includes part of a street;

Any reference to land is limited to land in the Area.

(2) The Interpretation Act, 1889, applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

3. The Area to which this Scheme applies shall consist of that part of the Borough [District] which lies within the inner edge of the boundary line coloured dark blue on the Map [excluding the parts edged black and hatched in black lines on the Map].

Area of Scheme.

4.—(1) Except as hereafter in this Clause provided, the Borough [District] Council shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme.

Responsible Authorities.

(2) The County Council shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme in relation to—

(a) roads chargeable to the county and building lines thereon;

(b) the site and levels of the approaches of a new street not chargeable to the county to a road chargeable thereto.

(c) the imposition under Clause 24 of restrictions in regard to the height and position of proposed fences or other obstructions to view at the junction of a road or proposed road with a road chargeable to the county.

(3) The whole of the powers and duties of the County Council as responsible authority under the last preceding Sub-clause shall be deemed to have been delegated by the County Council to the Borough [District] Council subject to such conditions as have been agreed between the two Councils or to such other conditions as may from time to time be agreed between them or in default of agreement as the Minister may on the application of either Council determine.

(4) The Borough [District] Council in discharging the powers and duties delegated to them under this Clause shall act as agents for the County Council, and a person entering into any transaction with the Borough [District] Council in relation to any of those powers or duties shall not be bound to enquire whether the Borough [District] Council have authority to enter into the transaction on behalf of the County Council.

(5) The provisions of Section 33 of the Local Government Act, 1929, relating to the repayment by County Councils to District Councils of the expenses of the improvement of roads the maintenance and improvement of which have been claimed by District Councils under that Act shall extend to expenses incurred by the Borough [District] Council under this Scheme or the Act in respect of the widening of, and the fixing of building lines on, any



#### Clause 5. Reservation of lands.

Reservations for purposes other than those indicated in Column 2 of the Table (allotments, cemeteries, etc.) should be arranged in successive Parts.

*Private open spaces.*—The object of the reservation of land as a private open space is to prohibit its use for building purposes generally, but, subject to that, to allow any use which will not injure the amenity of the locality. The uses specified in sub-paragraphs (a) and (b) of paragraph (1) of Clause 9 are selected as being unlikely to injure amenity. In particular cases it may be desirable to allow private open spaces to be used for other purposes, for example, market gardens or allotments, or a sports ground ordinarily open or intended to be ordinarily open to the public on payment of a charge, and provision is made for expanding the clause, as indicated by the square brackets, to include any such case. It may, however, sometimes be more convenient to provide for cases of this kind by means of an agreement scheduled to the scheme allowing the particular use.

Clause 9 is open to modification in other respects to meet the facts in a particular scheme. For example, paragraph (b) would ordinarily be inappropriate in the case of a scheme relating wholly to built areas.

Proposals to reserve land as private open space should be fully discussed with owners, so that they may be aware of the implications of the reservation. Ordinarily it will not be desirable to reserve land for a private open space except in agreement with the owner, and in some cases it may be desirable to make an agreement under Section 34 of the Act in anticipation of the scheme.

*Cemeteries.*—Where land is reserved for cemeteries, Supplementary Clause 8A (No. 2, Part I, Appendix II) should be included in the Scheme. Under the Cemeteries Clauses Act, 1847, as amended by the Burial Act, 1906, a cemetery may not be constructed within a hundred yards of dwelling houses without the consent of the owners, lessees and occupiers. The Local Authority should have regard to this provision in allocating sites for additional cemetery accommodation, and should take such precautions as are practicable to avoid the erection of buildings within the limit, or alternatively to secure that if building takes place, consents will be forthcoming.

#### Clause 6. Buildings, etc., not to be erected on reserved lands.

*Sub-clause (1)* does not preclude the continuance of the existing use of a private open space until the appointed day, but the consent of the Council is required to the erection of buildings or the execution of works of a permanent character or to the making of excavations.

road the maintenance and improvement of which have been so claimed.

(6) The expression "road chargeable to the county" means—

(a) any road for the time being vested in the County Council under the Local Government Act, 1929, or any enactment amending that Act; and

(b) any street or proposed street on land reserved for streets and numbered on the Map.

## PART II.—RESERVATION OF LANDS.

5.—The several pieces of land specified in column 1 of the following Table are reserved for use for the respective purposes indicated in column 2 of the Table.

Reservation  
of lands.

TABLE A.

Indication on Map of lands reserved. 1.	Uses for which lands are reserved. 2.
Part I. Coloured and numbered	New streets and widenings of existing highways which on declaration become repairable by the inhabitants at large.
Part II. Coloured and numbered	New streets and widenings of existing highways which on declaration become private streets.
Part III. Coloured and numbered	Public open spaces.
Part IV. Coloured and numbered	Private open spaces.

6.—(1) Before the appointed day no person shall, except with the consent of the Council, erect a building or execute works of a permanent character on land reserved under this Part of the Scheme, and no person shall, except with the like consent, make any permanent excavation on or near

Buildings,  
etc., not to  
be erected  
on reserved  
lands.



*Sub-clause (3).*—It would be a breach of this clause to carry on mining operations which had the result of leaving insufficient support for land reserved for streets and for streets constructed on reserved lands. The inclusion of the amendments set out in paragraph 1, Part II, Appendix II, should be considered in appropriate circumstances. Under this Clause the underground working of minerals may be carried on freely, under or near land reserved for streets, and under streets constructed on such land, except where, subject to compensation, the Council serve a notice prohibiting the working.

*Sub-clause (5).*—"The appointed day" in relation to private open spaces should be deferred in cases, such as quarrying, in which it is expedient to permit for a time after the Scheme comes into operation, the continuance of a use which is not in conformity with Clause 9. The private open space reservations which can conveniently become effective on the coming into operation of the Scheme should be specified in paragraph (a) of the Sub-clause.

such land, if it would be necessary to remove or alter the building or works or to reinstate the land in order to enable the land to be used for the purpose for which it is reserved.

(2) After the appointed day no person shall—

(i) erect a building or execute works upon land reserved under this Part of the Scheme, other than buildings or works required for or incidental to the purpose for which the land is reserved;

(ii) use any land specified in Part IV of the Table in the preceding Clause otherwise than as a private open space.

(3) Save as provided by Sub-clause (1), no person shall, whether before or after the appointed day, spoil or waste land reserved under this Part of the Scheme so as to destroy or impair its use for the purpose for which it is reserved:

Provided that the Council may consent to the deposit on such land of waste materials or refuse before the appointed day.

(4) In giving consent under this Clause the Council may impose conditions with respect to the removal or alteration of the building or works or the reinstatement of the land, or the removal of the waste materials or refuse, or otherwise as they think fit.

(5) For the purposes of this Clause the "appointed day" means—

(a) in the case of land reserved for use as a private open space and numbered \_\_\_\_\_, the date on which this Scheme comes into operation;

(b) in the case of any other land reserved for use as a private open space, such later date as the Council may in any particular case determine, not being less than six months after the date on which they have notified the person having control of the land of their determination;

(c) in the case of land reserved for use as a street, the date on which the land is declared by the Council under this Scheme to be a street; and

(d) in the case of land reserved for any other use, the date on which the land is laid out or appropriated by the Council for the use in question.

(6) Nothing in this Clause shall be construed as prohibiting the reasonable fencing of the land.

7.—(1) Land reserved in the foregoing Table for new streets and street improvements or for public open spaces or playing fields may be purchased by the Council, whether by agreement or compulsorily, under and in accordance with the provisions of Section 25 of the Act.

Acquisition  
of land.

(2) The reservation of land as a private open space shall not prevent the Council from purchasing the land, or any part thereof, by agreement (but not otherwise) for the purpose of a public open space or playing field.

8. As soon as any land reserved as public or private open spaces or playing fields has been acquired by the Council, the Council shall have the like powers and duties as if the land had been acquired for the purposes of public walks, parks and pleasure grounds or playing fields, under the Public Health Acts, 1875 to 1933, or any enactments amending those Acts.

Power to  
maintain  
open  
spaces.



**Clause 9. Uses of private open spaces.**

*See note on Clause 5.*

**PART III.****Streets.**

Even principal streets may be left to be dealt with later by Supplementary Order unless there is reason to fear that the line of the street will be built over if not reserved, or the fixing of the line is desirable in order to secure good development.

**Clause 10. Interpretation.**

Where Section 150 of the Public Health Act, 1875, is in force, Alternative Clause 10 (No. 3, Part I, Appendix II) should be substituted.

"*The cost of a standard street.*"—The definition is appropriate only in areas where byelaws with respect to new streets or corresponding provisions in local Acts are in force. It is expected, however, that byelaws with respect to new streets or corresponding provisions in local Acts will ordinarily be in force in areas in which schemes are made; and the Minister has intimated that the fact that a scheme is being prepared will be considered *prima facie* evidence that byelaws should be made.

9. For the purposes of this Part of the Scheme land shall be deemed to be used as a private open space if, and only if, it is used—

Uses of  
private  
open spaces.

[(1) in the case of any of the lands numbered ]

(a) as a private ground for sports, play, rest or recreation, or as an ornamental garden or pleasure ground other than a sports or recreation ground ordinarily open or intended to be ordinarily open to the public on payment of a charge; or

(b) as arable, meadow or pasture land, osier land, orchards or nursery grounds, other than land used wholly or principally for the purpose of cultivation under glass, or as a plantation or wood or for the growth of saleable underwood; [and

(2) in the case of land numbered as  
; and

(3) in the case of land numbered as  
].

### PART III.—STREETS AND BUILDING LINES.

10. In this Part of the Scheme, except where the context otherwise requires or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them :—

Interpreta-  
tion.

“The Act of 1892” means the Private Street Works Act, 1892, as amended by any subsequent Acts, whether public, local, or private, which are in operation in the Area;

“A byelaw street” means a street constructed so as to comply with any enactments, regulations or byelaws in operation in the Area;

“Private street” means a street as defined by the Act of 1892;

“Incidental works” means any slopes, approaches, embankments, cuttings, retaining walls, bridges, arches, girders, culverts, drains, or other works necessary and incidental to the construction of a street, and includes any works required for fencing the street;

“The cost of a standard street” means—

(i) in relation to a proposed street the amount which would at the date of the commencement of the works have been the cost of the execution of street works, as defined in Section 27 of the Act, in the course of the construction of the street, if it had been carried out so as to comply with any enactments, byelaws or regulations in operation in the Area; and

(ii) in relation to an existing highway widened in accordance with the provisions of this Scheme such proportion of the amount which would at the commencement of the works have been the cost of executing street works, as defined in Section 27 of the Act, on a street constructed so as to comply with any enactments, regulations or byelaws in operation in the Area as the width of the added strip bears to the width of a byelaw street. For this purpose the term “added strip” means the extent, if any, by which the existing highway is less in width than a byelaw street.



**Clause 11. Sites of new streets and widenings.**

Clauses 11, 12 and 13 provide for the construction by the Responsible Authority, at any time after declaration, of new streets and widenings for which land is reserved by Clause 5, and for the recovery, in proper cases, and subject to the limit of the cost of a standard street, of the cost of construction from owners.

Streets should be included in Part I of the Table if the circumstances are such that it is impossible or unlikely that a charge would become recoverable from frontagers in respect of the works provided for by the Scheme, e.g., the widening of a street which is already of byelaw width or the construction of a new street on a high embankment.

**Clause 13. Application of Private Street Works Act, 1892.**

This clause is appropriate only where the Private Street Works Act, 1892, is in force. Where the Scheme relates only to a county borough or a rural district the words in square brackets should be omitted. Where Section 150 of the Public Health Act, 1875, is in force Alternative Clause 13 (No. 3, Part I, Appendix II) should be substituted.

Paragraph (1), in conjunction with the definition of the cost of a standard street in Clause 10, is intended to give effect to the provisions of Section 27 of the Town and Country Planning Act, 1932.

The other paragraphs are necessary because the Clause applies to streets laid out and made on the initiative of the Responsible Authority, which may be constructed in advance of development and to a higher standard than would be required simply for estate development, and extends to a widening by the Responsible Authority of an existing highway to which the Act of 1892 does not apply. The general effect is—

- (1) where land reserved for the widening of an existing highway becomes on declaration a private street the highway as widened is

"Street works" includes, in addition to the works mentioned in Section 27 of the Act, incidental works and works required for planting a street with grass, trees or shrubs, and erecting guards therefor, or treating it in other suitable manner;

"The making" of a street means the execution of all necessary street works from the commencement to the final completion of the street.

#### *Streets.*

11.—(1) The Council may declare any land reserved for new streets and widenings of existing highways in Parts I and II of the Table in Clause 5 to be a street either—

Sites of new streets and widenings.

(a) with the consent of the persons interested in the land, including persons having a mortgage or charge on the land; or

(b) after acquiring the land.

(2) If the land so declared is reserved in Part I of the Table, it shall, upon the Council executing any necessary street works, become a highway repairable by the inhabitants at large.

(3) If the land so declared is reserved in Part II of the Table it shall, upon the declaration being made, be deemed to have been dedicated to the public and shall become a private street.

(4) The Council shall have power under this Scheme to execute street works upon the land reserved in Parts I and II of the Table.

12.—(1) The Council may, after giving not less than three months' notice to the owners and occupiers of any land which adjoins land reserved for a new street or widening of an existing highway and is required for the purpose of executing incidental works, enter upon that land for the purpose of executing the works.

Land adjoining sites of streets.

(2) The Council may at any time after giving reasonable notice to the owners and occupiers of the land upon which incidental works have been executed enter upon that land for the purpose of maintaining the works.

(3) Where land which is reserved in Part II of the Table becomes a private street, the Council may declare any adjoining land belonging to them and required for the execution of incidental works to be, and the land shall thereupon become, a part of the private street.

13. If the Council decide to execute street works under the power conferred on them by Sub-clause (4) of Clause 11 upon any land reserved in Part II of the Table in Clause 5 and the land has become a private street by virtue of Clause 11, the provisions of the Act of 1892 shall [in relation to streets or proposed streets for which land is reserved in that Part of the Table and numbered on the Map] apply [as though the County Council were an urban authority who had adopted the Act and shall in any case apply] subject to the following modifications, as though they were incorporated in this Clause:—

Application of Private Street Works Act, 1892.

(1) The Council shall not be entitled to apportion—

(i) any sum in respect of the execution of street works for the purpose of widening an existing highway of which the width is equal to or greater than the width of a byelaw street; or

(ii) a sum in excess of the cost of a standard street made on the site of the street;



deemed to be a private street for its whole width, with the result that—

(a) an apportionment may be made upon the frontagers on both sides of the road and not merely on the side on which the widening is carried out;

(b) the works as a whole, including any reconstruction of the existing highway which may be necessary, may be carried out under the same powers;

(2) the expenses incurred in the execution of street works (whether the construction of a new street or the widening of an existing highway) may be apportioned upon any land or buildings upon which an apportionment could be made under the Act of 1892. The right of the Responsible Authority to recover the amount apportioned is, however, postponed—

(a) if the land or buildings upon which the apportionment is made are agricultural land or buildings within the meaning of Section 67 of the Local Government Act, 1929, until they cease to be agricultural land or buildings;

(b) in the case of a new street, unless and until access to the new street is provided for persons or vehicles from the land subject to the apportionment (whether the site of a building or not);

(c) in the case of a widening, unless a building (other than an agricultural building, or a building of some other class specified in sub-paragraph (iii) of paragraph (5)) has been erected on the land after the date on which notice is given, in accordance with Article 13 of the Town and Country Planning Regulations, 1933, of the adoption of the draft Scheme. This date should be inserted in the sub-paragraph.

#### Clause 14. Number and sites of new streets to enter classified roads.

See Section 19 (1) (i) of the Act.

Four possible situations are provided for in the model clause.—(a) Where it would be reasonable to provide that there shall be no side streets other than existing ones; (b) where the position of any new side streets to be permitted can be fixed and their sites reserved by the Scheme; (c) where it is only practicable to specify lengths of a road into which only one new side street (in addition to reserved streets, if any) may enter; (d) where it is desirable to allow the construction

(2) The grounds of objection set out in Section 7 and Section 12 of the Act of 1892 shall be deemed to include the ground that expenses which under this Clause are to be borne by the Council have been provisionally or finally, as the case may be, apportioned against the premises of the objector;

(3) If the land so reserved and becoming a private street in manner aforesaid abuts on and is intended to form the site of a widening of an existing highway, the part of the existing highway upon which the land abuts shall as to its whole width be deemed to be part of the private street;

(4) As soon as the Council have made the street, it shall become a highway repairable by the inhabitants at large;

(5) (i) No expenses incurred in the execution of street works and apportioned upon land or buildings which at the time of apportionment are agricultural land or buildings within the meaning of Section 67 of the Local Government Act, 1929, shall be recoverable until the land or buildings cease to be agricultural land or buildings as aforesaid;

(ii) No expenses incurred in the execution of street works for the purpose of making a new street shall be recoverable in respect of land (whether the site of a building or not) unless and until access is provided for persons or vehicles from that land to the new street;

(iii) No expenses incurred in the execution of street works for the purpose of widening an existing highway and apportioned against any land abutting on that highway shall be recoverable unless after the day of 19 a building has been erected on the land other than an agricultural building within the meaning of the said Section 67 or a building—

(a) begun before the said date; or

(b) erected in pursuance of a contract made before the said date; or

(c) erected within the site of a building existing at that date and ordinarily incidental to the purpose for which that building is used; or

(d) the erection of which is permitted under Clause 55 of the Scheme;

and the amount recoverable shall in any case be limited to so much of the apportioned sum as is properly attributable to the land forming the site of the building.

Interest shall not be payable to the Council on any money in respect of a period during which under this Clause the money is irrecoverable.

14.—(1) No new street shall be laid out or made so as to enter any of the roads or proposed roads specified in Part I of the Table below.

(2) Save as hereinafter in this Clause provided no new street shall be laid out or made so as to enter any of the roads or proposed roads specified in Part II or in the first column of Part III of the Table, except on land reserved for streets.

Number  
and sites  
of new  
streets to  
enter  
classified  
roads.



of a street for temporary access pending the construction of a permanent street.

Before compensation can be excluded, the Minister must be satisfied, if representations are made to him in any particular case which he considers a proper one, that reasonable means of access from neighbouring land to a highway will be available. This does not preclude the Local Authority from proposing a restriction, subject to compensation (see Clause 74).

(3) In the case of a road or proposed road specified in the first column of Part III of the Table the Council shall, in addition to any new streets on land reserved for streets, permit in each of the sections of the road or proposed road specified in the second column of the said Part the entry of one new street at such point as they may approve.

(4) The Council may permit the entry into a road or proposed road specified in Part II or in the first column of Part III of the Table of a new street which is required to provide temporary access from neighbouring land to the said road or proposed road pending the construction on land reserved for streets, or in a position approved by the Council in accordance with the provisions of the preceding Sub-clause, of a street which will provide permanent access from the said land to the said road or proposed road.

Any street constructed in pursuance of the provisions of this Sub-clause is hereby declared to be diverted or stopped up and all public rights therein are declared to cease as from the date on which the street providing permanent access as aforesaid is constructed to the satisfaction of the Council and opened for public traffic.

#### TABLE B.

##### Part I.

Existing or intended classified roads on which no new street entrances are to be allowed.

##### Part II.

Existing or intended classified roads on which new street entrances are to be allowed only on land reserved for streets.



**Clause 15. Expenses of constructing sewers.**

Where the Scheme relates wholly to a rural district in which powers in regard to private streets have not been delegated the words in square brackets immediately before and after the words "the County Council" should be omitted.

In the case of a Scheme relating wholly to a County Borough the reference throughout the Clause should be to "the Council" and the last paragraph of the Clause omitted.

Where Section 150 of the Public Health Act, 1875, is in force Alternative Clause 15 (No. 3, Part I, Appendix II) should be substituted.

**Clause 16. Construction of streets by owners.**

The Responsible Authority may require the street to be of such width and standard of construction as they consider necessary if they pay for the additional cost above that of a standard street and do not, unless the Minister expressly approves additional types of street for the purpose, relax the byelaws or local Acts below the standards permitted under the First Schedule to the Scheme.

Where Clause 16 is applicable it is to be remembered that approvals of the Council have to be given under two headings (a) by virtue of the byelaws; (b) by virtue of the Scheme. There is a statutory obligation to give a decision under (a) within one month. If a decision under (b) is not practicable within the same period the position should be explained to the applicant when the decision under (a) is communicated to him. The same comment applies to certain other Clauses of the Scheme.

Where it is proposed that appeals against decisions of the Responsible Authority as regards the plans and sections of a street shall lie to the Minister, the amendments set out in paragraph 3, Part II, Appendix II should be made in the Clause.

## Part III.

Existing or intended classified roads on which new street entrances are to be allowed on land reserved for streets and also at points to be approved.

Description of road or intended road. 1.	Section of road one new street entrance into which is to be approved. 2.

15. Where after the date on which this Scheme comes into operation the Borough [District] Council construct a sewer under land reserved for a street and the construction takes place before the land becomes a private street [the Borough [District] Council or] the County Council [as the case may be], may, if they propose to execute street works upon the land, include particulars of the sewer in the specification of any street works to be executed by them on the street and the cost of the sewer in the estimate of the probable expenses of such works, and thereupon the Act of 1892, as modified by this Scheme, shall, so far as applicable, apply to those expenses as if they formed part of the estimated expenses of the proposed street works.

Expenses of constructing sewers.

The County Council shall pay over to the Borough [District] Council any monies received by them from frontagers in respect of, or properly attributable to, the construction of the sewer, but shall be entitled to deduct any expenses reasonably incurred by them in the recovery of the said monies.

16. Except in relation to streets proposed to be constructed by a highway authority the following provisions shall have effect with respect to new streets proposed to be constructed whether on land reserved for streets or not:—

Construction of streets by owners.

(1) The making of a new street shall not be commenced until all notices required by the byelaws and local Acts have been duly given.

(2) The person desiring to lay out or make a new street (in this and the two next succeeding Clauses referred to as "the applicant") shall:—

(a) before laying out the street submit to the Council for approval the plans and sections required by the byelaws and local Acts; and

(b) before at any time executing any street works, other than temporary works, submit to the Council for approval specifications of the street works from time to time proposed to be executed.

(3) Before approving the plans and sections of a new street the Council may require the applicant to furnish them with plans and particulars of the proposed development of any neighbouring land belonging to him, the development of which is in their opinion likely substantially to affect or be affected by the determination of the site of the proposed street.





(4) The Council shall also notify the person having control of any neighbouring land, the development of which is in their opinion likely to be substantially affected by the determination of the site of the proposed street—

(a) that plans and sections have been submitted to them; and

(b) that before approving the plans and sections they will take into consideration any proposals for the development of such land which he may submit to them within one month from the date of the notice

and shall consider any proposals so submitted.

(5) The Council shall afford the applicant and any person notified under the last preceding Sub-clause reasonable facilities for inspecting any plans, sections or proposals submitted under this Clause.

(6) The Council shall approve the plans, sections and specifications of the proposed street with or without modification, or disapprove them, and shall forthwith notify the applicant of their decision, but they shall not approve a plan, section or specification which is contrary to any byelaw or local Act, except that they may, in proper cases, permit—

(a) the laying out or making of a new street not likely to be used generally for through traffic, if it is of one of the types described in the First Schedule to this Scheme or of a substantially similar type, or a street of such other type as the Minister may from time to time approve;

(b) the temporary laying out or making of a new street of less width, or with narrower carriageways and footways, than authorised by them in approving the street.

An applicant who is aggrieved by a decision of the Council under this Sub-clause may appeal.

(7) As soon as the street is made in accordance with the plans, sections and specifications approved under this Clause, the Council shall, on the application in writing of the person making the street and within three months from the date thereof, post a notice in the street declaring it to be, and the street shall thereupon become, a highway repairable by the inhabitants at large:

Provided that where permission has been granted for a street to be temporarily laid out or made of less width or with narrower carriageways and footways than those authorised, the Council shall on the like application and in like manner, declare that part of the street which is permitted to be made in advance of the remainder to be a highway repairable by the inhabitants at large, but such declaration shall be without prejudice to their right to execute street works under Sub-clause (4) of Clause 11 and to recover expenses under Clause 13 with regard to the remainder of the street as though it were a new street.

(8) The Council may, if they think fit, contribute towards the cost of laying out or making a street approved under this Clause, and where they require a street to be laid out or made at a higher cost than the cost of a standard street on the site of the proposed street, they shall themselves, except in so far as the applicant may otherwise agree, pay to the person laying out or making the street such sum as they, or on appeal the Court, may determine to represent the excess cost.



#### Clause 17. Communicating streets.

The site for a communicating street (which by definition includes the continuation of a street) and the site of the proposed street with which it will communicate becomes reserved land, in order to enable the Responsible Authority, in suitable circumstances, to declare and construct any part of the street themselves (whether as a highway repairable by the inhabitants at large or as a private street).

Where the Responsible Authority desire to fix the sites for additional estate streets without any proposals for streets being submitted to them they are entitled in suitable circumstances to take this course by making a Supplementary Order.

(9) A person laying out or making a street shall lay it out or make it in accordance with the plans, sections and specifications approved under this Clause, and all conditions applicable thereto contained in the First Schedule to this Scheme or in the approval shall be binding on him, and, in so far as they relate to the use of any adjoining land, on all persons deriving title under him to that land.

17.—(1) Where it appears to the Council that, in order to secure the due co-ordination of estate development in the neighbourhood of any proposed new street, provision ought to be made for a street (hereinafter in this Part of the Scheme referred to as "the communicating street") upon neighbouring land, in continuation of, or communicating with, that new street, the Council may, when approving the plans and sections of the street, fix a site for the communicating street.

Communi-  
cating  
streets.

(2) The communicating street may be a new street or a widening of an existing street, and the Council may fix the site thereof either by approving, with or without modification, a proposed street or widening included in any proposals submitted to them under the last preceding Clause, or by themselves preparing a plan for the purpose.

(3) As soon as the plans and sections of the new street and the site of the communicating street have been approved, the Council shall notify the person having control of the said site of their decision and shall afford him reasonable facilities for inspecting the plans and sections and a plan of the said site, and, if he is aggrieved by the decision of the Council whether in respect of the new street or of the site of the communicating street, he may appeal.

(4) On an appeal under the last preceding Sub-clause the applicant, and on an appeal by the applicant under Sub-clause (6) of Clause 16 the person having control of the site of the communicating street, shall be entitled to appear and be heard.

(5) The decision of the Council to approve the plans and sections and to fix the site of the communicating street shall not take effect pending the determination of any appeal made under this or the last preceding Clause by the applicant or by the person having control of the site of the communicating street, and, if on any such appeal the decision of the Council with regard to the plans and sections of the street or the site of the communicating street is varied, the Council may modify their decision with regard to the site of the communicating street or to the plans and sections as the case may require, so as to bring it into conformity with the decision given on appeal, and no appeal shall lie against any modification made by the Council for this purpose.

(6) Where the Council decide under this Clause to fix the site of a communicating street, the land which forms the site of the new street in respect of which application was made to them, and the land which forms the site of the communicating street, shall thereupon become reserved for a new street or street improvement as though they had been reserved for the purpose under Part II of this Scheme.

(7) The Council shall forthwith determine whether the sites of the new street and of the communicating street shall, when declared to be a street, become a highway repairable by the inhabitants at large or a private street,



#### Clause 19. Diversion or stopping up of highways.

The provision of a convenient alternative by the Scheme is not in itself sufficient reason for the diversion or stopping up of a highway. A pleasant footpath should not be stopped up unless there is a strong reason for this course. Again, if services are laid in an existing highway, the trouble and expense that may be involved if the highway is stopped up or diverted must be taken into account.

Portions of existing highways may be diverted or stopped up *pari passu* with the construction, to the satisfaction of the Council, of portions of the alternative new street or streets.

The consent of the parish council and of the rural district council (if they are not preparing the scheme) should be obtained in accordance with the provisions of Section 13 of the Local Government Act, 1894, where it is proposed to provide for the stopping up of a highway in a rural parish.

and shall notify the applicant and the person having control of the site of their determination, and the applicant and such person, if aggrieved by the decision of the Council so far as it relates to the land belonging to them respectively, may appeal.

18.—(1) A person who proposes to lay out or to make a street, shall, before commencing to lay out the street or to execute any street works, give not less than twenty-four hours' notice to the Council of the date on which he proposes to commence the work.

Notice of  
commence-  
ment and  
completion  
of streets.

If such notice is not given and a duly authorised officer of the Council, on inspecting any work in connection with the street, finds that the work is so far advanced that he cannot ascertain whether anything has been done or omitted contrary to the plans and specifications approved by the Council or to the conditions upon which approval of the street has been granted, the officer may, within a reasonable time after inspection, give notice to such person requiring him, within a reasonable time to be specified in the notice, to remove, lay open, or pull down so much of the work as prevents the officer from ascertaining whether anything has been done or omitted as aforesaid.

If the said person fails or refuses to comply with the requisition, the Council may themselves remove, lay open, or pull down so much of the work as aforesaid and may recover from him summarily as a civil debt the expenses incurred by them.

(2) A person who has laid out a street or executed any street works, other than temporary works, thereon, shall within a reasonable time after the completion thereof give notice to the Council that the street is laid out or the works executed, as the case may be.

(3) Compliance with the provisions of any byelaws or local Acts which require notice to be given of the commencement or completion of the laying out of a street or of the execution of street works, shall be a sufficient compliance with the corresponding provisions of this Clause.

19.—(1) Each of the public highways *hatched red* on the Map and specified in the first column of the Second Schedule to this Scheme is hereby declared to be diverted or stopped up, and all public rights therein are declared to cease, as from the date on which the proposed new street to be made on the land, the number of which is set opposite to that highway in the second column of the said Schedule, is made to the satisfaction of the Council and opened for public traffic:

Diversion or  
stopping up  
of highways.

Provided that—

(i) where any such proposed new street is made in portions, such portions of the public highway as correspond to the completed portions of the new street may be diverted or stopped up, if the Council are satisfied that an equally convenient right of way, whether permanent or temporary, has been provided for the public use; and

(ii) where more than one proposed new street is set opposite to a public highway in the second column of the said Schedule, a portion only of the said highway may be diverted or stopped up, if the Council are satisfied that by the making of the whole or any part or parts of any one of the said proposed new streets an equally convenient right of way has been provided for the use of the public.



and shall notify the appropriate authorities in the event of any such discovery. The Commission shall also be responsible for the collection and dissemination of information regarding the activities of the Commission and the results of its investigations.

17. The Commission shall have the right to request any person to furnish information or to produce any document or other material in his possession, custody or control, which may be relevant to the investigation of any matter referred to it by the Commission.

18. The Commission shall have the right to require any person to attend before it and to give evidence and to produce any document or other material in his possession, custody or control, which may be relevant to the investigation of any matter referred to it by the Commission. The Commission shall also have the right to require any person to attend before it and to give evidence and to produce any document or other material in his possession, custody or control, which may be relevant to the investigation of any matter referred to it by the Commission.

19. The Commission shall have the right to require any person to attend before it and to give evidence and to produce any document or other material in his possession, custody or control, which may be relevant to the investigation of any matter referred to it by the Commission.

20. The Commission shall have the right to require any person to attend before it and to give evidence and to produce any document or other material in his possession, custody or control, which may be relevant to the investigation of any matter referred to it by the Commission.

21. The Commission shall have the right to require any person to attend before it and to give evidence and to produce any document or other material in his possession, custody or control, which may be relevant to the investigation of any matter referred to it by the Commission.

22. The Commission shall have the right to require any person to attend before it and to give evidence and to produce any document or other material in his possession, custody or control, which may be relevant to the investigation of any matter referred to it by the Commission.

23. The Commission shall have the right to require any person to attend before it and to give evidence and to produce any document or other material in his possession, custody or control, which may be relevant to the investigation of any matter referred to it by the Commission.

24. The Commission shall have the right to require any person to attend before it and to give evidence and to produce any document or other material in his possession, custody or control, which may be relevant to the investigation of any matter referred to it by the Commission.

25. The Commission shall have the right to require any person to attend before it and to give evidence and to produce any document or other material in his possession, custody or control, which may be relevant to the investigation of any matter referred to it by the Commission.

(2) The Council may after the date on which a highway, or any portion thereof, is diverted or stopped up, remove therefrom, without payment, any road material of which the highway is constructed or which is lying thereon :

Provided that if the owner of land from which road material may be removed in pursuance of this sub-clause, gives notice in writing to the Council requiring them, if they intend to exercise their powers thereunder, to do so within a period, not being less than one month, specified in the notice, the Council shall not be entitled, after the expiration of that period, to remove material from that land.

(3) Where for the purpose of improving a highway the Council intend to straighten or otherwise alter any length thereof, they may with the consent of the persons interested in the land forming part of or adjoining that length of highway add to the highway a piece of the adjoining land and stop up the highway as to a portion of its width.

An agreement made in respect of the proposed stopping up may provide for payments by or to the Council.

(4) The diversion or stopping up of a highway under this Clause shall not affect the rights of the Council or of any statutory undertakers or other persons in any sewers, gas or water mains, electric cables or wires, or other works lying on or under the highway, and the Council and such statutory undertakers and other persons shall have the same powers in relation thereto (including the power of inspecting, maintaining and repairing the works and connections thereto, and of entry upon the land for that purpose), as if the highway had not been diverted or stopped up :

Provided that the Council may, if they think fit, divert or transfer any such works with the consent of the statutory undertakers or other persons in whom the works are vested, and execute any works necessary and incidental to such diversion or transfer, and may enter into agreements for the purpose.

#### *Building Lines, etc.*

20.—(1) When the plans and sections of a proposed street are submitted to the Council for their approval under Clause 16 and the proposed street is neither on land reserved for streets under Part II of the Scheme nor a street of Type G. or H. described in the First Schedule to the Scheme, the Council may fix a building line for the street, and, if in approving the plans of the street the Council fix the site of a communicating street, they may also fix a building line for the communicating street.

Fixing of building line for new street not shown on Map.

(2) If a building line is so fixed, the notice that the plans of the street have been approved or that the site for the communicating street has been fixed, as the case may be, shall, unless it is accompanied by a plan showing the position of the building line, include a statement that a plan on which the building line is indicated may be inspected at a specified place. The fixing and position of the building line shall be matters on which an appeal may be made under Clause 16 or 17, as the case may be.

21.—(1) In the case of a street existing at the date on which this Scheme comes into operation for which no building line is shown on the Map, the Council may fix a building line either for the street or for such part thereof as they think fit at such time as may appear to them expedient.

Fixing of building line for existing street for which no building line is shown on Map.





(2) The Council shall give notice of the proposal to fix the building line to the person having control of any land to which the building line relates and to the person having control of any neighbouring land who may, in the opinion of the Council, be affected. The Council shall include in the notice a statement that a plan indicating the position of the building line will be open for inspection at a specified place and that, if any person on whom a notice is required to be served desires to make any representations or objections with respect thereto, he may address them in writing to the Council within a specified period, not being less than fourteen days or more than twenty-eight days from the date of the notice.

(3) Before fixing the building line, the Council shall consider any representations or objections made to them within the specified period.

(4) Upon the fixing of the building line the Council shall forthwith give notice thereof to the persons on whom a notice is required to be served under the provisions of Sub-clause (2) of this Clause and shall include in the notice a statement that a plan indicating the position of the building line will be open for inspection at a specified place.

(5) Any person on whom a notice is required to be served under this Clause and who is aggrieved by the fixing or position of the building line may appeal.

22.—(1) Where a building line for any street or proposed street is shown on the Map or is fixed under Clause 20 or Clause 21, no building other than boundary walls or fences or temporary structures erected in connection with building operations, or buildings permitted in pursuance of Sub-clause (1) of Clause 6 shall be erected in front of the building line:

Effect of  
building  
line.

Provided that the Council may, if they think fit, permit—

(a) the erection of a building in front of the building line—

- (i) for the purpose of architectural effect; or
- (ii) if, on account of the levels of the site or of adjoining land, or the propinquity of buildings already in front of the building line, or any other special circumstances, compliance with the building line would seriously hamper the development of the site;

(b) the erection in front of the building line of—

- (i) a bay window, porch or other projecting portion of a building;
- (ii) an industrial building or special industrial building at such distance, not being less than *fifteen feet* from the boundary of the street, as the Council may specify;
- (iii) groups of shops or business premises at such distance, not being less than *ten feet* from the boundary of the street, as the Council may specify;
- (iv) a lodge or a garage, or other out-building used or intended to be used in connection with a dwelling-house, if the building does not exceed 10 ft. in height (measured from the mean level of the ground surrounding the building to the top





of the parapet or half of the height of the roof, whichever is the higher) and is not less than *ten feet* from the boundary of the street.

(2) Before giving permission under the last preceding Sub-clause for any part of a building to be erected at a greater distance in front of the building line than *three feet six inches*, the Council shall, at the expense of the applicant, give notice of the proposal by advertisement in some local newspaper circulating in the Area, and shall consider all objections which may be addressed to them in writing within a period, not being less than fourteen days, to be specified in the notice.

23. In any street in which a building line is in operation under this Scheme a person shall not be precluded by Section 3 of the Public Health (Buildings in Streets) Act, 1888, from erecting or bringing forward a building beyond the front main wall of the building on either side thereof, if the erection or bringing forward of the building would not contravene the provisions of the Scheme, and the operation of the said Section is hereby suspended so far as is necessary for the purpose of this Clause.

Suspension  
of Public  
Health  
(Buildings  
in Streets)  
Act, 1888.

24.—(1) Where the Council are satisfied that in the interests of safety the height to which, or the position in which, walls, fences or hedges may be erected, planted or grown on land near the corner or bend of a road ought to be regulated, they may serve upon the owner and occupier of the land a notice imposing restrictions in regard to the height or position of proposed walls, fences or hedges, and the notice shall be accompanied by a plan showing the land to which the notice relates.

Prevention  
of obstruction to view  
at corners  
and bends.

(2) The restrictions imposed by a notice served under this Clause shall take effect upon the service of the notice and, subject to any decision upon an appeal against the restrictions imposed, shall remain in force until the notice is withdrawn by the Council.

(3) If any person upon whom a notice has been served under this Clause is aggrieved by any restriction imposed by the notice, he may appeal.

(4) A breach of any restriction imposed under this Clause shall be a contravention of this Scheme.

(5) This Clause does not apply to a highway maintainable at the material date by the Minister of Transport, or by a County Council or other Highway Authority.

#### PART IV.—BUILDING RESTRICTIONS AND USE OF LAND.

25. In this Part of the Scheme, except where the context otherwise requires or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:—

Interpreta-  
tion.

“ Dwelling-house ” means a house designed for use as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith;

“ Residential building ” means a building, other than a dwelling-house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and includes a hotel designed primarily for residential purposes and a residential club, but does not include any building mentioned, whether by way of inclusion or exclusion, in the definitions of “ place of instruction ” and “ institution ”;





"Place of public worship" means a building designed for use as a church, chapel, oratory, meeting-house, or other place of public devotion, and includes a building designed for use as a Sunday school, and an institute or other building designed for purposes of social intercourse and recreation, within the same site as and associated with any of the foregoing buildings;

"Place of instruction" means a building designed for use as a school, college, technical institute, academy, lecture hall, or other educational centre, and includes a monastery, convent, public library, art gallery, museum and gymnasium, but does not include a building designed for use wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective or epileptic children;

"Institution" means a building designed for use as a public or charitable institution, and includes a building designed for use as a hospital, clinic or dispensary, whether public or private, but does not include buildings designed wholly or principally for any of the following uses, namely, as—

(a) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;

(b) a certified institution, certified house or approved home for mental defectives;

(c) a mental hospital;

(d) a public assistance institution, not being a separate institution for the reception and maintenance of children or of persons suffering from bodily infirmity.

"Place of assembly" includes—

(a) a building designed for use as a public hall, theatre, cinema, music hall, concert hall or dance hall, or for the purposes of exhibitions of trade or industry, fairs and shows;

(b) a building designed for use in connection with a race course, racing track or ground for other sports or amusements which is intended to be ordinarily open to the public on payment of a charge;

(c) a building designed for use as a non-residential club;

(d) any other place of public assembly, whether used for purposes of gain or not, not being a place of public worship or place of instruction or an institution;

"Shop" means a building designed for the purpose of carrying on retail trade, not being a special industrial building or a petroleum filling station, and includes an industrial building on the same premises and ordinarily incidental to the conduct of the retail business thereon;

"Business premises" means a building designed for use as an office or for other business purposes, but does not include a place of instruction or place of assembly or any building mentioned, whether by way of inclusion or exclusion, in the definition of "institution," or a building designed for use as a shop, petroleum filling station, industrial building, or special industrial building;

"Petroleum filling station" means a building designed for the purpose of fuelling motor vehicles with petroleum (as defined in the Petroleum (Consolidation) Act, 1928) by way of trade or for purposes of gain;

"Industrial building" means a building, other than a special industrial building, designed for use as a factory or a workshop within the meaning of the Factory and Workshops Acts, 1901 to 1929, and includes any office or other



#### Clause 27. Erection and use of buildings.

It is to be noted that in this Clause (unlike the rest of Part IV) "buildings" includes structures and erections (Clause 25).

Section 19 of the Act contemplates three main types of restriction on the erection and use of buildings—(a) ordinary zoning, justified on grounds of good development, including amenity and convenience, (b) the temporary prohibition or restriction of building operations (except in individual cases) where the land is not ripe for general building at the time of the making of the Scheme, (c) the permanent prohibition or restriction of building operations where, by reason of the nature or situation of the land, the erection of buildings would involve danger or injury to health or excessive expenditure of public money on the provision of public services.

**Use Zones in which immediate development is permitted.** (Sub-clause (1) and Part I of Table C.)—The zones shown in this Part should not be inserted in a scheme without consideration; they may not all be needed. Other forms of use zones which the Responsible Authority consider appropriate to their special needs may be inserted.

It will be unwise as a rule to exclude entirely from a residential zone any class of buildings (except such a class as "special industrial buildings"). The Responsible Authority will be empowered (subject to appeal) to refuse consent to development at variance with the predominant use. The provisions of Clause 29 with regard to the advertisement of applications are also material.

building within the same site, the use of which is incidental to and such as would ordinarily be incidental to the use of such factory or workshop, and a building designed for use in connection with the winning of minerals, or as a water pumping station, warehouse, depository or store;

"Special industrial building" means a building designed for the purpose of carrying on any industry, business, trade, process or work included in any of the classes set out in the Third Schedule to this Scheme and includes any office or other building within the same site, the use of which is incidental to and such as would ordinarily be incidental to the use of the building for such purpose;

"Special building" means a building designed for any use other than one of the uses for which the buildings hereinbefore defined are designed;

"Zone" means a portion of the Area shown on the Map by distinctive colouring, hatching or edging or in some other distinctive manner for the purpose of indicating the restrictions imposed by this Part of this Scheme on the erection and use of buildings or the user of land; and the terms "density zone", "use zone" and "height zone" mean zones indicating restrictions as to density, use and height of buildings respectively;

In Clause 26, in its application to Clause 27, and in Clauses 27 to 31, but not elsewhere in this Part of the Scheme a "building" includes a structure or erection.

26.—(1) Where a building is used, or a proposed building is designed, for more than one use, it shall be treated for the purposes of Clause 27 as being used or designed partially for each of those uses, but for the purposes of the other provisions of this Part of the Scheme it shall be treated as being used or designed only for its predominant use, and the Council may, and shall, if the person having control of, or proposing to erect, the building makes an application for that purpose, decide which is the predominant use.

Predominant use of buildings.

(2) The Council shall forthwith give notice of any decision under this Clause to the applicant, and the person so notified, if aggrieved by the decision, may appeal.

#### *Erection and Use of Buildings and Use of Land.*

27.—(1) The purposes—

(a) for which buildings may be erected and used without the consent of the Council;

Erection and use of buildings.

(b) for which buildings may be erected and used only with the consent of the Council; and

(c) for which buildings may not be erected and used; in each of the use zones specified in Parts I and II of the following Table are shown in the third, fourth and fifth columns of the Table, but no building operations shall be undertaken on land within any of the zones specified in Part II of the Table, unless a general development order applying to the land has come into operation or permission to develop has been granted under Section 16 of the Act.

(2) Building operations are permanently prohibited in the use zone *edged green* and *broad cross-hatched yellow* on the ground that by reason of the situation or nature of the land the erection of buildings thereon would be likely to involve danger or injury to health [or excessive expendi-



A restriction on the erection and use of buildings for residential purposes (as for example in Use Zones IV and V) should not be imposed unless the owners agree or have other land available, or unless there will be buildings of other classes in the near future. The restriction of the use of land may expose the owner to an unreasonable risk of loss.

Both frontages of any road should ordinarily be included in the same use zone.

The Intermediate Zone (Use Zone VIII of the Table) is suitable for an area where some residential development is certain and it is reasonable to anticipate some industrial and commercial development.

In such a case it seems sufficient, as is proposed in the Table, to require the consent of the Responsible Authority to the erection of buildings other than dwelling-houses and residential buildings and certain types of buildings ancillary to residential development, but not, as in the residential zones, to confer on neighbouring owners the right to object to proposals for development other than residential development or to appeal against the decision of the Authority to consent to such development.

The Undetermined Zone (Use Zone IX) is suitable only in cases where it cannot be determined whether development when it takes place will be residential, commercial or industrial, but it is desired to prevent the uncontrolled intermixture of various forms of development. This zone should not be included unless a substantial measure of agreement with owners has been secured.

**Use Zones in which general development depends upon the issue of a General Development Order.** (Sub-clause (1) and Part II of Table C.)—Land should be included in this Part where it is necessary or desirable to prevent general development which is likely to result either in sanitary difficulties, or in premature expenditure of public money for public services, or serious detriment to local amenities.

The Clause has been drafted on the assumption that it will ordinarily be possible to forecast in the Scheme the use and the density of the buildings to be allowed when a General Development Order is made. The use zones in Part II of the Table will as a rule correspond with those in Part I.

Where this forecast is not practicable the amendments set out in paragraph 4A, Part II, Appendix II, should be made.

**Use Zones in which building operations are permanently prohibited or restricted.** (Sub-clauses (2) and (3) and Part III of Table C.)—The prohibition of any buildings will seldom be warranted. Authorities should, before imposing an absolute prohibition, make sure that it is fully justified and that no buildings specially connected with some permissible use of the land will be required.

ture of public money on the provision of roads, sewers, water supply or other public services].

(3) Building operations are permanently restricted in each of the use zones specified in Part III of the following Table on the ground that by reason of the situation or nature of the land the erection of buildings thereon would be likely to involve danger or injury to health [or excessive expenditure of public money on the provision of roads, sewers, water supply or other public services]; and the purposes—

(a) for which buildings may be erected and used without the consent of the Council;

(b) for which buildings may be erected and used only with the consent of the Council; and

(c) for which buildings may not be erected and used;

in each of the said zones are shown in the third, fourth and fifth columns of the Table.

TABLE C.

Use Zone.	Reference to Map.	Purposes for which buildings may be erected and used without Council's consent.	Purposes for which buildings may be erected and used only with Council's consent.	Purposes for which buildings may not be erected and used.
1	2	3	4	5

## PART I.

## Use Zones in which immediate development is permitted.

I. Residential.	Coloured	Dwelling-houses.	Buildings other than those referred to in Columns 3 and 5.	Special industrial buildings.
II. Residential.	Coloured	Dwelling-houses. Residential buildings.	Buildings other than those referred to in Columns 3 and 5.	Special industrial buildings.
III. General Business.	Edged and broad hatched grey over a density colour.	Shops. Business premises. Dwelling-houses. Residential buildings. Places of public worship. Places of instruction. Institutions. Places of assembly.	Buildings other than those referred to in Columns 3 and 5.	Special industrial buildings.
IV. Special Business.	Edged and broad cross-hatched grey.	Shops. Business premises. Places of assembly.	Buildings other than those referred to in Columns 3 and 5.	Special industrial buildings.
V. Industrial.	Edged and fine hatched purple.	Industrial buildings. Business premises.	Buildings other than those referred to in Column 3.	—
VI. Special Industrial.	Edged and fine cross-hatched purple.	Industrial buildings of all classes. Business premises.	Buildings other than those referred to in Column 3.	—



any of the buildings in the vicinity of the main building.

The building is a two-story structure, with the main building being the larger of the two. The main building is a rectangular structure, with a flat roof and a central entrance. The building is constructed of brick, and the walls are a light color. The building is surrounded by a low wall, and there is a small garden in front of the building.

The building is located on a street, and there are other buildings nearby. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

The building is a good example of a two-story building in the area. The building is a good example of a two-story building in the area.

TABLE C.—*cont.*

Use Zone.	Reference to Map.	Purposes for which buildings may be erected and used without Council's consent.	Purposes for which buildings may be erected and used only with Council's consent.	Purpose for which buildings may not be erected and used.
1	2	3	4	5

PART I.—*cont.*Use Zones in which immediate development is permitted—*cont.*

VII. <i>General.</i>	<i>Edged and fine hatched broken purple lines over a density colour.</i>	<i>Buildings other than special industrial buildings.</i>	<i>Special industrial buildings.</i>	—
VIII. <i>Intermediate.</i>	<i>Fine hatched alternately grey and purple over a density colour.</i>	<i>Dwelling-houses. Residential buildings. Places of instruction. Institutions.</i>	<i>Buildings other than those referred to in Column 3.</i>	—
IX. <i>Undetermined.</i>	<i>Fine cross-hatched alternately grey and purple.</i>	—	<i>Any buildings.</i>	—

## PART II.

## Use Zones in which general development depends on the issue of General Development Orders.

--	--	--	--	--

## PART III.

## Use Zones in which building operations are permanently restricted.

--	--	--	--	--

(4) Subject to the provisions of Clause 29 with respect to applications for special uses, if an application is made to the Council for their consent to the erection and use of a building in a use zone in which a building of the type proposed may be erected and used only with the Council's consent, the Council shall decide whether to give or withhold consent, and in the former event what, if any, conditions shall be imposed and shall forthwith notify the applicant of their decision.

Provided that before consent to the erection and use of a building in use zone(s) is given or withheld or conditions are imposed thereon consideration shall be given to the question whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood, including, in the case of an industrial building, injury due to the emission of smoke or fumes, or of dust, noise or smell.

(5) The applicant, if aggrieved by the decision of the Council under the preceding Sub-clause, may appeal.

(6) In this Clause the expression "the erection and use" of a building for a particular use includes the conversion of the building, whether or not involving the structural alteration thereof, to that use.



**Clause 28. Use of land.**

*Sub-clause (2)* contemplates that restrictions on the use of land will, so far as they correspond, be similar to the restrictions on the erection and use of buildings, but the Responsible Authorities are entitled under the Clause to consent to a use in the case of land to which they cannot consent in the case of a building, they are not entitled to refuse consent to any use of land (otherwise than for building operations) unless it can be shown that the use would cause danger or injury to health or serious detriment to the neighbourhood.

In addition, certain uses of land to which there is no corresponding use of a building may be dealt with expressly for example, refuse tipping, sewage disposal and cemeteries. If it can be shown that any particular use ought to be entirely excluded from particular zones, *Sub-clause (1)* is appropriate. Ordinarily, however, it will be best that the Responsible Authority should retain power to give consent as in *Sub-clause (3)*.

**Clause 29. Applications for special uses.**

See the note under "Use Zones in which immediate development is permitted" on Clause 27 above. This Clause is intended, by eliciting local opinion, to assist Responsible Authorities in considering applications for the erection and use of buildings or a use of land which, having regard to the predominant use of the zone, might be thought injurious to amenity. It will be appropriate, for example, as regards shops or industrial buildings in a residential zone. It is not contemplated that the provisions of the Clause would be applicable to an intermediate zone or an undetermined zone, where more elasticity is needed.

28.—(1) The use, other than an existing use, of land comprised in use zone(s) Use of land.  
for the purpose of  
is prohibited on the ground that  
it is likely to involve [danger or injury to health] or  
[serious detriment to the neighbourhood].

(2) The use of land comprised in a use zone, whether forming the site of a building or not, for a purpose for which in that zone a building may not be erected and used, or may be erected and used only with the consent of the Council, shall not be commenced without the consent of the Council.

(3) No land comprised in any use zone, other than zone(s) ,  
shall be used for the  
purpose of without  
the consent of the Council.

(4) Nothing in Sub-clause (2) or Sub-clause (3) shall entitle the Council to withhold consent to the use of land (otherwise than for building operations) or to impose conditions thereon, except for the purpose of preventing danger or injury to health or serious detriment to the neighbourhood.

(5) Subject to the provisions of the next succeeding Clause with respect to applications for special uses, if an application is made to the Council for their consent to the use of land for a purpose for which their consent is required, the Council shall forthwith notify the applicant of their decision, and the applicant, if aggrieved by the decision, may appeal.

29.—(1) If an application (other than an application for permission to develop under Section 16 of the Act) is made to the Council for their consent to the erection and use of a building or the use of land, whether wholly or partially for the purposes of— Applica-  
tions for  
special uses.

.....in use zone(s).....  
.....in use zone(s).....  
.....in use zone(s).....\*

the Council shall, as soon as may be, give notice of the application by advertisement in some local newspaper circulating in the Area.

The notice shall be at the cost of the applicant, and shall state that any objections addressed to the Council in writing within fourteen days after the date of the advertisement will be considered.

(2) The Council shall take into consideration any objections received within the said period of fourteen days, and shall forthwith notify the applicant and the persons, if any, from whom objections were received of their decision, and the applicant and any of the persons aforesaid, if aggrieved by the decision, may appeal.

(3) The decision of the Council shall not take effect until the expiration of twenty-eight days from the date on which the applicant and the objectors, if any, are notified thereof, or, if an appeal has been made under the provisions of this Clause, until such appeal is disposed of.

30. The provisions of this Part of the Scheme with regard to consent to the erection and use of buildings for trade or industry and appeals in connection therewith shall be in substitution for the provisions of Section 112 of the Public Health Act, 1875, and Sub-section (1) of Offensive  
trades.



**Clause 31. Saving for special uses.**

*Paragraph (i).* See Section 19 (2) (iii) of the Act. The land entered in the blank space in the paragraph must be land which is allocated for residential development and substantially so developed, and in respect of which it cannot be shown to the satisfaction of the Minister that the minerals or the right to win them had been acquired by some person before the material date for the purpose of winning them, or had before that date devolved upon some person desirous of winning them.

The paragraph is only required if the Scheme excludes compensation in respect of provisions prohibiting or restricting the winning of minerals.

**Clauses 32-40. Density.**

It is possible to control the density of buildings-

- (a) by prescribing the area of the site of each building;
- (b) by prescribing an average density over an area of land;
- (c) by a combination of the two methods.

In the Clauses the third of these courses is adopted, the control contemplated being by prescription of average densities qualified (see Clause 36 (Minimum Size of Plots)) by provisions fixing a minimum size for the site of each dwelling-house.

The area over which the density is to be measured is called a land unit and its size (subject to the provision contained in Clause 32 (2) and to a right of appeal) is within the discretion of the Responsible Authority.

The Responsible Authority should ordinarily accept any proposal submitted by an owner for the inclusion in the unit of land within a residential use zone or reserved as a private open space.

The Model Clauses contemplate that the density of buildings other than dwelling-houses and residential buildings shall be controlled only by the provisions in Clause 41 (Proportion of Site) and in some cases Clause 43 (Limitation of Height of Buildings). The number of such buildings on the land will, however, have to be taken into account in arriving at the number of dwelling-houses and residential buildings that may, under the provisions dealing with average density be erected. For this purpose, while each dwelling-house is to be reckoned as one building unit, every other building is to be reckoned as

Section 51 of the Public Health Acts Amendment Act, 1907, and the operation of these provision is hereby suspended so far as is necessary for the purpose of this Clause.

31. Nothing in the foregoing provisions of this Part of the Scheme shall be construed as prohibiting or restricting or enabling the Council to prohibit or restrict— Saving for special uses.

(i) the winning of minerals by underground working, or the winning of minerals by surface working as respects any land except the land (edged and hatched ) in use zone(s)

;

(ii) the use of land or the erection of buildings required for the purposes of a sports or recreation ground, not being a sports or recreation ground ordinarily open to the public on payment of a charge;

(iii) the letting by any occupant of a dwelling-house of any part of the house otherwise than as a separate tenement;

(iv) the occasional use of a place of public worship, place of instruction, or institution as a place of assembly;

(v) the practice by any occupant of a dwelling-house or residential building of a profession or occupation which does not involve either—

(a) the use of the building as an industrial building or special industrial building; or

(b) the public display of goods, whether in a window or otherwise; or

(c) the exhibition of any notice or sign other than a notice or sign ordinarily exhibited on dwelling-houses to indicate the name and profession or occupation of the occupant; or

(vi) the erection or use of structures for the purpose of advertising.

#### *Density.*

32.—(1) For the purpose of determining the number of buildings which may be erected on any land in the Area the Council shall, in accordance with the provisions of this Clause and upon the application of the person or persons having control of the land, declare that the land to which the application relates, or any part thereof, shall form one or more land units. Declaration of land units.

(2) The site of every existing dwelling-house or residential building shall form a separate land unit, unless—

(a) it exceeds the minimum area of land required for the building, regard being had to the acreage of the site and the average number of buildings permitted per acre under Clause 35; or

(b) the person having control of the site consents to its inclusion in a land unit with other land and agrees not to exercise his right of substituting a new building for the existing building in such a manner that the number of building units erected on the land would exceed the number permissible under that Clause.



comprising a number of building units, the number being determined in each case (Clause 34 (Building Units)) by the Responsible Authority (subject to appeal). As an illustration, if dwelling-houses only are to be erected on a land unit of 10 acres in a density zone in which the density is 8 building units to the acre, the permissible number of dwelling-houses (building units) which may be erected is 80. A less number of dwelling-houses will, however, be permissible if (say) a block of 25 flats and 6 shops are to be erected on the land unit as well as dwelling-houses. If in the particular case 2.5 flats are reckoned by the Responsible Authority as one building unit, and 3 shops are reckoned as one building unit, the flats and shops together absorb 12 ( $10 \div 2$ ) building units out of the maximum number of 80. In other words only 68 dwelling-houses would be permissible.

In determining the equivalent number of building units in the case of buildings other than dwelling-houses, regard should be had, in view of the purpose of the Clause, to matters which are relative to density, such as the cubic content of the building, the number of families likely to inhabit it, and the space which, in the interests of amenity and convenience, ought to be required in connection with the building.

The Local Authority, in view of the difficulties which are inherent in any precise method of controlling density in the case of residential buildings may consider it desirable to apply the control of average density to dwelling-houses only, leaving the density of residential buildings to be regulated by the provisions of Clauses 41 and 43. All buildings other than dwelling-houses would in that case be left out of the calculation of average density. The amendments required for this purpose are set out in paragraph 5, Part II, Appendix II.

#### **Clause 32. Declaration of land units.**

*Sub-clause (5).*—The provisions of this Sub-clause contemplate the case where the road is of the width normally required by the byelaws. If the road substantially exceeds this width, the inclusion in the land unit of half its width would allow relatively small building plots, without imposing on the owner the obligation of leaving a corresponding portion of the land unit as open space.

This difficulty will not arise in respect of those parts of the Area to which Clause 36 (Minimum Size of Plots) applies, but in other parts of the Area it would be open to the Authority preparing the Scheme to modify the provisions of the Sub-clause so that only a suitable proportion of a road much in excess of byelaw width may be included in the land unit. It should be borne in mind that in the case of proposed new streets where the land in separate ownership fronting on the new street is shallow in depth, the cost of acquisition may be increased if the proportion of the width of the road which may be included in the land unit is limited too severely.

#### **Clause 35. Number of building units which may be erected.**

Averages of 12, 8 and 6 to the acre are common density standards in new residential neighbourhoods, but Authorities should not adhere rigidly to a maximum of 12 where conditions justify a higher figure. High cost of land, for example, may make a higher figure necessary. In fully or partly developed areas a higher density than 12 will frequently be necessary.



(3) Subject as aforesaid, the Council may include in a land unit—

(a) land belonging to the applicant other than that to which the application relates; and

(b) land given by or acquired from the applicant for the purpose of a public open space or of allotments.

(4) The Council may require an applicant for the declaration of a land unit to submit a plan showing the whole of his adjoining land which is not already included in a land unit or such part thereof as they think fit.

(5) The half of the width of any road dedicated to the public on which land proposed to be included in a land unit abuts shall be included in the land unit.

(6) A person who has applied under this Clause for the declaration of a land unit and is aggrieved by the decision of the Council may appeal.

(7) Where the site of a building in a land unit is partly within and partly outside the Area, the Council shall, if the person having control of the site so requires, treat the site as wholly within the land unit :

Provided that the Council may make it a condition of so treating the site that no buildings shall be erected on the portion of the site outside the Area in excess of the number that would have been permissible if the whole of the site had been within the Area and included in the land unit.

(8) For the purpose of this Clause the submission of a building plan for a dwelling-house or residential building shall be deemed to be an application for the declaration of a land unit in respect of the land included in the plan.

33. No dwelling-house or residential building shall be erected, and no building shall be converted into a dwelling-house or residential building, in any density zone, upon land not included in a land unit.

Restriction of building on land not in land unit.

34.—(1) For the purpose of this Part of the Scheme a dwelling-house shall be reckoned as one building unit.

Building units.

(2) On the application of a person proposing to erect on a land unit a building other than a dwelling-house, the Council shall decide how many building units the building is to be reckoned.

(3) Where a land unit includes the site of an existing building, other than a dwelling-house, the Council may, and, if the person who applies for the declaration of the land unit so requires, shall, decide how many building units the existing building is to be reckoned.

(4) The Council shall forthwith give notice to the applicant of any decision under this Clause, and the applicant, if aggrieved by the decision, may appeal.

35.—(1) The number of building units on a land unit shall not—

(a) if the land is situate within a single density zone, exceed the number obtained by multiplying the number of acres in the land unit by the average per acre specified in the Table below for that zone; or

(b) if the land is situate in more than one density zone, exceed the sum of the numbers obtained by multiplying the number of acres in the land unit within each zone by the average per acre specified in the Table for that zone.

Number of building units which may be erected.



The Board of Directors, in its resolution of the 10th day of January, 1901, adopted the following resolution: "Resolved, That the Board of Directors do hereby authorize the President of the Company to execute any and all contracts, leases, agreements, or other instruments, which may be necessary or proper for the carrying out of the business of the Company, and to do all such acts and things as may be necessary or proper to carry out the same."

The Board of Directors, in its resolution of the 10th day of January, 1901, adopted the following resolution: "Resolved, That the Board of Directors do hereby authorize the President of the Company to execute any and all contracts, leases, agreements, or other instruments, which may be necessary or proper for the carrying out of the business of the Company, and to do all such acts and things as may be necessary or proper to carry out the same."

The Board of Directors, in its resolution of the 10th day of January, 1901, adopted the following resolution: "Resolved, That the Board of Directors do hereby authorize the President of the Company to execute any and all contracts, leases, agreements, or other instruments, which may be necessary or proper for the carrying out of the business of the Company, and to do all such acts and things as may be necessary or proper to carry out the same."

The Board of Directors, in its resolution of the 10th day of January, 1901, adopted the following resolution: "Resolved, That the Board of Directors do hereby authorize the President of the Company to execute any and all contracts, leases, agreements, or other instruments, which may be necessary or proper for the carrying out of the business of the Company, and to do all such acts and things as may be necessary or proper to carry out the same."

The Board of Directors, in its resolution of the 10th day of January, 1901, adopted the following resolution: "Resolved, That the Board of Directors do hereby authorize the President of the Company to execute any and all contracts, leases, agreements, or other instruments, which may be necessary or proper for the carrying out of the business of the Company, and to do all such acts and things as may be necessary or proper to carry out the same."

The Board of Directors, in its resolution of the 10th day of January, 1901, adopted the following resolution: "Resolved, That the Board of Directors do hereby authorize the President of the Company to execute any and all contracts, leases, agreements, or other instruments, which may be necessary or proper for the carrying out of the business of the Company, and to do all such acts and things as may be necessary or proper to carry out the same."

TABLE D.

Density Zone.	Reference to Map.	Average number of building units per acre over a land unit not to exceed
1	2	3
A.	Coloured	
B.		
C.		

## (2) Where—

(a) a person having control of the site of an existing building consents to its inclusion in a land unit with other land, in accordance with paragraph (b) of Sub-clause (2) of Clause 32; or

(b) where it appears to the Council upon the application of a person having control of a land unit that it would be unreasonable to require compliance with the provisions of this Clause owing to difficulty in developing the land in accordance with those provisions on account of—

(i) the lay-out of any street on or adjoining the land which was laid out before the material date; or

(ii) the small area of land belonging to the applicant and reasonably available for simultaneous development; or

(iii) the proximity of the land to land (whether in the Area or not) already developed at a greater density per acre than would be permissible under the foregoing Table,

the Council may authorise a reasonable increase in the number of building units on that land.

(3) A person who has applied under the last preceding Sub-clause for an increase in the number of building units and is aggrieved by the decision of the Council may appeal.

(4) In addition to their powers under Sub-clause (2), the Council may, subject to the provisions hereinafter in this Clause contained, upon application to them for the purpose by the person having control of any land in density zone(s) , authorise an increase in the number of building units to be erected on the land, if satisfied that there is reasonable ground for such an increase.

(5) If an application is made to the Council under the last preceding Sub-clause, the Council shall as soon as may be give notice of the application by advertisement in some local newspaper circulating in the Area.

The notice shall be at the cost of the applicant and shall state that any objections or representations addressed to the Council in writing within fourteen days after the date of the advertisement will be considered.



**Clause 36. Minimum size of plots.**

The object of this Clause is to prevent the undue concentration of dwelling-houses in one part of the land unit in cases where no plot plan has been approved.

The minimum size of plot should be fixed in relation to the density zone to which it is applicable so as to provide for a reasonable amount of elasticity in lay-out. It is often better to leave a certain amount of open space common to a group of dwelling-houses than to include all the land in curtilages.

The following minima are suggested for general guidance in relation to density standards commonly adopted in schemes—

Density.	Minimum size of plot.
12	250 sq. yds.
8	400 sq. yds.
6	500 sq. yds.

**Clause 37. Plot plans.**

This Clause facilitates the disposition of land by enabling owners to settle the allocation, between one part of it and another, of the number of building units permitted on the land unit as a whole. The plot plan need not indicate the position of the proposed buildings, but only the building plots.

The provision for plot plans should facilitate redevelopment of built areas where the existing density is higher than that proposed under the Scheme. If a plot plan is approved showing the ultimate re-arrangement intended after the site is wholly cleared, the developer can begin to rebuild on each plot as soon as it is vacant; whereas in the absence of a plot plan rebuilding cannot (apart from the right of replacement under Part VI of the Scheme) begin on any plot until it is large enough by itself to satisfy Clause 35 (Number of building units which may be erected).

The Council shall take into consideration any objections received within the said period of fourteen days and forthwith notify the applicant and the persons, if any, from whom objections were received of their decision, and any of the persons aforesaid, if aggrieved by the decision, may appeal.

(6) The decision of the Council shall not take effect until the expiration of twenty-eight days from the date on which the applicant and the objectors, if any, are notified thereof, or, if an appeal has been made, until such appeal is disposed of.

36. Except where under Sub-clause (2) of the last preceding clause, the Council authorise an increase in the number of building units which may be erected, or where a plot plan has been approved under Clause 37, no dwelling house shall be erected upon a site having an area less than square yards in density zone or square yards in density zone

Minimum  
size of  
plots.

Provided that the Council shall have power to allow the erection of dwelling-houses on sites less in area than is required by the foregoing provisions where the buildings are arranged to the satisfaction of the Council.

37.—(1) A person proposing to develop land included in a land unit may submit for the approval of the Council a plot plan showing the plots within the unit upon which it is proposed to build and the number of building units proposed to be erected on each plot.

Plot plans.

(2) A plot plan shall not be approved unless it complies with the following conditions:—

(a) The site of every building standing on the land unit at the date of submission of the plot plan, whether completed or not, must be included in one or more of the plots, except in so far as the site of the building forms part of land allocated for streets, open spaces, allotments or similar purposes;

(b) the average number of building units per acre shown on the plot plan as proposed to be erected over the land unit must not exceed the average per acre which may be permitted under Clause 35.

(3) The Council shall approve a plot plan with or without modification, or disapprove the plan, and the applicant, if aggrieved by their decision, may appeal.

(4) No building shall be erected on land for which a plot plan has been approved except in accordance with the plan as approved.

38.—(1) The Council may vary a land unit, after giving notice of their intention to the person having control of the land comprised in the unit and considering any representations submitted by him, and the person having control of land comprised in a plot plan may, with the consent of the Council, vary the plot plan in so far as it affects his land:

Variation of  
land units  
and plot  
plans.

Provided that no variation of a land unit or plot plan shall be made which would be inconsistent with the provisions of this Part of the Scheme.

(2) If a person having control of land comprised in a land unit or plot plan is aggrieved by a decision of the Council to vary the unit, or a refusal of the Council to consent to a variation of the plot plan, as the case may be, he may appeal.



#### Clause 41. Proportion of site which may be covered by buildings.

The limit which may properly be placed on the proportion of site which may be occupied by buildings will depend on local circumstances. In particular, the proportion which would be appropriate for land on the outskirts of towns will normally be inappropriate in the central areas of towns. The following figures are based on proportions which are generally suitable for land on the outskirts of towns.

Col. 2.	Col. 3.	Col. 4.
$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$
$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$

As regards proviso (i), figures of 2,500 (in two places), and maximum limits of 3-5ths in the case of dwelling-houses, 2-3rds in the case of residential buildings, institutions or places of instruction, and 4-5ths in the case of any other building, are suggested where the figures set out above are adopted.

Where differentiation between different parts of the Area is necessary, as, for example, where the area includes both developed and undeveloped land, the necessary provision can be made by subdividing columns 2, 3 and 4 vertically, each subdivision relating to a specified part of the Area.

39.—(1) If the land comprised in a land unit in respect of which a plot plan has not been approved by the Council is or becomes vested in two or more persons, and those persons fail to agree as to the number of building units to be erected on their respective portions of the land, the Council shall, upon the application of the person having control of any portion of the land, decide what proportions of the maximum permissible number of building units may be erected on the land belonging to the applicant and on the remainder of the land unit respectively.

Land units  
vested in  
more than  
one owner.

(2) Before deciding any application to them under the foregoing provisions of this Clause, the Council shall give notice thereof to the other persons in whom the land is vested and shall consider any representations made to them in the matter. After deciding the application the Council shall forthwith notify all the persons in whom the land is vested of their decision.

40. The Council shall keep, so as to be available for inspection at all reasonable times—

Registra-  
tion of land  
units and  
plot plans.

(1) a register identifying each land unit by reference to a map, and showing the date on which the unit was fixed or varied, the number of building units represented by any building erected on the land unit, and the particulars and the date of any apportionment made by the Council under the last preceding Clause; and

(2) a copy of each plot plan approved by the Council.

#### *Space about Buildings.*

41.—(1) A building shall not be erected so as to cover a greater proportion of its site than is indicated in the following Table:—

Proportion  
of site  
which may  
be covered  
by  
buildings.

TABLE E.

Height of building.	Dwelling houses.	Residential buildings, places of instruction and institutions.	Other buildings.
1	2	3	4
Buildings not exceeding 30 ft. in height nor more than one storey above ground level over more than one- quarter of the ground covered by the build- ing ... ..			
Buildings exceeding 30ft. in height or more than one storey above ground level over more than one-quarter of the ground covered by the building ...			





Provided that—

(i) in the case of a building to be erected upon a site which was in separate ownership or was separated from adjacent sites by walls or fences before the material date and is of less than        square feet the proportions set out in the Table shall be increased in the ratio of        to the number of square feet in the plot, subject to a limit of        in the case of a dwelling-house, of        in the case of a residential building, institution or place of instruction, and of        in the case of any other building;

(ii) upon the application of any person who desires to erect a building the Council may authorise a reasonable increase in the proportion of the site which may be occupied by buildings, if by reason of any of the circumstances mentioned in Sub-clause (2) of Clause 35 or of the fact that the site abuts on two or more streets or other special circumstances it is proper so to do, and if the applicant is aggrieved by a decision of the Council under this paragraph, he may appeal;

(iii) where a proposed building is designed predominantly for use as a dwelling-house or residential building, but the dwelling accommodation will be wholly above the ground floor, the space to be left unoccupied by buildings shall be measured at the level of the lowest floor on which the dwelling accommodation is provided and the space to be left unoccupied by buildings on the ground level shall be reckoned as though the building fell within column 4 of the Table.

(2) For the purposes of this Clause—

(a) A dwelling-house includes a building designed externally in the form of a dwelling-house, though intended as a dwelling for more than one family;

(b) An institution includes institutions of the kinds mentioned by way of exclusion in the definition of "institution" in Clause 25;

(c) A place of instruction does not include buildings of the kinds mentioned in the definition of the term in Clause 25 except a school, college, technical institute, academy, monastery or convent;

(d) The height of a building shall be measured from the mean level of the ground surrounding the building to the top of the parapet, or half the height of the roof, whichever is the higher;

(e) In measuring the space unoccupied by buildings at the level of any floor above ground floor level, space occupied by sky-lights, parapets, pitched-roofing or similar projections, in so far as they do not project more than 2 ft. 6 ins. above the level of the floor, and space occupied by chimneys, shall count as unoccupied space;

(f) Where the site of a proposed building is partly within and partly outside the Area, the Council shall, if the person having control of the land so requests, treat it as wholly within the Area, but they may make it a condition of so treating the site that no buildings are erected on the portion of the site outside the Area so as to occupy, together with the buildings on the portion of the site within the Area, a greater proportion of the site as a whole than could have been occupied if the whole of the site had been within the Area.



#### Clause 42. Breaks in buildings.

Reasonable standards for minimum distances between buildings are six, eight and ten feet, according to the character of the development. Half the distances prescribed in the first Table of Sub-clause (2) should be inserted in the second Table.

(3) This Clause does not apply to the erection in use zone(s) of an industrial building or a special industrial building.

42.—(1) The number of dwelling-houses which may be erected in one continuous block shall not exceed— Breaks in buildings.

.....in.....zone(s).....  
 .....in.....zone(s).....  
 .....in.....zone(s).....;

(2) No building shall be erected in such a position that the distance between a dwelling-house and any other building, whether a dwelling-house or not, on land in the same ownership, is less than—

..... feet ..... in ..... zone(s) .....  
 ..... feet ..... in ..... zone(s) .....  
 ..... feet ..... in ..... zone(s) .....

and no building shall be erected at a less distance from the owner's boundary, other than the boundary of a street, than—

..... feet ..... in ..... zone(s) .....  
 ..... feet ..... in ..... zone(s) .....  
 ..... feet ..... in ..... zone(s) .....

Provided that the foregoing requirements with regard to distance from other buildings or from the owner's boundary shall not apply to—

(a) a building which forms or is intended to form part of a continuous block with any other building or buildings, and does not contravene the foregoing restrictions on the number of dwelling-houses in one continuous block;

(b) an outbuilding not exceeding 10 ft. in height (measured from the mean level of the ground surrounding the outbuilding to the top of the parapet or half the height of the roof, whichever is the higher);

(c) the connection of two buildings by a connecting wall, arch, or other architectural feature.

(3) Notwithstanding the provisions of this Clause, the Council may, if they think fit, permit—

(a) a larger number of dwelling-houses in one continuous block where the buildings are arranged to the satisfaction of the Council;

(b) a building nearer to any other building or to the owner's boundary than the distance specified in Sub-clause (2) of this Clause, where it appears to the Council that in the special circumstances of the case it would be unreasonable to require compliance with that Sub-clause;

(c) the connection of two buildings at or above their first floor level.

(4) For the purposes of this Clause a dwelling-house includes a building designed externally in the form of a dwelling-house, though intended for use as a dwelling for more than one family.



**Clause 43. Limitation of height of buildings.**

The figures in paragraph (a) are suggestions only, and may be altered according to the circumstances of each particular area. The maximum height limit (left blank in paragraph (b)) should not as a rule be lower than 50 feet and, in some cases, should be not less than 100 feet.

Alternative Clause 43 (No. 4, Part I, Appendix II), should be substituted where it is desired to apply different height restrictions to different parts of the Area. This will often be desirable where the Area includes both developed and undeveloped land.

Supplementary Clause 43A (No. 5, Part I, Appendix II), should be included where it is necessary to govern the number of storeys in dwelling-houses.

Proviso (iv) enables the Council to allow the limits to be exceeded in the case of a place of assembly. It is open to the Council to include a similar provision in the case of other buildings if they think it advisable.

**Clause 44. External appearance of buildings.**

See Section 12 of the Act. Materials of construction are within the scope of control under the Clause only in so far as they affect external appearance. It is not contemplated that this power of controlling external appearance will necessarily be exercised over the whole of a planning area. Usually it will not be appropriate in zones which are primarily industrial. Even in these zones, however, control of the external appearance of buildings may sometimes be desirable either because the standard of existing factory development is high and ought to be maintained, or because the absence of control may be prejudicial to the amenity of neighbouring localities.

Attention is drawn to Circular 940, in which the Minister informed Local Authorities that the Royal Institute of British Architects and the Council for the Preservation of Rural England have appointed voluntary panels of Architects in all parts of the country and that these panels are prepared to advise Local Authorities and private developers.

*Sub-clauses (3), (4) and (5).*—The amendments set out in paragraph 6, Part II, Appendix II, should be made where it is desired that the appeal shall be to a Court of Summary Jurisdiction instead of to the special Tribunal.

*Height of Buildings.*

43.—(1) No building shall be erected so as—

(a) to project above a line drawn from the centre of the street in front of the building at an angle of  $56^{\circ}$  from the horizontal or if the street is of any one of the types described in the First Schedule to this Scheme at an angle of  $45^{\circ}$  from the horizontal; or

(b) to exceed a maximum height of        feet measured from the mean level of the ground immediately surrounding the building to the highest point of the building :

Limitation  
of height of  
buildings.

Provided that for the purposes of this Sub-clause—

(i) a street which is in existence at the material date and which has a less width than *thirty feet* shall for the purposes of this Clause be deemed to have a width of *thirty feet*;

(ii) account shall be taken of parapets but not of chimneys, or of ornamental towers, turrets or any other such architectural features;

(iii) if a part of a building abuts on two intersecting streets, the height of that part of the building for a distance of        feet measured along the narrower street shall be determined by reference to the width of the wider street;

(iv) in the case of a place of assembly the Council may permit either or both of the limits imposed by this Sub-clause to be exceeded to such extent as they think fit.

(2) This Clause does not apply to the erection in use zone(s) of an industrial building or a special industrial building.

*External Appearance of Buildings.*

44.—(1) A person intending to erect a building in any of use zone(s) (in this Clause referred to as the "building owner") shall, if the Council so require, furnish them (in addition to any plans and particulars required to be submitted under the byelaws and local Acts) with drawings or other sufficient indication of the external appearance of the proposed building, including such description of the materials to be used in its construction as may be necessary for that purpose (all of which are hereafter in this Clause referred to as "the particulars").

External  
appearance  
of buildings.

The drawings shall be upon suitable and durable material to a scale of not less than 1 inch to every 8 feet, except that, where the building is so extensive as to render a smaller scale necessary, the drawings may be to a scale of 1 inch to every 16 feet.

(2) The Council shall within twenty-eight days from the submission to them of particulars under this Clause—

(a) approve the particulars; or

(b) if they consider that, having regard to the character of the locality or of the buildings erected or proposed to be erected therein, the building would disfigure the locality by reason of its external appearance, disapprove the particulars,

and shall forthwith give notice of their decision to the building owner and, if they disapprove, of the reasons for their decision.





If the Council do not within the time specified or within such longer period as the building owner may agree in writing to allow give notice to him of their decision to the contrary, their approval shall be deemed to have been given.

(3) For the purposes of this Clause the Council shall constitute in the manner provided in the Fourth Schedule to this Scheme a standing tribunal of appeal (hereafter in this Clause referred to as "the Tribunal"), and the procedure with respect to appeals shall be as provided in the said Schedule.

(4) Within twenty-eight days after receiving notice of the decision of the Council the building owner, if aggrieved by that decision, may appeal to the Tribunal and the grounds of his appeal may include the ground that compliance with the Council's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(5) The decision of the Tribunal shall be final and shall have effect as if it were the decision of the Council.

(6) In any case in which particulars have to be furnished under this Clause the erection of a building before the particulars have been approved, or, if the particulars have been approved, otherwise than in accordance with them, shall be a contravention of the Scheme.

#### *General.*

45. Where the site of a building or proposed building or a building plot is partly within the Area and partly within the area of some other planning scheme, the provisions of the other scheme corresponding to this Part of this Scheme shall apply to the part of the building or plot which is within the area of this Scheme in place of the provisions of this Part of this Scheme in the following cases, namely—

Buildings  
and plots  
partly  
within Area.

(a) if the greater part of the street frontage of the building or proposed building is or would be within the area of the other scheme;

(b) in the case of a building or proposed building which has or would have no street frontage, if the greater part of the building would be in the area of the other scheme; and

(c) in any other case if the greater part of the plot is within the area of the other scheme.

### PART V.

#### GENERAL AMENITY AND CONVENIENCE.

46. In this Part of the Scheme, unless the context otherwise requires or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:—

Interpreta-  
tion.

"Private Open Space" means land reserved for use as a private open space under Clause 5 of this Scheme;

"Public open space" includes land which is at the date on which this Scheme comes into operation a playing field belonging to a local authority and land reserved under Clause 5 of this Scheme for use for a public open space or a playing field.



#### Clause 47. Preservation of trees.

See Section 46 of the Act. It is suggested that a limit of height of 30 feet for any tree proposed to be registered would normally be appropriate.

It is unnecessary to insert the words in square brackets relating to trees of a specified girth unless it is desired to preserve single trees of less height than the limit fixed. Where, however, the provision is considered to be necessary it is suggested that a girth limit of 2 feet 4 inches and a height of 5 feet from the ground would normally be appropriate.

It is suggested that the limit of height in Sub-clause (3) should be 12 feet in order to avoid interference with the cutting of undergrowth.

(1) Where a person proposes to cut down or remove a tree which is a tree of a specified girth and height, he shall give notice of his proposal to the Council, and the Council shall, if it is of the opinion that the tree is of such a nature as to be worthy of preservation, cause the tree to be registered as a tree of special interest.

(2) The Council may, if it is of the opinion that a tree is of such a nature as to be worthy of preservation, cause the tree to be registered as a tree of special interest.

(3) If a person proposes to cut down or remove a tree which is a tree of a specified girth and height, he shall give notice of his proposal to the Council, and the Council shall, if it is of the opinion that the tree is of such a nature as to be worthy of preservation, cause the tree to be registered as a tree of special interest.

(4) Where the site of a building or proposed building is such that it is necessary to cut down or remove a tree which is a tree of a specified girth and height, the person proposing to do so shall give notice of his proposal to the Council, and the Council shall, if it is of the opinion that the tree is of such a nature as to be worthy of preservation, cause the tree to be registered as a tree of special interest.

(5) If the Council is of the opinion that a tree is of such a nature as to be worthy of preservation, it may cause the tree to be registered as a tree of special interest.

(6) If the Council is of the opinion that a tree is of such a nature as to be worthy of preservation, it may cause the tree to be registered as a tree of special interest.

(7) In any other case, if the Council is of the opinion that a tree is of such a nature as to be worthy of preservation, it may cause the tree to be registered as a tree of special interest.

#### PART V

#### GENERAL AMENITY AND CONVENIENCE

(1) In the case of a building or proposed building, the Council may, if it is of the opinion that it is necessary to do so, cause the building to be registered as a building of special interest.

(2) The Council may, if it is of the opinion that it is necessary to do so, cause the building to be registered as a building of special interest.

(3) The Council may, if it is of the opinion that it is necessary to do so, cause the building to be registered as a building of special interest.

47.—(1) If at any time the Council, having regard to the amenity of any part of the Area, are of opinion that any growing tree of a height of more than [or having a trunk of a girth of more than , at a height of above the ground], ought to be preserved, they may register the tree for the purposes of this Clause, and shall thereupon notify the owner and occupier of the land upon which the tree is growing that the tree has been registered.

Preservation of trees.

(2) The register of trees so made shall be open to inspection at all reasonable times.

(3) The following provisions shall have effect in regard to a tree registered under this Clause and to any tree of a height of not less than feet which forms part of any of the groups of trees, particulars of which are set out in the Table below:—

(i) No person shall cut down, lop, top or wilfully destroy any such tree except—

(a) in compliance with an obligation imposed by or under any Act of Parliament; or

(b) in pursuance of a power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908; or

(c) in the case of a local or public authority, in the exercise of any powers conferred on the authority by or under any Act of Parliament; or

(d) where the tree has become dangerous; or

(e) to such an extent as may be necessary to prevent its constituting a nuisance, or permissible in pursuance of a right to abate a nuisance; or

(f) with the consent of the Council; or

(g) under an order on an appeal made under this Scheme:

Provided that, if the Council do not notify their refusal to consent to the cutting down, lopping, topping, or destruction of any such tree within one month from the date of an application for consent, their consent shall be deemed to have been given.

(ii) Any owner or occupier of land upon which any such tree is growing who is aggrieved by a refusal of the Council to consent to the cutting down, lopping, topping, or destruction of such tree may appeal.

(iii) (a) The Council may at any time cancel the registration of any tree registered as aforesaid and shall thereupon make an appropriate alteration in the register of trees and notify the owner or occupier of the land upon which the tree is growing of the cancellation, and as from the date of such cancellation the provisions of this Clause shall cease to apply to such tree.

(b) The Council may at any time determine that the provisions of this Clause shall cease to apply to any group of trees of which particulars are given in the Table and if they so determine shall give notice accordingly to the owner and occupier of the land upon which the group of trees is growing.



#### Clause 48. Protection of Woodlands.

Owners should be consulted before these areas are settled. It will be noted that where an area of woodland is specified for protection, the owner is not precluded from felling the trees; he is only obliged to undertake such replanting as is in accordance with the practice of good forestry. Any question whether replanting under Sub-clause (2) is or would be in accordance with the practice of good forestry is, on the application of either party, to be determined by the Forestry Commissioners, under Section 46 (3) of the Act.

#### Clause 49. Maintenance of private gardens, etc.

The use zones to be protected under this Clause should ordinarily be residential, and, possibly, intermediate and undetermined zones.

TABLE F.

Reference to Map.	Description and situation.
Coloured  and numbered	

48.—(1) The areas of woodland of which particulars are given in the following Table shall be areas protected under Section 46 of the Act:—

Protection  
of wood-  
lands.

TABLE G.

Reference to Map.	Description and Situation.

(2) If any part of an area of woodland specified under the preceding Sub-clause is felled, the owner shall undertake such replanting as would be in accordance with the practice of good forestry.

49.—(1) Where it appears to the Council that the amenity of use zone(s) or of any public open space or private open space is seriously injured by the condition of any garden, curtilage or private open space in the Area, the Council may serve a notice on the person by whose action or omission the injury arises (including the owner of unoccupied premises), requiring him, within such period, not being less than twenty-eight days from the date of service of the notice, as may be specified in the notice, to take such action as may be necessary to abate the injury.

Mainten-  
ance of  
private  
gardens,  
etc.

(2) If the person on whom the notice is served fails to comply with the notice, the Council may cause complaint to be made to a Court of Summary Jurisdiction, and that Court may issue a summons requiring the person to appear before them and, if satisfied that the alleged injury exists, may make an order directing the person to comply with the requisition or otherwise to abate the injury and to do anything necessary for the purpose within a time specified in the order. Failure to comply with such an order shall be a contravention of this Scheme.

The order may also empower the Council themselves to take any action which the person has been directed to take if he fails to do so, and the Council may recover the cost of taking any such action from that person summarily as a civil debt.



#### Clause 50. Advertisements.

See Section 47 of the Act. Not all use zones will need protection, and in some cases it may not be necessary to protect the whole of a particular use zone.

Where byelaws under the Advertisement Regulation Acts, 1907 and 1925, are in force in the district, administration will be facilitated if they are repealed by an amending byelaw (which the Home Office are prepared to confirm) in so far as they extend to an area in respect of which provision in regard to advertisements is also made under the Scheme.

#### Clause 51. Provision of loading accommodation.

The space for vehicles to be provided under the Clause must be within "the site" of the new building, but may be provided, where the Authority consider suitable, by throwing part of the site into the street in the form of a bay.

*Sub-clause (5).*—This definition is necessary for the reason that the term "erection of a building" is not defined in Section 19 of the Act which governs this Clause and may have a meaning different from that given to it in Clause 2 (1) for the general purposes of the Scheme.

50.—(1) The land included in use zone(s) and any public open space or private open space shall be land protected under the provisions of Section 47 of the Act in respect of advertisements.

Advertisements.

(2) The Council may, if they think fit, on the application of any person interested, authorise the display of any particular class of advertisements either unconditionally or subject to conditions in respect of the position or manner in which, or the period during which, the advertisement may be displayed.

(3) Any person who has applied to the Council for authority under this Clause and is aggrieved by the refusal of the Council to grant authority or by any conditions imposed by the Council may appeal.

(4) For the purposes of Sub-section (6) of Section 47 of the Act it is hereby provided that advertisements which relate solely to a trade or business carried on, or to an entertainment, meeting, auction or sale to be held upon or in relation to the land upon which the advertisements are displayed, and advertisements on the door or in the window of a building shall not contain letters, figures or advertising emblems or devices exceeding 6 ins. in height, and shall not (except where affixed to and not projecting above a vertical wall of a building) exceed a height of 12 ft. from the ground.

(5) Nothing in this Clause shall be construed as prohibiting or controlling, or enabling the Council to prohibit or control, the erection or use of structures for the purpose of advertising, save as provided by this Clause.

51.—(1) A person proposing to erect in the Area a building which will front or abut on any highway or intended highway and is intended to be used for purposes of business or industry (in this Clause referred to as a "building owner") shall give not less than twenty-eight days' notice thereof to the Council before commencing to erect the building.

Provision of loading accommodation.

An application to the Council for consent to, or approval of, the erection of a building intended to be used for purposes of business or industry or the submission to the Council of plans, specifications or other particulars for approval under any other provision of this Scheme or under the byelaws or local Acts shall be a sufficient notice of the proposal for the purposes of this Clause.

(2) For the purpose of preventing obstruction of traffic on any highway or intended highway on which the proposed building would front or abut the Council may within twenty-eight days of the receipt of the notice referred to in Sub-clause (1) of this Clause require the building owner to submit for their approval proposals for securing that, so far as is reasonably practicable, suitable and sufficient accommodation shall be provided within the site for any loading, unloading or fuelling of vehicles which is likely to be habitually involved in connection with the use of the building.

(3) If the Council require proposals to be submitted under this Clause or if the building owner submits proposals together with the notice referred to in Sub-clause (1) of this Clause they shall approve the proposals, with or without modification, or disapprove them and they shall be



25. (1) The Board shall, in the exercise of its powers, have regard to the following principles:—

(a) that the Board shall act in the interests of the community as a whole; and

(b) that the Board shall act in a manner which is consistent with the principles of natural justice.

(2) The Board shall, in the exercise of its powers, have regard to the following principles:—

(a) that the Board shall act in the interests of the community as a whole; and

(b) that the Board shall act in a manner which is consistent with the principles of natural justice.

(3) The Board shall, in the exercise of its powers, have regard to the following principles:—

(a) that the Board shall act in the interests of the community as a whole; and

(b) that the Board shall act in a manner which is consistent with the principles of natural justice.

(4) The Board shall, in the exercise of its powers, have regard to the following principles:—

(a) that the Board shall act in the interests of the community as a whole; and

(b) that the Board shall act in a manner which is consistent with the principles of natural justice.

(5) The Board shall, in the exercise of its powers, have regard to the following principles:—

(a) that the Board shall act in the interests of the community as a whole; and

deemed to have approved the proposals without modifications, unless within six weeks from the submission of the proposals, or within such longer period as the building owner may agree in writing to allow, they give notice to him that they have decided to the contrary. The building owner, if aggrieved by the decision of the Council, may appeal.

(4) It shall be a contravention of this Scheme—

(a) if a person who submits or is required to submit proposals under this Clause erects a building without the proposals having been approved; and

(b) if at any time the owner or occupier of the building in respect of which proposals under this Clause have been approved undertakes or knowingly permits the habitual loading or unloading or fuelling of vehicles otherwise than in accordance with the proposals.

(5) For the purposes of this Clause the erection of a building has the same meaning as in Sub-section 1 (l) of Section 19 of the Act.

## PART VI.

### MAINTENANCE, USE, ALTERATION, EXTENSION AND REPLACEMENT OF EXISTING BUILDINGS, AND CONTINUANCE OF EXISTING USE OF LAND.

52. An existing building or an existing work may be maintained and may be used for its existing use and an existing use of land may be continued :

Provided that, except as provided in the next succeeding Clause—

(a) where there is an existing building or work the erection or carrying out of which would have contravened some provision of this Scheme if it had taken place after the date on which the Scheme comes into operation or had taken place after that date without the consent of the Council; or

(b) where there is an existing use of an existing building which would have contravened some provision of this Scheme, if the building had been erected after the date on which the Scheme comes into operation, or had been erected after that date without the consent of the Council; or

(c) where an existing use of land would have contravened some provision of this Scheme if it had been commenced after the date on which the Scheme comes into operation or had been continued after that date without the consent of the Council,

the Council may serve on the owner and occupier of the building, work, or land, notices (in this Part of the Scheme referred to as "warning notices") that at the expiration of a period to be specified in the notices, not being less than twenty-eight days, the retention of the building or work or the continuance of the use of the building or land will be a contravention of the provisions of the Scheme, and upon the expiration of that period the provisions of Section 13 of the Act relating to the removal, pulling down or alteration of contravening buildings and the prohibition of contravening uses, and of Section 18 and Sub-section (2) of Section 20 of the Act enabling compensation to be claimed, shall apply accordingly.

Power to prohibit maintenance or use of existing buildings and continuance of existing use of land.



**Clause 54. Alterations and extensions of existing buildings.**

It may be reasonable to modify the Clause in its application to particular buildings so as to allow their alteration or extension beyond the limits set out in the Clause or to allow extension even though the buildings were erected in pursuance of permission given by or under an interim development order.

53.—(1) If an existing building or work is such that its erection or carrying out after the date when the Scheme comes into operation would have been permissible with the consent of the Council, or if an existing use of an existing building would have been permissible with such consent had the building been erected after that date, or if an existing use of land is such that if it had been commenced after that date it would have been permissible with the consent of the Council the person having control of the building or work or land may—

Existing buildings and uses of land for which approval may be sought.

(a) at any time before the Council have served on him a warning notice apply to the Council for their approval of the building or work or of the continuance of the existing use, as the case may be, and may appeal against a decision of the Council withholding such approval; or

(b) after the Council have served on him a warning notice appeal against the notice, and upon any such appeal the Court [Minister] shall have power, if they [he] think[s] fit, to approve the building or work or the continuance of the existing use, as the case may be.

(2) If an appeal is made against a warning notice, the operation of the notice shall be suspended pending the decision of the appeal.

(3) If the building or work or the continuance of the existing use is approved under this Clause, the Council shall not be entitled to serve a warning notice, and any such notice already served shall cease to have effect.

54. Notwithstanding the foregoing provisions of this Scheme, but subject to the provisions of Clause 56—

Alterations and extensions of existing buildings

(a) an alteration of an existing building may be made, if the alteration, together with any previous alteration made to the building since the material date, does not involve the demolition of the building to the extent of more than one half of the superficial area of its main containing walls;

(b) an extension of an existing building, other than a building erected in pursuance of permission given by or under an interim development order, may be made and the building as extended may be used for any purpose of the same or similar character as that for which the existing building was used, or for any purpose which is in conformity with the provisions of this Scheme, if the Council or, on appeal, the Court [Minister] decide[s] that the extension, with any previous extension made since the material date, does not measure in floor space more than one eighth of the existing floor space, within the main containing walls, and an equivalent extension of floor space could not conveniently be secured on the site of the building without contravening or by contravening in less degree the relevant provisions of this Scheme.

55.—(1) Notwithstanding the foregoing provisions of this Scheme, but subject to the provisions of the next succeeding Clause, where an existing building or a building which was standing within two years before the material date is destroyed or demolished, a new building having no greater cubic content above the level of the ground and, in addition, in the case of premises used for business or

Replacement of existing and certain other buildings.



**Clause 56. Power to prohibit alterations, etc., of existing and certain other buildings.**

Where action is taken by the Responsible Authority under this Clause they will incur a liability to pay compensation. Apart, however, from cases in which the alteration, extension or replacement is one involving a serious departure from the provisions of the Scheme, there will be instances in which prohibition with payment of compensation will be less costly to the Authority than the payment of the larger compensation ultimately involved if the alteration, extension or replacement was carried out and the building had to be removed.

industry, no greater superficial area on the ground floor may be erected on the same site, if the building is commenced within two years after the destruction or demolition of the previous building or within such longer period as the Council may permit :

Provided that—

(i) if the Council or, on appeal, the Court [Minister] decide[s] that a new building having a cubic content above the level of the ground not less than that proposed and, in the case of premises used for business or industry a superficial area on the ground floor not less than that proposed, could conveniently be erected in such a manner as not to contravene the relevant provisions of this Scheme or to contravene them in less degree than would be involved in the erection of the proposed building, then the erection of the proposed building shall not be permissible under this Clause.

(ii) it shall not be permissible under this Clause to erect any building on land on which the erection of buildings is prohibited or restricted under Sub-clauses (2) and (3) of Clause 27 except as provided in Sub-clause (3); and

(iii) nothing in this Clause shall be construed as authorising the erection of a building otherwise than in conformity with the provisions of the byelaws and local Acts, but if it is impracticable to erect such a new building as aforesaid on the site of the previous building without infringing such byelaws or local Acts, the Council or, on appeal, the Court [Minister] may permit the building to be erected in whole or in part upon land adjoining that site.

(2) A new building erected under this Clause may be used for any purpose of the same or similar character as that for which the previous building was last used before its destruction or demolition, or for any purpose in conformity with the provisions of the Scheme :

Provided that new buildings substituted for the buildings hatched in use zone(s) shall not be used for the purpose of being a use which would be contrary to the provisions of this Scheme, and also of a noxious or otherwise offensive character.

For the purposes of this Clause a building shall be deemed to have been demolished, if it is demolished to the extent of more than one-half of the superficial area of its main containing walls.

56. A person who desires to alter, extend or replace an existing building or to replace a building which was standing within two years before the material date in such a manner that the alteration or extension of the building or erection of the new building, as the case may be, would, save for the provisions of this Part of the Scheme, be a contravention thereof, shall submit to the Council plans and particulars of the proposed works not less than six weeks before the works are commenced, and the Council may within that period serve him with a counter-notice of their decision to prohibit the proposed alteration, extension or new building, and upon the service of the said counter-notice the alteration or extension of the building or the erection of the new building, as the case may be, shall be a contravention of the Scheme :

Power to prohibit alterations, etc., of existing and certain other buildings.





Provided that, if the alteration or extension or new building is one which would have been permissible with the consent of the Council, had the original building been erected after the date when the Scheme comes into operation, the person upon whom the counter-notice has been served may appeal against the decision of the Council.

57. Notwithstanding anything contained in the foregoing provisions of this Part of the Scheme, the provisions of Clause 44 (which relates to the external appearance of buildings) shall apply to the alteration, extension or replacement of an existing building, or the replacement of a building which was standing within two years before the material date, save that, where under that Clause the Council require particulars to be submitted to them, the particulars shall be approved if the external appearance of the building as altered or extended, or of the new building, will be not less attractive than that of the existing or replaced building, regard being had to the character of the locality and of the buildings erected or proposed to be erected therein.

External  
appearance  
of  
alterations,  
etc.

58. Where an existing building or a building which was standing within two years before the material date is or was used, or, if not in use before the material date, was designed, for more than one purpose, the rights conferred by this Part of the Scheme to continue the use of the building (whether unaltered or as altered or extended), or to use a new building which replaces it for a purpose of the same or a similar character, include a right to alter the proportion, measured in floor space, in which the several parts of the building are or were used or designed for use, provided that the use for a particular purpose is not increased by more than one-eighth of the floor space used for that purpose.

Buildings  
used for  
more than  
one  
purpose.

#### PART VII.—MISCELLANEOUS.

59.—(1) The Council may enter into agreements consistent with the provisions of this Scheme in relation to any matters with which a scheme may deal.

Agreements.

(2) The several agreements of which particulars are set out in the Fifth Schedule to this Scheme shall be deemed to have been made by the Council under the powers conferred on them by this Clause, and a provision contained in any of the said agreements shall prevail, notwithstanding that it is inconsistent with the provisions of this Scheme.

(3) A person having the powers of a tenant for life, within the meaning of the Settled Land Act, 1925, may, with the consent of the persons who are trustees of the settlement for the purposes of that Act, enter into any agreement for the purpose of enabling the Scheme to be carried into effect, and this power shall be in addition to, and not in derogation of, any other powers of a person having the powers of a tenant for life.

60. For the purpose of facilitating such adjustment of the boundaries of estates and building plots as will secure the proper development of land the Council may agree with owners and occupiers of land for the exchange between those persons of portions of the lands, either with

Adjustment  
of  
boundaries  
of estates.



**Clause 61. Application of Scheme to development uncompleted at commencement of Scheme.**

*Paragraph (b).*—The permissions, of which particulars are to be entered in the Sixth Schedule, are those granted under an Interim Development Order for buildings or works which have not been begun or contracted for before the Scheme comes into operation, but which ought to be allowed to proceed, e.g., where an estate is half developed, or land has been disposed of on the strength of the permission.

or without payment of money by way of equality of exchange, and may, if they think fit, themselves pay in whole or in part any money required to be paid by way of equality of exchange, and may pay in whole or in part the costs of the exchange.

61. Nothing in this Scheme shall prevent—

(a) the erection of a building or the carrying out of works in accordance with the terms of any interim development order or of permission granted under such an order, if the erection of the building or the carrying out of the works has been commenced, but not completed, before the date on which this Scheme comes into operation or is undertaken under a contract made before that date; or

(b) the erection of any building or the carrying out of any works in accordance with any of the permissions of which particulars are set out in the Sixth Schedule to this Scheme:

Application of Scheme to development uncompleted at commencement of Scheme.

Provided that the Council may within two months after the coming into operation of the Scheme serve on the person intending to commence or continue the erection of a building or the carrying out of works which but for this Clause would be a contravention of this Scheme or would be permissible only with the consent of the Council a notice prohibiting the erection of the building or the carrying out of the works, and upon the service of such notice the erection of the building or the carrying out of the works shall be a contravention of the Scheme.

62. Any development which was undertaken in the Area between the material date and the date on which the Scheme comes into operation otherwise than in accordance with an interim development order or a permission granted under such order and which does not conform with the provisions of this Scheme shall be a contravention of the Scheme.

Application of Scheme to development prior to operation of Scheme.

63. Where permission to undertake any building operations or other development or to use any buildings or land or to do any other act or thing has been granted under an interim development order, and conditions have been imposed, and are not inconsistent with the provisions of the Scheme, the conditions shall have effect as if they were conditions imposed under the Scheme and may be enforced accordingly.

Fulfilment of conditions.

64.—(1) The Council may, with the consent of the Minister, sell or exchange any land acquired by them for any purpose of this Scheme which is not required for that purpose.

Disposal of land.

(2) The Council may let any land which has been acquired by them for any purpose of this Scheme—

(a) with the consent of the Minister, for any term; and

(b) without the consent of the Minister for a term not exceeding seven years.

65. Land belonging to the Council for the purposes of this Scheme (other than land reserved under Part II of the Scheme), and not required for any of those purposes, may be appropriated for any other purpose approved by

Appropriation of land.





the Minister for which the Council are authorised to acquire land and which is not inconsistent with the provisions of the Scheme.

66.—(1) Nothing in the provisions of this Scheme shall be construed as authorising the acquisition or appropriation of land forming part of a common, open space or allotment within the meaning of paragraph 4 of Part II of the Third Schedule to the Act, except—

Provisions  
as to  
commons,  
open spaces  
and allot-  
ments.

(a) where land, not being less in area, certified by the Minister after consultation with the Minister of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights, and to the public, is given in exchange; or

(b) where such land is required for the widening of an existing highway and the Minister, after consultation with the Minister of Agriculture and Fisheries, declares that the giving in exchange of other land is unnecessary either in the interests of the persons, if any, entitled to commonable or other rights, or of the public.

(2) Land which forms part of any such common, open space or allotment as aforesaid and is acquired or appropriated under the provisions of this Scheme shall, by virtue of the acquisition or appropriation, be discharged from any rights, trusts and incidents to which it was previously subject, and any land given in exchange shall be vested in the persons in whom the common, open space or allotment was vested and shall be held subject to the same rights, trusts and incidents as attached to the land acquired or appropriated.

(3) The Council shall as soon as practicable undertake any works that may be necessary to put the surface of any land which is given in exchange for land forming part of any such common, open space or allotment as aforesaid in a state suitable for the exercise of the same rights as attached to the land acquired or appropriated.

67.—(1) Any officer of the Council who is duly authorised by the Council (in this Clause referred to as "the authorised officer") may, after giving not less than forty-eight hours' notice to the person having custody of any premises within the Area and on production of his authority, if required, enter the premises at any time between the hours of nine in the forenoon and six in the afternoon for the purpose of any inspection necessary for enforcing and carrying into effect any provision of this Scheme or the Act.

Entry on  
land for  
inspection

(2) Any authorised officer to whom admission is refused may apply to a Justice after giving to the person having custody of the premises reasonable notice of intention to make the application and the Justice may by order under his hand require that person to admit the authorised officer into the premises during the hours aforesaid.

(3) If no person having such custody can be found, the Justice shall, on oath made before him of that fact, by Order under his hand authorise any authorised officer to enter into or upon the property during the hours aforesaid. Any such Order made by a Justice shall continue in force until the purposes for which admittance was required have been fulfilled or executed.





68.—(1) Any person who contravenes any of the provisions of this Scheme, or who fails to comply with any of those provisions, shall be guilty of an offence, and shall be liable on conviction in a Court of Summary Jurisdiction for the petty sessional division or other place in which the offence is committed to a penalty not exceeding Forty Shillings for each offence, or in the case of an offence under Clause 47 to a penalty not exceeding Fifty Pounds for each offence, and in the case of a continuing offence he shall be liable to a further penalty not exceeding Twenty Shillings for each day during which the offence continues after conviction therefor:

Penalties.

Provided that a person shall not be punished for the same offence both under this Clause and under any other law or enactment.

(2) No proceedings shall be taken under this Clause, if action can be taken in respect of the same matter under the provisions of Section 13 of the Act, but, except as aforesaid, proceedings may be taken under this Clause in addition to any other proceedings or remedy.

69. The provisions of Section 32 of the Act with respect to the application by a Responsible Authority of sums received by way of betterment or as proceeds of sale of any land purchased under powers conferred by the Act shall apply to all sums, being capital or in the nature of capital, received or recovered by the Council under this Scheme.

Applica-  
tion of  
money  
received by  
Council.

70. (1) The operation of—

(a) any byelaws, orders, or regulations which are in force in the Area; and

(b) such of the enactments contained in local Acts in force in the Area as might, by virtue of any Act of Parliament, have been made in relation to the Area by means of a byelaw, order, or regulation not requiring confirmation by Parliament,

Suspension  
of byelaws,  
local Acts,  
etc.

is hereby suspended, so far as the said byelaws, orders, regulations or enactments are similar to, or inconsistent with, any of the provisions of this Scheme.

(2) The operation of Sections 30 to 34 of the Public Health Act, 1925, in relation to streets or parts of streets for the widening of which land is reserved in Parts I and II of the Table in Part II of the Scheme, and of Section 5 of the Roads Improvement Act, 1925, in relation to streets or proposed streets or parts thereof upon which a building line is shown on the Map or is fixed under Clause 20 or Clause 21, is hereby suspended, in so far as those enactments are similar to, or inconsistent with, any of the provisions of this Scheme.

71. Where provision is made in this Scheme for an appeal from a decision of the Council, other than a decision under Clause 44 (which relates to the external appearance of buildings), the following provisions shall have effect—

Appeals.

(1) (a) Appeals for which provision is made by sub-clause (5) of Clause 27 so far as they relate to the decision of the Council upon an application under Clause 27 for consent to the erection and use of an industrial building or a special industrial building in use zone(s) and the appeals for which provision is made by Clauses shall be to the Minister whose decision shall be final.



Whatever provision may be made in the Scheme the prospective parties to an appeal to a Court of Summary Jurisdiction may under Section 40 of the Act refer the matter to the Minister, or to some other arbitrator to be agreed, or, in default of agreement, appointed by the Minister, and prospective parties to an appeal to the Minister may under the same provision refer the matter to some other arbitrator to be agreed, or, in default of agreement, appointed by the Minister.

Nothing in this section shall be taken to prevent the Minister from making any provision for the payment of costs in connection with the proceedings in the Court of Summary Jurisdiction or in the arbitration proceedings.

Provided that a person shall not be punished for the same offence both under this section and under any other law in force.

(2) No proceedings shall be taken under this section if a person has been taken into custody in connection with the same matter under the provisions of Section 12 of the Act, but except as aforesaid, proceedings may be taken under this section in addition to any other proceedings in respect of the same offence.

(3) The provisions of Section 32 of the Act with respect to the application by a Responsible Authority of notice to a person in respect of an offence or in respect of any other matter shall apply to all cases where a person is taken into custody under this section in connection with the offence.

(4) The operation of the provisions of this section shall be subject to the provisions of the following provisions of this section.

(5) Where a person is taken into custody in connection with the offence, the provisions of this section shall apply to the person as if he were a person taken into custody in connection with the offence.

(6) Where a person is taken into custody in connection with the offence, the provisions of this section shall apply to the person as if he were a person taken into custody in connection with the offence.

(7) The operation of the provisions of this section shall be subject to the provisions of the following provisions of this section.

#### Clause 72. Register of permissions and conditions.

If Alternative Clause 4 (No. 1, Part I, Appendix II) is to be inserted in the Scheme in lieu of Clause 4 in the main body, Alternative Clause 72 (No. 1, Part I, Appendix II) should be substituted.

Nothing in this section shall be taken to prevent the Minister from making any provision for the payment of costs in connection with the proceedings in the Court of Summary Jurisdiction or in the arbitration proceedings.

(1) Where a person is taken into custody in connection with the offence, the provisions of this section shall apply to the person as if he were a person taken into custody in connection with the offence.

(2) Where a person is taken into custody in connection with the offence, the provisions of this section shall apply to the person as if he were a person taken into custody in connection with the offence.

(3) The operation of the provisions of this section shall be subject to the provisions of the following provisions of this section.

(b) In any other case the appeal shall be to a Court of Summary Jurisdiction for the petty sessional division or place within which the land or building to which the appeal relates is situated.

(2) If the decision is one which the Council are required to give upon the application of any person or upon the submission by any person of plans or proposals, an appeal shall, in addition, lie against a refusal of the Council to give, or unreasonable delay on their part in giving, a decision and shall be made to the Minister or the Court as the case may be, as if it were an appeal against a decision of the Council.

(3) Written notice of appeal shall be given to the Minister or to the Clerk of the Court as the case may be and to the Council. If the appeal is against a decision of the Council, the notice shall be given within twenty-eight days from the date of the service on the appellant of the notice of the Council's decision.

For the purposes of this paragraph a notice given by the Council under Clause 24 or a notice under Clause 52 against which appeal may be made under Clause 53 shall be deemed to be a decision of the Council.

(4) The Minister may on the application of any person desiring to appeal to him extend the time for making the appeal specified in the last preceding paragraph, whether or not the time specified for making the appeal has expired.

(5) In the case of an appeal under Sub-clause (6) of Clause 16 or Sub-clause (3) of Clause 17 the Council shall forthwith serve a copy of the notice of appeal on any person who may by virtue of Sub-clause (4) of Clause 17 be entitled to appear and be heard.

(6) The Minister or the Court, as the case may be, may affirm, vary or reverse the decision of the Council or, if the Council have refused or have unreasonably delayed to give a decision, may give any decision which it would have been competent to the Council to give.

(7) In the case of an appeal to the Court, the Court may order by whom and in what manner any costs incurred in connection with the appeal shall be paid, and any costs so ordered to be paid shall be recoverable summarily as a civil debt.

72. The Borough [District] Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a register of approvals, consents, authorities or permissions granted by them or on appeal from their decision under any provision of this Scheme, and of any conditions imposed or agreed between the Council and the applicant in connection therewith.

Register of  
permissions  
and  
conditions.

73. In the case of a claim made under paragraph (a) of Sub-section (1) of Section 18 or Sub-section (1) of Section 21 of the Act in respect of injurious affection or increase in value of property due to the exercise by the Council of a power contained in one of the undermentioned Clauses of this Scheme:—

Extension  
of time for  
claiming  
compensa-  
tion or  
better-  
ment.

Sub-clauses (1) and (2) of Clause 12 (Land adjoining sites of streets);

Clause 16 (Construction of streets by owners);

Clause 17 (Communicating streets);

Clause 19 (Diversion or stopping up of highways);



**Clause 74. Exclusion of claims for compensation.**

The terms of Section 19 of the Act should be carefully considered when this Clause is being prepared.

Sub-clause (1) of Clause 20 (Fixing of building line for new street not shown on Map);

Clause 21 (Fixing of building line for existing street for which no building line is shown on Map);

Sub-clause (1) of Clause 47 (Preservation of trees);

Clause 56 (Power to prohibit alterations, etc., of existing and certain other buildings);

The proviso to Clause 61 (Application of Scheme to development uncompleted at commencement of Scheme);

the period within which the claim may be made shall be:—

(a) in the case of the diversion or stopping-up of a highway or any portion thereof, a period of twelve months from the date on which the diversion or stopping-up takes place;

(b) in the case of entry on land by the Council under the powers conferred on them by Clause 12, a period of twelve months from the date of entry; and

(c) in any other case, a period of twelve months from the date on which the Council notify the claimant or the person against whom the claim is made, as the case may be, of the exercise by them of the power or, if an appeal lies and has been made against the exercise of the power, a period of twelve months from the date of the decision on the appeal.

74. No compensation shall be payable under paragraph (a) of Sub-section (1) of Section 18 of the Act in respect of the injurious affection of property by the coming into operation of any of the undermentioned provisions of this Scheme:—

Exclusion  
of claims  
for com-  
pensation.

Clause 14 (Number and sites of new streets to enter classified roads) except in relation to the following lands, namely

Sub-clause (1) of Clause 22 (Effect of building line), in its application to land which at no time within the period of five years immediately preceding the material date was or formed part of the site of a building, except as applied to

Clause 24 (Prevention of obstruction to view at corners and bends);

Part IV (Building Restrictions and Use of Land);

Clause 51 (Provision of loading accommodation);

The proviso to Sub-clause (2) of Clause 55 (Replacement of existing and certain other buildings).

75.—(1) A person who has paid any sum required to be paid under Section 21 of the Act in respect of betterment, or has advanced money for that purpose, may apply to the Council for a Charging Order, and on production of the receipt for the sum so paid the Council shall make an order charging on the land an annuity to repay the amount.

Charging  
Orders.

(2) The annuity charged shall be such annual sum as will repay the said amount by equal instalments of principal and interest combined in a period of thirty years, interest being calculated at the same rate as that which, at the date when the charge is made, is the rate of interest fixed by the Treasury for the purposes of Sub-section (6) of



#### Clause 76. Maintenance of registers.

Alternative Clauses 76 and 77 (Nos. 6 and 7, Part I, Appendix II) in regard to registers and to the inspection of the Scheme should be substituted for this Clause and Clause 77 where a scheme extends to two or more boroughs or districts.

#### Clause 77. Inspection of Scheme.

See note to Clause 76.

Section 21 of the Act, and shall commence from the date of the order, and be payable to the person named in such order, his executors, administrators or assigns.

(3) A charge made under this Clause shall be a land charge within the meaning of the Land Charges Act, 1925, as amended by any subsequent enactment, and may be registered accordingly.

(4) The provisions of Section 32 of the Housing Act, 1925, as amended by any subsequent enactment, shall apply to charges created under this Clause.

(5) Charging Orders and transfers of charges may be made under this Clause according to the forms A and B in the Seventh Schedule to this Scheme or in any other convenient form.

76.—(1) The Borough [District] Council shall be responsible for the maintenance of the register of owners and associations compiled under Sub-section (4) of Section 7 of the Act (hereafter referred to as "the register").

Maintenance of registers and supply of copies of notices under the Scheme.

(2) The Borough [District] Council shall, on application in writing being made to them, grant facilities for the inspection of the register by the County Council, or by any joint committee, or authority making, preparing or adopting a scheme, varying scheme, supplementary scheme, supplementary order or general development order, in respect of land in the Borough [District] and for making copies of any entries in the register in respect of the said land.

(3) Where in pursuance of any provision of this Scheme notice by advertisement in a newspaper is given by the Council of anything done or proposed to be done, or any action taken or proposed to be taken under the Scheme, the provisions of Sub-section (7) of Section 7 of the Act shall apply so as to require the service by the Council of a copy of the notice on every person whose name and address appear in the register in respect of any property affected by the matter of which notice is given and on every association whose name and address appear in the register.

77. The Borough [District] Council shall permit any person to inspect at any reasonable time the Scheme, the duplicate of the Map deposited in the offices of the Council, the agreements of which particulars are set out in the Fifth Schedule to this Scheme, the permissions of which particulars are set out in the Sixth Schedule to this Scheme, and any consents given by statutory undertakers under Section 41 of the Act.

Inspection of Scheme.

78. A notice or other document which the Council are required or authorised to serve under this Scheme may be served :—

Service of notices.

(a) in the case of a person or association whose name and address are registered under Sub-section (6) of Section 7 of the Act, by delivering it or sending it by prepaid post at or to the address so registered; and

(b) in any other case—

(i) by delivering it at the residence of the person on whom it is to be served or sending it by prepaid post addressed to that person at his residence; or



Section 27 of the Act, and shall be subject to the same provisions as to the manner and the persons to whom the same may be made, as are contained in the Act.

40. In the case of a person who is a member of the Council, the Council may, at its discretion, make such arrangements as it may think fit for the purpose of enabling him to discharge his duties as a member of the Council.

41. The provisions of Section 27 of the Act, and of any regulations made thereunder, shall apply to persons who are members of the Council.

42. The Council may, at its discretion, make such arrangements as it may think fit for the purpose of enabling any person who is a member of the Council to discharge his duties as a member of the Council.

43. (1) The Council may, at its discretion, make such arrangements as it may think fit for the purpose of enabling any person who is a member of the Council to discharge his duties as a member of the Council.

(2) The Council may, at its discretion, make such arrangements as it may think fit for the purpose of enabling any person who is a member of the Council to discharge his duties as a member of the Council.

44. Where in pursuance of any provision of this Act, any person is appointed to any office, the Council may, at its discretion, make such arrangements as it may think fit for the purpose of enabling him to discharge his duties as a member of the Council.

45. The Council may, at its discretion, make such arrangements as it may think fit for the purpose of enabling any person who is a member of the Council to discharge his duties as a member of the Council.

46. A person who is appointed to any office under the Council may, at its discretion, make such arrangements as it may think fit for the purpose of enabling him to discharge his duties as a member of the Council.

(a) In the case of a person who is appointed to any office under the Council, the Council may, at its discretion, make such arrangements as it may think fit for the purpose of enabling him to discharge his duties as a member of the Council.

(b) In the case of a person who is appointed to any office under the Council, the Council may, at its discretion, make such arrangements as it may think fit for the purpose of enabling him to discharge his duties as a member of the Council.

(ii) if the notice or document is to be served on an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it by prepaid post addressed to the secretary or clerk of the company at that office; or

(iii) if the Council are unable after reasonable inquiry to ascertain the name or address of the person upon whom it should be served, by addressing it to him by the description of "owner" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

79.—(1) Nothing in this Scheme shall operate to prevent—

Saving for  
powers of  
Local  
Authorities.

(a) in relation to the erection, maintenance or use of a building or the use of land the exercise of any power specifically conferred on a local authority by an Act of Parliament or an Order which, or a draft of which, has been approved by resolution of each House of Parliament; or

(b) the erection and use of buildings or the use of land by a local authority, if since the coming into operation of the Scheme—

(i) the erection or use has been approved by the Minister either expressly or by way of sanction to a loan or consent to the appropriation of land for the purpose; and

(ii) the local authority have, before the date of application for approval or at such later date as the Minister may permit, notified the Council of the intended application or the application, as the case may be, and notified the Minister that this has been done.

(2) In this Clause "local authority" includes any authority which has power to levy, or issue a precept for, a rate for public purposes.

80. Nothing in this Scheme shall authorise the execution of any works whether of construction, demolition or alteration on, over or under tidal lands below high-water mark of ordinary spring tides, except with the consent of any persons whose consent would have been required if the Scheme had not come into operation, and except in accordance with such plans and sections, and subject to such restrictions and conditions as, previous to such works being commenced, have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Saving for  
works below  
high-water  
mark.

81. It is hereby declared that in relation to land which is for the time being :—

Saving for  
Crown  
lands.

(a) vested in or in the occupation of the Crown; or

(b) under the control of, or occupied by, or vested in, any public department for public purposes or for the public service,

the provisions of this Scheme are not enforceable against the Crown or public department and, in so far as their



**Clause 82. Saving for agricultural buildings.**

See Section 12 (3) of the Act.

**Clause 84. Supplementary Orders.**

See Section 14 of the Act.

enforcement would affect the interests of the Crown or department, are not enforceable against any person occupying the land as lessee or tenant of the Crown or department.

82. It is hereby declared that no provision contained in this Scheme with respect to buildings applies in relation to any building or the erection of any building which is, or is to be, occupied together with land which is used mainly or exclusively for agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and is, or is to be, used for any of those purposes, except a building whose site is reserved under Part II of the Scheme for a purpose the carrying out of which in the future would necessitate the removal or the alteration of the building.

Saving for  
agricultural  
buildings.

83.—(1) Notwithstanding the stopping up or diversion of any highway or footpath or any portion thereof under this Scheme, the Postmaster-General shall continue to have the same powers and rights in regard to any telegraphic line which remains in, under, upon, over, along or across the site of the said highway or footpath as if the same had continued to be a highway or footpath, as the case may be :

For the  
protection  
of the  
Postmaster-  
General.

Provided that, if the Council or the person in whom the soil of the said highway or footpath is vested desires to alter such telegraphic line, the enactments of Section 7 of the Telegraph Act, 1878, shall thereupon apply in all respects as though the Council or the said person, as the case may be, were undertakers within the meaning of that Act.

(2) Expressions in this Clause have the same meaning as in the Telegraph Act, 1878.

84. The Borough [District] Council or the County Council may make supplementary orders or adopt, with or without modifications, supplementary orders proposed by owners of land, in accordance with the provisions of the Regulations, for supplementing the provisions of this Scheme as respects any part of the Area, by adding to it provisions with respect to any matters for which provision may be made by a scheme and for varying it in so far as may be necessary or expedient.

Supple-  
mentary  
Orders.



#### First Schedule.

The types of streets set out in this Table are suggested as generally suitable but will not be universally appropriate.

Except in the case of Types G and H their selection has been based on the assumption of a development of twelve to the acre in a normal residential neighbourhood.

The minimum width referred to in column 8 should normally be the greatest width contemplated for a street by the byelaws in force in the area.

Clause 16 (6) (a) makes provision for exceptional cases.

## FIRST SCHEDULE. (Clause 14.)

TYPE.	DIMENSIONS.					CONDITIONS.			
	Maximum Length of Street.	Minimum Width of Street.	Minimum Width of Carriageway.	Minimum Number of Footways.	Minimum Width of each Footway.	Construction of Surface.	Junction with other Streets.	Turning Spaces.	Other.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
A.	—	36 ft.	20 ft.	2 (1 if street built up to on one side only).	6 ft.	Any portion of the surface of the street not constructed as carriageway or footway shall be treated in a suitable manner, according to the reasonable requirements of the Council, whether by planting with grass, trees or shrubs or otherwise.	The street shall communicate at each end with a street of a minimum width of        feet having a carriageway of a minimum width of        feet or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, or at one end with such a street or highway and at the other end with a street of Type F, but, where the street communicates at one end with a street of Type F, its length together with the length of the street of Type F shall not exceed 1,100 feet. The street may also communicate at one end with a street of Type A and at the other end with a street of Type F, if the length of the street together with the length of the street of Type F does not exceed 900 feet.	If the street exceeds 600 feet in length a turning space (or turning spaces) shall be provided at a distance not exceeding 500 feet apart or from either end of the street. The turning space shall be of such dimension that a circle with a diameter of 30 feet could be inscribed within the carriageway, and the corners at any junctions of the turning space with the carriageway of the street shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the street and the turning space and having a radius of not less than 15 feet.	No buildings other than dwelling-houses or such other buildings as the Council may approve shall be erected in the street.
B.	1,500 ft.	36 ft.	16 ft.	Ditto	4 ft. 6 in.	Ditto	The street shall communicate at each end with a street of a minimum width of        feet having a carriageway of a minimum width of        feet or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, or at one end with such a street or highway and at the other end with a street of Type F, but where the street communicates at one end with a street of Type F, its length, together with the length of the street of Type F, shall not exceed 1,100 feet. The street may also communicate at one end with a street of Type A and at the other end with a street of Type F, if the length of the street together with the length of the street of Type F does not exceed 900 feet.	Ditto	Ditto
C.	750 ft.	30 ft.	16 ft.	1	4 ft. 6 in.	Ditto	The street shall communicate at each end with a street of Type A or B or with a street of a minimum width of        feet having a carriageway of a minimum width of        feet; or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, or at one end with such a street or highway and at the other end with a street of Type F, but where the street communicates at one end with a street of Type F, its length together with the length of the street of Type F shall not exceed 1,100 feet, and where the street communicates at one end with a street of Type A and at the other end with a street of Type F, its length together with the length of the street of Type F shall not exceed 900 feet.	Ditto	Ditto
D.	450 ft. (600 ft. if the minimum width of the carriageway is 16 ft.)	24 ft.	14 ft.	—	—	Ditto	The street shall communicate at one end with a street of Type A or B or with a street of a minimum width of        feet having a carriageway of a minimum width of        feet or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, and shall communicate with no other street other than a street not intended for use as a carriageway.	A turning space shall be constructed at the other end of the street. The turning space shall have a total area of not less than 202 square yards, including not less than 125 square yards of carriageway, and shall be arranged to the satisfaction of the Council, and the corners at any junction of the carriageway in the turning space with the carriageway of the street shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two carriageways and having a radius of not less than 15 feet.	Ditto
E.	200 ft.	16 ft.	8 ft.	—	—	Ditto	The street shall communicate at one end with a street of Type A, B or C or with a street of a minimum width of        feet having a carriageway of a minimum width of        feet or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, and shall communicate with no other street other than a street not intended for use as a carriageway.	Ditto	Ditto
F.	500 ft. Applicable only to streets intended to give access solely to buildings forming three sides of a quadrangle or arranged in some other similar manner so as to front on to an open space.	14 ft.	10 ft.	—	—	The surface of the carriageway shall be so constructed as to fall to a channel at one side of the carriageway, such fall being calculated at a minimum rate of one-quarter of an inch for every foot of the width of the carriageway. Any portion of the surface of the street not constructed as carriageway or footway shall be treated in a suitable manner, according to the reasonable requirements of the Council, whether by planting with grass, trees or shrubs or otherwise.	The street shall communicate at each end with a street of Type A, B or C or with a street of a minimum width of        feet, having a carriageway of a minimum width of        feet, or with a highway having a carriageway existing at the date of the coming into operation of this Scheme and shall communicate with no other street other than a street not intended for use as a carriageway.	—	Ditto All the buildings to which the street gives access shall be on the same side of the street.
G.	Applicable only to streets intended for use as a secondary means of access to premises for the purpose of the removal of house refuse or other purposes for which subsidiary access is required.	10 ft. (if intended for use as a carriageway) 4 ft. 6 in. (if not so intended).	—	—	—	—	—	—	—
H.	Applicable only to streets not intended for use as carriageways.	4 ft. 6 in.	—	—	—	—	—	—	The street shall not without the consent of the Council be used as a principal means of approach to any buildings.



**Third Schedule. Special Industrial Buildings.**

The list does not purport to be exhaustive of all the industries which might be included in the definition of Special Industrial Building. Nor will it ordinarily be necessary to specify in the Scheme all the industries included in the list.

Mention in that list does not imply that the industry concerned is necessarily injurious to the amenity of any zone in which its establishment is not either prohibited or generally permitted by the Scheme. The Responsible Authority should be careful in deciding whether to grant or refuse consent to its establishment in other use zones to give full weight to the manner in which the process is to be conducted, any special features and any precautions proposed to avoid nuisance.

The inclusion of the trades marked with an asterisk will require special consideration. It is important to avoid interference with the supply of cheap food. It has also to be taken into account that since the products are for human consumption it is necessary that the trades shall be carried on in healthy surroundings. Accordingly it may be desirable to make special provision for their entry, subject to the consent of the Council, into shopping areas and in some cases, for their entry, subject to consent, into residential areas. Where either of these courses is proposed the amendment set out in paragraph 4a, Part II, Appendix II should be made.

Any trades or businesses which have been declared in the district to be offensive under Section 51 of the Public Health Acts Amendment Act, 1907, should be included among those enumerated in (iii) of the Schedule.

## SECOND SCHEDULE.

(Clause 19.)

Number on the Map of highway to be diverted or stopped up.	Number on the Map of new Street.
1.	2.

## THIRD SCHEDULE.

(Clause 25.)

## SPECIAL INDUSTRIAL BUILDINGS.

(i) Any building designed for use as a work which is registrable under the Alkali, Etc., Works Regulation Act, 1906, or any statute amending or repealing that Act.

(ii) Any building designed for use as or for one or more of the following works or processes in so far as any such work or process is not registrable under the Alkali, Etc., Works Regulation Act, 1906, or any statute amending or repealing that Act, viz :—

Brick kilns, lime kilns, cement works, coke ovens, salt glazing works, sintering of sulphur bearing materials, viscose works.

Smelting of ores and minerals, calcining, puddling and rolling of iron and other metals, conversion of pig iron into wrought iron, re-heating, annealing, hardening, forging, converting and carburising iron and other metals.

Works for the production of, or which employ, carbon disulphide, cellulose lacquers, cyanogen or its compounds, hot pitch or bitumen, pulverised fuel, pyridine, liquid or gaseous sulphur dioxide, sulphur chlorides.

Works for the production of amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products other than synthetic resin powders, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride, zinc oxide.

(iii) Any building designed for the purpose of carrying on any of the following industries, businesses or trades, viz :—

Animal charcoal manufacturer.

Blood albumen maker.

Blood boiler.

Blood drier.

Bone boiler or steamer.

Bone burner.

Bone grinder.

Candle maker.

Dealer in blood, skins, hides, or butchers' waste.

Dealer in rags and/or bones (including receiving, storing, sorting or manipulating rags in or likely to become in an offensive condition, or any bones, rabbit skins, fat, or putrescible animal products of a like nature).

Fat melter or fat extractor.

Fellmonger.

Fish curer (not carried on by a fishmonger as subsidiary to his trade or business as a fishmonger).

\*Fish frier.

Fish oil manufacturer.

Fish skin dresser.

Glue maker.

Gut scraper or gut cleaner.

Leather dresser.

Maker of meal for feeding poultry, dogs, cattle, or other animals from any fish, blood, bone, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia.

Manufacturer of manure from fish, fish offal, blood or other putrescible animal matter.

Chitterling boiler (not carried on as subsidiary to a retail trade or business).

Parchment maker.

Size maker.

Skin drier.

Soap boiler.

Tallow melter.

Tanner.

\*Tripe boiler.





## FOURTH SCHEDULE.

(Clause 44.)

## CONSTITUTION AND PROCEDURE OF TRIBUNAL OF APPEAL.

## PART I.

*Constitution.*

1. The Tribunal shall consist of three persons of whom—

One shall be a Fellow of the Royal Institute of British Architects and shall be appointed by the Council on the nomination of the President of the Institute;

One shall be a Fellow of the Chartered Surveyors' Institution and shall be appointed by the Council on the nomination of the President of the Institution;

One shall be a Justice of the Peace and shall be appointed by the Council.

2. A member of the Council shall be disqualified from being a member of the Tribunal.

3. The term of office of members of the Tribunal shall be three years, but a member shall be eligible for reappointment.

4. If a casual vacancy occurs in the membership of the Tribunal, the Council shall appoint a person to fill the vacancy having the same qualifications as the member by whose death or retirement the vacancy was caused and the appointment shall be made in the same manner as the original appointment.

5. A person appointed to fill a casual vacancy shall hold office during the remainder of the term of office of the member in whose place he was appointed.

6. The Council shall appoint one of the members of the Tribunal to be Chairman.

7. The Council may pay the members of the Tribunal such reasonable fees and expenses as may be agreed.

## PART II.

*Procedure with respect to Appeals.*

1. A building owner who desires to appeal shall give notice in writing to the Clerk of the Council and shall furnish with the notice a statement of his grounds of appeal.

2. The Clerk shall forthwith transmit the notice and statement to the Chairman of the Tribunal.

3. Unless the Tribunal are of opinion that the appeal can properly be determined without a hearing, they shall afford the building owner and the Council an opportunity of appearing before them.

4. Any question to be decided by the Tribunal may be decided by a majority of votes.

5. The Tribunal shall give their decision in writing and shall forthwith send it to the Council and a copy thereof to the appellant.

## FIFTH SCHEDULE.

(Clause 59.)

Date of Agreement.	Parties.	Description of land to which agreement relates.
1.	2.	3.



## FOURTH SCHEDULE

## CONSTITUTION AND BY-LAWS OF THE NATIONAL OF

ARTICLE I

Section 1

1. The National shall consist of every person of legal age who shall be a citizen of the United States and who shall be a resident of the United States for a period of five years immediately preceding the date of his election to the National.

2. A member of the National shall be elected for a term of four years.

3. The power of electing members of the National shall be vested in the electors of the United States.

4. It is the duty of every member of the National to attend the meetings of the National and to perform the duties of his office as a member of the National.

5. A member of the National who is a citizen of the United States shall be entitled to the same rights and privileges as a citizen of the United States.

6. The National shall meet at the call of the President of the United States.

7. The National shall have the power to elect and remove its officers and members.

## ARTICLE II

Section 1

1. The National shall have the power to elect and remove its officers and members.

2. The National shall have the power to elect and remove its officers and members.

3. The National shall have the power to elect and remove its officers and members.

4. The National shall have the power to elect and remove its officers and members.

5. The National shall have the power to elect and remove its officers and members.

## FIFTH SCHEDULE

ARTICLE I

1. The National shall have the power to elect and remove its officers and members.

2. The National shall have the power to elect and remove its officers and members.

3. The National shall have the power to elect and remove its officers and members.

4. The National shall have the power to elect and remove its officers and members.

## SIXTH SCHEDULE.

(Clause 61.)

Date of Permission. 1.	Description of land to which permission relates. 2.

## SEVENTH SCHEDULE.

(Clause 75.)

## FORM A.

## CHARGING ORDER.

The.....being the Responsible Authority under the.....Planning Scheme, 19 , made under the Town and Country Planning Act, 1932, hereby charge the land and premises mentioned in the Schedule hereto with the payment to .....of..... of the sum of.....pounds payable yearly (half yearly) on the.....day of.....for the term of.....years, and being in consideration of a payment of..... pounds made by .....under Section 21 of the said Act.

*Schedule of Land Charged.*

Description of land. 1.	Owner. 2.	Occupier. 3.	Parish. 4.	County. 5.	Total acreage. 6.

Given under the Common Seal of the above-named Authority this .....day of.....19 .

## FORM B.

Form of Assignment of Charge. To be endorsed on Charging Order.

I, the within named.....in pursuance of the Town and Country Planning Act, 1932, and of the consideration of .....pounds, this day paid to me, hereby assign to .....the within-mentioned charge.

*Signed*.....

*Witnessed by* .....

*Date*.....





## APPENDIX I.

## Definitions in Section 53 of the Town and Country Planning Act, 1932.

"*Buildings*" includes structures and erections;

"*Building operations*" includes any road works preliminary, or incidental, to the erection of buildings;

"*Classified road*" means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class 1 or Class 2, or in any class declared by him to be not inferior to those classes for the purposes of the Local Government Act, 1929;

"*Development*" in relation to any land includes any building operations or rebuilding operations, and any use of the land or any building thereon for a purpose which is different from the purpose for which the land or building was last being used:

Provided that—

(i) the use of land for the purpose of agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and the use for any of those purposes of any building occupied together with land so used, shall not be deemed to be a development of that land or building; and

(ii) the use of land within the curtilage of a dwelling-house for any fresh purpose other than building operations shall not be deemed to be a development of that land if the purpose is incidental to the enjoyment of the dwelling-house as such;

"*Fence*" and "*hedge*" have respectively the same meanings as in the Roads Improvement Act, 1925;

"*Land*" includes land covered with water and any right in or over land;

"*Minerals*" includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or by surface working;

"*Owner*" in relation to any land means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, or of any term of years therein granted or agreed to be granted by a lease or agreement the unexpired term whereof exceeds three years;

"*Road*" includes a drift-way and a footway;

"*Statutory undertakers*" means any person authorised by or under an Act of Parliament, or an order having the force of an Act of Parliament, to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking;

"*Site*" in relation to a building includes the area of any offices, outbuildings, yard, court or garden occupied or intended to be occupied therewith;

"*Existing building*" and "*existing work*" mean respectively a building or work erected, constructed or carried out before the material date, and include also a building or work—

(i) erected, constructed or carried out in pursuance of a contract made before the material date; or

(ii) begun before, but completed after, that date; or

(iii) erected, constructed or carried out in accordance with the terms of an interim development order, whether made under this Act or any Act repealed by this Act, or of permission granted under such an order:

Provided that—

(a) a building erected or constructed in substitution for a previous building in accordance with the provisions of the scheme relating to substituted buildings shall be deemed to be an existing building; and

(b) a building shall not cease to be, or to be deemed to be, an existing building by reason of its alteration or extension in accordance with the provisions of the scheme relating to the alteration or extension of existing buildings, and any such alteration or extension shall itself be deemed to be part of the existing building;

"*Existing use*" means, in relation to any building or land, a use of that building or land for any purpose of the same or a similar character to that for which it was last used before the material date, or, in the case of a newly erected building which has not been used before that date, a use for any purpose for which it was designed, and includes



Definition is given of the term "J. J. J. J. J."

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

"J. J. J. J. J." is defined as follows:

in any case any use of a building or land permitted by or under an interim development order, whether made under this Act or any Act repealed by this Act:

Provided that—

(i) if at any time after the material date the existing use of a building is discontinued for a period of eighteen months, no use of that building at any subsequent date shall be deemed to be an existing use thereof;

(ii) where at the material date a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand, or the deposit of waste materials or refuse, or any other purpose of a similar nature, was entitled also to use neighbouring land for any such purpose, the user under that title of that neighbouring land for any such purpose, whether before or after the material date, shall be deemed to be an existing use.



**Alternative Clause 4. (Responsible Authorities.)**

*Sub-clause (2).*—These powers will be exercised concurrently with the powers under the byelaws with respect to new streets and therefore should be delegated in all cases. As regards the agency arrangements see the note on Clause 4.

If it is desired to delegate further powers to the Borough or District Council after the Scheme comes into operation, this can be done under Section 274 of the Local Government Act, 1933.

*Sub-clause (4)* is inserted to promote co-operation between the County Council and the Borough or District Council in regard to estate development and claims for compensation and betterment. For example, a developer may be willing to give up land for the widening of a county road as part of an agreement relating generally to the layout of the estate behind the road.

In the application of the Clause to a rural district the amendments set out in paragraph 2, Part II, Appendix II, should be made.

## APPENDIX II.

## PART I.

## Alternative and Supplementary Clauses.

1. Alternative Clauses 4 (Responsible Authorities) and 72 (Register of Permissions and Conditions). Responsible Authorities.

4.—(1) The County Council shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme in relation to—

- (a) roads chargeable to the county and building lines thereon;
- (b) the site and levels of the approaches of a new street not chargeable to the county to a road chargeable thereto;
- (c) the imposition under Clause 24 of restrictions in regard to the height and position of proposed fences or other obstructions to view at the junction of a road or proposed road with a road chargeable to the county.

(2) The powers and duties of the County Council in relation to roads chargeable to the county in the following Clauses, namely—

- Clause 16 (Construction of streets by owners);
- Clause 17 (Communicating streets);

shall be deemed to have been delegated by the County Council to the Borough [District] Council subject to such conditions as have been agreed between the two Councils or to such other conditions as may from time to time be agreed between them or in default of agreement as the Minister may on the application of either Council determine.

(3) The Borough [District] Council in discharging the powers and duties delegated to them under this Clause shall act as agents for the County Council, and a person entering into any transaction with the Borough [District] Council in relation to any of those powers or duties shall not be bound to enquire whether the Borough [District] Council have authority to enter into the transaction on behalf of the County Council.

(4) Save as aforesaid the Borough [District] Council shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme subject to the following restrictions—

- (a) With a view to facilitating development or the negotiation of a claim for compensation or betterment the County Council may join with the Borough [District] Council in entering into an agreement with any person with regard to matters in respect of which the Borough [District] Council are the Responsible Authority, and if the agreement contains any provision relating to the exercise by the Borough [District] Council of their powers under Clauses 16, 17 or 20 and it appears to the County Council that the manner in which those powers are exercised is likely to affect the rights or liabilities of the County Council in connection with a claim for compensation or betterment, the Borough [District] Council shall not refuse unreasonably to join in the agreement.

- (b) Any question whether or not the Borough [District] Council have unreasonably refused to join in an agreement shall be decided by the Minister, and if the Minister decides that the refusal was unreasonable the agreement shall, as soon as it is executed by the County Council, become binding upon the Borough [District] Council as though they had been joined as a party thereto.

(5) The provisions of Section 33 of the Local Government Act, 1929, relating to the repayment by County Councils to District Councils of the expenses of the improvement of roads the maintenance and improvement of which have been claimed by District Councils under that Act shall extend to expenses incurred by the Borough [District] Council under this Scheme or the Act in respect of the widening of, and the fixing of building lines on, any road the maintenance and improvement of which have been so claimed.

(6) The expression "road chargeable to the county" means—

- (a) any road for the time being vested in the County Council under the Local Government Act, 1929, or any enactment amending that Act; and
- (b) any street or proposed street on land reserved for streets and numbered on the Map.

72. The Borough [District] Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a register of approvals, consents, authorities or permissions granted by any Council who are a Responsible Authority under this Scheme or on appeal from their decision under any provision of this Scheme, and Register of permissions and conditions.



**Supplementary Clause 8A. (Power to acquire land for cemeteries.)**  
See the note on Clause 5.

of any conditions imposed or agreed between the Council and the applicant in connection therewith.

The County Council shall for this purpose supply the Borough [District] Council with the necessary particulars of any approval, consent, authority or permission granted by them or on appeal from their decision, and of any conditions imposed or agreed between them and any applicant in connection therewith.

## 2. Supplementary Clause 8A. (Acquisition of land for cemeteries.)

8A. Land reserved in the foregoing Table for cemeteries may be purchased by the Council, whether by agreement or compulsorily, under and in accordance with the provisions of Section 25 of the Act, and the Council shall have the like powers and duties in regard to any land so reserved, when acquired by them, as if the land had been acquired under the Public Health (Interments) Act, 1879.

Acquisition  
of land for  
cemeteries.

## 3. Alternative Clauses 10, 13 and 15. (Application of Section 150 of the Public Health Act, 1875.)

### Alternative Clause 10.

10. In this Part of the Scheme, except where the context otherwise requires or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:—

Interpre-  
tation.

"The Act of 1875" means the Public Health Act, 1875, as amended by any subsequent Acts, whether public, local, or private, which are in operation in the Area;

"A byelaw street" means a street constructed so as to comply with any enactments, regulations or byelaws in operation in the Area.

"Private Street" means a street as defined by the Act of 1875, not being a highway repairable by the inhabitants at large;

"Incidental works" means any slopes, approaches, embankments, cuttings, retaining walls, bridges, arches, girders, culverts, drains, or other works necessary and incidental to the construction of a street, and includes any works required for fencing the street;

"The cost of a standard street" means—

(i) in relation to a proposed street the amount which would at the date of the commencement of the works have been the cost of the execution of street works, as defined in Section 27 of the Act, in the course of the construction of the street, if it had been carried out so as to comply with any enactments, byelaws or regulations in operation in the Area; and

(ii) in relation to an existing highway widened in accordance with the provisions of this Scheme such proportion of the amount which would at the commencement of the works have been the cost of executing street works, as defined in Section 27 of the Act, on a street constructed so as to comply with any enactments, regulations or byelaws in operation in the Area as the width of the added strip bears to the width of a byelaw street. For this purpose the term "added strip" means the extent, if any, by which existing highway is less in width than a byelaw street.

"Street works" includes, in addition to the works mentioned in Section 27 of the Act, incidental works and works required for planting a street with grass, trees or shrubs, and erecting guards therefor, or treating it in other suitable manner;

"The making" of a street means the execution of all necessary street works from the commencement to the final completion of the street.

### Alternative Clause 13.

13. If the Council decide to execute street works under the power conferred on them by Sub-clause (4) of Clause 11 upon the land reserved in Part II of the Table in Clause 5, and the land has become a private street by virtue of Clause 11, Sections 150, 151 and 257 of the Act of 1875 shall in relation to streets or proposed streets for which land is reserved in that Part of the Table and numbered on the Map apply as though the County Council were an urban authority under those Sections and shall in any case apply, subject to the following modifications, as though those Sections were incorporated in this Clause, and the Council had decided to execute the works under the first-mentioned Section:—

Applica-  
tion of  
Section 150,  
etc., of the  
Public  
Health Act  
1875.

(1) The Council shall not be entitled to apportion—

(i) any sum in respect of the execution of street works for the purpose of widening an existing highway of which the width is equal to or greater than the width of a byelaw street; or

(ii) a sum in excess of the cost of a standard street made on the site of the street.





(2) Any dispute arising under paragraph (1) of this Clause shall be determined in the manner provided by the Act of 1875 for the determination of disputes as to recovery of expenses of private street works under that Act.

(3) If the land so reserved and becoming a private street in the manner aforesaid abuts on and is intended to form the site of a widening of an existing highway, the part of the existing highway upon which the land abuts shall as to its whole width be deemed to be part of the private street.

(4) As soon as the Council have made the street, it shall become a highway repairable by the inhabitants at large.

(5) (i) No expenses apportioned under the Act of 1875 against land or buildings which at the time of apportionment are agricultural land or buildings within the meaning of Section 67 of the Local Government Act, 1929, shall be recoverable, until the land or buildings cease to be agricultural land or buildings as aforesaid;

(ii) No expenses apportioned under the Act of 1875 in respect of the making of a new street shall be recoverable in respect of land (whether the site of a building or not) unless and until there is access for persons or vehicles from that land to the new street;

(iii) No expenses apportioned under the Act of 1875 in respect of the widening of an existing highway against any land abutting on that highway shall be recoverable unless after the day of 19 , a building is erected on the land other than an agricultural building within the meaning of the said Section 67 or a building—

(a) begun before the said date; or

(b) erected in pursuance of a contract made before the said date; or

(c) erected within the site of a building existing at that date and ordinarily incidental to the purpose for which that building is used; or

(d) the erection of which is permitted under Clause 55 of the Scheme;

and the amount recoverable shall in any case be limited to so much of the apportioned sum as is properly attributable to the land forming the site of the building.

Interest shall not be payable to the Council on any money in respect of a period during which under this Sub-clause the money is irrecoverable.

#### Alternative Clause 15.

15. Where after the date on which the Scheme comes into operation, the Borough [District] Council construct a sewer under land reserved for a street and the construction takes place before the land becomes a private street [the Borough [District] Council or] the County Council [as the case may be] may, if they decide to execute street works upon the land, include the cost of the sewer in the cost of any street works executed by them on the street and Sections 150 and 257 of the Act of 1875 as modified by the Scheme shall apply as if the expenses of constructing the sewer were part of the expenses of the street works.

Expenses of  
construct-  
ing sewers.

The County Council shall pay over to the Borough [District] Council any monies received by them from frontagers in respect of, or properly attributable to, the construction of the sewer, but shall be entitled to deduct any expenses reasonably incurred by them in the recovery of the said monies.

#### 4. Alternative Clause 43. (Height of buildings.)

43.—(1) No building shall be erected so as—

(a) to project above a line drawn from the centre of the street in front of the building at an angle of

Height of  
buildings.

.....° from the horizontal in..... zone(s).....;

.....° from the horizontal in..... zone(s).....;

.....° from the horizontal in..... zone(s).....;

or, if the street, in whatever zone, is of any one of the types described in the First Schedule to this Scheme, .....° from the horizontal; or

(b) to exceed a maximum height of—

..... feet in ..... zone(s) .....

..... feet in ..... zone(s) .....

..... feet in ..... zone(s) .....

measured from the mean level of the ground immediately surrounding the building to the highest point of the building:





Provided that for the purposes of this Sub-clause—

(i) a street which is in existence at the date when the Scheme comes into operation and which has a less width than      feet shall for the purposes of this Clause be deemed to have a width of      feet;

(ii) account shall be taken of parapets but not of chimneys, or of ornamental towers, turrets or any other such architectural features;

(iii) if a part of a building abuts on two intersecting streets, the height of that part of the building for a distance of      feet measured along the narrower street shall be determined by reference to the width of the wider street;

(iv) in the case of a place of assembly the Council may permit either or both of the limits imposed by this Sub-clause to be exceeded to such extent as they think fit.

(2) This Clause does not apply to the erection in use zone(s) of an industrial building or a special industrial building.

#### 5. Supplementary Clause 43A. (Number of storeys in new buildings.)

43A. No dwelling-house erected in      zone      shall contain more than      storeys, exclusive of any storey constructed wholly or partly in the roof and exclusive of any storey the floor of which is more than six feet below the mean level of the centre of the street in front of the building: Number of storeys.

Provided that, if in the case of a group of dwelling-houses in one continuous block it is desired to maintain the height of all the dwelling-houses forming the group at the same level, the Council may permit any of the dwelling-houses to contain      storeys, exclusive of any storey constructed wholly or partly in the roof, where the slope of the street in front thereof renders it necessary for the purpose.

For the purposes of this Clause a dwelling-house includes a building designed externally in the form of a dwelling-house, though intended for use as a dwelling for more than one family.

#### 6. Alternative Clause 76. (Maintenance of registers and supply of copies of notices under the Scheme.)

76.—(1) As soon as may be after the Scheme comes into operation, and in any case within one month thereafter, the Council shall divide the register of owners and associations compiled under Sub-section (4) of Section 7 of the Act (hereinafter referred to as "the register") into portions, in such manner that there shall be one portion in respect of each district or part of a district within the area of the Scheme, and that each portion shall contain the names and addresses of all persons registered in respect of property within the district or part of a district to which it relates, and the names and addresses of all registered associations. Maintenance of registers and supply of copies of notices under the Scheme.

The Council shall thereupon transfer the several portions of the register, other than the portion relating to their own district, to the Councils of the respective districts to which those portions relate, and the Council of each district shall thereupon be responsible for the maintenance of the register for that district or part of that district.

(2) Each Council having custody of a portion of the register shall, on application in writing being made to them, grant facilities for the inspection of that portion of the register by the County Council, or by any Council who are a Responsible Authority under this Scheme, or by any Joint Committee or Authority making, preparing or adopting a scheme, varying scheme, supplementary scheme, supplementary order or general development order in respect of land in the district of that Council, and for making copies of any entries in that portion of the register in respect of the said land.

(3) Where in pursuance of any provision of this Scheme notice by advertisement in a newspaper is given by the Council of anything done or proposed to be done, or any action taken or proposed to be taken under the Scheme, the provisions of Sub-section (7) of Section 7 of the Act shall apply so as to require the service by the Council of a copy of the notice on every person whose name and address appear in the register in respect of any property affected by the matter of which notice is given and on every association whose name and address appear in the register.

#### 7. Alternative Clause 77. (Inspection of Scheme.)

77.—(1) The Council shall permit any Council who are a Responsible Authority under this Scheme or any person to inspect at any reasonable time the Scheme, the duplicate of the Map deposited in the offices of the Council, the agreements of which Inspection of Scheme.



**1. Amendments to be made where it is decided to include special provisions as to underground working of minerals.**

See the note on Clause 6 (3).

particulars are set out in the Fifth Schedule to this Scheme, the permissions of which particulars are set out in the Sixth Schedule to this Scheme, and any consents given by statutory undertakers under Section 41 of the Act.

(2) A certified copy of the Map so far as it relates to the part of the Area within the district of any Council who are a Responsible Authority under this Scheme shall be furnished to that Council by the

Council, and each of those Councils shall cause the copy of the Map so furnished to them and a copy of the Scheme to be deposited at their offices, and shall permit any person to inspect such copies at any reasonable time.

## PART II.

### 1. Amendments to be made where it is decided to include special provisions as to underground working of minerals.

Clause 2. Add (after the definition of "the Act")—

"Railways Clauses Act" means the Railways Clauses Consolidation Act, 1845, as originally enacted.

Clause 6 (6). Add—

"or any excavation made in connection with the winning of minerals by underground working."

Clause 6A. Add new Clause as follows—

6A. With respect to minerals lying under or near any land reserved for streets by Clause 5 of the Scheme, or under any street constructed on land so reserved, Sections 78 to 85 of the Railway Clauses Act are incorporated in this Scheme with the following modifications:—

Special provisions as to underground minerals.

(i) The said Sections shall be construed as if the expression "The Company" referred to the Council, the expression "railway" referred to land reserved for streets by the Scheme or a street constructed on land so reserved, the expression "the special Act" referred to this Scheme, and the word "prescribed" meant prescribed by the Scheme.

(ii) The Council, by or with any notice under the said Sections of willingness to treat for or make compensation or of intention to prevent or interfere with the working of any mines, may specify and define the nature and extent of the support which they require to be left.

(iii) Any reference to compensation or the payment of the amount of losses or expenses, or to the assessment of compensation or the amount of losses or expenses, in the said Sections shall be read as a reference to compensation or to the assessment of compensation as provided for in the Act and in this Scheme.

Nothing in this Clause shall apply to the winning of minerals by surface working.

Clause 73. Add new Sub-clauses (2) and (3) as follows—

(2) Where the claim arises under Section 78 of the Railway Clauses Acts as applied by Clause 6A of this Scheme, the claim may be made within twelve months from the date of the expiration of the thirty days' notice to be given by the owner, lessee or occupier of the mines or minerals as provided by the said Section.

(3) Where the claim arises under Section 81 or Section 82 of the Railway Clauses Act, as applied by Clause 6A of this Scheme, the claim shall be made within twelve months from the date on which the expense, loss or damage referred to in those Sections was incurred or suffered.

### 2. Amendments to be made in Clause 4 (or Alternative Clause 4) where it applies to a rural district.

(i) Clause 4 (2) (or Alternative Clause 4 (1)). Substitute—

The County Council shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme in relation to—

(a) roads and building lines thereon;

(b) the imposition under Clause 24 of restrictions in regard to the height and position of proposed fences or other obstructions to view.

(ii) Sub-clauses (5) and (6). Omit.

### 3. Amendments to be made in Clause 16 where appeals in regard to plans and sections of a street are to lie to the Minister.

(i) Sub-clause (6). Omit "An applicant . . . may appeal".

(ii) Sub-clause (8). Substitute "as may represent the excess cost" for "as they . . . excess cost".



**4a. Amendments to be made where provisions are not included as to use and density of buildings to be allowed on making of General Development Order.**

**Clause 28 (2) —**

The Local Authority will decide whether, in the circumstances of the Area, reference in the Sub-clause to Zone II (Residential) or Zone VIII (Intermediate) will be more suitable.

(iii) Add new Sub-clause (9) as follows:—

(9) An applicant who is aggrieved by—

- (a) a decision of the Council under Sub-clause (1) in regard to—
  - (i) the plans or sections of the proposed street; or
  - (ii) the specifications of the proposed street; or
- (b) a refusal of the Council to pay any sum which under the preceding Sub-clause they are required to pay;

may appeal.

**4a. Amendments to be made where provisions are not included as to use and density of buildings to be allowed on making of General Development Order.**

Clause 27—

(i) Sub-clause (1). Substitute—

“Part I” for “Parts I and II”,

“and” for “but”,

“edged by broken blue lines on the Map” for “within any of the zones specified in Part II of the Table”.

(ii) Table C. Omit Part II.

Clause 28. Sub-clause (2). Add new paragraph as follows—

The use of land edged by broken blue lines on the Map, whether forming the site of a building or not, for a purpose for which in use zone II [use zone VIII] a building may not be erected and used, or may be erected and used only with the consent of the Council, shall not be commenced without the consent of the Council.

**4b. Amendment to be made to provide for the erection, with consent, of certain special industrial buildings in residential or shopping areas.**

Clause 27, Table C, Column 4. Substitute the following entry—

Buildings other than those referred to in Columns 3 and 5 with the exception of . . . (naming the special industrial buildings to be admitted with consent).

**5. Amendments to be made where it is decided to apply the land unit machinery to dwelling-houses only.**

Clause 32 (1). Substitute “dwelling-house” for “buildings” in second line.

Clause 32, Sub-clauses (2) and (8), and Clause 33. Omit “or residential building”.

Clause 33. Add new Sub-clause (2) as follows—

(2) no building other than a dwelling-house shall be erected on land included in a land unit if the number of dwelling-houses already erected thereon is such that if they were erected on a land unit reduced in area in accordance with the provisions of Sub-clause (1) of Clause 38, the provisions of Clause 35 would not be complied with.

Clause 34. Omit.

Clauses 32, 35, 36, 37 and 39. Substitute “dwelling-houses” for “building units.”

Clause 37 (2). (i) Substitute “the condition that” for “the following conditions” in the second line.

(ii) Substitute “dwelling-house” for “building” in paragraph (a).

Clause 38. Add new Sub-clause (1) as follows—

(1) If a building other than a dwelling-house is erected on a land unit, the area of the land unit shall be deemed to be reduced by the area of the site which the building is required to occupy by virtue of Clause 41, and the dwelling-houses on the land unit shall be deemed to have been erected on the land unit reduced in area as aforesaid.

Clause 40 (1). Omit “the number of building units represented by any building erected on the land unit.”

**6. Amendments to be made where appeals in regard to external appearance of buildings lie to a Court of Summary Jurisdiction.**

(i) Clause 44. Substitute for Sub-clauses (3), (4) and (5) the following Sub-clause—

(3) The building owner, if aggrieved by the decision of the Council, may appeal, and the grounds of his appeal may include the ground that compliance with the Council's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(ii) Clause 71. Omit “other than a decision under Clause 44 (which relates to the external appearance of buildings)”.





# ROYAL SANITARY INSTITUTE

## LIBRARY REGULATIONS

1. Books may be borrowed by Fellows, Members and Associates personally or by a messenger producing a written order. The person to whom books are delivered shall sign a receipt for them in a book provided for that purpose.

2. Books may be sent through the post, or by some equivalent means of carriage, upon a written order. All charges of carriage to the Institute shall be defrayed by the borrower.

3. A borrower may not have more than three volumes in his possession at one time.

4. A borrower will be considered liable for the value of any book lost or damaged while on loan to him, and if it be a separate volume, for the value of the whole work rendered imperfect.

Marking or writing in the volumes is not permitted, and borrowers are requested to call attention to damage of this character.

5. Books may be retained for 28 days. Periodicals may be retained for 14 days. Applications for extension of the loan period must be made in writing before its expiry. No book may be kept longer than 3 months.

New books will not be lent until after the expiration of one month from the date of their having been received by the Institute. The current number of a periodical may not be borrowed.

6. Borrowers retaining books longer than the time specified, and neglecting to return them when demanded, forfeit the right to borrow books until the volume or volumes be returned, and for such further time as may be ordered.

Any borrower failing to comply with a request for the return of a book shall be considered liable for the cost of replacing the book, and the Council may, after giving due notice to him, order the book to be replaced at his expense.

No volume may be reissued to the same borrower until at least seven days have elapsed after its return, neither may it be transferred by one borrower to another.

7. Books may not be taken or sent out of the United Kingdom.

8. Volumes returned through the post must be securely packed in a box, or otherwise protected.

Parcels should be addressed:

THE ROYAL SANITARY INSTITUTE,  
90, BUCKINGHAM PALACE ROAD,  
LONDON, S.W.

THE ROYAL SANITARY INSTITUTE LIBRARY  
90, Buckingham Palace Road, London, S.W.I.

Class No. ....

Acc. No. ....

This book is returnable on or before the last date Marked below.

--	--