

THE ADMINISTRATION
OF THE
TOWN PLANNING DUTIES
OF LOCAL AUTHORITIES.

A SUPPLEMENT TO
"THE CASE FOR TOWN PLANNING."

By

HENRY R. ALDRIDGE,

Secretary,

National Housing and Town Planning Council.

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John Burns.

MR. JOHN BURNS.

**Town Planning Pioneer at the
S.E. London Inquiry.**

Mr. John Burns, the father of the Town Planning Act, arrived at Lewisham Town Hall to-day during the Ministry of Health inquiry into the L.C.C. South-east London scheme, conducted by Mr. Cheyles, the inspector of the Ministry.

Sir John Oakley, in evidence, said that as a surveyor he appeared for Lord St. Germans, and for upwards of 40 years had acted for the St. John's Estate in the Kidbrook district, where there was still an area of 400 acres of undeveloped land. Of this it was originally proposed under the scheme to take 225 acres for open spaces, but an interim order had been issued after negotiation allowing 20 acres to be built upon.

It seemed to be unreasonable to suggest that over 50 per cent. should be reserved for private open spaces.

"We do not want," said Mr. Allen (counsel for Lord St. Germans) "to be in any way selfish, but we do say that when 50 per cent. of the available area for development is taken then something unreasonable is being done."

The inspector, addressing Mr. Cripps, the L.C.C. counsel, said that there was evidently room for negotiation here.

Mr. Cripps said these open spaces were the keynote of the scheme. It might be possible to change some of the proposals as to the position, but the L.C.C. would stand to the last ditch in regard to the quantity they had put forward.

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July 1922

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THIS BOOK IS INSCRIBED TO THE MEMORY OF
WILLIAM THOMPSON,
FIRST CHAIRMAN OF THE NATIONAL HOUSING AND
TOWN PLANNING COUNCIL.

“Proper housing conditions require not only proper air space and good planning within the home, but equally the provision of large open spaces and recreation grounds outside the home. Statistics have proved, beyond the shadow of doubt, that the more the homes of the people are spread over the land in proportions not exceeding 10 to 12 houses to the acre, the lower the death-rate and the higher the birth-rate becomes. Statistics equally prove that where the homes of the people are packed like sardines in a box from 50 to 80 houses to the acre in the slum areas, the death-rate is more than double the death-rate of those districts where the houses only average 10 to 12 to the acre.”

*(Alderman William Thompson,
International Housing Congress, London, 1907.)*

PREFACE.

SINCE the year 1915—when “The Case for Town Planning” was published—the Town Planning Movement has marched steadily forward.

It is now possible to place on record the great legislative achievement as a result of which all Urban Local Authorities in Great Britain with upwards of 20,000 population are required, within three years of January, 1923, to prepare simplified Town Planning Schemes.

Of equal importance has been the remarkable success achieved under the Government Housing Policy, of transforming the standards of lay-out of new working class areas. Henceforward the standard of 12 houses to the acre in urban areas may be regarded as secure in all progressive communities.

That these two achievements are the direct outcome of the World War is beyond question.

It may be regretfully admitted that the hopes of “building a new world” which were held at the close of the war have been in some measure lessened as a result of the reaction which has marked the years 1920 and 1921.

But at the most this reaction is of a temporary character. When it has passed away we shall assuredly enter upon a period of steady and well-ordered progress towards the realisation of great schemes for social betterment.

It is hoped that this book and “The Case for Town Planning” which it supplements, will in the this period of growth render a real service by providing a practical guide for the use of those on whom will fall the task of preparing schemes (under the Acts of 1909 and 1919) to secure the well-ordered growth of our cities, towns, and villages.

H. R. A.

July, 1922.

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CHAPTER I.

THE TEXT OF BRITISH TOWN PLANNING LEGISLATION
SINCE 1909.

SINCE "The Case for Town Planning" was published (1915) a substantial addition to the legislative enactments concerning town planning has been made by the passing of the Housing and Town Planning Acts of July, 1919 (England and Wales) and August, 1919 (Scotland) and the Procedure Regulations relative thereto.

By the transformation of the Local Government Board into the Ministry of Health the Central Government Authority is now the Ministry of Health. The title of Local Government Board has therefore, throughout this book, been changed to the title of Ministry of Health except where the actual text of the Acts of Parliament is quoted.

In Scotland the Central Government Authority is the Scottish Board of Health. In the new Scottish Act the actual wording of the Sections varies slightly and the numbering of the Sections is different, but it has been deemed desirable to avoid any risk of confusion by making the references always to the text of the Act for England and Wales. It will be a matter of no difficulty at all for those responsible for the administration of the act in Scotland to make the necessary slight adjustments in nomenclature. The new Procedure Regulations are not yet published for Scotland, and it is therefore not possible to give them here.

The following Sections 42 to 48 were included in the Act for England and Wales.

42. Removal of necessity to obtain previous authorisation of Local Government Board to preparation or adoption of town planning scheme.
43. Extension of power to make regulations as to procedure.
44. Repeal of provisoes to ss. 54 (4) and 55 (2) of 9 Edw. 7, c. 44.
45. Power to permit development of estates pending preparation and approval of town planning schemes.
46. Preparation of town planning schemes.
47. Power of Local Government Board to require town planning scheme.
48. Consequential and minor amendments.

The text of these Sections is as follows :—

REMOVAL OF NECESSITY TO OBTAIN PREVIOUS AUTHORISATION
OF LOCAL GOVERNMENT BOARD TO PREPARATION OR ADOPTION
OF TOWN PLANNING SCHEMES.

42. It shall not be necessary for a Local Authority to obtain the authority of the Local Government Board to prepare or adopt a town planning scheme, and accordingly for subsection (2) of section fifty-four of the Housing, Town Planning, &c. Act, 1909 (hereinafter referred to as the Act of 1909), the following provision shall be substituted :—

“(2) A Local Authority within the meaning of this Part of this Act may by resolution decide—

“(a) to prepare a town planning scheme with reference to any land within or in the neighbourhood of their area in regard to which a scheme may be made under this Act ; or

“(b) to adopt, with or without any modifications, any town planning scheme proposed by all or any of the owners of any land with respect to which the Local Authority are themselves by this Act authorised to prepare a scheme :

“ Provided that—

“(i.) if any such resolution of a Local Authority extends to land not within the area of that Local Authority, the resolution shall not have effect until it is approved by the Local Government Board, and the Board may, in giving their approval, vary the extent of the land to be included within the area of the proposed town planning scheme ; and

“(ii.) where any Local Authorities are desirous of acting jointly in the preparation or adoption of a town planning scheme, they may concur in appointing out of their respective bodies a joint committee for the purpose, and in conferring with or without restrictions on any such committee any powers which the appointing councils might exercise for the purpose, and the provisions of sections fifty-seven and fifty-eight of the Local Government Act, 1894, in regard to joint committees, shall, with the necessary modifications, apply to any joint committee so appointed.”

EXTENSION OF POWER TO MAKE REGULATIONS AS TO PROCEDURE.

43.—(1) The power of the Local Government Board of making regulations under section fifty-six of the Act of 1909 shall include power to make regulations as to the procedure consequent on the passing of a resolution by a Local Authority to prepare or adopt a town planning scheme, and provision shall be made by those regulations for securing that a Local Authority after passing such a resolution shall proceed with all reasonable speed with the preparation or adoption of the town planning scheme, and shall comply with any regulations as to steps to be taken for that purpose, including provisions enabling the Local Government Board in the case of default or dilatoriness on the part of the Local Authority to act in the place and at the expense of the Local Authority.

(2) Subsection (2) of section fifty-six of the Act of 1909 shall have effect as if the following paragraph were added thereto :

“ For securing that the Council of the County in which any land proposed to be included in a town planning scheme is situated (1) shall be furnished with a notice of any proposal to prepare or adopt such a scheme and with a copy of the draft scheme before the scheme is made, and (2) shall be entitled to be heard at any public local inquiry held by the Local Government Board in regard to the scheme.”

REPEAL OF PROVISOS TO SECTIONS 54 (4) AND 55 (2) OF 9 EDW. 7, C. 44.

44. The proviso to subsection (4) of section fifty-four and the proviso to subsection (2) of section fifty-five of the Act of 1909 (which provisos relate to the publication and laying before Parliament of town planning schemes) are hereby repealed.

POWER TO PERMIT DEVELOPMENT OF ESTATES PENDING PREPARATION AND APPROVAL OF TOWN PLANNING SCHEMES.

45. The Local Government Board may by special or general order provide that where a resolution to prepare or adopt a town planning scheme has been passed, or where before the passing of this Act the preparation or adoption of a town planning scheme has been authorised, the development of estates and building operations may be permitted to proceed pending the preparation or adoption and approval of the town planning scheme, subject to such conditions as may be prescribed by the order, and where such permission has been given the provisions of subsection (2) of section fifty-eight of the Act of 1909 which relates to the rights of compensation shall have effect as if the following proviso were added thereto :

“ Provided also that this provision shall not apply as respects any building erected, contract made, or other thing done in accordance with a permission granted in pursuance of an order of the Local Government Board allowing the

development of estates and building operations to proceed pending the preparation or adoption and approval of the scheme, and the carrying out of works so permitted shall not prejudice any claim of any person to compensation in respect of property injuriously affected by the making of the scheme."

PREPARATION OF TOWN PLANNING SCHEMES.

46.—(1) The Council of every borough or other urban district containing on the first day of January nineteen hundred and twenty-three a population according to the last census for the time being of more than twenty thousand shall, within three years after that date, prepare and submit to the Local Government Board a town planning scheme in respect of all land within the borough or urban district in respect of which a town planning scheme may be made under the Act of 1909.

(2) Without prejudice to the powers of the Council under the Act of 1909, every scheme to which this section applies shall deal with such matters as may be determined by regulations to be made by the Local Government Board.

(3) Every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an address is presented by either House within twenty-one days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

POWER OF LOCAL GOVERNMENT BOARD TO REQUIRE TOWN PLANNING SCHEME.

47.—(1) Where the Local Government Board are satisfied after holding a public local inquiry that a town planning scheme ought to be made by a Local Authority as respects any land in regard to which a town planning scheme may be made under the Act of 1909, the Board may by order require the Local Authority to prepare and submit for their approval such a scheme, and, if the scheme is approved by the Board, to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, and for executing any works which, under the scheme or under Part II. of the Act of 1909, the Authority are required to execute.

(2) Any order made by the Local Government Board under this section shall have the same effect as a resolution of the Local Authority deciding to prepare a town planning scheme in respect of the area in regard to which the order is made.

(3) If the Local Authority fail to prepare a scheme to the satisfaction of the Board within such time as may be prescribed by the order, or to enforce the observance of the scheme or any provisions thereof effectively, or to execute any such works

as aforesaid, the Board may themselves act, or in the case of a borough or other urban district the population of which is less than 20,000, or of a rural district, may, if the Board think fit, by order, empower the County Council to act in the place and at the expense of the Local Authority.

CONSEQUENTIAL AND MINOR AMENDMENTS.

48. The amendments specified in the second column of the Third Schedule to this Act (which relate to consequential and minor matters) shall be made in the provisions of Part II. of the Act of 1909 mentioned in the first column of that schedule.

THIRD SCHEDULE.

(SECTION 48.)

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE PROVISIONS AS TO TOWN PLANNING.

| Enactment to be amended. | Nature of Amendment. |
|--|--|
| Housing, Town Planning, &c. Act, 1909 (9 Edw. 7, c. 44) : | |
| Section 54 .. | <p>At the end of subsection (1) the following proviso shall be inserted :—</p> <p>“ Provided that where a piece of land already built upon or a piece of land not likely to be used for building purposes is so situate with respect to any land likely to be used for building purposes that the general object of the scheme would be better secured by its inclusion in any town planning scheme made with respect to the last-mentioned land, the scheme may include such piece of land as aforesaid, and may provide for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.”</p> |
| Subsection 56 .. | <p>Subsection (3) shall be omitted.</p> <p>In subsection (1) for the words “ applications for authority to prepare or adopt a town planning scheme, the preparation of the scheme ” there shall be substituted the words “ the preparation or adoption of a town planning scheme,” and after the word “ adopted ” there shall be inserted the words “ the variation or revocation of a scheme,” and after the words “ the provisions thereof ” there shall be inserted the words “ or the variation or revocation of the scheme.”</p> |

| Enacted to be amended. | Nature of Amendment. |
|------------------------|--|
| | In paragraph (a) of subsection (2) for the words " at every " stage of the proceedings, by means of conferences and such " other means " there shall be substituted the words " by " such means." |
| Section 58 .. | In subsection (2) for the words " time at which the application " for authority to prepare the scheme was made " there shall be substituted the words " date of the resolution of the Local " Authority to prepare or adopt the scheme or after the date " when such resolution takes effect as the case may be " and for the words " the application was made " there shall be substituted the words " such date or other time as aforesaid." |
| Section 59 .. | In subsection (2) the words " with a view to securing the amenity " of the area included in the scheme or any part thereof " shall be omitted. |
| Section 65 .. | In subsection (2) after the words " made thereunder " where they secondly occur there shall be inserted the words " including the cost of the preparation or adoption of a " scheme." |
| Fourth Schedule .. | In paragraph (18) the words " by means of conferences, &c." shall be omitted. |
| Fifth Schedule .. | In paragraph (1) for the words " and for the purpose of an " application for authority to prepare or adopt " there shall be substituted the words " the preparation or adoption of," and for the words " Submission of plans and estimates " there shall be substituted the words " Preparation and deposit " of plans." |

CHAPTER II.

THE SCOPE AND CHARACTER OF THE NEW TOWN
PLANNING POWERS AND DUTIES.

IN expounding in general terms the scope and character of the new Town Planning Legislation placed on the Statute Book by the passing of the Acts of 1919, it will be of service to deal with the subject under two heads. (a) The Simplification of Town Planning Procedure and (b) Obligatory Town Planning.

(a) THE SIMPLIFICATION OF TOWN PLANNING PROCEDURE.

Under Sections 42 and 43 modifications of real importance have been made in town planning procedure, and, although these modifications can hardly be said to possess great importance as far as the actual contents of a town planning scheme are concerned, it is beyond question that a great improvement in procedure has been secured by the passing of these Sections and by the issue of the new Procedure Regulations in accordance with the provisions of Section 43.

As the changes in procedure are exhaustively analysed in succeeding chapters it is not necessary at this stage to do more than give the following brief summary of the changes made in town planning administration as a result of the passing of the sections in question.

(1) Under the Town Planning Sections of the Act of 1909 those Local Authorities desiring to prepare and carry into effect town planning schemes were required, before entering upon the work of preparing a scheme, to secure the permission of the Local Government Board to take this step.

It may be argued that the extreme legislative caution thus shewn could in some measure be justified on the ground that Local Authorities in preparing town planning schemes were, in so doing, entering into a realm of administration hitherto unknown in Great Britain. But it soon became apparent that in preparing the case in favour of the granting of permission to prepare a town planning scheme Local Authorities were compelled, *ipso facto*, to enter upon the preparation of a town planning scheme before they had received permission to do so. They were required moreover to serve notices upon the owners of land affected, intimating to these owners that the Local Authority concerned was seeking permission to prepare a scheme,

and, as these owners not unnaturally demanded to be informed as to the detailed town planning proposals of the Local Authority, a state of affairs which was embarrassing to the Local Authority and irritating to owners of land was reached.

For this and several other reasons it soon became apparent to the officers, both of the Local Government Board and of the various Local Authorities desiring to prepare town planning schemes, that the earliest opportunity should be taken to sweep away this requirement. Advantage was for this reason taken by the Government to remove this preliminary to the preparation of a scheme and generally to simplify the procedure by empowering all Local Authorities to enter upon the task of preparing town planning schemes relative to land within their area after first passing a formal Resolution placing on record their decision to take this step. (As explained in Chapter IV. the permission of the Ministry of Health must still be obtained before a Local Authority is empowered to plan land in an area belonging to another Local Authority.)

(2) One of the most valuable powers given to Local Authorities under the town planning schemes of the Act of 1909 is that under which the Local Authority is given some measure of control of the development which takes place in an area during the period which elapses between the granting of permission to prepare a town planning scheme and the actual preparing of the scheme.

The reasons why this measure of control was given to Local Authorities and its scope and character are fully discussed on pages 237 and 238 of "The Case for Town Planning" and need not therefore be dealt with here.

But the criticism was not infrequently raised that a Local Authority might, as a result of failure to recognise the need for using this power in a spirit of sweet reasonableness, inflict a real hardship on an owner, and for this reason power has now been given (under Section 45) to the Ministry of Health to take action effectively to safeguard the interest of any owner throughout the period in which the preparation of a scheme is proceeding.

(3) The third point on which town planning procedure has been substantially altered relates to the final stage of approval by Parliament. Under Sections 54 and 55 of the Act of 1909 it was necessary to submit a town planning scheme to Parliament. In view of the fact that town planning has now become obligatory (under Section 45) in the case of all Urban Local Authorities with upwards of 20,000 population, the necessity for placing every scheme before Parliament should clearly be made to disappear, and accordingly under Section 41 the matter was dealt with and the Minister of Health in effect empowered to make the town planning scheme operative by issuing an order formally approving the scheme.

OBLIGATORY TOWN PLANNING.

For several years prior to the passing of the Act of 1919 the National Housing and Town Planning Council had been engaged in the task of educating public opinion in favour of making the preparation of town planning schemes obligatory on Local Authorities, and the introduction of the Act of 1919 gave a clear opportunity to the Council to press upon the Government and Members of Parliament the need for taking the necessary legislative action to secure this desirable end.

In the stages preceding the introduction of the Bill to Parliament an endeavour was made to persuade the Government to accept an obligatory Clause. The most, however, that the Government would do was to consent to promise that, in the Committee stages, a new section would be submitted giving the Ministry power to call upon any Local Authority to prepare a town planning scheme, if, in the opinion of the Ministry, it was desirable that a scheme should be prepared.

But the spirit of reform and desire to take bold steps forward in legislative achievement which characterised the earlier sessions of the Parliament of 1919, encouraged the National Council to press forward resolutely with the proposal to make the preparation of town planning schemes obligatory on Local Authorities.

In the final result the efforts of the Council were crowned with success. Dr. Addison, on behalf of the Government, accepted the principle of obligatory town planning in the case of all Urban Authorities with upwards of 20,000 population.

The Clause drafted by the Council was moved in the Committee stage of the consideration of the Housing and Town Planning Bill by Mr. Godfrey Locker Lampson, M.P.

Support was given to the proposed Clause by members of all parties in the House of Commons, and another proof was thus given of the value of the attitude—consistently taken by the Council—of regarding questions of Housing and Town Planning as calling for the enlightened support of members of all parties in the State.

From the point of view of the international housing and town planning movement it will be of interest to state that the members of the Standing Committee of the House of Commons to which the Bill was remitted were greatly influenced by the fact that, a few weeks earlier, both the French Chamber of Deputies and the French Senate had approved a comprehensive Town Planning Act in which the principle of obligatory planning was accepted. (The translated text of the French Act is given in Chapter IX.)

It must be recorded with regret that in the final stages of the consideration of the Bill in the House of Commons several members, acting in accordance with the wishes of a Committee of the London County Council, made an endeavour—happily without success—to secure the deletion of the obligatory Clause. The attack of the London County Council on the Clause was renewed in the House of Lords, and Lord Downham by a small majority secured its deletion.

The Government in considering the amendments made by the House of Lords decided, however, to reinstate the Clause with some minor amendments, and on the Bill being again considered by the House of Lords the Clause was successfully passed. Lord Salisbury and Lord Islington at this stage gave most helpful support.

Mention has already been made of an alternative Clause submitted by the Government to the Standing Committee as an alternative to the Clause described above.

The value of the Clause in question was clearly recognised by the supporters of the principle of obligatory town planning and the Government were strongly urged to pass both Clauses. In the final result this course was followed, and it is now clearly realised that the two sections (46 and 47) thus placed upon the Statute Book are complementary and not contradictory.

In order to make clear this point it will be of service to point out that around every great centre of industry there are to be found a number of relatively small Local Authorities. Around the central core of London, which is under the town planning care of the London County Council, there are upwards of a hundred Local Authorities with town planning powers. Some of these have populations greatly in excess of 20,000, and will therefore come within the scope of Section 46. But there are many Urban Local Authorities with populations less than 20,000. There are moreover a number of Rural Local Authorities and to such Local Authorities Section 46 does not apply.

To prepare any town planning scheme for Greater London, which fell short of being fully regional in its character, would obviously be absurd from the point of view of well ordered progress in town planning administration, and it is because Section 47 gives to the Minister of Health power to call on all those Local Authorities who do not come within the scope of Section 46 to prepare town planning schemes that the section is likely to be of great administrative value in the Greater London area.

What is true of Greater London is true of many other areas throughout the country. But for the operation of this Section (47) Regional Town Planning could not be made effective. With this power in existence it will be possible—given a measure of Town Planning enthusiasm on the part of the Ministry of Health—to secure in the course of a few years that in all areas in which growth is taking place, this growth shall proceed on well-ordered lines in accordance with carefully prepared town planning schemes.

CHAPTER III.

VARIOUS DOCUMENTS RELATIVE TO TOWN PLANNING
ISSUED BY THE MINISTRY OF HEALTH,

including—

- (1) Circular letter relative to Town Planning Procedure Regulations (issued March 30th, 1921).
- (2) Town Planning Procedure Regulations (issued March 30th, 1921).
- (3) Statements (issued April, 1921) relative to
 - (a) Preliminary statement of proposals for development ;
 - (b) Notation for Town Planning Maps ;
 - (c) Permission to develop in pursuance of order under Section 45 of the 1919 Act.
- (4) Statement (issued August, 1921) relative to preparation of schemes and consultation of local interests.

I.

CIRCULAR-LETTER RELATIVE TO TOWN PLANNING PROCEDURE
REGULATIONS ISSUED BY THE MINISTER OF HEALTH,
MARCH 30TH, 1921.

CIRCULAR 145.

MINISTRY OF HEALTH,
WHITEHALL, S.W. 1.,
30th March, 1921.

SIR,

TOWN PLANNING.

I. I am directed by the Minister of Health to forward to you the enclosed copies of revised Regulations governing the procedure to be adopted in preparing town planning schemes. A summary of the Regulations is appended to this Circular-Letter. They come into force on the 2nd May, 1921.

2. The new Regulations have been prepared in consultation with persons familiar with town planning, and have been generally approved by Associations representative of Local Authorities. They will supersede the existing ones, and have been devised so as to simplify the preparation of town planning schemes, and also to avoid the "sterilization" of land during the time that a town planning scheme is being prepared, hitherto a serious difficulty and hindrance to development.

The importance of providing for the systematic development of areas cannot be too highly estimated. Now less than ever can we afford the waste which has been the result of the haphazard growth of towns in the past; and therefore, in conformity with the measures which are now being taken for economy, wise action is necessary as regards town planning. For industry, even more than for housing, the gains of proper town planning are great, by locating factories, workshops, and businesses in the places best adapted for them and by providing betimes for proper roads and other communications, and thus avoiding the later necessity of costly street improvements. The works or measures for which provision is made in town planning schemes will need to be carried out, of course, only as and when development makes them necessary. On the 1st January, 1923, town planning becomes compulsory, by the operation of Section 46 of the Housing, Town Planning, &c. Act, 1919, in all boroughs and urban districts with a population exceeding 20,000.

Local Authorities should, at the outset at least, make their town planning schemes as simple as possible, concentrating on the two essentials—settling the principal lines of communication, and allocating areas for the purposes for which they are best suited (zoning), whether industrial, business, residential, or as open spaces; this procedure will make for economy and for efficiency. In order to save time and expense, the Minister has now in preparation a series of model clauses to be used by Local Authorities in their schemes.

3. It will be seen that the new Regulations provide for the preparation of a town planning scheme in three stages—the Resolution to prepare; the Preliminary Statement; the Scheme. It is open to any Local Authority to merge the two former or two latter stages where they are in a position to do so.

The maps required should be Ordnance Maps, and the copies sent to the Ministry should be folded in book form. While maps on a scale of not less than 25 inches to the mile are generally necessary, a scale of 6 inches to the mile will be accepted for maps Nos. 1 and 2, where the required particulars can be shewn with sufficient accuracy on this scale.

The Minister has arranged that, if application is made to him by the Local Authority, the Commissioners of Inland Revenue will authorise the District Valuers to supply the Authority with such information as they possess as to the names and addresses of the owners of land included in the Authority's scheme. In many cases this procedure will save time and expenditure in obtaining the necessary particulars.

4. It is desirable that there should be one town planning scheme for the whole of an area forming one economic unit. If, therefore, there is more than one Local Authority in that unit, it is necessary that these Local Authorities should co-operate closely, to the extent, where advantageous, of forming a Joint Committee for preparing a scheme. The Minister will be prepared to help in any cases of this kind by calling conferences of the Local Authorities concerned.

The Minister will be glad at all times to place the assistance of his officers at the disposal of Local Authorities in the preparation of their schemes.

I am, Sir,

Your obedient Servant,

W. A. ROBINSON,

Secretary.

To the Clerk to the County Council,

or

The Town Clerk,

or

The Clerk to the Urban or Rural District Council.

APPENDIX TO CIRCULAR LETTER (MARCH 30th, 1921).

SUMMARY OF TOWN PLANNING REGULATIONS, 1921.

The procedure to be followed by a Local Authority is divided into three stages.

STAGE I. RESOLUTION DECIDING TO PREPARE SCHEME.

The Resolution deciding to prepare the Scheme must define by means of a map, known as Map No. 1, the exact area which is to be included in the Scheme. This Map must be deposited for inspection and advertisement of the fact given in the local Press. A copy of the resolution and of a map of the area must be sent to the Council of the County in which any part of the area is situated, and if the area covered by the Scheme includes land under the jurisdiction of another Local Authority for town planning purposes, also to that authority.

Where the area covered by the Scheme includes land under the jurisdiction of another Local Authority for town planning purposes, the approval of the Minister is required to the resolution; and, when this approval has been obtained, the Local Authority must give notice of the fact by advertisement.

STAGE II. PRELIMINARY STATEMENT OF PROPOSALS.

Within six months of their resolution deciding to prepare a Scheme (or of the Minister's approval of the resolution, where required), the Local Authority must prepare a Preliminary Statement and map, known as Map No. 2, showing their main proposals for the development of the area covered by the Scheme, *e.g.*, the principal new roads to be constructed, open spaces to be reserved, and the restrictions proposed in regard to character of buildings (whether dwelling-houses, factories, &c.), density of buildings (that is, number to the acre and proportion of site to be

covered), and height of buildings. (In any restrictions limiting the number of dwelling-houses to the acre, each dwelling intended for separate occupation should count as one.) In preparing the Statement consideration must be given to any representations from interested persons or any interested Local Authority as to the area of the Scheme or its development.

Before adopting the Statement, the Authority must give notice in the Press of their intention to do so ; and they must make arrangements for any interested person to inspect the map and the draft Statement. A copy of the draft Statement and the map must be sent also to the County Council or other Local Authority that may be concerned. Any objections are to be carefully considered and conferences arranged with a view to securing, so far as possible, agreement on matters covered by the Statement.

A copy of the Statement, when adopted, with the map and other particulars must be sent to the Minister ; and, where any part of the land is within the area of another Local Authority for town planning purposes, a copy of the Statement and of the map so far as it relates to such land, must be sent also to that Authority. The Minister after arranging for any necessary visit to the area by one of his Inspectors, will inform the Local Authority of his approval, with or without modifications, or of his disapproval of the Statement. If the proposals are approved by the Minister the Authority must advertise the fact and their intention to proceed at once with the preparation of the detailed Scheme.

STAGE III. PREPARATION AND APPROVAL OF SCHEME.

(a) PREPARATION OF DRAFT SCHEME.

Within 12 months of the date on which the Preliminary Statement is approved by the Minister, the Local Authority must prepare and adopt a draft Scheme, illustrated by a map, to be known as Map No. 3 ; and must advertise the fact in the Press, intimating how objections may be made to the draft Scheme. They must also serve notice on all owners of land interested in the Scheme, as well as on any County Council or other Local Authority or Government Department that may be concerned.

(b) SUBMISSION OF SCHEME TO MINISTER.

After all objections have been considered and within six months of the date of the resolution adopting the draft Scheme, the Local Authority must pass a resolution finally approving the Scheme, modified as may have been found necessary, after considering all representations. The Scheme when so approved and the map referred to in it, known as Map No. 4, must be sealed and submitted to the Minister for his approval and a print sent to any County Council or other Local Authority concerned. The Authority must advertise in the Press the fact that the Scheme has been submitted to the Minister and that any objections may be made direct to him, and must arrange for a print of the Scheme and Map No. 4 to be open to public inspection.

(c) APPROVAL OF THE SCHEME BY THE MINISTER.

On receipt of the Scheme, the Minister will first arrange for a public Local Inquiry to be held, and, after considering the Inspector's Report, will inform the Local Authority of his intention to approve the Scheme, with or without modifications, or to disapprove it.

The Authority must give notice in the Press of the Minister's intention ; and, if it is proposed to approve the Scheme, with or without modifications, must arrange for a print of the Scheme in the form proposed to be approved by the Minister to be open to public inspection. They must also write to the same effect to all owners of land affected by the Scheme as well as to any County Council or other Local Authority concerned. These measures are taken in order to afford any interested parties full opportunity to state their objections, if any, to the Minister, before a final decision is reached on the Scheme.

The Minister will take into consideration any objections that may be raised ; and if satisfied that the Scheme should be approved, will issue an Order accordingly. A notice of the fact that the Order has been made must be inserted in the Press and the Authority must arrange for a copy of the Order to be open to public inspection. Copies are also to be sent to all owners of land affected by the Scheme, as well as to any County Council or other Local Authority or Government Department concerned.

II.

TOWN PLANNING PROCEDURE REGULATIONS (ISSUED MARCH 30th, 1921).

STATUTORY RULES AND ORDERS.

1921, No. 373.

TOWN PLANNING, ENGLAND.

THE MINISTRY OF HEALTH (TOWN PLANNING) REGULATIONS, 1921, DATED MARCH 29th, 1921, MADE BY THE MINISTER OF HEALTH, UNDER SECTION 56 OF THE HOUSING, TOWN PLANNING, &c. ACT, 1909 (9 EDW. 7, C. 44), AND SECTION 43 OF THE HOUSING, TOWN PLANNING, &c. ACT, 1919 (9 & 10 GEO. 5, C. 35).

THE MINISTER OF HEALTH in pursuance of the powers conferred on him by Section 56 of the Housing and Town Planning, &c. Act, 1909, and Section 43 of the Housing, Town Planning, &c. Act, 1919, and of all other powers enabling him in that behalf, hereby makes the following Regulations :—

TITLE AND INTERPRETATION.

1.—(1) These Regulations may be cited as the Ministry of Health (Town Planning) Regulations, 1921, and shall come into force on the 2nd day of May, 1921.

(2) The Town Planning Procedure Regulations (Preparation of Schemes by Local Authorities), 1914, (a) are hereby revoked provided that those Regulations shall, save in so far as they are inconsistent with any of the provisions of the Housing, Town Planning, &c. Act, 1919, and subject to the provisions of Article 17 of these Regulations, continue to apply in all cases where before the 31st day of July, 1919, a Local Authority have been authorised to prepare a town planning scheme.

2.—(1) In these Regulations, unless the context otherwise requires :—

“ The Minister ” means the Minister of Health ;

“ Interested Local Authority ” means the Council of the County in which, or any Local Authority in whose area, land proposed to be included in a town planning scheme is situate ;

“ Map ” means a map on a scale of not less than 25 inches to the mile or such smaller scale as the Minister may in any particular case approve, and includes a plan or a series of maps or plans ;

“ Owners ” has the same meaning as in the Lands Clauses Acts, but does not include persons holding or entitled to the rents and profits of land or premises under any lease or agreement the unexpired portion whereof is less than three years ;

“ Prescribed person ” means :—

- (a) any owner of land included or proposed to be included in a town planning scheme ;
- (b) any interested Local Authority ;
- (c) the Minister of Agriculture and Fisheries, where a town planning scheme provides for the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment ;
- (d) the Commissioners of Works, where a town planning scheme includes any land situate within the prescribed distance from any of the royal palaces or parks ;
- (e) the Minister of Transport, where a town planning scheme provides for the inclusion of any land on which any railways, tramways or light railways are constructed or are authorised to be constructed.

“ Advertisement ” means an advertisement published at least once during each of two successive weeks in a newspaper or newspapers circulating in the area of the Local Authority.

(2) The Interpretation Act, 1889,* applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

RESOLUTION TO PREPARE TOWN PLANNING SCHEME.

3.—(1) The resolution of a Local Authority deciding to prepare a town planning scheme shall define the area of the proposed scheme by reference to a map (hereinafter called “ Map No. 1 ”) showing by means of boundary lines defined in colour or otherwise the area of the land to which the resolution applies.

*52-3 V.c. 63.

(2) The Local Authority shall as soon as may be after passing the resolution give notice thereof by advertisement and shall include in the notice a statement that Map No. 1 or a copy thereof will be open for inspection at a specified place or places, and that any suggestions for the inclusion or exclusion of any lands in or from the area of the proposed scheme may be sent in writing to the Local Authority within a specified period not being less than twenty-one days from the date of the first advertisement.

(3) A certified copy of the resolution and of Map No. 1 and of each advertisement shall be sent as soon as may be by the Local Authority to the Minister, together with the documents and full particulars of the matters specified in the First Schedule to these Regulations.

(4) A certified copy of the resolution shall be sent to any interested Local Authority, and, if they so require, of Map No. 1, or a map on a scale of 6 inches to the mile certified to show accurately the area of the land to which the resolution applies.

(5) Where the approval of the Minister is required to the resolution of a Local Authority deciding to prepare a town planning scheme, the Local Authority shall give notice by advertisement that the Minister has approved the resolution as soon as may be after the date of such approval.

PRELIMINARY STATEMENT OF PROPOSALS FOR DEVELOPMENT.

4.—(1) Within a period of six months from the date of a resolution deciding to prepare a town planning scheme, or, where the resolution extends to land not within the area of the Local Authority, within a period of six months from the date of the approval of the resolution by the Minister, the Local Authority shall prepare and adopt by resolution a preliminary statement of proposals for development (hereinafter called "the preliminary statement"), and shall for that purpose take into consideration any representations in writing made by persons interested or by any interested Local Authority with respect to the area of the proposed scheme or otherwise with respect to the development of the area.

(2) The preliminary statement shall contain particulars of the matters specified in the Second Schedule to these Regulations and shall refer to a map (hereinafter called "Map No. 2") showing by means of boundary lines defined in colour or otherwise the area to be included and illustrating, so far as possible, the said particulars.

5.—(1) The Local Authority shall, before adopting a preliminary statement by resolution, give notice of their intention so to do by advertisement and shall take such other steps as they may think fit by means of public posters or otherwise to bring their intention to the notice of persons interested.

(2) The said notice or other public announcement shall include a statement that a draft of the preliminary statement proposed to be adopted and a map illustrating the particulars in the draft preliminary statement will be open for inspection at a specified place or places, and that any objections or representations with regard to the draft statement may be sent in writing to the Local Authority within a specified period not being less than twenty-one days from the date of the first advertisement.

(3) The Local Authority shall send to any interested Local Authority the draft of the preliminary statement, and, if so required by them, a map of so much of the land as is situate in the area of that Authority, illustrating the particulars in the draft statement so far as it relates to that land.

(4) The Local Authority shall take into consideration any objections and representations in writing which they may receive within the period specified under paragraph (2) of this article, and shall take such steps as they may think necessary by means of conferences or otherwise, to secure so far as may be possible the agreement and co-operation of persons interested.

6.—(1) As soon as may be after the passing of a resolution adopting a preliminary statement the Local Authority shall send to the Minister a certified copy of—

- (a) the resolution, the preliminary statement and Map No. 2 ;
- (b) each advertisement or other public announcement ;
- (c) any objections or representations in writing received by the Local Authority which have not been removed or met in the preliminary statement adopted ;
- (d) particulars of the matters specified in the Third Schedule to these Regulations.

(2) Where the preliminary statement relates to land not within the area of the Local Authority, the Local Authority shall send to the Local Authority of the district in which such land is situate a certified copy of the resolution, of the preliminary statement, and of Map No. 2 so far as it relates to such land.

(3) Where any land to which the resolution deciding to prepare a town planning scheme applied is not included in the land to which the preliminary statement relates, the Local Authority shall notify the fact thereof to the owner of such land.

7.—(1) The Minister shall thereupon take the preliminary statement into consideration and shall notify the Local Authority that he approves or disapproves it, as the case may be, or that he approves it with modifications, provided that any such approval shall be without prejudice to any provisions of the town planning scheme to be submitted by the Local Authority to the Minister as hereinafter mentioned or to the approval or disapproval by the Minister of that scheme.

(2) Where the Minister notifies the Local Authority that he disapproves the preliminary statement, the Local Authority shall, within three months from the date of such notification, prepare and adopt by resolution another preliminary statement, and the provisions of this and the two preceding Articles shall, with the necessary modifications, apply to such further statement.

8.—The Local Authority shall as soon as may be after the receipt of a notification from the Minister approving the preliminary statement with or without modifications give notice thereof by advertisement, and shall include in the notice a statement that a print of the preliminary statement and Map No. 2, as approved by the Minister, will be open for inspection at a specified place or places, and that the Local Authority propose to proceed forthwith with the preparation of the town planning scheme for submission in due course to the Minister.

PREPARATION OF TOWN PLANNING SCHEME.

9.—(1) A draft of the town planning scheme (hereinafter called “ the draft scheme ”) shall be adopted by resolution of the Local Authority not later than twelve months after the date of the approval by the Minister of the preliminary statement.

(2) The draft scheme shall refer to a map (hereinafter called “ Map No. 3 ”) showing by means of boundary lines defined in colour or otherwise the area included in the scheme, and illustrating such particulars and details in relation thereto as conveniently be indicated by reference letters, numbers, distinguishing colours or otherwise, and more particularly the matters specified in the Fourth Schedule to these Regulations.

10.—(1) The Local Authority by whom a resolution has been passed adopting a draft scheme shall forthwith give notice thereof by advertisement and shall include in the notice a statement that a print of the draft scheme and Map No. 3, or a certified copy thereof, will be open for inspection at a specified place or places, and that any interested Local Authority or other person desiring to object or make representations with respect to the draft scheme or any part thereof may send the representations or objections in writing to the Local Authority within a specified period not being less than four weeks from the date of the first advertisement.

(2) The Local Authority shall as soon as may be after the passing of the resolution adopting the draft scheme, in addition to the publication of the said advertisement, serve a notice in the same terms on the prescribed persons.

(3) A certified copy of the resolution and of each advertisement together with a certified copy of the draft scheme and of Map No. 3, shall be sent forthwith by the Local Authority to the Minister.

11.—The Local Authority shall take into consideration all objections and representations in writing received by them within the period specified under paragraph (1) of Article 10, and shall give full opportunity to any interested Local Authority and to persons making such objections or representations, including persons representing architectural or archæological societies or otherwise interested in the amenities of the scheme, to be heard in such manner as the circumstances and the justice of the case may require.

SUBMISSION OF TOWN PLANNING SCHEME TO MINISTER.

12.—(1) The Local Authority shall within six months from the date of the resolution adopting the draft scheme pass a resolution finally approving the scheme with or without modifications and directing that the scheme as approved by them and the map to which the said scheme refers (hereinafter called “ Map No. 4 ”) shall be sealed with the seal of the Authority and submitted to the Minister for his approval :

Provided that if the map required by this Article to be sealed is identical in all respects with the Map No. 3 prepared in accordance with Article 10 hereof, the last-mentioned Map, if the Local Authority think fit, may with the consent of the Minister be used for the purposes of this article, but if so used it shall be marked as Map No. 4 in addition to being marked as Map No. 3.

(2) The Local Authority shall as soon as may be thereafter submit a sealed duplicate of the scheme and of Map No. 4 to the Minister for his approval, together with the documents and information specified in the Fifth Schedule to these Regulations, and shall send to the Minister copies of all objections and representations in writing received by them which have not been removed or met in the scheme.

(3) A print of the scheme shall be sent by the Local Authority to every interested Local Authority

13.—(1) A Local Authority who have submitted a scheme to the Minister for his approval shall forthwith give notice thereof by advertisement, and shall include in the notice a statement that a print of the scheme submitted and Map No. 4, or a certified copy thereof, will be open for inspection at a specified place or places, and that any objections or representations relating thereto shall be sent in writing to the Minister within a period of not less than twenty-one days from the date of the first advertisement.

(2) A certified copy of each advertisement shall be sent to the Minister as soon as may be after the publication thereof.

14.—(1) The Minister shall, before taking the scheme into his consideration, cause a public inquiry to be held at which any Local Authority or persons interested in or affected by the scheme may be heard, and shall cause a report of such inquiry to be made to him.

(2) The Minister shall, after duly considering the scheme and the said report, notify the Local Authority of his intention to approve or disapprove the scheme, as the case may be, or to approve it with modifications.

(3) Where the Minister notifies the Local Authority that he disapproves the scheme, the Local Authority shall, within six months from the date of such notification, prepare and adopt by resolution another scheme, and the provisions of Articles 9 to 13 inclusive and of this Article shall, with the necessary modifications, apply to such further scheme.

15.—(1) The Local Authority shall, on receipt of a notification from the Minister approving a scheme with or without modifications, forthwith give notice thereof by advertisement and shall include in the notice a statement that a print of the scheme in the form in which the Minister has notified his intention to approve it may be inspected at a specified place or places.

(2) The Local Authority shall in addition to the publication by advertisement as aforesaid serve a notice upon the owners of the land included in the scheme and upon any interested Local Authority to the like effect, but including also a statement that any owner or interested Local Authority desiring to object to the approval of the scheme by the Minister may within twenty-one days from the date of the service of the notice send any objections or representations in writing with the grounds thereof to the Minister.

(3) The Local Authority shall send to the Minister certified copies of the said notice and of each advertisement.

APPROVAL OF SCHEME BY MINISTER.

16.—(1) The Minister shall take into consideration any objections or representations so received by him and shall thereafter by Order finally approve the scheme with or without modifications and shall notify the Local Authority accordingly.

(2) The Local Authority shall on receipt of the Order of the Minister approving the scheme forthwith serve upon the prescribed persons a copy of the Order approving the scheme and shall also give notice of the Order by advertisement and shall include in the notice a statement that a copy of the Order of the Minister approving the scheme may be inspected at a specified place or places.

(3) A certified copy of each advertisement shall be sent by the Local Authority to the Minister.

SUPPLEMENTAL.

17.—(1) Where before the 31st day of July, 1919, a Local Authority have been authorised to prepare a town planning scheme, the Minister may by Order direct that these Regulations shall apply with such modifications as, in the opinion of the Minister, the circumstances of the case may require.

(2) Where after the 31st day of July, 1919, and before the date on which these Regulations come into force, a Local Authority have passed a resolution deciding to prepare a town planning scheme, these Regulations shall apply as though the resolution had been passed on the day on which these Regulations come into force, or, where the resolution extends to land not within the area of the Local Authority, on the day on which these Regulations come into force or on which the approval of the Minister is given, whichever is the later.

18.—A Local Authority may, if they think fit, adopt by resolution a draft scheme within the period prescribed by these Regulations for the adoption by resolution of a preliminary statement, and in that case the draft scheme shall, if the Minister so directs, be substituted for the preliminary statement, and these Regulations shall apply accordingly with such modifications as, in the circumstances of the case, the Minister may direct.

19.—(1) The Minister may, if he thinks fit in any particular case, and subject to such conditions as he may impose, extend the period during which anything is required to be done under these Regulations, or dispense with any of the requirements of these Regulations, other than requirements made obligatory by any Statute, provided that he is satisfied that there is reasonable cause for such extension or dispensation and that the interests of any person will not be prejudiced thereby.

(2) The Local Authority may, if they think fit and subject to such conditions as they may impose, extend the time during which any suggestions, objections, or representations in writing may be sent to the Authority under the provisions of Articles 3, 5 and 10 of these Regulations.

20.—A Local Authority shall furnish the Minister with all such further information or particulars as the Minister may from time to time require.

21.—All maps, documents and notices deposited for inspection under these Regulations shall be available for inspection at all reasonable hours and without payment of any fee.

22.—A notice required to be served in pursuance of these Regulations shall be served :—

- (a) by delivery of the same personally to the person required to be served, or, if such person is absent abroad or cannot be found, to his agent ;
- or,

- (b) by leaving the same at the usual or last known place of abode of such person as aforesaid ; or
- (c) by post addressed to the usual or last known place of abode of such person ; or
- (d) in the case of a notice required to be served on a Local Authority or corporate body or company, by delivering the same to the clerk or secretary or leaving the same at his office with some person employed there, or by post addressed to such clerk or secretary at his office :

Provided that if the owner of any land is not known to and after reasonable inquiry cannot be found by the Local Authority, then the notice may be served by leaving it, addressed to the owner, with some occupier of the land, or, if there be not an occupier, then by causing it to be put up on some part of the land or in some conspicuous place in the immediate neighbourhood thereof :

Provided also that an accidental omission to serve a notice required under these Regulations shall not render any proceedings thereunder invalid.

FIRST SCHEDULE.

(Article 3.)

DOCUMENTS AND PARTICULARS TO BE SENT TO THE MINISTER OF HEALTH AFTER THE PASSING OF A RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME.

- (1) Documents required under Article 3 (3) of these Regulations.
- (2) Copies of all suggestions received by the Local Authority under Article 3.
- (3) Where the resolution extends to land not within the area of the Local Authority passing the resolution, the reasons for the inclusion of land outside the area of the Local Authority.
- (4) Information, in the form required by the Minister, as to the responsible authority under the scheme ; the acreage and general character and development of the area ; and the inclusion of any land already built upon or not likely to be used for building purposes, or of any Crown Land.

SECOND SCHEDULE.

(Article 4.)

PARTICULARS TO BE INCLUDED IN THE PRELIMINARY STATEMENT OF PROPOSALS FOR DEVELOPMENT.

(1) Area to be included in the town planning scheme (to be defined by the inner edge of a boundary line shown on Map No. 2).*

(2) (a) The principal new streets or roads which it is proposed shall be made as part of the scheme, with their position, and any proposed widenings of any existing streets or roads.

(b) Building lines or spaces about buildings proposed to be prescribed in relation to the principal new streets or widenings.

(3) Roads, streets, or ways which it is proposed to stop up or divert.

(4) Restrictions proposed, and the areas to which the several restrictions are to apply, as regards—

(a) character of buildings to be erected (*e.g.*, whether dwelling-houses, public buildings, business premises, factories or workshops for light industries, or factories or workshops for heavy industries, or partly one class of building and partly another);

(b) density of buildings (that is, number of dwelling-houses to the acre, and proportion of site to be covered by buildings);

(c) height of buildings.

The proposed restrictions and the areas to which they are to apply (as well as open spaces or other areas not to be built upon: *see* next clause) should be shown by distinctive colours or hatchings on Map No. 2.

(5) Areas proposed to be reserved for open spaces or other areas not to be built upon.

*The following particulars are also to be shown on Map No. 2:—

- (a) Existing main roads;
- (b) Roads repairable by the inhabitants at large;
- (c) Roads or footways over which the public have a right of way;
- (d) Land already built upon within the area of the scheme or in the immediate neighbourhood thereof, distinguishing factories;
- (e) Railways, tramways or light railways constructed or authorised to be constructed within the area of the scheme or in the immediate neighbourhood thereof;
- (f) Land forming part of any common, open space or allotment within the meaning of Section 73 of the Housing, Town Planning, &c. Act, 1909, within the area of the scheme or in the immediate neighbourhood thereof.

THIRD SCHEDULE.

(Article 6.)

MATTERS WHEREOF PARTICULARS ARE TO BE SENT TO THE MINISTER IN CONNECTION WITH AN APPLICATION FOR APPROVAL OF A PRELIMINARY STATEMENT.

(1) Documents required under Article 6 (1) (a), (b) and (c) of these Regulations.

(2) Particulars, in the form required by the Minister, respecting lands in the possession of Local Authorities, housing schemes, and ancient monuments in the area.

FOURTH SCHEDULE.

(Article 9.)

MATTERS WHEREOF PARTICULARS AND DETAILS ARE TO BE SHOWN ON MAP NO. 3.

(1) The area included in the draft scheme (to be defined by the inner edge of a boundary line shown on the map).

(2) (a) New streets, and widenings of any existing streets or roads, proposed to be made as part of the scheme.

(b) Building lines or spaces about buildings proposed to be prescribed.

(3) Particulars required under paragraphs (3), (4) and (5) of the Second Schedule. As regards areas not to be built upon, the purposes for which they are to be reserved should be indicated.

FIFTH SCHEDULE.

(Article 12.)

DOCUMENTS AND PARTICULARS TO BE SENT TO THE MINISTER OF HEALTH IN CONNECTION WITH THE SUBMISSION OF A TOWN PLANNING SCHEME FOR APPROVAL.

(1) Documents required under Article 12 (2) of these Regulations.

(2) Six prints of the scheme and a certified copy of the resolution directing that the scheme be submitted to the Minister for approval.

(3) A map on a scale of not less than 25 inches to the mile (to be marked and known as "Map No. 5") showing the area of the land included in the scheme so divided as to indicate as nearly as may be the portions of the land belonging to different owners, and showing as regards each parcel of land by reference to a list of owners the name of the owner thereof.

(4) A list of all local Acts, provisional orders, bye-laws or regulations in force in the area of any Local Authority any part of whose district is included in the scheme, and copies of those which contain any provisions affecting the scheme, with references thereto.

(5) Particulars, in the form required by the Minister, of proposed acquisition of land by Local Authorities under the scheme ; of works to be executed ; of proposed appropriations of commons, open spaces, or allotments ; of any enactments or other provisions which it is proposed to suspend, with the reasons for the proposal ; of the estimated cost of carrying out the scheme ; and of the acreage, population, rateable value, etc., of the districts concerned.

Given under the Official Seal of the Minister of Health this Twenty-ninth day of March, in the year One thousand nine hundred and twenty-one.

(L.S.)

I. G. GIBBON,
Assistant Secretary, Ministry of Health.

III.

STATEMENTS ISSUED APRIL, 1921,

Relative to—

- (a) PRELIMINARY STATEMENT OF PROPOSALS FOR DEVELOPMENT, AND MODEL FORM OF STATEMENT.
- (b) NOTATION FOR TOWN PLANNING MAPS.
- (c) PERMISSION TO DEVELOP IN PURSUANCE OF ORDER UNDER SECTION 45 OF THE 1919 ACT.

1. PREPARATION OF PRELIMINARY STATEMENT.—Under the Town Planning Regulations, 1921, a Local Authority, after passing a resolution deciding to prepare a town planning scheme, is required to prepare and submit to the Ministry a Preliminary Statement of their proposals in regard to the principal matters to be dealt with in the scheme.

2. CONTENTS OF PRELIMINARY STATEMENT.—A form is enclosed which indicates the information which should generally be furnished by the Local Authority in the Preliminary Statement. It will be convenient if the Local Authority will follow the form as far as possible in preparing the Preliminary Statement; the form itself is intended only as a model and not for actual use in the preparation of the Statement.

The particulars to be included in the Statement are confined to the essentials of town planning, viz., the principal lines of communication and zoning (*i.e.*, regulation of the character, density and height of buildings in the various parts of the area and the reservation of public open spaces). The Statement is not intended to do more than to show in outline the main proposals and to explain the map accompanying it.

3. ZONING.—In regulating the character of buildings, it will generally be found advisable to allocate separate districts for different purposes, at any rate in town planning areas of considerable size. Land with special amenities will naturally be reserved for residential purposes, in the absence of special reasons to the contrary, while the existence of good facilities for transport by rail or water will indicate the portions of an area primarily suitable for industrial use.

The actual allocation of areas will be a matter to be settled in the light of local conditions and circumstances. A simple division into residential, business (*i.e.*, shops, offices, and the like), or industrial will often be sufficient, but in large towns some other divisions may be found desirable, *e.g.*, the provision of separate areas for heavy and light industries respectively, or for shops.

It will have to be considered in each case whether a particular area should be restricted to its predominant use. It may be found expedient, for instance, in some cases to reserve residential areas exclusively for this purpose. It will probably

not as a rule be necessary to reserve industrial areas exclusively for industrial use, except in special cases (*e.g.*, the banks of a navigable waterway), where the peculiar suitability of the site would make it wasteful and contrary to the public interest generally to permit other forms of development.

It will usually be found necessary to take power to authorise buildings other than those generally contemplated in the particular area with the express consent of the Council. Where such authority is taken in the scheme, provision should be made for a right of appeal to the Minister against the decision of the Council.

4. DEVELOPMENT ORDERS.—It is contemplated that when the Preliminary Statement has been approved by the Minister the Local Authority will be authorised by an Order under Section 45 of the Housing, Town Planning, &c. Act, 1919, to permit building operations to proceed in general accordance with the Statement, without awaiting the settlement of the scheme, and in this way to secure the earliest possible release of the land for development. A draft of the form of Order proposed to be issued is enclosed for the information of the Local Authority.

5. AVOIDANCE OF DELAY.—It will be realised that to avoid delay, the Preliminary Statement should be kept as simple as possible and should not attempt to include all the details to be covered by the full scheme.

It is not intended that the Statement should incorporate draft clauses, which can be better postponed till the draft Scheme is prepared.

6. ARRANGEMENTS WITH OWNERS.—The Local Authority will have an opportunity of coming to arrangements with owners on such matters as the cost of street construction and the lay-out of land when the owners apply for permission to proceed with development in accordance with the Order. An appeal can be made to the Minister against the Local Authority's requirements or their refusal of permission to develop.

7. RELAXATION OF BYE-LAWS, &c.—Relaxation of the bye-laws are only permitted in connection with development under the Order to the extent, if any, approved by the Minister. If the Local Authority propose to relax the bye-laws relating to streets, they should, when submitting the Preliminary Statement for approval, at the same time indicate the types of subsidiary streets which they propose to allow, and the conditions (as to length of street, restriction to dwelling-houses, &c.) under which they propose to allow each type ; a copy of the bye-law provisions should also be forwarded.

MINISTRY OF HEALTH,
WHITEHALL, S.W. 1.

April, 1921.

MODEL FORM OF PRELIMINARY STATEMENT TO BE PREPARED IN ACCORDANCE WITH SECOND SCHEDULE OF THE TOWN PLANNING REGULATIONS, 1921.

(The particulars are to be illustrated, so far as possible, on a Map marked No. 2, according to the system of notation appended hereto.)

(1) Area to be included in the Town Planning Scheme.

The area should be defined by reference to the inner edge of a coloured boundary line shown on Map No. 2.

The following information should be given :—

| | | | |
|---|----|----|--|
| (i.) Acreage of the Local Authority's District | .. | .. | |
| (ii.) Approximate acreage of areas to be included in the Town Planning Scheme, distinguishing the acreage | .. | .. | |
| (a) inside the district of the Local Authority | .. | .. | |
| (b) outside the district of the Local Authority | .. | .. | |
| (iii.) Approximate acreage of the land (if any) to which the resolution deciding to prepare a Town Planning Scheme applied, but which is not included in the land to which this Statement relates (Art. 6 (3) of Regulations) | .. | .. | |

(2) (a) The principal new streets and roads which it is proposed shall be made as part of the scheme, with their position, and any proposed widenings of any existing streets or roads.

(b) Spaces about buildings, including building lines, proposed to be prescribed in relation to the principal new streets or widenings.

A list should be given in the following form :—

| No. of Street on Map No. 2. | Situation. | Whether new street or widening. | Width. | Building Lines. | |
|-----------------------------|------------|---------------------------------|--------|---|--------------------------------|
| | | | | Proposed distance between building lines. | Additional Particulars if any. |
| 1. | 2. | 3. | 4. | 5. | 6. |
| | | | | | |

The new streets should be numbered consecutively, and the length to which each distinguishing number refers, and the width, should be clearly marked on the Map.

(3) Roads, streets, or ways which it is proposed to stop up or divert.

A list should be given in the following form :—

| No. on Map No. 2. | Situation. | Number on Map No. 2 of new street, the construction of which is deemed to provide an equally convenient right of way. |
|----------------------|------------|--|
| 1. | 2. | 3. |
| | | |

(4) Proposed restrictions on buildings and the areas to which the several restrictions are to apply :—

- (a) Character of buildings to be erected (*e.g.*, whether dwelling-houses, public buildings, business premises, factories or workshops for light industries, or factories or workshops for heavy industries, or partly one class of building and partly another).

Particulars should be given showing in the following form the uses to which different areas are allocated :—

| Locality of area. | Reference to marking on Map No. 2. | Approximate acreage of area. | Character of buildings (<i>i.e.</i> , the kind of buildings, so far as use is concerned for which the respective areas are intended). | If it is proposed to allow any other kind of build- ings in an area subject to special conditions or special consent, particu- lars should be given in this column. |
|-------------------------|---|------------------------------------|--|---|
| 1. | 2. | 3. | 4. | 5. |
| | | | | |

(b) Density of buildings (that is, number of dwelling-houses to the acre, and proportion of site to be covered by buildings).

| Locality of area in which limitation applies. | Reference to marking on Map No. 2. | Approximate acreage of area. | *Density of dwelling-houses. | | Particulars of any proposals as to proportion of site to be built on for various classes of buildings. |
|---|------------------------------------|------------------------------|------------------------------|--------------------------|--|
| | | | Average No. per acre. | Maximum on any one acre. | |
| 1. | 2. | 3. | 4. | 5. | 6. |
| | | | | | |

Proposed measurement of the acre for the purpose of columns 4 and 5 (*i.e.*, whether it includes streets, public or private open spaces, &c.).

*A dwelling intended for separate occupation by one family should be taken as the standard for the purpose of reckoning the number of dwelling-houses to the acre.

(c) Height of buildings.

Information as to any proposed restrictions on the heights of buildings :--

Where different heights are to be permitted in different areas, particulars should be given in the following form :—

| Locality of area. 1. | Reference to marking on Map No. 2. 2. | Restrictions proposed. 3. |
|-----------------------------|--|----------------------------------|
| | | |

(5) Areas proposed to be reserved for open spaces or other areas not to be built upon.

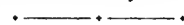
| Locality of area. 1. | Reference to marking on Map No. 2. 2. | Approximate acreage of each area. 3. | Purpose for which area is to be reserved. 4. | Present use. 5. |
|-----------------------------|--|---|---|------------------------|
| | | | | |

(b) NOTATION FOR TOWN PLANNING MAPS.

The object of the notation prescribed below is to standardise the method of illustrating the main features required to be shown on a Town Planning Map. It is not intended to be exhaustive, and other colours or hatchings may require to be used to indicate additional features dealt with in the Town Planning Scheme.

The Map used should be an Ordnance Map and should be corrected up to date.

AREAS.

1. The area of the Scheme to be that within the *inner* edge of a boundary line coloured dark blue.
2. Areas excluded (if any) to be edged and hatched black.
3. Boundaries between districts of adjoining authorities to be clearly indicated by broken black lines, thus .

STREETS.

4. New Streets (including widenings of existing streets) proposed to be constructed under the Scheme to be coloured pink; widths to be figured in black and reference numbers in red; the length of the street to which each reference number

refers to be indicated where necessary by black lines, thus



- refers to be indicated where necessary by black lines, thus
5. Highways proposed to be stopped up to be hatched red.
6. Existing main roads to be coloured burnt sienna.
7. Existing highways repairable by the inhabitants at large (other than main roads) to be coloured light sepia.
8. Existing highways over which the public have a right of way (other than main roads and roads repairable by the inhabitants at large) to be coloured dark sepia.
9. Building lines where shown to be broken red lines and to be figured in red.

RESTRICTIONS.

10. Areas in which the average number of dwelling houses to the acre :—

| | | | |
|------------------|-----------------|----------------|---------|
| is not to exceed | 5 or 6 | to be coloured | orange. |
| " " | 7 or 8 | " " | yellow. |
| " " | 9, 10, 11 or 12 | to be coloured | grey. |
11. The character of buildings allowed in any area to be indicated by combined edgings and hatchings, purple edgings and thin purple hatchings being used wherever industrial buildings can be erected, and dark blue edgings and broad dark blue hatchings in other cases.

The form of hatching selected for an area to be varied so as to indicate the kinds of building allowed in that area and the condition (*e.g.*, special consent), if any, on which they are allowed—areas which are primarily residential always being represented by single hatchings, and other areas by cross-hatchings.

(If desired, however, the chief type of residential area might be left unhatched and without an edging, *i.e.*, with the density colour only.)

EXAMPLES.

- (i.) An area in which dwelling-houses are allowed without restriction and any other buildings only with special consent might be left unhatched and without an edging—if industrial buildings are excluded, it would be indicated by a dark blue edging and broad dark blue single hatchings.
- (ii.) Areas in which (a) industrial buildings, or (b) shops and offices are allowed without restriction, and dwelling-houses or other buildings only with special consent, would be indicated by purple edgings and thin purple cross-hatchings, and by dark blue edgings and broad dark blue cross-hatchings respectively.
12. It will generally be necessary to make use of a separate map to show height limitations, where these differ in different areas. A map on the scale of 6 inches to the mile will usually be found sufficient.

RESERVED AREAS.

13. Lands reserved under the scheme as :—

- (a) Private Open Spaces to be coloured light green.
- (b) Public „ „ „ dark green.
(Existing Public Open Spaces to be coloured light green and hatched dark green.)
- (c) Allotments to be coloured light green and hatched brown.
(Existing Public Allotments to be coloured light green and cross-hatched brown.)

(c) PERMISSION TO DEVELOP IN PURSUANCE OF ORDER UNDER SECTION 45 OF THE 1919 ACT.

DRAFT ORDER made by the Minister of Health under Section 45 of the Housing, Town Planning, &c. Act, 1919.

The following is the Draft Order which the Minister of Health was empowered to make under Section 45 of the Act :—

In exercise of the powers conferred on him by Section 45 of the Housing, Town Planning, &c. Act, 1919, the Minister of Health hereby orders as follows :—

1. This Order may be cited as the (Interim Development) Order, 1921.

2. In this Order the following expressions have the meanings hereby assigned to them respectively :—

“ The Minister ” means the Minister of Health ;

“ The Council ” means the Council ;

“ The Preliminary Statement ” means the Preliminary Statement of proposals for development submitted to the Minister by the Council (as varied) and approved by him on the _____ day of _____ 19____, together with the Map referred to in the Preliminary Statement, and includes any further statement or statements of proposals for development

which may have been submitted by the Council to the Minister and approved by him, with or without variations, in respect of the area, whether by way of modification of the Preliminary Statement or otherwise, at the date on which permission to develop is granted under this Order ;

“ The Area ” means the area defined in the Preliminary Statement.

3. The Council may permit the development of estates and building operations to proceed in the area pending the preparation and approval of a Town Planning Scheme, subject to the conditions contained in this Order.

4. A person who desires to apply for permission to proceed with the development of estates and building operations shall apply to the Council for permission in writing and shall furnish to the Council, together with his application and in the form required by them, a plan in duplicate showing the proposed method of development and proposed buildings and such further particulars as the Council may require.

5. The development of estates and building operations shall comply with all such requirements as the Council may reasonably impose and shall be in accordance with such of the proposals for development contained in the Preliminary Statement as are applicable thereto :

Provided that the Council shall not, without the consent of the Minister, permit any development or building operations inconsistent with the provisions of any building bye-laws in force in the area.

6. The Council shall, as soon as may be, inform the applicant in writing that his application for permission to proceed is granted or refused, as the case may be, and, if the application is granted, shall state in writing the terms of any requirements which they may impose.

7. Any person aggrieved by the neglect or refusal of the Council to grant permission, or by any requirements imposed by the Council, may appeal to the Minister, whose decision shall be final and shall have effect as if it were the decision of the Council.

IV.

STATEMENT (ISSUED AUGUST, 1921) RELATIVE TO THE PREPARATION OF SCHEME AND CONSULTATION OF LOCAL INTERESTS.

1. The purpose of Town Planning is, by wise forethought, to make provision for the future so that towns may develop in such a way that the best possible facilities are available for industry, and the most healthy and convenient quarters for residence. The primary object is not the carrying out of works but, by planning, to avoid the necessity for excessive expenditure, and to ensure that, when works have to be undertaken, they shall be done in the most economical and efficient manner, and at the most advantageous time, and that the utmost value shall be obtained for all moneys, whether public or private, spent in development, whenever it takes place. Only by these means can efficiency be promoted, and waste avoided.

2. For this reason, the Minister considers it of the highest importance that both the Local Authorities and his Department should have the full advantage of the consideration of town planning schemes by all parties specially interested, *e.g.*, business men, landowners, persons concerned with transport or housing (including the private builder) and social agencies.

However perfect a plan may be on paper, it will have little chance of being successfully carried out unless it commands general public support. Town planning is pre-eminently a matter which concerns the people themselves. Particular classes of the community will be vitally concerned in the effect of a Scheme on their special interests—owners and occupiers of land and premises, as regards the value and use of land, and the incidence of the cost of road construction; business men, in the proper recognition of the claims of business and industry and their future progress; road users generally, in the provision of adequate traffic facilities; architectural and similar societies, in the preservation and promotion of the amenities of the district.

The considered views of each class should be clearly ascertained, their goodwill secured and their wishes harmonised and satisfied to the fullest extent compatible with the public interest and the production of a sound Scheme.

3. The Town Planning Regulations impose on Local Authorities the duty of advertising their proposals, of issuing notices to individual owners, of giving a hearing to interested parties, and of taking steps by conference or otherwise to secure their agreement and co-operation.

Apart from any proceedings enjoined by the Regulations, however, Local Authorities should themselves arrange local conferences with recognised representatives of any particular interests affected; they should take the initiative and not

wait for others to take the first steps. They will sometimes find it most convenient and expeditious to arrange separate conferences with representatives of separate groups of interests, such as Chambers of Commerce, and similar representative professional and trade organisations of the locality.

These consultations should always be arranged before the Preliminary Statement of the main outlines of development of the area has been settled and formally adopted.

Steps should be taken at the same time to secure the interest and obtain the views of social organisations. The services of the local Press should be enlisted, and there may be advantage in publicly exhibiting the plans. The focussing of public opinion and of the views of the special interests on the proposals will help to prevent the adoption of either too narrow or too idealistic a plan. It has to be remembered that a town plan is pre-eminently a business proposition, and, above all things, has to be practical.

4. The Inspectors of the Department will ascertain at Local Inquiries the extent to which accredited representatives of local interests have been consulted and the extent to which Schemes command their support. Where expedient, the Inspectors will be prepared, in conjunction with the Local Authority, to hold informal conferences for the purpose of considering the effects of a Scheme on interests specially concerned.

PROPOSED ACQUISITIONS OR APPROPRIATIONS OF COMMONS, OPEN SPACES, OR ALLOTMENTS.

5. Where the proposals for development in connection with a town planning scheme involve the acquisition or appropriation of any common, open space, or allotment within the meaning of Section 73 of the Housing, Town Planning, &c. Act, 1909, the Minister considers it desirable that opportunity should be given to interested persons to make representations and objections thereto at the Preliminary Statement stage, and that particulars of the lands to be acquired or appropriated should be included in the deposited Statement with this object, as well as being shown clearly on the Map No. 2, the particulars might be given in the following form in a table appended to the end of the model form of Preliminary Statement :

APPROPRIATION OF COMMONS, OPEN SPACES, AND
ALLOTMENTS TO OTHER PURPOSES.

| Description and locality of Common, Open Space, or Allotments effected. | Exact Acreage of portion proposed to be acquired or appropriated. | Reference to marking on Map No. 2, showing portions proposed to be acquired or appropriated. | Purpose for which lands to be acquired or appropriated. | Particulars (including acreage and situation of lands proposed to be provided in exchange). |
|---|---|--|---|---|
| 1. | 2. | 3. | 4. | 5. |
| | | | | |

If the proposed appropriations cannot be shown with clearness on the Map itself without confusing other notation, they should be shown on tracings from the Map and attached thereto, or in other sufficient manner.

6. It would facilitate consideration of the Preliminary Statement if other proposed appropriations of lands were also shown on Map No. 2, or tracings therefrom, and if the particulars as to appropriations supplied in form T.P. 4 showed whether the lands were subject to any trusts or covenants conflicting with the proposed user of the lands under the Scheme.

ASSISTANCE IN THE PREPARATION OF SCHEMES.

7. The Minister wishes to take this opportunity of intimating his willingness to assist Local Authorities in the preparation of their schemes, so far as he can properly do so without prejudicing his decisions on schemes when submitted for his formal approval. Time and labour may be saved and difficulties avoided if the officers of Local Authorities confer informally with officers of the Department before Preliminary Statements or Draft Schemes (including the Maps) are deposited for inspection.

MINISTRY OF HEALTH,
WHITEHALL, S.W. 1.
August, 1921.

CHAPTER IV.

THE PROCEDURE TO BE FOLLOWED IN THE PREPARATION
OF TOWN PLANNING SCHEMES.

THE following Chapter has been specially prepared for the use of the members and officers of Town Planning Committees and others engaged in the preparation of Town Planning Schemes.

For purposes of clearness the matter has been divided into three Sections, dealing each with a definite stage of procedure. The first part of each Section is of a general character. In the second part of each Section the actual procedure to be followed is set forth point by point.

It will be noted that the three stages set out in the March, 1921, Circular (*vide* Chapter II.) have been followed here.

SECTION I.

RESOLUTION DECIDING TO PREPARE SCHEME (STAGE I.)

Prior to the passing of Sections 43 and 44 of the Act of 1919 Local Authorities were required before actually entering upon the preparation of a town planning scheme to secure the permission of the Central Authority.

The fact that in submitting a case in favour of the granting of this permission the Local Authority had to consider several of the problems which present themselves for solution when the details of a town planning scheme are under discussion, although at the same time permission had not been given to prepare the scheme, made the procedure not only difficult but perplexing. The perplexity felt by a Local Authority was transformed to irritation on the part of the owners of the land which it was proposed to include in the scope of the scheme, when on coming to meetings, conferences and a Public Enquiry called in accordance with notices served upon them, they found that no information of any definite character was available as to the actual proposals of the Local Authority.

For these and other reasons it was recognised on all hands that as and when new town planning legislation was submitted to Parliament, power should be given to a Town Planning Authority within the meaning of the Act of 1909 to enter upon the task of preparing a scheme relative to land under their areas without being required to make application for permission to do so.

Section 42 of the Act of 1919 was accordingly passed with general approval. But in order to make the new section effective it was found necessary to give the Ministry of Health added powers to make Regulations. Only in this way could simplification of procedure be fully secured, and for this as well as many other reasons made apparent in the course of five years administration of town planning legislation, the Government sanctioned a Clause (43) giving the Ministry of Health widely extended powers in regard to the framing of Regulations.

The full text of the Procedure Regulations issued under this Section on March 29th, 1921, will be found in Chapter III.

It will be noted that (except in the case of land outside their area) under Section 42 and the Regulations issued under Section 43 it is now sufficient for a Local Authority to pass a resolution.

NOTES ON DETAILED PROCEDURE.—STAGE I.

(1) The procedure described on pages 213 to 235 of “ The Case for Town Planning ” is now for the greater part obsolete and gives place to the passing of a Resolution.

(2) The following are copies of the model Resolutions deciding to prepare a scheme issued by the Ministry of Health. (It will be noted that Form (1b) relates to the Resolution which must be passed in the case of land outside the area of the Local Authority.)

Form 1a.

RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME.

RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME (ART. 3 (1)).
LANDS WHOLLY WITHIN THE DISTRICT OF THE LOCAL AUTHORITY PREPARING
THE SCHEME.

(Name or Number of Town Planning Scheme.)

RESOLVED that the Council in pursuance of Section 42 of the Housing, Town Planning, &c. Act, 1919, hereby decide to prepare the above Town Planning Scheme with reference to an area situate wholly within the

District of _____ and,

enclosed within the inner edge of a *
border on a map now produced to the Council and marked and certified by §

under his hand dated the _____ as “ Map No. 1.”
Dated this _____ day of _____ 19 .

*Insert colour used on map.
§i.e., The Clerk to the Council or other competent officer.

Clerk to the Council.

Form 1b.

RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME (ART. 3 (1)).
LANDS EXTENDING OUTSIDE THE DISTRICT OF THE LOCAL AUTHORITY PREPARING
THE SCHEME.

(Name or Number of Town Planning Scheme.)

RESOLVED that the Council in pursuance of Section 42 of the Housing, Town Planning, &c. Act, 1919, hereby decide to prepare the above Town Planning Scheme with reference to an area situate partly within the

District of _____ and partly

within the _____ District of _____, and enclosed within the inner edge of a*

border on a map now produced to the Council and marked and certified by §
under his hand dated the _____

*Insert colour used on map.
§i.e., The Clerk to the Council or other competent officer.

as “ Map No. 1,” and the Council hereby direct
that a formal application be made to the Minister of Health to approve this resolution.

Dated this _____ day of _____ 19 .

Clerk to the Council.

(3) Notice of the passing of this Resolution must be given by advertisement. It is not necessary at this stage to serve Notices on the owners of the land to be included in the scheme, and to this extent the procedure described on page 216 of "The Case for Town Planning" is obsolete.

(4) The following model forms of advertisement have been issued by the Ministry of Health:—

Form 2a.

ADVERTISEMENT OF RESOLUTION DECIDING TO PREPARE A TOWN PLANNING
SCHEME (ART. 3 (2)).
LANDS WHOLLY WITHIN THE DISTRICT OF THE LOCAL AUTHORITY PREPARING
THE SCHEME.

(Name or Number of Town Planning Scheme.)

NOTICE is hereby given that the _____ Council
of _____ on _____ 19 _____, passed the
following resolution:—

(Here insert Resolution 1a.)

And notice is hereby further given that the Map No. 1 (or a certified copy
of Map No. 1*) referred to in the above resolution has been deposited at
_____ and will be open to inspection by all persons interested without
payment of any fee between the hours of _____ and _____.

*These words
to be omitted
if not applic-
able.

Any suggestions for the inclusion or exclusion of any lands in or from the
area of the proposed scheme should be sent in writing to the Clerk to the Council
before §
Dated this _____ day of _____ 19 _____.

§The date speci-
fied should be
not less than
21 days from
the date of the
first advertise-
ment.

Clerk to the Council.

Form 2b.

ADVERTISEMENT OF RESOLUTION DECIDING TO PREPARE A TOWN PLANNING
SCHEME (ART. 3 (2)).
LANDS EXTENDING OUTSIDE THE DISTRICT OF THE LOCAL AUTHORITY PREPARING
THE SCHEME.

(Name or Number of Town Planning Scheme.)

NOTICE is hereby given that the _____ Council
on _____ 19 _____, passed the
following Resolution:—

(Here insert Resolution 1b.)

And notice is also given that the said Council intend after the expiration of
three weeks from the date of this advertisement to apply to the Minister of Health
to approve the above resolution.

*These words
to be omitted,
if not applic-
able.

And notice is hereby further given that the Map No. 1 (or a certified copy of
Map No. 1*) referred to in the above resolution has been deposited at
_____ and will be open to inspection by all persons interested without
payment of any fee between the hours of _____ and _____.

§The date speci-
fied should be
not less than
21 days from
the date of the
first advertise-
ment.

Any suggestions for the inclusion or exclusion of any lands in or from the
area of the proposed scheme should be sent in writing to the Clerk to the Council
before §
Dated this _____ day of _____ 19 _____.

Clerk to the Council.

It should carefully be noted that two Forms of Advertisement are given—one to be used in the case of lands wholly within the area of the Local Authority preparing the scheme, and the other to be used in the case of lands outside the area of the Local Authority preparing the scheme.

(4) In accordance with the Procedure Regulations, article 3, Map No. 1 (as described on page 215 of “The Case for Town Planning”) must be prepared and be open for inspection at a specified place or places.

It should be noted that included in the notice by advertisement of the Resolution a statement must be made to the effect that this Map No. 1 (or a copy thereof) will be open for inspection at a specified place or places and that a further intimation must be given to the effect that any suggestions for the inclusion or exclusion of any lands in or from the area of the proposed scheme may be sent in writing to the Local Authority within a specified period, such period to be not less than 21 days from the date of the first advertisement.

(5) A certified copy of the Resolution, of Map No. 1, and of each Advertisement must be sent as soon as may be possible to the Minister of Health.

The Local Authority must forward—in accordance with the First Schedule of the Regulations :—

- (1) Documents required under the Regulations.
- (2) Copies of all suggestions received by the Local Authority.
- (3) Where the resolution extends to land not within the area of the Local Authority passing the resolution, the reasons for the inclusion of land outside the area of the Local Authority.
- (4) Information, in the form required by the Minister, as to the responsible Authority under the scheme ; the acreage and general character and development of the area ; and the inclusion of any land already built upon or not likely to be used for building purposes, or of any Crown Land.

TOWN PLANNING ADMINISTRATION.

The Form referred to in (4) is as follows :—

MINISTRY OF HEALTH (TOWN PLANNING) REGULATIONS, 1921.

RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME.

Particulars to be furnished to the Minister of Health under paragraphs (3) and (4) of the First Schedule to the Regulations.

Name of Local Authority
 Title of Town Planning Scheme.....

| Particulars Required. | Reply. |
|--|--------|
| <p>1. Acreage of area to which the resolution extends :— (a) inside the district of the Local Authority ; (b) outside the district of the Local Authority.</p> <p>2. General description of the area.</p> <p>3. Extent to which area is in course of development or likely to be developed, and nature of development in process or expected, distinguishing, where necessary, between different forms of development in different areas (<i>e.g.</i>, works, working-class or other houses, &c., &c.).</p> <p>4. Reasons for including— (a) land already built upon, or (b) land not likely to be used for building purposes, if any included.</p> <p>5. Where area includes land outside the district of the Local Authority passing the resolution— (a) Reasons for such inclusion. (b) The Local Authority proposed to be made responsible for enforcing the observance of the Scheme and the execution of works under it outside the district.</p> <p>6. (a) Whether any Crown Lands are likely to be affected by the scheme. (b) If so, give particulars of these Crown Lands and any suggestions with regard to their development.</p> | |

Signature.....

Clerk to the Local Authority.

Date.....19 .

(6) A certified copy of the Resolution must be sent to any interested Local Authority and, if they so require, either a copy of Map No. 1 or a Map to the scale of 6 inches to the mile, certified to show accurately the area of the land to which the Resolution applies.

(7) It should be noted that under Section 42, Sub-section 2 (1) the permission of the Ministry of Health is still necessary in the case of land which is beyond the area of the Local Authority, and before the Resolution passed by the Local Authority concerning this land becomes valid the approval of the Minister must be given to it. When the approval of the Minister has thus been given the Local Authority shall give notice that such approval has been given as soon as may be after the date of the approval.

Notice of this approval must be given by advertisement. The Form of Advertisement is as follows :—

Form 3.

ADVERTISEMENT GIVING NOTICE OF APPROVAL BY THE MINISTER OF HEALTH
OF RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME (ART.
3 (5)).

(Name or Number of Town Planning Scheme.)

NOTICE is hereby given that on the _____ day of

19____, the Minister of Health notified his approval with (or without*) modifications
*These words to be omitted if not applicable.

of the Resolution of the

Council of

dated the _____ day of _____ 19____, deciding to
prepare the above Town Planning Scheme with reference to an area situate partly
within the District of _____ and partly within the
District of _____

Dated this _____ day of _____ 19____.

Clerk to the Council.

SECTION II.

PRELIMINARY STATEMENT OF PROPOSALS (STAGE II.)

Prior to the passing of the Town Planning Sections of the Act of 1919 only one stage had to be passed through between the granting by the Central Authority of the necessary permission to prepare a scheme and the consideration of the scheme by the Central Authority after holding a Public Enquiry (*vide* pages 236 *et seq.* "The Case for Town Planning").

But under the new Procedure Regulations this period has been sub-divided. In the first of these the Local Authority is required to prepare and submit to the Ministry a preliminary statement of proposals for development. Only when this stage has been passed through is the final stage of actual preparation to be entered upon.

It is suggested that the Statement issued by the Ministry of Health in April, 1921, should be carefully studied (*vide* Chapter III.). It will also be of practical service if those engaged in the preparation of schemes will study pages 236 to 311 of "The Case for Town Planning" in relation to the following notes.

NOTES ON DETAILED PROCEDURE.—STAGE II.

(1) A period of six months is allowed to the Local Authority between the passing of the Resolution deciding to prepare a town planning scheme, or (where the land is beyond their own area) the securing permission of the Minister of Health to the preparation of the scheme and the preparation of and adoption by Resolution of a preliminary statement of proposals for development.

(2) The particulars to be included in this preliminary statement are thus defined in the Second Schedule of the Procedure Regulations:—

- (1) Area to be included in the town planning scheme (to be defined by the inner edge of a boundary line shown on Map No. 2).
- (2) (a) The principal new streets or roads which it is proposed shall be made as part of the scheme, with their position, and any proposed widenings of any existing streets or roads.
- (b) Building lines or spaces about buildings proposed to be prescribed in relation to the principal new streets or widenings.
- (3) Roads, streets, or ways which it is proposed to stop up or divert.
- (4) Restrictions proposed, and the areas to which the several restrictions are to apply, as regards—
 - (a) character of buildings to be erected (*e.g.*, whether dwelling-houses, public buildings, business premises, factories or workshops for light industries, or factories or workshops for heavy industries, or partly one class of building and partly another);

- (b) density of buildings (that is, number of dwelling-houses to the acre, and proportion of site to be covered by buildings) ;
- (c) height of buildings.

The proposed restrictions and the areas to which they are to apply (as well as open spaces or other areas not to be built upon : *see* next clause) should be shown by distinctive colours or hatchings on Map No. 2.

- (5) Areas proposed to be reserved for open spaces or other areas not to be built upon.

(3) In the preparation of this preliminary statement the Local Authority must take into consideration any representations made in writing by interested persons or by any interested Local Authority.

(4) In the preparation of the Map No. 2 the information given on page 231 of "The Case for Town Planning" should be read in relation to the following footnote to Schedule 2 of the Procedure Regulations :—

The following particulars are also to be shown on Map No. 2 :—

- (a) Existing main roads ;
- (b) Roads repairable by the inhabitants at large ;
- (c) Roads or footways over which the public have a right of way ;
- (d) Land already built upon within the area of the scheme or in the immediate neighbourhood thereof, distinguishing factories ;
- (e) Railways, tramways or light railways constructed or authorised to be constructed within the area of the scheme or in the immediate neighbourhood thereof ;
- (f) Land forming part of any common, open space or allotment within the meaning of Section 73 of the Housing, Town Planning, &c. Act, 1909, within the area of the scheme or in the immediate neighbourhood thereof.

(5) In this stage the issue of notices is still unnecessary. All that a Local Authority needs to do before passing a resolution adopting the preliminary statement is to give notice, by advertisement and by public posters or otherwise to persons interested, of the intention to pass such a resolution.

In this advertisement, and public poster, or other public announcement, there must be included a statement to the effect that a draft of the preliminary statement, together with a Map illustrating the particulars of the draft preliminary statement will be open for inspection at a place or places.

It must be stated that any objections and representations relative to the draft statement may be sent in writing to the Local Authority within a period which shall not be less than 21 days from the date of the formal announcement.

The Local Authority must send to any interested Local Authority a draft of the preliminary statement and, if so required by the interested Local Authority, a Map of that part of the land which is situated in the area of the interested Local Authority.

The following model form of advertisement has been issued by the Ministry of Health :—

Form 4.

ADVERTISEMENT GIVING NOTICE OF INTENTION TO ADOPT PRELIMINARY STATEMENT (ART. 5 (1)).

(Name or Number of Town Planning Scheme.)

NOTICE is hereby given that after the expiration of three weeks from the date of this advertisement the Council of _____ propose to consider a Resolution adopting a Preliminary Statement of proposals for development in connection with the above Town Planning Scheme.

A draft of the Preliminary Statement proposed to be adopted and a Map illustrating the particulars in the draft statement has been deposited at _____ and will be open to inspection by all persons interested without payment of any fee between the hours of _____ and _____.

Any objections or representations with regard to the Draft Statement should be sent in writing to the Clerk to the Council before §

§The date specified should be not less than 21 days from the date of the first advertisement.

Dated this _____ day of _____ 19 .

Clerk to the Council.

(6) The Local Authority is required to take into consideration any objections and representations submitted to them in writing within the period specified. The Local Authority is also required to take such steps as they may think necessary by means of conferences or otherwise to secure as far as may be possible the agreement and co-operation of persons interested.

(7) When the conditions set forth in the preceding notes (1) to (6) have been complied with, the Local Authority will pass a Resolution.

The following is a copy of a model Resolution issued by the Ministry of Health :

Form 5.

RESOLUTION ADOPTING PRELIMINARY STATEMENT AND MAP No. 2 (ART. 4 (1)).

(Name or Number of Town Planning Scheme.)

RESOLVED that in connection with the above Town Planning Scheme the Council adopt the Preliminary Statement of proposals for development and Map No. 2 to which the Statement refers, and direct that the Statement and Map be signed and certified by §

§i.e., The Clerk or other competent officer.

Dated this _____ day of _____ 19 .

Clerk to the Council.

(8) When the Resolution has been passed, certified copies of the following documents must be sent to the Minister of Health :—

- (a) the resolution, the preliminary statement and Map No. 2 ;
- (b) each advertisement or other public announcement ;
- (c) any objections or representations in writing received by the Local Authority which have not been removed or met in the preliminary statement adopted ;
- (d) particulars of the matters specified in the Third Schedule to these Regulations.

(9) The following are the matters (in addition to the documents recorded above) referred to in the Third Schedule :—

Particulars, in the form required by the Minister, respecting lands in the possession of Local Authorities, housing schemes, and ancient monuments in the area.

It is provided that :—

Where the preliminary statement relates to land not within the area of the Local Authority, the Local Authority shall send to the Local Authority of the district in which such land is situate a certified copy of the resolution, of the preliminary statement, and of Map No. 2 so far as it relates to such land.

It is further provided that :—

Where any land to which the resolution deciding to prepare a town planning scheme applied is not included in the land to which the preliminary statement relates, the Local Authority shall notify the fact thereof to the owner of such land.

The following is the prescribed Form issued by the Ministry for submitting these particulars :—

MINISTRY OF HEALTH (TOWN PLANNING) REGULATIONS, 1921.

PRELIMINARY STATEMENT OF PROPOSALS FOR DEVELOPMENT.

Particulars to be furnished to the Minister under paragraph (2) of the Third Schedule to the Regulations.

Name of Local Authority.....

Title of Town Planning Scheme.....

1. Particulars of any land within the area belonging to the Local Authority preparing the town planning scheme, and of the purposes for which, and the powers under which such land was acquired or is held, and of any proposals with regard to its use for any other purposes under the scheme.

| Particulars of Land. | Purposes for which and powers under which acquired. | Proposed uses under scheme. |
|----------------------|---|-----------------------------|
| | | |

2. Similar particulars in regard to land within the area belonging to any other Local Authority.
3. Particulars of any housing scheme in course of execution or to be executed in the area under the Housing Acts, 1890 to 1919.
4. Particulars of any monuments or ancient monuments within the meaning of the Ancient Monuments Consolidation and Amendment Act, 1913, situate within the area, and of the manner in which they would be affected by the scheme.

Signature.....

Clerk to the Local Authority.

Date.....1921.

(10) The procedure in those cases in which either (a) the Minister approves the preliminary statement, or (b) disapproves of it, is thus set forth in the Regulations :—

The Minister shall thereupon take the preliminary statement into consideration and shall notify the Local Authority that he approves or disapproves it, as the case may be, or that he approves it with

modifications, provided that any such approval shall be without prejudice to any provisions of the town planning scheme to be submitted by the Local Authority to the Minister as hereinafter mentioned or to the approval or disapproval by the Minister of that scheme.

Where the Minister notifies the Local Authority that he disapproves the preliminary statement, the Local Authority shall, within three months from the date of such notification, prepare and adopt by resolution another preliminary statement, and the provisions of this and the two preceding Articles shall, with the necessary modifications, apply to such further statement.

(11) When the Local Authority have received a notification from the Minister approving the preliminary statement with or without modification the Local Authority shall give notice thereof by advertisement, and shall include in the notice a statement that a print of the preliminary statement and Map No. 2, as approved by the Minister, will be open for inspection at a specified place or places, and that the Local Authority propose to proceed forthwith with the preparation of the town planning scheme for submission in due course to the Minister.

The following is the Form of Notice issued by the Ministry of Health :—

Form 6.

ADVERTISEMENT GIVING NOTICE OF APPROVAL OF PRELIMINARY STATEMENT
BY THE MINISTER OF HEALTH (ART. 8).

(Name or Number of Town Planning Scheme.)

These words to be omitted if not applicable. NOTICE is hereby given that on the _____ day of _____ 19____, the Minister of Health notified his approval with (or without) modifications of the Preliminary Statement of proposals for development in connection with the above Town Planning Scheme adopted by resolution of the Council on the _____ day of _____ 19____.

And Notice is hereby further given that the Minister has issued an Order under Section 45 of the Housing, Town Planning, &c. Act, 1919, authorising the Council to permit the development of estates and building operations to proceed in the area pending the preparation and approval of the Town Planning Scheme.)§

§Words in brackets to be inserted when a Sec. 45 Order is issued to a Local Authority on approval of a Preliminary Statement. A print of the Preliminary Statement and Map No. 2 referred to therein as approved by the Minister (and of his Order §) has been deposited at _____ and will be open to inspection by all persons interested without payment of any fee between the hours of _____ and _____ .
The Council now propose to proceed forthwith with the preparation of the substantive Town Planning Scheme for submission in due course to the Minister of Health.

Dated this _____ day of _____ 19____ .

Clerk to the Council.

SECTION III.

THE PREPARATION AND APPROVAL OF SCHEME (STAGE III.)

It is anticipated that within a few months the Ministry of Health will issue a set of Model Town Planning Clauses. When these are published they will, without delay, be issued with notes in the form of a further supplement to "The Case for Town Planning." But until they are published those engaged in the preparation of town planning schemes cannot do better than study the descriptive particulars and careful analysis of the Ruislip-Northwood Town Planning Scheme contained in "The Case for Town Planning" by Messrs. F. M. Elgood and E. R. Abbott (*vide* pages 529 to 538) and the useful footnotes added to the actual text of the scheme (pages 539 to 612).

It has been stated earlier in this chapter that as a result of the amendment of procedure rendered possible by the passing of Clause 43 of the Act of 1919 the task of officers of Local Authorities and others engaged in the preparation of town planning schemes has been greatly simplified.

But it is essential that a clear distinction should be made between questions relative to simplicity of procedure and questions relative to the exercise of wisdom and good judgment in the actual preparation of schemes.

It has been wisely said that the greatest measure of skill, knowledge and good judgment which those entrusted with the preparation of a town planning scheme can bring will be found only just good enough to perform their task. This applies equally to the preparation of town planning schemes under the new procedure. For this reason, if for no other, it may be suggested that the points raised in Part II. of "The Case for Town Planning," and more especially pages 236 to 283, should be studied with great care.

With regard to the Public Enquiry which must be held in this stage it will be noted (*vide* pages 232 and 319 of "The Case for Town Planning") that under the old procedure Regulations two enquiries had to be held. The first of these related to the application for permission to prepare a scheme, and the second related to the scheme as finally approved by the Local Authority and submitted to the Minister. The first of these enquiries is now dispensed with, but the second has still to be held and is the only Public Enquiry now required to be held.

This Enquiry is, if anything, of even greater importance than the enquiry held under the old Procedure Regulations, and it is suggested, therefore, that the matter on pages 319 *et seq.* of "The Case for Town Planning" should be carefully studied

by those responsible for the preparation of the case for the scheme to the Inspector presiding over the Public Enquiry.

Concerning the final stages of a town planning scheme it has been explained in "The Case for Town Planning" that a town planning scheme when it has passed through all its stages has all the force of an Act of Parliament. This is just as true of a town planning scheme prepared under the new procedure Regulations as under the old, despite the fact that it is no longer necessary to lay the scheme on the Table of the House of Commons.

The effect of Section 44 of the Act of 1919 is to empower the Minister of Health to give legislative effect to a town planning scheme by the issue of an order.

NOTES ON DETAILED PROCEDURE.—STAGE III.

(1) Twelve months is the period of time allowed to a Local Authority under the Regulations to perform the task of preparing the actual Draft of a Town Planning Scheme (*i.e.*, the time between the receipt of approval given by the Ministry of Health to the preliminary statement and the passing by a Local Authority of the Resolution adopting a Draft Town Planning Scheme).

(2) The Draft Scheme shall refer to a Map (No. 3). The following are the matters prescribed in the Fourth Schedule of the Regulations as required to be shown in this Map No. 3:—

- (1) The area included in the draft scheme (to be defined by the inner edge of a boundary line shown on the map).
- (2) (a) New streets, and widenings of any existing streets or roads, proposed to be made as part of the scheme.
(b) Building lines or spaces about buildings proposed to be prescribed.
- (3) Particulars required under paragraphs (3), (4) and (5) of the Second Schedule. As regards areas not to be built upon, the purposes for which they are to be reserved should be indicated.

The work which must be done in preparing this map and in fulfilling the requirements of the Fifth Schedule is, as stated at the opening of this Section, of vital importance. On the skill, judgment and care taken in the fulfilment of the task must depend the value of the scheme. All the references made to the need for the exercise of great care in the preparation of town planning schemes apply with full force in this stage and, even at risk of over-emphasis, it will be of service to again make clear the fact that the responsibility of those engaged in the preparation of town planning schemes for the exercise of all the skill that they can command is not in any way diminished by the welcome changes in procedure. The scope and character of a town planning scheme has not been altered by the changes in the law, and this being so it would be unwise in the extreme to adopt the view that under the new Regulations there is less need for the exercise of skill and good judgment than under the old Regulations.

(3) When the scheme has been prepared a resolution adopting it shall be passed by the Local Authorities.

The following text of a Model Resolution has been issued by the Ministry of Health :—

Form 7.

RESOLUTION ADOPTING DRAFT OF A TOWN PLANNING SCHEME (ART. 9 (1)).

(Name or Number of Town Planning Scheme.)

RESOLVED that the Council adopt the draft of the above Town Planning Scheme and the Map marked " Map No. 3 " to which the draft scheme refers, and direct that the draft scheme and map be signed and certified by*

*i.e., The Clerk to the Council or other competent officer.

Dated this day of 19 .

Clerk to the Council.

(4) When this Resolution has been passed a notice to this effect shall be given by advertisement. In the notice there must be included a statement that a print of the draft scheme and Map No. 3, or a certified copy thereof, will be open for inspection at a specified place or places, and that any interested Local Authority or other person desiring to object or make representations with respect to the draft scheme or any part thereof may send the representations or objections in writing to the Local Authority within a specified period, not being less than four weeks from the date of the first advertisement.

The following is the Form of Notice issued by the Ministry of Health :—

Form 8.

ADVERTISEMENT GIVING NOTICE OF RESOLUTION ADOPTING DRAFT TOWN PLANNING SCHEME (ART. 10 (1)).

(Name or Number of Town Planning Scheme.)

NOTICE is hereby given that the Council
on the day of 19 , passed the following
resolution :—

(Here insert Resolution 7.)

*These words to be omitted if not applicable.

A print of the Draft Scheme and Map No. 3 (or a certified copy of Map No. 3*) to which the scheme refers has been deposited at

and will be open to inspection by all persons interested without payment of any fee, between the hours of and .

§The date specified should be not less than four weeks from the date of the first advertisement.

Any objections or representations with regard to the draft scheme or any part thereof should be sent in writing to the Clerk to the Council before§

Dated this day of 19 .

Clerk to the Council.

(5) When the Draft Scheme has been prepared and the advertisement referred to in (4) has appeared, the Local Authority shall serve a notice in the same terms as the advertisement on the "prescribed persons." The term "prescribed person" is thus defined :—

"Prescribed person" means :—

- (a) any owner of land included or proposed to be included in a town planning scheme ;
- (b) any interested Local Authority ;
- (c) the Minister of Agriculture and Fisheries, where a town planning scheme provides for the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment ;
- (d) The Commissioners of Works, where a town planning scheme includes any land situate within the prescribed distance from any of the royal palaces or parks ;
- (e) the Minister of Transport, where a town planning scheme provides for the inclusion of any land on which any railways, tramways or light railways are constructed or are authorised to be constructed.

With regard to (a) it should be noted that the term owner is thus further defined in the Regulations :—

"Owners" has the same meaning as in the Lands Clauses Acts, but does not include persons holding or entitled to the rents and profits of land or premises under any lease or agreement the unexpired portion whereof is less than three years.

It will be noted with great interest, and with special relief, by the officers of Local Authorities, that notices need not be served on leaseholders whose lease or agreement is for a period of less than three years.

With regard to the procedure to be followed in the serving of notices, the following provisions are embodied in the Regulations :—

A notice required to be served in pursuance of these Regulations shall be served :—

- (a) by delivery of the same personally to the person required to be served, or, if such person is absent abroad or cannot be found, to his agent ; or
- (b) by leaving the same at the usual or last known place of abode of such person as aforesaid ; or
- (c) by post addressed to the usual or last known place of abode of such person ; or
- (d) in the case of a notice required to be served on a Local Authority or corporate body or company, by delivering the same to the clerk or secretary or leaving the same at his office with some person employed there, or by post addressed to such clerk or secretary at his office :

Provided that if the owner of any land is not known to and after reasonable inquiry cannot be found by the Local Authority, then the notice may be served by leaving it, addressed to the owner, with some occupier of the land, or, if there be not an occupier, then by causing it to be put up on some part of the land or in some conspicuous place in the immediate neighbourhood thereof :

Provided also that an accidental omission to serve a notice required under these Regulations shall not render any proceedings thereunder invalid.

It should further be noted that any interested Local Authority is included in the list of prescribed persons.

The Form of Notice (No. 9) to be served on prescribed persons (Article 10 (2)) is to be in the same terms as the advertisement in Form 8 (*vide* preceding page).

(6) With regard to the consideration of all objections and representations submitted to them in writing it is required that the Local Authority shall in the period specified give full opportunity to any interested Local Authority and to persons making such objections or representations, including persons representing architectural or archæological societies or otherwise interested in the amenities of the scheme, to be heard in such manner as the circumstances and the justice of the case may require.

(7) Within a period of six months from the passing of the Resolution adopting the draft town planning scheme the Local Authority shall pass a resolution finally approving the scheme (with or without modifications) and the Map to which the scheme as finally approved by the Local Authority refers. This Map shall be called Map No. 4. The scheme as thus finally approved by the Local Authority and the Map (No. 4) to which it refers shall then be sealed with the seal of the Local Authority and be submitted to the Minister of Health for his approval.

The following is a copy of the Model Resolution issued by the Ministry of Health :—

Form 10.

RESOLUTION FINALLY APPROVING TOWN PLANNING SCHEME (ART. 12 (1)).

(Name or Number of Town Planning Scheme.)

RESOLVED that the Council finally approve the above Town Planning Scheme and the Map marked " Map No. 4 " to which the Scheme refers, which scheme and map have been signed by * and dated the

*i.e., The Clerk to the Council, or other competent officer.

day of 19 , and order that the said Scheme and Map be sealed with the seal of the Council and submitted to the Minister of Health for his approval.

Dated this

day of

19 .

Clerk to the Council.

(8) If the Map No. 4 as thus sealed is identical with Map No. 3 the Local Authority may with the consent of the Minister mark No. 3 Map as No. 4 and seal it for submission when the scheme is finally approved.

(9) As soon as may be after the scheme has been approved and sealed, the Local Authority shall submit it to the Minister of Health together with the following documents and particulars prescribed in Schedule 5 of the Procedure Regulations :

- (1) Documents required under Article 12 (2) of these Regulations.
- (2) Six prints of the scheme and a certified copy of the resolution directing that the scheme be submitted to the Minister for approval.
- (3) A map on a scale of not less than 25 inches to the mile (to be marked and known as " Map No. 5 ") showing the area of the land included in the scheme so divided as to indicate as nearly as may be the portions of the land belonging to different owners, and showing as regards each parcel of land by reference to a list of owners the name of the owner thereof.
- (4) A list of all local Acts, provisional orders, bye-laws or regulations in force in the area of any Local Authority any part of whose district is included in the scheme, and copies of those which contain any provisions affecting the scheme, with references thereto.
- (5) Particulars, in the form required by the Minister, of proposed acquisition of land by Local Authorities under the scheme ; of works to be executed ; of proposed appropriations of commons, open spaces, or allotments ; of any enactments or other provisions which it is proposed to suspend, with the reasons for the proposal ; of the estimated cost of carrying out the scheme ; and of the acreage, population, rateable value, etc., of the districts concerned.

The documents referred to in (1) are defined to be

- (a) the sealed copy of the scheme and of the Map ;
- (b) the documents referred to in (2), (3) and (4) above ; and
- (c) copies of all objections and representations in writing received by them which have not been removed or met in the scheme.

(10) It is further provided that a print of the scheme shall be sent by the Local Authority to every interested Local Authority.

(11) Having followed out the procedure described in the preceding notes, the Local Authority shall give notice by means of an advertisement that they have submitted a scheme to the Minister for his approval. Included in the notice thus

given by advertisement there will be a statement that a print of the scheme submitted and Map No. 4, or a certified copy thereof, will be open for inspection at a specified place or places, and that any objections or representations relating thereto shall be sent in writing to the Minister within a period of not less than twenty-one days from the date of the first advertisement.

A certified copy of each advertisement shall, as soon as may be, be sent to the Minister.

The following is the Form of Advertisement issued by the Ministry of Health :—

Form 11.

ADVERTISEMENT GIVING NOTICE OF RESOLUTION FINALLY APPROVING TOWN
PLANNING SCHEME AND OF SUBMISSION OF SCHEME TO MINISTER OF HEALTH
FOR HIS APPROVAL (ART. 13 (1)).

(Name or Number of Town Planning Scheme.)

NOTICE is hereby given that the _____ Council on
the _____ day of _____ 19 _____, passed the following
resolution :—

(Here insert Resolution 10.)

A print of the Scheme submitted to the Minister of Health for his approval
These words and of Map No. 4 (or a certified copy of Map No. 4) to which the scheme refers
to be omitted if not applicable. has been deposited at _____ and will be open to
inspection by all persons interested without payment of any fee, between the hours
of _____ and _____.

Any objections or representations with regard to the Scheme or any part thereof
should be sent in writing to the Secretary, Ministry of Health, Whitehall, London,
S.W. 1, before§

§The date specified should be not less than 21 days from the date of the first advertisement.

Dated this _____ day of _____ 19 _____.

Clerk to the Council.

(12) It is required that the Minister of Health before taking the scheme into consideration shall cause a Public Enquiry to be held at which any Local Authority or persons interested in or affected by the scheme may be heard, and shall cause a report of such Enquiry to be made to him.

(13) The method of calling the Public Enquiry is not prescribed in the Regulations.

(14) The procedure at the Enquiry itself is not defined in the Regulations. A useful idea as to the procedure actually adopted can be gathered by the matter recorded on pages 320 to 327 of "The Case for Town Planning."

(15) After duly considering the scheme and the report of the Enquiry the Minister is required to notify the Local Authority of his intention to approve or disapprove the scheme, as the case may be, or to approve it with modifications.

(16) If the Minister notifies the Local Authority that he disapproves the scheme then the Local Authority shall within six months from the date of its disapproval prepare another scheme.

(17) If after duly considering the scheme and the report thereon the Minister approves the scheme then the Local Authority shall on receipt of a notification from the Minister approving a scheme with or without modifications, forthwith give notice thereof by advertisement and shall include in the notice a statement that a print of the scheme in the form in which the Minister has notified his intention to approve it may be inspected at a specified place or places.

The following is a copy of the Form of Advertisement issued by the Ministry of Health :—

Form 12.

ADVERTISEMENT GIVING NOTICE OF INTENTION OF THE MINISTER OF HEALTH TO APPROVE TOWN PLANNING SCHEME (ART. 15 (1)).

(Name or Number of Town Planning Scheme.)

NOTICE is hereby given that on the _____ day of _____ 19____, the Minister of Health notified the _____ Council of his intention to approve with (or without*) modifications the above Town Planning Scheme adopted by the Council on the _____ day of _____ 19____.

*These words to be omitted if not applicable.

A print of the Scheme in the form in which the Minister has notified his intention to approve it has been deposited at _____ and will be open to inspection by all persons interested without payment of any fee, between the hours of _____ and _____.

Dated this _____ day of _____ 19____.

Clerk to the Council.

(18) The Local Authority shall in addition to the publication by advertisement as aforesaid serve a notice upon the owners of the land included in the scheme and upon any interested Local Authority to the like effect, but including also a statement that any owner or interested Local Authority desiring to object to the approval of the scheme by the Minister may within twenty-one days from the date of the service of the notice send any objections or representations in writing with the grounds thereof to the Minister.

The Local Authority shall send to the Minister certified copies of the said notice and of each advertisement.

The following is the Form of Notice to Prescribed Persons issued by the Ministry of Health :—

Form 15.

NOTICE TO PRESCRIBED PERSONS ENCLOSING COPY OF THE ORDER OF THE MINISTER OF HEALTH APPROVING TOWN PLANNING SCHEME (ART. 16 (2)).

(Name or Number of Town Planning Scheme.)

NOTICE is hereby given that by an Order dated the _____ day of _____ 19 _____, the Minister of Health finally approved with

*These words to be omitted (or without *) modifications the above Town Planning Scheme, and a copy of the Order is enclosed herewith.
if not applicable.

A copy of the Map referred to in the Order may be inspected at _____ without payment of any fee, between the hours of _____ and _____.

Dated this _____ day of _____ 19 _____.

Clerk to the Council.

CHAPTER V.

- (1) THE ADMINISTRATION OF THE COMPULSORY SECTIONS
(41 AND 42) OF THE ACT OF 1919.
- (2) THE DEVELOPMENT OF THE REGIONAL PLANNING
MOVEMENT.
- (3) THE SOUTH WALES REGIONAL SURVEY.

These three points are grouped together for consideration because the subject matter to which they relate forms part of one general town planning problem.

Concerning Section (41) it is interesting to note that in the majority of cases the areas coming within the scope of this section are so closely, and even organically, related to other intermingled smaller areas as to render it essential that the actual town planning schemes adopted should be in effect parts of greater regional schemes.

No better illustration of this can be given than the Greater London area. Outside the central core of London, which is under the town planning care of the London County Council, there are quite a hundred Local Authorities possessing town planning powers.

Many of these have populations greatly exceeding 20,000. But there are also a number of small Local Authorities (including several Rural District Councils) controlling large areas of unbuilt-on land, the proper planning of which is of vital importance to the well-ordered growth of Greater London as a whole.

It will indeed not be too much to say that if these smaller areas are left unplanned the result will be that the capital city of the British Empire will be provided with a town planning scheme resembling a jig-saw puzzle with several of the pieces missing.

What is true of Greater London is true in a lesser degree of many other districts. South Lancashire to-day is a congeries of towns and industrial villages melting almost imperceptibly one into the other. Quite obviously the plans for all these areas must be carefully harmonised. The South Wales and Monmouthshire Coal Valleys present one great regional planning problem.

Many other examples could be given. There are obviously regional planning problems to be solved in such districts as those of Tyneside, the textile towns of the West Riding of Yorkshire, the Doncaster coal mining area, the Western Midland towns and industrial villages with Birmingham and Wolverhampton as focal points, the Potteries, &c., &c.

It is highly desirable that in these areas all the Local Authorities, small and large, should prepare town planning schemes and enter freely into negotiations with each other in order to secure that their activities may be co-ordinated to produce the maximum of public service.

The best results will follow from willing action on the part of the smaller Local Authorities.

It may be that for some time to come progress in regional town planning action will be slow in consequence of the existence of a sub-current of feeling on the part of many of the smaller Local Authorities that their larger and more powerful neighbours may possess and exercise undue influence. But the leading members of these Local Authorities will make a great tactical blunder if, as a result of this feeling, they fail to come in at the earlier stages and take part in the movement for regional planning.

In this relation it should be clearly recognised by all smaller Local Authorities that a refusal to enter upon the task of preparing a town planning scheme does not necessarily mean that town planning powers will not be exercised over their areas.

Under the Act of 1909 (*vide* "The Case for Town Planning," page 190), any Local Authority may with the permission of the Ministry of Health, prepare a town planning scheme to embrace in its scope land in the area of an adjoining Local Authority. But quite apart from this possible exercise of power by another Local Authority it should be made clear that it is only a matter of time, in any area which is ripe for regional town planning treatment, before the Minister of Health will be bound to exercise the power (possessed by him under Section 42 of the Act of 1919) to call a Local Authority, either urban or rural, to prepare a town planning scheme.

Concerning the general desirability of securing the maximum of co-operation between all the Local Authorities in a regional area there can be only one opinion. Communities are more interdependent than ever they were in the past. Two hundred years ago villages three miles apart had a separate and individual life. But the railway train, the horse omnibus, the tramway, and more recently the motor bus, have almost annihilated distance, and traffic and other links between communities have swept away most of the more insular and local prejudices.

Mention has been made of the influence exercised by tramways and motor vehicles. Mr. W. H. Gaunt, a leading authority on transport problems, is of opinion that already for distances under 20 miles it is cheaper to have goods conveyed by road than rail, and as yet we are only on the threshold of developments of this kind.

(2) THE DEVELOPMENT OF THE REGIONAL PLANNING MOVEMENT.

Reference has been made earlier in this Chapter to the problems which present themselves for solution in various populous areas throughout the country, including more especially those of South London, South Wales, Lancashire and Yorkshire.

The Ministry of Health has been commendably active in dealing with this problem during the past three years, and it is understood that when the report of the Ministry of Health for the past year (1921-22) is published a record of an interesting kind will be given of Regional Committees set up under the auspices of the Ministry of Health.

In Greater London the need for regional action concerning arterial roads emerged before the war.

1910 In 1915 the Prime Minister—Mr. Asquith—and the President of the Local Government Board—Mr. John Burns—received in Committee Room No. 13 of the House of Commons two Deputations which came jointly to plead for action concerning the construction of arterial roads in Greater London.

One section of the Joint Deputation—headed by Sir Aston Webb—pleaded for the setting up of a small body of technical experts to prepare arterial road projects. The second section of the Deputation—headed by the late Alderman Thompson, and organised by the National Housing and Town Planning Council—urged that a Conference of Local Authorities should be set up to accomplish the same purpose.

The second suggestion was adopted, and accordingly a Conference of Local Authorities, with Mr. Thomas Adams as the first Secretary, entered upon its labours.

As a result of the labours of the Six Sectional Conferences, into which the larger Conference was divided, a valuable series of proposals was submitted to the Government in 1917. Since the close of the war these have proved of immense service to the Government and Local Authorities in providing the basis on which schemes for the employment of unemployed labour can be carried into effect with a maximum of public service.

It is true that these arterial road schemes will not be given their full value until the final step of town planning has been taken. But even if nothing more

has been accomplished than the building up of the skeleton of a great arterial road system, those who took part in the Deputations of 1913 can look back with pride to the results of their labours.

References to the question of regional Town Planning will not be adequate without some allusion to the advocacy by Captain R. L. Reiss, Mr. C. B. Purdom and Mr. W. McC. Eagar (of the Garden Cities and Town Planning Association) of the establishment of Garden Cities to serve the purpose of Satellite Towns.

The successful establishment of Letchworth and the bright prospects of Welwyn Garden City, together render it essential that this aspect of town growth should be fully and sympathetically discussed. The general issue is clearly stated in "Town Theory and Practices" (5/- net, published by the Garden Cities and Town Planning Association).

(3) THE SOUTH WALES REGIONAL SURVEY.

The most important contribution ever made to the study of Regional Planning is to be found in the admirable report of the Committee set up by the Ministry of Health to study the regional problems of South Wales. This Report is indeed so carefully prepared and so clearly thought out as to justify the reproduction here of the following valuable Summary of the Report submitted by Mr. Edgar L. Chappell, at a meeting of the Town Planning Institute on March 4th, 1921.

(1) FUTURE INDUSTRIAL DEVELOPMENT.

The first task of the Committee, after studying the physical conditions of the region, was to investigate its mineral resources and to obtain information as to the prospects of their development in order to ascertain in what directions a growth of population was to be anticipated which might give rise to a demand for housing accommodation. In this quest they were greatly assisted by witnesses representing the chief colliery companies. The various industrial, technical, economical and social factors which are likely to hasten the development of the industry both in the direction of increasing the production of existing collieries and of opening up new or abandoned collieries were then carefully reviewed. The following is a summary of the principal conclusions in regard to this branch of the survey :—

- (a) With the exception of comparatively small areas, all the coal measures have been appropriated and are in course of exploitation, and the number of probable new collieries is comparatively small.
- (b) During recent years attention has been directed towards the exploitation of the coal resources of the south syncline or basin and the south crop. A number of new collieries have been sunk in this area, several are in process of being sunk, and others are projected. The greatest increase of population in the region during coming years, therefore, is to be anticipated in this district, particularly between Llantrisant and Port Talbot.

- (c) In the older mining districts, particularly those adjacent to the northern outcrops, mining development has reached its zenith, and a number of collieries are approaching the point of exhaustion. In the Rhondda, Aberdare, and Merthyr districts, all the measures have long since been taken, and most of the collieries have attained, or are likely soon to attain, their maximum output, and little new development is to be anticipated.
- (d) In the Anthracite district in the west of the coalfield, the only anthracite producing area in the country, a considerable amount of coal still remains untaken, but owing to its peculiar nature, the faulty character of the measures, costliness of working, and other factors, rapid development is not anticipated.
- (e) The extent and rapidity of development and the demand for labour will be further influenced by the following, amongst other factors:—
 - (i.) The rising price of coal during recent years has rendered it remunerative to work thin seams formerly regarded as worthless, and their working has been facilitated by the perfection of mechanical aids.
 - (ii.) The practice of mixing coals of different grades of quality for the purpose of producing a coal of good average standard has been highly developed recently, with the result that coals of quite inferior quality which it did not pay to work in former days can now be mined with profit.
 - (iii.) The growth of industrial combines is very marked, and the whole of the coal resources of the coalfield are being concentrated in the hands of a few large and powerful companies or groups of companies possessing enormous reserves of capital and great enterprise, and it is assumed that the operations of such powerful concerns may lead to the more rapid development of the collieries under their control.
 - (iv.) The legislative restriction of working hours has resulted in outputs far below those for which the colliery plants were designed, and it is believed that the colliery companies will endeavour to get back to their old output standards by increasing the number of their employees. The Committee are of opinion that to attain pre-War outputs from collieries at least ten per cent. more men will be required.

The Committee were unable to arrive at any estimate of the possible growth of population that would arise from the operation of the factors mentioned, but it was evident from an examination of the conditions that an enormous number of men would be required during the next twenty or thirty years at the various collieries, the greatest increase of population being anticipated in the southern portions of the coalfield. In the coastal towns, also, growth of population is expected owing to the progressive expansion of metallurgical industries, particularly steel and tinplate, mainly in the Swansea district, and of shipping, ship-repairing, and engineering industries at the seaports.

(2) HOUSING OF THE FUTURE POPULATION.

Having thus ascertained the prospects and areas of future industrial development, the Committee next directed their attention to locating the centres at which the future population could most advantageously be housed. The mining villages are mostly in the vicinity of the collieries, and are badly planned, the houses being built in long dreary streets with little or no regard to health, convenience or amenity. The air is polluted by coal dust and smoke from the adjoining collieries, the rivers fouled with colliery refuse, and the surroundings generally are

deplorable in their ugliness. The population is also congested to a large extent. The Committee took the view that it was undesirable to house people in the valleys on grounds of health and amenity, apart from geographical and economic considerations, and that an effort should be made to select if possible more desirable sites for future housing operations.

They first turned their attention to the hill-tops, but soon realised the impracticability of such areas for the following amongst other reasons: They were above the level of existing water supplies, not easily accessible, and expensive for building. Furthermore, such sites were considered too bleak and exposed for men who are accustomed to work in a hot atmosphere below ground. They next considered the possibility of providing all the future housing accommodation outside the valleys and off the coal measures in the Coastal Plain. Such a solution, if practicable, would be an ideal one, as admirable sites amidst pleasant surroundings are there available on which new towns and villages could with advantage be established. The Committee would have been glad to recommend this course being taken in all cases, but they realised that there were serious practical difficulties in the way of this solution. First, the distance of such sites from some of the collieries would be too great. In the Committee's view the travelling distance should not exceed from ten to twelve miles with a maximum time limit of about thirty-five minutes for the single journey. Secondly, passenger travelling facilities in the valleys are very unsatisfactory and there are serious difficulties in the way of improvement. Many of the valley railways consist of single lines only and are already congested with mineral traffic. It would therefore be difficult, if not impossible, to run workmen's trains to complete long distance journeys within a reasonable limit of time. In view of these and similar conditions the Committee were forced to abandon the proposal that *all* the future housing accommodation should be provided off the coal measures, and they decided on a compromise, viz., that where practicable building should take place outside the coalfield proper, and that in addition houses should be erected at suitable centres in the valleys.

The selection of the latter sites was a matter of some difficulty. The Committee ruled out small sites in narrow valleys, and sites in areas where the liability to subsidence was likely to be abnormal. With the knowledge now available in regard to the nature of the coal measures and of the extent of working in different localities, it is possible to define unsafe areas with a fair degree of accuracy. It has already been pointed out that the amount of land suitable for building in the valleys is very limited. In certain localities, however, where hills are low or are traversed by passes or at the junctions of two or more valleys, or at points where valleys open out, there are certain areas of suitable land, and it often happens that the coal measures beneath such areas lie so low or the intervening strata are so strong that very little danger from subsidence is to be anticipated. Not infrequently also such areas are at the junctions of railways serving different valleys, so that a large population can conveniently be grouped at such centres. The Committee carefully considered the available areas both inside and outside the valleys, and ultimately decided to recommend that the future housing of miners under State-aided schemes should be concentrated as far as possible at fifteen carefully selected centres which are accessible without much difficulty from the principal collieries. A list of these centres is given in the Report.

The arguments for the concentration of building activities at the centres selected are given at some length in the Report. It is claimed that grouped housing schemes at the centres suggested will be less expensive in regard to land, development and building, that the building operations can be better organised so conducing to speed of erection, that the organisation of transport between the housing centres and the areas served by them will be comparatively easy, and that the schemes themselves will be generally superior to schemes carried out on a number of scattered sites in the valleys. The Committee are, of course, fully aware that opposition to such grouped schemes will be offered by colliery owners, local shopkeepers, and even by some of the workmen

living in existing villages. They anticipate also that objections will be raised by the Local Authorities concerned on financial grounds. Public bodies will naturally object to contributing to the cost of schemes, intended to serve industries situated within their own areas, where these are provided outside their boundaries, and Local Authorities in whose areas the schemes are carried out will certainly look to the districts whose needs they serve for indemnification against loss. The Committee gave full consideration to the various objections, but concluded that the advantages to be gained by grouping housing schemes at suitable centres outweighed the disadvantages. They suggest that the financial difficulty should be overcome either by re-adjusting Local Authority boundaries or by requiring the Local Authorities concerned to contribute to the cost of grouped housing schemes in proportion to their percentages of the total need.

(3) DORMITORY TOWNS.

The grouped housing schemes would be carried out by the Local Authorities whose areas are served by them. In the case of two of the centres suggested, however, Bridgend and Llantrisant, the Committee suggest that experiments should be carried out directly by the Government in the provision of dormitory towns. The Committee's conception of a dormitory town is that it should be almost entirely residential in character and that its size and population should be limited by a permanent agricultural belt within its own boundaries. Bridgend is an old market town with a population of approximately eight thousand situated on agricultural land off the coal measures, within a few miles of the rapidly developing collieries of the Mid-Glamorgan Valleys and the south crop. It contains no industries of note and its development in past years has been comparatively slow. The Committee suggest that Bridgend should be re-modelled and expanded into a town of about four times its present size. In the case of the suggested scheme near Llantrisant, the establishment of an entirely new town is suggested containing a population of approximately thirty thousand. There are various industries—coal and iron mines, tinsplate works, breweries, &c.—in the locality, so that a mixed population would be attracted. The level land in the vicinity of both towns is plentiful and there is no liability to subsidence. In order to ensure the success of the dormitory towns, the Committee suggest that schemes already approved in the neighbourhood of the areas to be served by these towns should be curtailed and the balance of the houses erected at the dormitory town centres. It is an essential of the Committee's scheme that a considerable improvement of transport facilities should be brought about. The towns should be developed not merely as housing schemes, but ample provision should be made for shopping, educational, recreational and other essential facilities.

The Committee would have preferred that the suggested dormitory schemes should be planned and carried out by public utility societies set up by colliery and other proprietors. They felt, however, that such bodies could not at the present time provide the necessary finance, and they therefore recommended that the establishment of these towns should be undertaken directly by the Government. In this connection it is interesting to note that at Bridgend action has already been taken by the Office of Works for the erection of five hundred houses.

(4) ENGINEERING SERVICES.

South Wales is a particularly interesting region from the municipal engineer's point of view, and in selecting the areas for grouped housing action the Committee paid special regard to existing or possible engineering services. Detailed information in regard to existing and contemplated services was compiled by one of its members, the late Mr. D. M. Jenkins, and a good deal of evidence was heard from some of the leading experts on such services in the region. Unfortunately most of the matter compiled by the Committee has been excluded from the report.

(a) SEWERAGE.

Almost every possible system of sewage disposal may be observed in the region, from the primitive cesspool system to the highly organised and elaborate system of trunk sewers with sea outfalls. The populous centres are nearly all situated in steep-sided valleys with fast-flowing rivers traversing them. Owing to the mountainous character of the districts the rainfall is heavy and the problem of removing storm-water complicates the sewerage arrangements. There is, however, an ample fall from the valley to the sea. The valley, therefore, is a natural unit for drainage purposes and lends itself to large trunk sewer schemes discharging into the sea at certain states of the tide. Several of the valleys are already served by trunk sewers, and others are in course of construction or are contemplated. One reason for the selection by the Committee of large housing sites off the coalfields or near the southern ends of valleys is that the cost of trunk sewerage schemes would be less than if sites far up the valleys had been selected. The Committee recommend the Ministry of Health to encourage large-scale joint sewerage schemes with sea outfalls for the different valleys in preference to local systems of disposal.

(b) WATER SUPPLY.

The rainfall in South Wales is very high and sufficient supplies fall in each district, provided it could be stored, to supply the bulk of the local needs. Several valleys are already served by such local reservoirs. This system, however, is costly and unsatisfactory, and congested districts in dry seasons frequently suffer from a water famine. Owing to the great and increasing liability of reservoirs to damage from subsidence caused by mining operations local water supplies are yearly becoming more precarious, and a number of Local Authorities have been obliged to go outside for supplementary supplies. Happily, South Wales is exceptionally well situated in respect to water resources. To the north of the coalfield are the hills of Brecknockshire and Carmarthenshire, where large catchment areas exist. If the resources of these areas were properly conserved and properly distributed, ample supplies would be available to meet all the conceivable needs of the region. Several large and important reservoirs have already been provided in these hills and others are under construction. It is impossible, however, for small and poor Local Authorities to embark on such costly large-scale schemes, and the Committee take the view that the water resources of the region should be pooled and administered by a Regional Water Board which would supply water in bulk to Local Authorities or groups of Local Authorities for distribution throughout their particular areas.

(c) ELECTRICITY.

The region is at present inadequately served with electrical energy. There are large plants at various collieries, and the South Wales Electrical Power Company have important stations and mains serving various portions of the region. In addition there are smaller undertakings owned by certain Local Authorities and private companies. South Wales is a region which is admirably situated for the large-scale generation and distribution of electrical energy for power, transport and lighting purposes, and the South Wales Electricity Linking-Up Committee, an organisation set up by the Electricity Commissioners, are preparing a scheme for the co-ordination and development of existing services. The Survey Committee warmly support this proposal. In this connection it might be observed that should the Ministry of Transport's suggestion for the construction of a barrage across the Severn mature, the store of available electrical energy would be enormously increased and the scheme would profoundly affect the industrial and social life of the region.

(d) GAS.

Large-scale production of gas is equally as important as the generation on a big scale of electrical energy. There are at present in the region about 50 gas undertakings, mostly owned by small companies. In several instances there are half-a-dozen or more small and uneconomical installations within a few miles of one another. There are in the region also about 2,600 by-product ovens capable of yielding over 18,000,000 feet of gas per annum, most of which could be rendered available for public and domestic consumption. The Committee favour the large-scale production of gas at well-equipped works situated at suitable centres, as at the entrance to valleys, and they urge the formation of a regional board or boards to control gas production and distribution.

(5) ROADS AND TRANSPORT.

The directions of roads and railways in the region are largely determined by the physical configuration. There are few communications running east and west, but numerous communications running from north to south. The communications with outside districts to the north, however, are limited by the Brecknockshire and Carmarthenshire hills. In the valleys road and railway facilities are usually unsatisfactory. The roads are too narrow to meet modern traffic needs, whilst the railways usually consist of single lines only. These communications follow the windings of the valleys, which in places are so narrow that extreme difficulty would be experienced in improving them. In addition to their narrowness the roads contain steep gradients and sharp bends and their formation is usually unsatisfactory, all of which defects seriously hamper transport. Owing to the steepness of the hill sides, the heavy rainfall and the liability to landslides and subsidence, the task of maintaining roads is somewhat difficult and costly.

A large amount of information in regard to possible new roads and the improvement of existing roads was accumulated, of which, however, very little appears in the printed report. The Committee emphasise the need for a systematic survey of the road needs of the region, for the taking of proper action to define routes and building lines, and for carrying out such improvements and new constructions as may be found necessary, particularly—

- (a)* The provision of more and better arterial roads running east and west. The construction of a new road connecting South Wales with the West of England by a bridge across the Severn and passing close to the entrance of the various valleys is suggested.
- (b)* The widening, straightening, and general improvement of existing valley roads.
- (c)* The provision of inter-valley communication.
- (d)* The construction of bye-pass roads around the large towns.

The railway communications of the region are fairly good. The chief improvements necessary are the construction of a bridge across the Severn in order to divert traffic from the Severn Tunnel, and the multiplication of lines in the vicinity of the principal ports.

The proper solution of the problem of housing depends in South Wales to a large extent on better transport facilities. The Committee's proposal for grouped housing schemes and dormitory towns at certain centres is closely linked up with that for the provision of greatly improved travelling arrangements. Already a large number of miners travel considerable distances between home and work, but the facilities provided are of a very unsatisfactory character. For the conveyance of large bodies of men to and from the collieries railway trains are the only satisfactory

method, and the Committee do not anticipate that road transport facilities can be substituted to any considerable extent. The Committee make a number of suggestions for the improvement of railway transport, of which the following are the most important :—

- (a) More frequent and continuous services of workmen's trains. There should be a number of trains of the express and non-stopping class running direct from the housing centres to the different colliery districts.
- (b) Improved carriage accommodation. Present accommodation is exceedingly unsatisfactory. The provision of pithead baths, it is suggested, would enable colliers to use ordinary passenger coaches.
- (c) The provision of joint stations in certain towns to serve different railways and the issue of through tickets.
- (d) The adaptation of mineral lines for passenger traffic.

(6) TOWN PLANNING.

An outstanding feature of the report is the emphasis placed by the Committee on the importance of the large-scale treatment of development problems. The region is so situated in regard to configuration, density of population, similarity of needs, &c., that regional schemes are likely to be less expensive in the long run than small local schemes, and also to be more efficient from the outset. Such schemes should be undertaken, however, only when they have been properly co-ordinated and made to harmonise with a general development plan of the region. Town planning, in the Committee's view, is an essential preliminary to town development of all kinds, and in so far as the South Wales region is concerned regional planning is even more essential than local planning. While they urge the importance of each Local Authority preparing outline plans for their particular areas, they insist that these should be only tentative in character, and should not be finally approved until they have been co-ordinated with a regional plan. It is probable that the regional treatment of housing, arterial roads, transport, water supply, sewerage, lighting, and other services will necessitate local town planning on different lines from those which would be appropriate to present arrangements. The Committee therefore decided to advise the setting up of a special organisation for the purpose of securing harmony between regional and local town plans. The following are their recommendations on this subject :—

- (a) That the Local Authorities of the region should be grouped together for Town Planning purposes into four Joint Town Planning Committees. Each Committee would be responsible for the preparation for its sub-region of an outline plan indicating principal new routes of communication or improvements of existing routes, the allocation of parts of the area for particular purposes such as housing and industry, the selection of suitable sites for open spaces, and possibly the reservation of routes and sites for water supply and main drainage.
- (b) Pending the setting up of a new authority to administer various regional affairs a Regional Town Planning Board should be formed, consisting of representatives of the four Joint Town Planning Committees assisted by a competent technical staff. The principal functions of this Board will be—
 - (i.) To carry on a continuous regional survey.
 - (ii.) The continuous preparation of a regional development plan incorporating the co-ordinated proposals for Town Planning of the four Joint Town Planning Committees.
 - (iii.) To assist Local Authorities in the preparation of their individual Town Planning schemes.
 - (iv.) The adjustment of finances.

Under this scheme of organisation, the responsibility of each individual Local Authority for the details of its local Town Planning scheme is retained, but the main details which affect the region as a whole must have regional sanction.

(7) LOCAL AUTHORITY AREAS.

Throughout the survey the Committee were faced with difficulties arising from the unsuitability of many of the existing local government authorities and areas to present-day needs. The chief defects noted were that the region is controlled by too large a number of authorities, many of which have neither the vision nor the finance to deal adequately with the problems which confront them, and, secondly, the foolish disregard of geographical conditions in the delimitation of the areas of such authorities. The natural division of the coalfield into a series of well-defined valleys suggests that in any local government re-arrangements there should be one authority for each valley or group of valleys. The valley is not only a natural geographical unit, but it is admirably suited to be a unit for municipal purposes, as it lends itself to the efficient administration of such services as sewerage, water supply, lighting, roads and transport by one authority.

At the present time many of the valleys are under the control of a number of authorities, in some instances half-a-dozen or more. The disadvantages of a multiplicity of authorities are most pronounced when these are divided from one another by river boundaries, and different authorities control the opposite sides of the valleys. The most glaring instances of this unsatisfactory demarcation of Local Authority areas is seen in the Rhymney Valley. The River Rhymney divides Glamorgan from Monmouthshire, and the valley is administered by two county councils. On the Glamorgan side of the river there are also two urban district councils, while the Monmouthshire side is controlled by no fewer than four similar authorities. In addition there are five boards of guardians.

The unsuitability of present local government arrangements to modern needs has been realised to some extent, and combinations of Local Authorities have been formed for certain services, particularly water supply and sewerage. Such arrangements do not altogether meet the need and several movements for amalgamation or for the extension of boundaries are now on foot. The method of readjustment of Local Authority areas by application to the Ministry of Health is quite unsatisfactory in that regional considerations are not taken into account. The Committee therefore advocate a much more radical course. They propose that the whole of the region should be redistributed for local government purposes, and that a Boundary Commission be appointed by the Ministry of Health to bring about a systematic reorganisation, such Commission to have regard to Town Planning principles when re-arranging boundaries.

The readjustment of Local Authority areas alone, however, will not, in the Committee's view, entirely meet the need, and they suggest that a new authority be set up to exercise general control over the region as a whole in respect to services of a regional character. Such a Regional Council would take the place of the existing county councils, and would also absorb any special regional authorities, such as the Regional Water Board, the Regional Town Planning Board, &c., which may be set up in the meantime.

(8) RECREATION AND IMPROVED AMENITIES.

A number of matters which were perhaps less obviously regional in character, but which were nevertheless relevant to the survey, were also considered and reported on. The Committee approached the various problems of the region from a broad humanitarian standpoint, and in the report they lay great stress on the importance of providing healthy and pleasant surroundings,

and adequate means of recreation for the masses of population engaged in the mining and kindred industries. One result of the reduction of working hours has been to give the working classes more leisure than they formerly possessed, and it is urged that more adequate recreational and cultural facilities should be provided. The Committee make various suggestions for the provision of such facilities. They also recommend that action should be taken to diminish the ugliness and dirtiness of the industrial districts by preventative measures in regard to colliery tips, the fouling of rivers, and the pollution of the atmosphere, and by the planting of hillside and other waste spaces with trees and shrubs.

CHAPTER VI.

THE REPLANNING OF EXISTING TOWNS AND BUILT-UP
AREAS.

IN expounding the scope and character of the town planning powers and duties of British Local Authorities under the Acts of 1909 and 1919 it is always necessary to lay special stress on the fact that the words "Town Planning" are to some extent a misnomer. Local Authorities in Great Britain have not as yet been given power to take town planning action in the full sense. They are only empowered to prepare plans for areas which are at present unbuilt upon.

It is true that, when it is essential to the proper planning of a new and unbuilt-on area, powers are given to Local Authorities to include in their town planning schemes certain parts of the adjacent built-up area.

Power is also given to Local Authorities to include in a town planning scheme the gardens of existing houses on the borders of towns where there is a danger that these houses may be swept away and the land used for other purposes.

But, subject to these exceptions, the present legislative position is that British Local Authorities cannot be said to possess the power to prepare a town plan in the sense that they can remodel the whole town from the centre to the circumference in accordance with a well-devised town planning scheme.

In discussing the desirability or otherwise of extending existing legislation it may be urged that Local Authorities already possess power to carry into effect district improvements and road widenings. But these powers are, with one exception, so costly in their operation and so limited in their scope that Local Authorities leave them unadministered except when the problems which present themselves for solution are so pressing as to compel the taking of action.

The one exception referred to in the preceding paragraph relates to the acquisition of land covered with houses of a slum type, included on this account in a housing clearance scheme. In the case of such schemes power is given to Local Authorities, under Section 9 of the Act of 1919, to buy the land at a price representing its value cleared of buildings.

The slum clearance and rehousing powers of this section will be fully discussed by the writer in a book on Housing, to be published in the autumn of 1922. This Section (9) (1) is, however, of great importance as a forerunner of future town planning powers, and it may therefore be given here in full :—

- 9.—(1) Where land included in any scheme made or to be made under Part I. or Part II. of the principal Act (other than land included in such a scheme only for the purpose of making the scheme efficient and not on account of the sanitary conditions of the premises thereon or of those premises being dangerous or prejudicial to health) is acquired compulsorily, the compensation to be paid for the land, including any buildings thereon, shall be the value at the time the valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building bye-laws for the time being in force in the district :

Provided that, if in the opinion of the Local Government Board it is necessary that provision should be made by the scheme for the rehousing of persons of the working classes on the land or part thereof when cleared, or that the land or a part thereof when cleared should be laid out as an open space, the compensation payable to all persons interested in any land included in the scheme (other than as aforesaid) for their respective interests therein shall be reduced by an amount ascertained in accordance with the rules set forth in the First Schedule to this Act.

The power given under this Section is especially drastic in those cases in which the Local Authority are of opinion that the land should be used either for rehousing purposes or as an open space. In such cases the price paid for the land is not to be the market value of the land (cleared of buildings) but the housing or open space value.

Several criticisms have been brought against this Section on the ground that the power thus given to Local Authorities is too drastic and will involve hardship to the owners of small property in slum or semi-slum areas.

But those responsible for these criticisms fail to realise the cardinal fact that the ownership of property unfit for human habitation is against the public interest. Protests against so-called "harsh measures" being adopted in the case of worn-out shells of houses, which uselessly cumber up land close to the centres of towns, would never be raised concerning the confiscation and destruction of meat or other food unfit for human consumption. Yet of the two, insanitary slum areas with their sewage-soaked sites, breeding disease generation after generation, are far more hurtful to the public health.

How costly slum clearance has been in the past the records of housing improvement schemes carried into effect by the Local Authorities of such great cities as London and Glasgow can shew.

The Metropolitan Board of Works expended no less than £1,323,415 on sixteen schemes, simply in clearing unhealthy areas, besides leaving to their successors (the London County Council) the completion of six other schemes costing £281,693. The total number of persons displaced was 29,151 from about 51 acres, and the gross cost of the property was £1,983,892, that is £68 per head of persons displaced, or £39,000 per acre.

The recoupment by sale of land, &c., was only £377,114, so that the net cost was £1,606,688, that is £55 per head.

Glasgow has spent no less than £600,000 out of the rates in carrying into effect improvement schemes.

To compel Local Authorities to pay such huge sums as these, for the privilege of wiping out of existence property which it should be an offence against the law to possess, is in effect to "load the dice" against the public interest.

If, therefore, any attempt be made in any new housing legislation to repeal or modify the Section (9) quoted above strong protests should be made by town planners and housing reformers.

THE CASE FOR GIVING LOCAL AUTHORITIES POWER TO REPLAN BUILT-UP AREAS.

Looked at from a severely logical point of view it is clearly impossible to frame a valid objection to the extension of the existing town planning powers to include the power to replan already built-up areas. But the town planner is entitled to take a much more positive attitude than this. Rightly understood it is essential to well-ordered town growth that the gradual remodelling and replanning of the existing town shall proceed *pari passu* with the development on lines of well-ordered growth of all new areas.

If the legislative assemblies of this and other countries act in accordance with the famous Roman maxim, "*Salus populi suprema lex*," it becomes clear at once that when the public health is endangered private financial interests must take the second place.

No individual citizen has the right to say to the rest of the community: "This land and the houses upon it are mine by prescriptive right and you must not deal with them in any way without my permission." If such an argument be admitted as valid then the "dead hand of the past" will govern the "living present."

The most that can be pleaded is that justice shall be done in all matters involving compensation.

THE LINES OF REPLANNING LEGISLATION.

The lines which legislation, intended to solve this problem of replanning already built-up areas, is likely to follow is by no means clear. But there are two main lines of possible action. Both of these lines of action require as a starting-point the making of a well-balanced Civic Survey.

To start on the work of replanning a town without having first reached a clear conception as to the goal to be achieved will be to commit a blunder of great magnitude. That land possessing a great business or warehouse value close to the banks of a river should be cleared of century old houses will be agreed on all hands. But the determination of the actual use to which the land should be put when cleared calls for very full consideration.

It may well be that the erection of factories on the cleared land may be inadvisable on several grounds, including, *inter alia*, the desirability of decentralising industries and the lessening of traffic congestion. The bringing of great streams of factory workers from the circumference to the centre may have been inevitable before the advent of the present great facilities for quick and cheap transport. But the modern note is that of placing the factories close to the homes of the workers, and even though it may be urged with full force that many great industries must be grouped close to rivers and great railway centres, it may be replied that these industries will be given more elbow-room to develop if other industries are decentralised in accordance with a well-thought-out plan of development.

THE IMPORTANCE OF CIVIC SURVEYS.

The general case in favour of the preparation of civic surveys is now so well known that there is no need to restate it here. It is now agreed on all hands that accretions of town growth should be guided and controlled in accordance with definite and well-ordered plans.

It is equally essential that a Civic Survey should be made as a fore-runner of the preparation of a replanning scheme for a town.

Without such a survey the Local Authorities will be in much the same position as the captain of a ship who sets out on a voyage without knowledge as to the port to which he will steer his ship.

THE LINES TO BE FOLLOWED IN FRAMING LEGISLATION
TO DEAL WITH REPLANNING PROBLEMS.

Whilst it will be fully agreed that it is only a question of time before Local Authorities are given power to replan already built-up areas, it will be agreed with equal unanimity that the legislative lines to be followed in framing these powers have as yet only faintly been outlined. The crux of the difficulty is of course that of cost. Local Authorities have learned by bitter experience in time past that every step taken along the road of disturbance of existing rights in property has been accompanied by great expenditures of public money, and this despite the fact that the reason for disturbance has been, almost without exception, one of urgent public need.

However difficult it may be to find adequate solutions for these difficulties it is imperative that they should be found. It will cost a good deal to put things right in regard to town growth. But it will cost far more to leave them alone.

It is of interest to place on record in this relation the fact that already two rival theories relative to replanning are becoming clearly outlined.

The first of these theories is that in all those cases in which great schemes of clearance and replanning are necessary, the Local Authority should take action similar to that taken by several German towns in the preparation of development plans for small plots of land belonging to a multitude of small owners.

Under the *Lex Adickes*, for example, the City Council of Frankfort has taken over strips of land of such a narrow shape as to render them practically worthless to the owners for building purposes. The land thus taken over is properly planned and new plots are marked out in accordance with principles of equality, each owner being given a plot or plots of land of useful size in return for the useless strips taken over.

If this idea were adapted to the problem which presents itself in the older part of a city it should be possible for a Local Authority to take over the built-up area chosen for replanning and then, after preparing and administering a replanning scheme, to redistribute those sites which have been cleared amongst the various owners in such a fashion as to satisfy their just claims.

If the Local Authority in clearing and replanning the area secured certain public benefits, these might well be made the subject of payment out of the public funds, but otherwise, if the public took nothing which could be legitimately regarded by owners as constituting a right to compensation, then no public money would be expended except in the technical work of replanning the area.

The alternative theory is equally interesting. It is that the Local Authority should be empowered to call upon all those possessing interests of various kinds in the area to be made the subject of a replanning scheme, to form themselves into a kind of Trust to prepare and submit to the Local Authority a scheme in accordance with the recommendations made after a Civic Survey.

In support of this theory it is urged that the existing built-up areas have developed on lines determined not by the Local Authority but by the private owners of land, limited only by the uncertain check of inadequate bye-laws.

To take a typical example, Birmingham has still great numbers of court houses crowded on land developed before the days of bye-laws. It is clearly only a question of time before the areas on which these houses stand are cleared and put to a better use.

But the Local Authority were not responsible for the bad planning of these slum areas in the first place, and it may be argued with much force that the Local Authority has the right to call upon the owners of the land in this area collectively to put their "house in order" by preparing and submitting to the City Council a well-ordered scheme for the replanning of the area—such scheme only to become operative with the full approval of the Council. Many arguments in favour of the adoption of such a course can be advanced. It may be argued with much force that the responsibility of taking this action falls rightly upon the owners grouped together. They have in the past taken the revenue from the land and buildings and will continue to do so, subject to the operation of the scheme as finally adopted.

It may even be argued that the best safeguard against any undue interference with the rights and duties of the present owners will be found in placing upon their shoulders collectively the responsibility for making a plan for the future development of the area in accordance with the lines of a Civic Survey already made.

It should be quite practicable under a scheme prepared by such a Trust to arrange for the proper pooling and distribution of values.

Another powerful argument in favour of the adoption of this course is that the proposals as to the expenditure of public money will all come from the owners. The Local Authority in accepting these will be recognised as rendering a service in aiding the private owners to carry through their task instead of being criticised because they enforce their will upon the owners.

It may be added that in discussing the question of replanning two reports call for careful study. The first of these is "The Land Enquiry Committee Report" published in 1913. The passages on pages 175 *et seq.* concerning "The Replanning of Congested Areas," deserve careful consideration. The Report of the Committee (presided over by Mr. Neville Chamberlain, M.P.) which investigated the congested areas problem (published in 1921), also deserves thoughtful study.

CHAPTER VII.

TOWN PLANNING AND THE HOUSING PROBLEM.

DURING the past few years there have been from time to time animated discussions concerning the relation of town planning to the housing problem. In the course of these discussions a criticism has been raised to the effect that the advocates of housing reform have over-stressed the housing aspects of town planning and, as a result, the wider issues involved in the preparation of town planning schemes have been in some measure neglected.

There can be no doubt that this criticism finds its source in the knowledge that in Great Britain the leading part in securing town planning legislation has been taken by housing reformers.

It will also be true to state that in consequence of this activity the housing aspects of town planning have received special attention.

But it does not follow that the practice of the art of town planning has been prejudiced. On the contrary, there is good ground for holding the view that the standards of town planning development which are gradually emerging in Great Britain can as a result be favourably compared with those in any other country in the world.

It has been said, with a large measure of truth, that most of the town plans adopted in Germany and France in the nineteenth century were bourgeois plans, the preparation of which was largely dominated by grandiose conceptions of bourgeois magnificence (*vide* page 76 *et seq.*, "The Case for Town Planning").

If it be true that in the evolution of British Town Planning standards the planning of the surroundings of the house of the workman has been given priority of place then we are, as a people, simply giving practical application to the sound theory that in a true democracy "each man should count for one and no more than one."

The war has changed many things, but there is still to-day a tendency to regard the labourer as a pawn on the chessboard of life to be moved hither and thither in accordance with the varying needs of industry.

But the *summum bonum* of civilisation is not to produce goods—it will be more nearly the truth to say that it is to secure the greatest good of the greatest number.

That life in a modern state is dependent on the organisation of production must be recognised. But this production of goods, however vital it may be, is not the end. It is the means to an end which can only be expressed in human terms.

Despite therefore the protest which may be made against the deliberate stressing of the housing aspects of the town planning problem, the writer, after the lapse of seven years, holds steadfastly to the view that the balance between the various duties to be fulfilled in the preparation of a town planning scheme is fairly set forth in Chapter III. of Part II. of "The Case for Town Planning" in the discussion of the fundamental principles of town planning. It is suggested that this Chapter should be studied by all those who desire to enter upon the task of preparing a town planning scheme with a clear conception of the goal to the attainment of which they are consciously striving.

THE LAY-OUT OF THE HOUSING ESTATES OF LOCAL AUTHORITIES.

In dealing with the town planning aspects of work done by Local Authorities under their housing schemes a feature which stands out pre-eminently is that of the great value of the standards relative to the number of houses per acre laid down in the Circular Letter concerning Housing Assisted Schemes issued by the late Mr. Hayes Fisher (Lord Downham) in the Spring of 1918.

It will be of interest to place on record here the fact that, in issuing the Circular referred to, Mr. Hayes Fisher redeemed the promise given to a Deputation from the Technical Conference of the National Housing and Town Planning Council (received by him in November, 1917), that he would give administrative effect to the standards of the number of houses per acre for which they successfully pleaded, viz., twelve to the acre in the case of urban schemes and eight to four per acre in the case of rural schemes.

From time to time suggestions have been made relative to the desirability of departing from these standards. But whenever the question has come up for discussion at Conferences of representative members of the Housing Committees of Local Authorities the sound commonsense of the average man asserts itself in favour of holding fast to good standards of lay-out. The feeling is indeed so overwhelming as to render it unnecessary to discuss the question here. But if there be any desire to consider in detail the issues which arise it will be of service to study the various points set forth in Chapters IV. and V., Part 2, of "The Case for Town Planning," pages 345 to 375, and more especially pages 363 to 375.

It was inevitable that in carrying out housing schemes embodying such a great break away from pre-war standards of development as that embodied in the inception of a twelve houses to the acre standard, the Ministry of Health should have recognised the need for including in the Act of 1919 a provision enabling Local Authorities to contract out of their own bye-laws.

But quite apart from the desirability on general grounds of taking this step there was a special reason why the Ministry of Health should call upon Local Authorities—*noletens volens*—to disregard their own pre-war bye-laws. This reason was found in the fact that the greater part of the burden of loss on housing schemes was to be borne by the State.

To expend great sums on road construction in accordance with out-of-date standards of development became clearly undesirable.

It was for this reason that the following Section (24) of the Act of 1919 was passed :—

24.—(1) Where in pursuance of a housing scheme to which this section applies new buildings are constructed, or public streets and roads are laid out and constructed, in accordance with plans and specifications approved by the Local Government Board, the provisions of any building bye-laws shall not apply to the new buildings and new streets constructed and laid out in pursuance of the scheme so far as those provisions are inconsistent with the plans and specifications approved by the Local Government Board, and, notwithstanding the provisions of any other Act, any street laid out and constructed in accordance with such plans and specifications may be taken over and thereafter maintained by the Local Authority.

Provided that, as regards the administrative county of London, the Board shall not approve any plans and specifications inconsistent with the provisions of any building bye-laws in force in the county except after consultation with the London County Council on the general question of the relaxation of such provisions in connexion with housing schemes.

(2) Where the Local Government Board have approved plans and specifications which in certain respects are inconsistent with the provisions of any building bye-laws in force in the district in which the works are to be executed any proposals for the erection therein of houses and the laying out and construction of new streets which do not form part of a housing scheme to which this section applies may, notwithstanding those provisions, be carried out if the Local Authority or, on appeal, the Local Government Board are satisfied that they will involve departures from such provisions only to the like extent as in the case of the plans and specifications so approved, and that, where such plans and specifications have been approved subject to any conditions, the like conditions will be complied with in the case of proposals to which this subsection applies :

Provided that, in the application of this subsection to the administrative county of London, the expression " Local Authority " means the London County Council with respect to the matters within their jurisdiction and the Common Council of the City of London or the Council of a metropolitan borough (as the case may be) with respect to other matters.

(3) The housing schemes to which this section applies are schemes made by a Local Authority or County Council under the Housing Acts, or by a public utility society or housing trust, and approved by the Local Government Board.

(4) Subject to any conditions which may be prescribed by the Local Government Board, the provisions of any building bye-laws shall not apply to any new buildings and new streets constructed and laid out by a County Council or Local Authority in accordance with plans and specifications approved by the Board of Agriculture and Fisheries under the Small Holdings and Allotments Acts, 1908 and 1910, or any Act amending the same.

It will not be too much to say that as a result of the administration of this section, pre-war bye-laws are little better than "dead letters." It is indeed complained, with some measure of justice, that the cuts made in road standards have been far too drastic and will involve a good deal of expenditure in upkeep which might have been avoided if the cutting down on the ground of economy had been less insistent.

But it will nevertheless be agreed on all hands that the pre-war standards of estate development embodied in the bye-laws of Local Authorities are gone for ever, and it follows from this that, quite apart from the general arguments in favour of the preparation of town planning schemes, all Local Authorities, containing areas in which growth is likely to take place, will be irresistibly led to the adoption of the view that the preparation of a town planning scheme provides the only effective and adequate way of framing regulations as to development which will adequately safeguard the public interest and will at the same time render possible the economical development of housing estates, both public and private, in the future.

CHAPTER VIII.

THE ZONING MOVEMENT IN AMERICA.

DURING recent months great attention has been given by town planners in Great Britain to the theory of zoning, and in view of the rapid growth in America of the movement in favour of the passing of zoning ordinances it will be of service to set forth in a series of Notes the scope and character of these ordinances.

(1) Briefly stated, a zoning ordinance relates to the use to which land or property may be put.

In an interesting pamphlet called a "Zoning Primer," published by the State Department of Commerce at Washington, the following explanatory paragraph appears :—

A zoning ordinance consists of one or more maps dividing the city into different kinds of districts ; and a statement of methods of regulation to be employed in each district in regard to the use to which property may be put, the height and size of buildings, and the amount of space to be left vacant, with adequate provisions for enforcement.

The same point is expressed in a different way by the Chief Sanitary Inspector of Chicago, Mr. Chas. B. Ball, in a pamphlet on the "Health Value of City Zoning."

Mr. Ball thus states what he calls the "fundamentals of zoning" :—

Two essential principles for regulating city growth are embodied in zoning ordinances :

First—The division of the entire area of the city into districts or zones, classified according to the predominant uses of buildings into three main divisions, residential, business and industrial.

Second—The regulation of the height and volume of buildings, the amount and distribution of space to be kept open around them and, in the case of dwellings, the number of persons or families who may live in them, all in conformity to a graded scale of intensity, so that more light and air is secured in the outlying districts, where land values are low, than in congested quarters where land is expensive.

(2) Whilst the preparation of a zoning ordinance may be regarded as an integral part of a City Plan it must not be regarded as more than part of a City Plan. An illustration taken from the State of New Jersey will help to make this point clear.

In 1913 the State of New Jersey passed legislation empowering municipalities to set up City Planning Commissions. In 1916 the Mayor of East Orange, acting under this legislative provision, set up an East Orange City Planning Commission to prepare a plan "for the systematic future development of the city." The Report proceeds:—

It was soon realised that creative, detailed planning must be preceded by a thorough diagnosis of existing conditions related to the plan. The Commission therefore directed its engineers to undertake a general survey and to prepare a program of subject matter for a city plan which should cover every phase of the physical development of the city. Messrs. Goodrich and Ford, with Mr. R. F. Warner as their chief assistant, thereupon made a survey which covered the general topics of circulation, schools, parks, public buildings, municipal control over private property, and methods for the financing and administration of the city plan. The data was assembled in a report which was completed early in 1917.

This report, which contained 100 pages, 16 large data maps, and many photographs, recommended the following "Order of Urgency":—

1. The elimination of grade crossing along the D. L. & W. Railroad.
2. The location of a new city hall.
3. The acquiring of properties for eventual park use.
4. Zoning, that is the creation of different height, use and area restrictions on buildings in different parts of the city.
5. The establishment of certain setback building lines.
6. The establishment of better standards for the widths and types of sidewalks and curbs, and the establishment of improved curb corners, better locations for catch-basins and improved roadway crowns.
7. The extension of certain streets.
8. The establishment of a regular paving program covering a series of years.

It is clear from this statement as to the "order of urgency" that the task of preparing a zoning ordinance is regarded as only part of the work of City Planning.

(3) It is as yet difficult to say whether or not there will be a tendency on the part of the municipal authorities of the majority of American cities to be content with the adoption of zoning ordinances and to refuse to enter upon the preparation of a comprehensive City Plan.

But unless the full step of City Planning is taken it will be clearly impossible to set up any kind of comparison between such partial and incomplete town planning action as that involved in the passing of zoning ordinances and the preparation in Great Britain of well-ordered and carefully thought-out Town Planning Schemes.

(4) From the British point of view not the least interesting feature of a Zoning Ordinance relates to the limitation of the number of families per acre. On this point Mr. Chas. B. Ball says :—

Consideration has been given in England for some years past to a limitation of the number of families per acre as a means of preventing congestion on land. The large development known as the Ruislip-Northwood urban district, consisting of 5,906 acres of land lying contiguous to the city of London, applies this method of direct limitation on land units of about five acres in extent, each by means of a provision that " An average of four, six, eight or twelve buildings to the acre, roads included, must not be exceeded," the number of buildings being designated for each section. These limitations are to be averaged over the entire five-acre unit of land, but as many as twenty buildings may be built on any single acre.

Among the conditions prescribed for housing projects to receive government aid in England has been a limitation of this kind allowing eight families per acre for suburban conditions, and twelve, sixteen and twenty-four families for urban. The greater density of twenty-four families is permitted only on small plots of ground surrounded by well built-up territory where land values are excessively high.

Up to 1920 the regulation of intensity of development in the United States has been brought about only through such indirect methods as prescribing the percentage of lot area which a dwelling could cover, and the sizes of yards and courts to be left open. The zoning ordinance of Newark, N.J., effective January 3rd, 1920, introduced here provisions for direct control of overcrowding on the land. The standard set in that ordinance of 25, 105 and 140 families per acre, which impose little or no real limitations, are not comparable to foreign provisions, but have great significance to us as an example of this method for limiting in the future the crowding of our cities.

Later ordinances show an actual limitation of intensity of occupation, as, for example, that proposed for Cleveland, Ohio, where unit areas varying from 312 square feet to 5,000 square feet (including half the street and alley widths) are allotted to one family. In the area of greatest density, a standard lot of 40 feet by 100 feet situated on a 50 foot street with no alley in the rear (the gross area being exactly 5,000 square feet) is allowed to house sixteen families. The scale proceeds progressively to districts of less intensity, permitting only eight, four and two families respectively and, in the area of least crowding, a single family only to be accommodated on a lot of this size.

(5) The difference in the status of American municipalities as compared with British municipalities can be gathered in an interesting way by recording the fact that whereas under British Town Planning legislation the task of preparing a town planning scheme is regarded as falling solely upon the Local Authority, and the advisers of the Local Authority, subject to the approval during the various stages of the Ministry of Health, in the United States the practice is to form a special committee, representing various interests, to prepare the text of a zoning ordinance and submit it to the municipality for adoption.

(6) Whilst the power to prepare zoning ordinances is given to municipalities under the laws of various State Legislatures it would seem that the Departments of these Legislatures do not exercise powers similar to those exercised by the Ministry

of Health in England and Wales, and in Scotland the Scottish Board of Health in approving and amending town planning schemes. It would seem therefore that, as a result, there is not a little danger that the regional aspect of town planning may be neglected in American cities.

It is also clear that in the absence of central State action there will necessarily be great variations in the values of zoning ordinances. In some cities these will be admirably framed, whereas in other cities they may be little more than inadequate expressions of mediocre and purely local views as to the kind of development which should be adopted.

(7) Concerning the extent to which zoning activity is now general in the United States it will be of interest to quote from the "Zoning Primer" the fact that in the following States zoning is already so authorised:—

| | | |
|----------------|-------------|---------------|
| California. | Michigan. | Oregon. |
| Illinois. | Minnesota. | Pennsylvania. |
| Indiana. | Missouri. | Rhode Island. |
| Iowa. | Nebraska. | Texas. |
| Kansas. | New Jersey. | Virginia. |
| Louisiana. | New York. | Wisconsin. |
| Massachusetts. | Ohio. | |

This list does not include Connecticut, District of Columbia, South Carolina, and Tennessee, acts of which apply to a particular city, and North Carolina, which has recently passed a city planning act granting zoning powers to city plan commissions.

Practically all the large cities of the United States now feel that it is impossible to continue to develop further without the adoption of a building zone plan. New York, St. Louis, Los Angeles, San Francisco, Milwaukee, Washington, Newark, Rochester, Omaha, not to mention smaller cities such as East Orange, N.J., Berkeley, Calif., and Brockton, Mass., already have zoning ordinances in operation; while Chicago, Philadelphia, Detroit, Cleveland, Baltimore, Pittsburgh, Portland, Oreg., Seattle, and many others have zoning plans in progress. Moreover, it is not alone our larger cities which realise the necessity for timely regulation of the uses of property. A considerable number of the smaller towns, especially in California, Ohio, Illinois, New Jersey, and New York, either have passed zoning ordinances or have them in an advanced stage of preparation.

In fact, on May 22nd, 1922, 66 municipalities in the United States were on record as having zoning ordinances already enacted, and 114 were reported to have zoning plans in progress.

(8) It is probable that the influence of real estate agents and owners will be a great, if not a dominating force, governing the preparation of zoning ordinances, and it is only necessary to look at the lay-out plan of a typical American city to realise that unless steps are taken to educate these agents and owners the preparation of a zoning ordinance may, by giving additional legal force and currency to antiquated methods of planning, produce evil rather than good results.

It will, however, in this relation be wise to bear in mind the fact that there is a fierce rivalry amongst American cities. It may well be that as a result of the operation of this competitive spirit those owning land may throw themselves with great zeal into the task of framing zoning ordinances embodying admirable and far-seeing standards of lay-out.

It will be of service to add to the foregoing brief notes the following extract from the Report of the East Orange City Planning Commission.

—————
Extract from the Report of the City Planning Commission of East Orange
relative to Building Zone Ordinance and Building Code.

Starting about 1910, many apartment houses were erected in East Orange. One fine residential block after another was invaded by these structures, four or more stories high, built close to the street line and the side lot lines and depriving their neighbours of light and air and outlook. Property values were halved and the privacy and healthfulness of home life were impaired.

At about the same time, large, noisy, dirty, and evil-smelling public garages, with their repair shops and service stations, began to spring up in the best business sections and even back in the residential districts. New factories and shops located wherever they pleased, sometimes on good residence streets.

On May 16th, 1920, with Mr. Wilbur S. Johnson as chairman, and Mr. Hobart A. Walker as secretary, there was constituted a commission on Building Districts and Restrictions, consisting of eleven members, four of whom were, by statute, members of the City Plan Commission. These four were Messrs. John W. Coulston, Richard K. Mosley, Charles A. Heiss and Robert M. Crater.

On July 13th, 1920, the East Orange Commission on Building Districts and Restrictions received from the City Plan Commission an appropriation for the preparation of a zoning ordinance and maps, and the Technical Advisory Corporation of New York was retained to act as consulting engineers. It was hoped, through such an ordinance, to stop further undesirable intrusions and resulting depreciation. The engineers made a field study of every lot of ground and every building or structure in the city with a view to securing the exact facts essential to the preparation of an adequate and reasonable zoning ordinance. Among other things, there were determined :—

1. The number of families in each house.
2. The construction of each building.
3. The height of each building.
4. The exact use of each building or premises or part thereof.
5. The setback of each building from the street line.
6. The width of each side yard.
7. The depth of the rear yard.
8. The location and height of each rear yard structure.
9. The unit property value of each block front.
10. The locations of unimproved lots or parts of lots.

In addition, all existing zoning ordinances and all drafts of ordinances then proposed throughout the United States were examined in detail to see what they might contain which would be of interest or value to East Orange. A study was also made of the actual operation and practice under zoning ordinances already in effect, so that East Orange might profit by practical experience obtained in other cities.

The courts have ruled that a zoning ordinance must be reasonable and that it must work no unnecessary hardship on the individual property owner, subject to the greatest good to the greatest number. In this connection the United States Supreme Court has found in various decisions that cases of individual injury do not necessarily stop a city from legislating in the general interest.

The greatest care was taken throughout the preparation of the zoning ordinance and maps in East Orange to reduce the cases of hardship to an absolute minimum.

Studies for a thoroughfare and street system and for track elevation were being carried on at the same time as those for the zoning ordinance so that there was a constant and profitable interplay between them. The zoning ordinance has been closely linked up with the rest of the City Plan. It does not petrify or freeze the city in its existing state, but creatively plans ahead and directs the development of private property along orderly lines.

In the fall of 1920, the first draft of the ordinance was submitted to the Commission by its engineers. The Commission held numerous meetings and made many visits of inspection in the field, in order to refine the ordinance and maps to the point where all could agree that they represented the best possible kind of zoning for East Orange. On November 12th, 1920, the Commission on Building Districts and Restrictions published the text of the proposed zoning ordinance with full annotations. An attempt was made to eliminate all unnecessary features, but it was nevertheless thought desirable to take care of most of the exceptional conditions that would be likely to arise, so as to leave as little as possible to the discretion of the Board of Appeals.

The City of East Orange was the first city in the country to have one zoning map instead of three or four separate maps for height, area, use and setbacks respectively. All other zoned cities had had from eleven to twenty-three different kinds of districts, while East Orange has only six types of coterminous districts. This leads to distinct advantages in the administration and popular comprehension of the ordinance.

The policy was adopted of correlating the zoning ordinance with the revised building code, so that everything that had to do with the use of buildings, their layout and their location on the lot, was covered in the zoning ordinance, while everything that had to do with the construction of buildings and their interior planning and sanitation was to be concentrated in a revised building code. It is the intention to publish these two ordinances eventually in one volume with a common index.

Two thousand copies of the tentative zoning ordinance were distributed throughout the city and then the Commission held a series of public hearings, one for each of the five wards. A number of pertinent constructive suggestions were made at these hearings. The preponderating sentiment, however, was to stiffen the regulations, rather than to relax them; in other words, the citizens wanted just as much protection as they could possibly get.

A series of meetings was held with the Real Estate Board of the Oranges, whose members, from their daily experience, were able to suggest a number of improvements. Other private conferences were also held. Finally, all suggestions and criticisms were studied by the Commission and a number of improvements made in the ordinance and map. In January, 1921, the City Council proceeded with public hearings which elicited further constructive suggestions.

The ordinance went into effect on March 16th, 1921. Since that date many more building permits have been requested than during an equal period previously. The protection afforded by the ordinance is the reason given by property owners for this activity and real estate dealers state that the fact that East Orange is zoned is always an asset.

CHAPTER IX.

THE FRENCH LAW CONCERNING THE PREPARATION OF
TOWN AND VILLAGE PLANNING SCHEMES.

IT is as yet too early to discuss the effects of the new French Law relative to the preparation of Town and Village Planning Schemes. But in view of the great importance likely to be exerted throughout the civilised world by the passing of this measure it will be of service to give here the full text of the law which was signed by the President of the Republic on March 14th, 1919.

The Senate and Chamber of Deputies have adopted, and the President of the French Republic has given his consent to, the following Law :—

ARTICLE 1.—Every town with a population of 10,000 inhabitants and upwards shall (without prejudice to the duties prescribed under Article 136, Section 13, of the Law of April 5th, 1884), prepare within three years of the passing of this Act a town or village planning scheme, and such scheme shall include the following features :—

- (1) A plan which :—
 - shall fix the direction, breadth and character of new roads or existing roads as modified in the plans ;
 - shall determine the extent and the disposition of public gardens, playing fields, parks, open spaces, plantations, woods ; and
 - shall define the sites to be reserved for monuments and public buildings and services.
- (2) A series of clauses setting forth the control to be exercised in order to secure proper sanitary conditions and amenity and care for places of national interest, together with all other conditions relative thereto, and in particular determining open spaces to be preserved, the height of buildings, water supply, drainage and sewage systems, and where this is necessary, the proper drainage of the land.
- (3) A declaration (*projet d'arrêté*) of the Mayor of the town, published with the approval of the Town Council, and governing the general application of the plan and series of Clauses referred to above.

This Act shall apply not only to towns with a population of 10,000 and upwards, but shall also apply to :—

- (1) All the towns in the Department of the Seine ,
- (2) All towns between 5,000 and 10,000 population in which there has been within the period of two successive quinquennial returns (10 years), an increase of more than 10 per cent. in the population.

- (3) Holiday and sea-coast resorts, towns with mineral springs, health resorts, sport centres and other places, in which the population is increased by 50 per cent. or more at certain periods of the year.
- (4) Groups of buildings possessing picturesque, artistic or historic characteristics, and included in a list to be prepared by the Departmental Commissions for Sites and Monuments and places of natural beauty, set up under the Law of April 20th, 1906.
- (5) New villages and groups of dwellings brought into existence by Associations and Societies or by private enterprise.

ARTICLE 2.—When a group of buildings, whatever the size of the population of the town or village in which it is situated may be, has been wholly or partially destroyed as a result of acts of war, or by fire, or by earthquake shock, or as a result of any other cataclysm, the Local Authority must prepare, within three months of the passing of this Law, a general plan setting forth proposals in the form of Clauses which shall constitute in effect a town or village planning scheme.

The Prefect of the Department, after consultation with a Commission to be instituted under Article 4 of this Law, is empowered to decide as to the suitability of the scheme thus submitted, and no building shall be erected—except of a temporary character—until the consent of the Prefect has been given to such erection after he has consulted the Departmental Town and Village Planning Commission to be instituted under Article 4 of this Law.

ARTICLE 3.—The cost of preparing the plans and proposals referred to in Article 2 above shall be borne by the State, and the same shall apply in the case of the groups of buildings, &c., referred to in (4) of Article 1.

In the case of other districts the Minister of the Interior is empowered to give subsidies in accordance with recommendations to be submitted to him by the Prefect of the Department, and such subsidies shall be included in the Budget of the Minister of the Interior and be given in a proportion to be determined by a decree made in the prescribed form of rules relating to public administration.

ARTICLE 4.—There shall be established for each Department of France at the Prefecture of each Department—under the presidency of the Prefect of the Department—a *Departmental Commission for the Planning of Towns and Villages*.

The Commission shall be made up of :

The Departmental Council of Hygiene.

The Departmental Commission for the preservation of places of natural beauty or historic interest.

The Departmental Council for dealing with civic buildings ; and

Four Mayors to be nominated by the General Council (*Conseil Général*).

This Commission shall also comprise Delegates appointed by Societies established to watch over the following interests :—

Architecture,
Art,
Archæology,
History,
Agriculture,
Commerce and Industry,
Sport,

together with representatives of companies providing traffic facilities in the Department.

The Commission shall comprise in addition, Mayors of towns or villages specially interested, representatives of various public services which it is desirable should be brought into consultation. Individuals with special knowledge of town and village problems may also be added to the Commission.

This Commission shall be entrusted with the task of preparing the documents necessary to facilitate action by the various Local Authorities in the Department in the preparation of town and village planning schemes under this Law.

Amongst other matters this Commission shall express its views with regard to :—

- (1) The proposals as to town and village planning submitted by the Local Authorities.
- (2) Those cases in which it is essential that, either as a result of special difficulties or local needs, action should be taken on lines to be suggested by the Central Commission to be set up under Article 5 of this Law.
- (3) The effect of the proposals submitted relative to conditions of sanitation and amenity.
- (4) All those questions which the Prefect may consider desirable to remit to the Commission for further consideration.

ARTICLE 5.—There shall be established at the Ministry of the Interior—under the *Presidency* of the Minister (or some other person nominated by him), and under the *Vice-Presidency* of the Minister for the Liberated Areas (or some other person nominated by him)—a National Town and Village Planning Commission to be composed of :—

Two Senators elected by the Senate.

Four Deputies elected by the Chamber of Deputies.

Two Councillors of State nominated by their colleagues.

Four Mayors (of whom three shall be nominated by the Minister of the Interior and one by the Minister for the Liberated Areas). Two of these Mayors shall be appointed to represent the municipalities of from 20,000 to 50,000, and two the municipalities with upwards of 50,000 population.

The Director of Departmental and Municipal Administration (Ministry of the Interior).

The Director of Public Hygiene (Ministry of the Interior).

Four Members of the National Council of Public Hygiene (to be nominated by their colleagues).

Four Members of the Conseil Supérieur des Beaux-Arts (to be nominated by their colleagues).

Four Members of the Conseil Supérieur des Bâtiments Civils.

Four Members chosen to represent town planners, architects and others possessing special knowledge of the subject. (Two of these shall be nominated by the Minister for the Liberated Areas, and two by the Minister for the Interior.)

There may also be added others possessing special knowledge of the subject.

The work of this Central Commission shall be that of drafting a series of General Rules for the guidance of Local Authorities in the administration of this Law and giving to the Minister for the Interior or the Minister for the Liberated Areas the advice of the Commission with regard to all questions submitted. If the Commission so decide, they may themselves frame proposals, relative to the general question of town and village planning, to be submitted to the Minister for the Interior and the Minister for the Liberated Areas.

ARTICLE 6.—When the town or village planning scheme concerns only one municipality, and except in those cases referred to in (5) of Article 1 (as further governed by Article 8), the Local Authority, on the proposal of the Mayor, shall nominate the professional men who shall be entrusted with the preparation of the scheme.

If within a period of two months from the passing of this Act such a person has not been nominated by the Mayor of the Local Authority, the Prefect of the Department may declare the Local Authority in default, and after a delay of a month the Prefect may himself nominate a person to prepare the scheme in question.

When a scheme has not been prepared and submitted to the Prefect within the limits of the period prescribed under Articles 1 and 2, the Prefect may proceed to prepare the scheme in default and of the Local Authority at the cost of the Local Authority, and such Local Authority shall forfeit its right to the subsidies to be provided under paragraph 3 of Article 3 of the present Law.

ARTICLE 7.—When the plan, clauses and projet d'arrêté prescribed under Article 1 of this Law have been prepared these shall be submitted (after the criticisms of the Bureau of Hygiene—or in default of this the Sanitary Commission for the District—have been considered) :—

- (a) To the Local Authority for their consideration.
- (b) To an enquiry held under the conditions of the Law of 23rd August, 1835.
- (c) To the consideration of the Departmental Commission to be set up under Article 4 of this Law.

The Local Authority shall be required to express definitely its views on the plan, clauses and projet d'arrêté.

If the Local Authority either refuses or neglects to consider the plan, clauses and projet d'arrêté, the Prefect of the Department shall declare the Local Authority in default, and after a period, which shall not exceed one month, shall proceed to consider the plan himself. The same procedure shall be followed in those cases in which a Local Authority gives consideration to the plan, clauses and projet d'arrêté, but neglects to express its definite views in regard to these.

The Prefect shall submit the documents relative to the scheme, together with the expression of his views, to the Minister of the Interior, who shall consult, if he deems this desirable, the National Town and Village Planning Commission, and, when the scheme has been declared to be of public service by a decree of the Council of State, it shall become operative in the case of schemes dealing with areas described under Article 2 of this Law. The Decree that the scheme is one of Public Utility may be made by the Prefect of the Department after consulting the Departmental Commission to be set up under Article 4—but this provision shall not operate in the case of the areas dealt with in Article 1, in regard to which it shall be always necessary to have a Decree of the Council of State before they become operative.

ARTICLE 8.—All Associations, Societies or individuals who take in hand the development of estates for the construction of dwellings are required to deposit at the office of the Local Authority a plan showing the lines on which they propose to develop these estates, including details as to the construction of public roads, and, if this is regarded as essential, the provision of water supply and drainage.

Within 20 days following after the deposit of these plans they shall be submitted to the Bureau of Hygiene, or, in default, to the Sanitary Commission for the district. They shall also be submitted to the Local Authority and then to an enquiry held in accordance with the forms prescribed by the Minister of the Interior, under the Circular of August 20th, 1825. Provided

that the plan has been submitted by the proprietors to the Mayor, and no objection has been raised, the Prefect may dispense with such enquiry. The plan shall thereupon be submitted to the Departmental Commission referred to in Article 4, and can then be approved if all is in order, by an order issued by the Prefect of the Department.

The decision of the Prefect shall be made within a month of the holding of the enquiry. If at the end of this period of a month no decision is given, then the plan shall be regarded as *ipso facto* approved.

When the plan is approved no building shall be constructed unless a certificate has been issued under the Law of the 15th February, 1902, by the Mayor of the Local Authority.

ARTICLE 9.—When town or village planning schemes are of interest and importance to several Local Authorities, the Prefect of the Department is empowered to provide that these Local Authorities shall take steps to consider together the subjects to be dealt with and (in accordance with the provisions of the Law of 5th April, 1885, Articles 116 and 169) to arrange Conferences of the Local Authorities concerned. Schemes prepared as a result of such Conferences and co-operation between Local Authorities shall be approved and made operative in accordance with the conditions laid down in Articles 6 and 7 of the present Law.

If a scheme deals with land in more than one Department, the details of the scheme shall be discussed and dealt with by an Inter-Departmental Conference set up in accordance with Articles 89, 90 and 91 of the Law of 10th August, 1871, and when the scheme is prepared it shall be approved and made operative in accordance with the conditions laid down in Articles 6 and 7 of the present Law.

ARTICLE 10.—When a town or village planning scheme has been declared to have been made and approved in accordance with the prescribed conditions, or when an order has been made by the Prefect for the Department relative to the construction of groups of dwellings under Article 8 of this Law, the owners of land dealt with in the scheme or order must conform to the conditions laid down in the scheme or order and are forbidden to erect any new buildings until they have secured certificates permitting such construction from the Mayor of the Local Authority.

It shall not be lawful to erect any new buildings in the area covered by the scheme unless they are in accordance with the scheme and fulfil the conditions laid down therein. In order to secure this end no buildings shall be erected unless the certificate permitting construction has been issued by the Mayor of the town or village.

This Law, having been discussed and adopted by the Senate and the Chamber of Deputies, now becomes a State Law.



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