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THE TOWN-PLANNING HANDBOOK

INCLUDING FULL TEXT OF THE TOWN-
PLANNING (CONSOLIDATING) ACT, 1925

BY

RICHARD REISS

Chairman of the Executive of the Garden Cities and
Town Planning Association

Author of "The Home I Want," "The
New Housing Handbook," etc.

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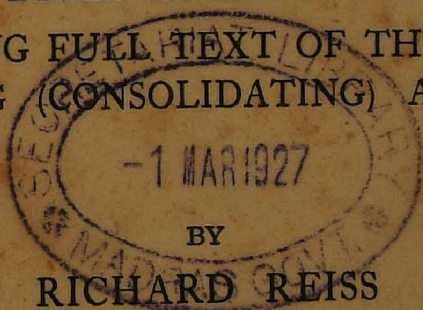
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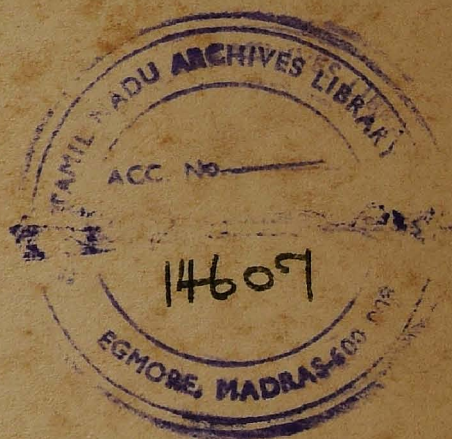
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PREFACE

THIS book has been prepared for the purpose of providing in a compact form the information necessary for an understanding of the problems connected with town-planning and of the legislation on the subject. It is intended as a companion volume to my *New Housing Handbook*. It is written mainly for the use of the layman, though I trust that it may be of value to those engaged on the technical side of town planning as well.

I wish to express my thanks to my friend Mr. F. J. Osborn for reading through the manuscript and for various valuable suggestions, and also to my secretary, Miss Frances Levy, for her valuable assistance in the preparation of the book.

R. L. REISS.

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Town Planning Handbook

CHAPTER I

INTRODUCTORY

THE people who live in Great Britain are now mainly town-dwellers, and their occupations are mainly industrial. At the Census of 1921 four-fifths of the whole population were living within the areas of Borough and Urban District Councils. Of the remainder, a considerable proportion were living in what are technically the areas of Rural District Councils, but are, in fact, largely industrial in character. In these circumstances it is obviously of vital importance to consider how far our towns, with their existing plans and methods of development, meet the individual and social needs of the people who inhabit them. In so far as they do not satisfy these needs it is the immediate concern of every citizen to see that adequate steps are taken to secure that they shall be better met in the future.

Town planning is the art of so planning the land upon which towns are built as to meet, in the best

possible manner, the needs of the community. This is a subject far wider in scope than what is commonly known as the housing problem, which is really only a part of the general subject of town planning. While much can be done to improve urban conditions by securing that sufficient new houses are built and that the new housing estates are developed in the best possible manner, and that existing slum areas are cleared and reconstructed, such efforts must be co-ordinated and brought into direct relation with the problem of town planning as a whole. It is for this reason that in the Housing Act of 1924 a provision was inserted requiring Local Authorities, in connection with their housing schemes, to take into account their relation to the schemes for town planning in preparation for the district.

The object of this book is to consider what mistakes have been made in the past from the lack of town planning and on the basis of this knowledge to lay down the principles and methods by which future development should be controlled.

There is now on the Statute Book a Town Planning Act consolidating the previous legislation on town planning, which gives Local Authorities considerable powers to control the future development of their districts. Therefore in the later chapters of this book an attempt is made to explain the powers possessed by Local Authorities and to indicate the practical steps which should be taken to use these powers in such a way that the development of the future may be satisfactory.

It is, however, a profound mistake to think that town planning is merely a matter of administration and technique. From the practical point of view the purely technical administrative aspects naturally loom large on the horizon to those on our publicly-elected Authorities who are responsible for preparing schemes. But it is of vital importance that the public generally should have some really broad vision of what towns might be and what should be the real purpose of town life, and that public opinion should be reflected in the attitude of the Local Authority itself.

Professor Lethaby has well expressed this object in the following terms: "The great purpose of life in towns is to produce finer and finer types of civilization and civility. The very objective of civilization is to build beautiful cities and to live in them beautifully. We have to begin with the formation of town psychology and civic desire." No one with any vision could possibly describe the structure of our existing towns as an aid to the beautiful life. As we shall show, some of them have grown up gradually over many centuries from the nucleus of the ancient mediæval town, while others are the mushroom growths of yesterday and owe their existence to the industrial expansion of the last century. With the exception of a few towns such as Bath and some of the little towns of the Cotswolds such as Chipping Campden, there is little harmony in their architecture. In portions of some towns there are beautiful streets, for example, the High Street in Oxford and the Rows in Chester.

For the most part, however, our industrial towns, and even our old county towns, are squalid conglomerations of houses and factories, and our watering places and pleasure towns cheap and garish defilements of the landscape.

While, therefore, those responsible for administering the Town Planning Acts will rightly have to devote a large amount of their attention to such matters as the reservation of residential and industrial zones and the laying out of broad thoroughfares, it is of the utmost importance that amongst the citizens of every town there should be created what Professor Lethaby describes as a "town psychology and civic desire".

We want to recapture something of the spirit of those responsible for the creation of such places as Bath and Nuremburg and the central parts of Oxford, and behind all the technical administrative work and animating it must be a realization that the real object is to give the best possible scope for the development of higher types of civilization.

This is not to suggest that merely to plan towns well and efficiently and to secure beautiful street effects will of itself enable people to live beautifully or to develop their spiritual and cultural life. Nor will it of itself radically change human nature. But to be able to live in a town well planned and designed, free from slums and squalid residential districts, equipped with adequate open spaces and parks, will at any rate render a higher form of life possible, and will on the negative side remove many of the causes of bad health and of

vice and degeneration which are but too apparent in many of our towns to-day.

Thus, while the present book, being in the nature of a handbook, of necessity deals in the main with the technical and administrative aspects of the subject, those who are studying the question must always bear in mind that technique and administration are not ends in themselves, but merely one of the means by which a great purpose can be achieved.

As we progress we shall find that while much can be done by treating towns individually, recent experience has shown that satisfactory results are best achieved if general regional plans are first prepared, so that the schemes of each individual Local Authority bear a definite relation to each other and to the region as a whole.

Moreover, the vast aggregations of population in such areas as Greater London, South Lancashire and the Black Country are in themselves an evil which cannot be remedied along the lines of ordinary town-planning administration. The development of new garden cities in the open country, planned carefully from the start for both residence and industry, to which factories and population could be moved, is not merely something to be aimed at in the distant future but is something which has already been proved to be a practical possibility and the most important element in the application of town-planning to the present difficulties.

CHAPTER II

A SHORT HISTORY OF TOWN PLANNING

LORD DARLING, in his *Scintillæ Juris*, has pointed out that the practical lawyer is little more concerned with the reasons which led to the passing of an early law famous in history than an artilleryman with the Book of Genesis. Those engaged in the practical problem of town planning under modern conditions have likewise little more than an academic interest in the history of town planning and the origin of towns. A practical town planning handbook, therefore, need not devote much space to the history of the subject. But as the past does to some extent govern both the present and the future it is desirable to say a few words on the evolution of towns and on the earlier attempts to secure Town Planning.

At a comparatively early date, in fact probably as soon as towns as such came into existence, rudimentary attempts were made to secure some degree of order in their plan. Professor Flinders Petrie and others have found, as a result of their investigations, some indications of order and arrangement

of the streets in ancient cities. Professor Petrie has shown this to be so in the case of the town of Kahun in Egypt, which was founded about 2,500 years B.C., and Herodotus in somewhat imaginative terms describes the plan of Babylon. It is generally recognized, however, that Hippodamus was the earliest individual whose ideas for the planning of cities have survived. Aristotle describes him as "the man who invented the art of planning cities," and states that he laid out the Piræus. According to Aristotle, the idea of Hippodamus was that towns should have a body of about "10,000 citizens divided into three parts, one of artisans, one of husbandmen and a third of armed defenders of the State." He also, apparently, had definite ideas on the subject now termed "zoning," for he divided the land into three parts, "one sacred, one public, a third private. The first was set apart to maintain the customary worship of the gods, the second was to support the warriors, and the third was the property of the husbandmen."

The towns of the Greeks and Romans were comparatively small in dimension. Considerable attention was paid to the securing of symmetry and provision was made for public market-places and for public buildings and something in the nature of what would now be termed "civic centres" were carefully thought out. The planning was adequate for its purpose and consistent with the life and ideas of the time. Aristotle himself, just as Plato before him, deals with the philosophy underlying the planning of towns and also discusses practical details.

In *La Cité Antique* M. Fustel de Coulanges thus describes the difference between the modern growth of towns and their foundation among the Greeks and Romans: "Il ne faudrait par nous faire des villes anciennes l'idée que nous donnent celles que nous voyons s'élever de nos jours. On bâtit quelques maisons, c'est un village; insensiblement le nombre des maisons s'accroît, c'est une ville; et nous finissons, s'il y a lieu, par l'entourer d'un fossé et d'une muraille. Une ville, chez les anciens, ne se formait pas a la longue, par le lent accroissement du nombre des hommes et des constructions. On fondait une ville d'un seul coup, tout entière en un jour."

Moreover, he points out that there was a very definite distinction in idea between the "cité" and and "ville," the city being the political and religious organization of families and tribes, the town the actual place of their community life. He describes the town as "surtout le sanctuaire de cette association (religieuse et politique des familles et des tribus)."

But in classical times—as also during the mediæval ages—the main consideration of town-planners was defence against invaders. The wall round the city was a determining factor in the actual growth of the town. Space does not permit of a more detailed description of classical town planning, but readers are referred to Professor Haverfield's *Ancient Town Planning*.

Throughout the Middle Ages the idea of the town as being the outward and visible sign and place of

habitation of a closely-knit community survived to some extent, though in practice the main consideration in connection with the planning of towns appears to have been defence from invaders and raiders.¹ The plans of the old county towns such as Salisbury, Chichester and Carlisle have obviously been determined by their protective walls. The main roads of some of these towns have been well laid out and in this respect bear marks of the influence of the Romans' prolonged stay in Britain. But as the population increased, and as that population wished to remain within the walls, the side-streets and courts off the main arteries became more and more congested and the slum areas of modern towns owe their origin largely to this fact. Moreover, as Mr. Chesterton has it : " The reeling English drunkard made the rolling English road." Not merely did it " ramble round the shire," but also round the town, a fact which has complicated modern traffic problems.

The towns grew gradually during the centuries, and long after they had grown beyond the bounds of their defensive wall the congested and haphazard development of narrow streets continued. The evils resulting from this did not become fully apparent until the end of the eighteenth century.

Up to the commencement of the industrial era the towns had been for the most part quite small. Industries had been carried on in comparatively small workshops, and though little attention had been given to town planning since the Roman period

¹ See *Mediæval Town Planning*, by E. F. Tout.

the effects of lack of planning had not been seriously felt while the whole population of a town was within a few minutes' walk of the open country. In the case of some of the larger towns, however, thinkers and writers had already drawn attention to the dangers attached to the indefinite extension of towns even before this period, and as far back as the reign of Queen Elizabeth efforts were made to prevent the continuous growth of London by trying to preserve a green belt around it. After the Great Fire of London Sir Christopher Wren prepared a plan for the rebuilding of the city, the main object of which was to secure satisfactory traffic routes. He was unable, however, to get the authorities to adopt his suggestions, which would have saved the rate-payers of London considerable expense in connection with later street widenings.

From the beginning of the nineteenth century the rapid progress of industrial organization changed the whole face of the country. The introduction of machinery, the development of the railways, the extension of large-scale industry and the rapidly-increasing population caused many of the old county towns to develop within the space of comparatively few years into large hives of industry and centres of population. Entirely new towns sprang up and became industrial cities of the first magnitude within the space of a few decades. Birmingham, whose population was 30,000 in 1760, had a population of 634,500 by 1891. Moreover, this rapid extension of size led to one town coalescing with its neighbours. For example, the inter-

vening space between London, Westminster, Croydon and Edmonton became filled with buildings of all kinds. Manchester and Salford became one, so far as the eye could see. Newcastle and Gateshead, still nominally two towns, are in fact a continuous urban district. During the whole period from the Battle of Waterloo to the outbreak of the Great European War, practically no effort was made to consider town planning. In the first half of the nineteenth century manufacturers built their factories and extended them as their business grew without a thought of the amenities they might be destroying, and speculative builders erected working-class houses as rapidly as they could, crowding as many on the land as possible. Factories and houses were erected indiscriminately all over the towns. The opportunities of reserving adequate open spaces and parks were missed and no foresight was exercised in regard to the main roads.

During the whole of this period private profit was the predominant consideration. Everything was subservient to it. The manufacturer was concerned with expanding his industry and securing an adequate supply of labour. Landowners were concerned with increasing the value of their property, which they sold or leased to speculative builders, who in turn wanted to crowd as many houses to the acre as possible. Municipal Authorities were comparatively unimportant bodies whose members were often themselves concerned in the general scramble for gain.

Well-known novelists of the Victorian era, such

as Charles Dickens, Disraeli, Charles Kingsley and Mrs. Gaskell give us pictures of this sordid scramble for wealth and its effect on urban development.

In the latter half of the century slight improvements were effected by the Local Authorities making by-laws under the Public Health Acts. These by-laws, as they were gradually extended, prevented a repetition of some of the worst abuses of the earlier period. A definite, if small, amount of air-space was reserved round buildings and a minimum width was prescribed for new roads. But the by-laws in themselves did not provide for any attempt at town-planning, and even social reformers had not begun to wake up to the need, let alone the possibilities of the town-planning method. Although attention had been drawn to the evils of the big industrial towns and the congestion of slum areas, no constructive steps had been taken to prevent their creation.

At the beginning of the present century, however, a number of reformers, partly as a result of their observations of the tentative efforts which were being made in Germany and other countries, began to agitate for more consideration being given to the planning of towns. Private experiments were initiated. The Cadburys, in establishing their works outside Birmingham, purchased considerable areas of land for the development of a well-planned residential area at Bournville, in immediate proximity to their works. Similar steps were taken by the late Lord Leverhulme at Port Sunlight and groups of reformers founded companies with limited divi-

dends in order to demonstrate how town planning and development should proceed.

The most important of these were the creation at Letchworth in Hertfordshire of an entirely new town in the open country, carefully planned from the beginning as a self-contained industrial town, and the foundation of the Hampstead Garden Suburb by Canon and Mrs. (now Dame Henrietta) Barnett with the help of friends, as an experiment in the laying out of a residential area contiguous to a big city.

Meanwhile there was continued agitation for legislation which would enable the Local Authorities to control the development of their towns, an agitation in which the late Alderman W. Thompson of Richmond was one of the prime movers. The first success achieved was the introduction of the Housing and Town Planning Act of 1909 by Mr. John Burns, then President of the Local Government Board, and its passage into law.

Since then the Town Planning Act has been amended on more than one occasion, and the legislation has now been consolidated in the Town Planning Act of 1925. Local Authorities have power to control the future development of unbuilt-on land within their area and on its borders. Even now there is no general legislation enabling Local Authorities to secure the gradual replanning of their existing built-up areas.

CHAPTER III

THE URBANIZATION OF GREAT BRITAIN

THE rapid increase in urban development following the industrial revolution has led, as the Census figures of 1921 reveal, to four-fifths of the population of Great Britain living within the areas of Boroughs and Urban District Councils. It is important to remember this, and in considering steps to be taken in the future certain other facts shown by the Census reports must be borne in mind.

In the first place, there was during the past century a steady increase in the proportion of the population who were town-dwellers. The migration from the rural districts and the growth of towns was most marked in the early half of the nineteenth century, but even since the middle of the last century this tendency for the urban population to increase and the rural population to diminish has been very marked. Thus, according to the Census of 1861, the population was almost equally divided between urban and rural districts. In 1881 the proportions were roughly two-thirds urban and one-third rural. In 1901 77 per cent. were urban,

23 per cent. rural. In 1921 the proportions were 79·3 per cent. and 20·7 per cent.

A second important fact is that of the urban population the greater part were located in a relatively small number of closely-knit districts. Half the entire population, or nearly three-quarters of the urban population, are living in Greater London, South Lancashire, the West Riding of Yorkshire, along Tyneside, the industrial section of South Wales, the Black Country, and the Clyde. These districts represent practically continuous urban growth, either, as in the case of Greater London, spreading continuously from the centre, or, as in the case of South Lancashire, consisting of a network of towns running into each other on their outskirts.

In Greater London (which includes not merely the area of the London County Council, but such contiguous urban districts as West Ham, Ealing, Tottenham, and Croydon) were living some seven million people—one-sixth of the whole population. In the conglomeration of towns in South Lancashire and North Cheshire—Manchester, Salford, Oldham, Bolton, Liverpool, Birkenhead, Stockport, etc.—there were four and a half million people; in the chain of towns of the West Riding—Leeds, Bradford, Dewsbury, Huddersfield, Sheffield, and many others—another three millions; Glasgow and the contiguous towns contained two millions; in the Black Country, with Birmingham as a centre and including Smethwick, Dudley, Wolverhampton, Wednesbury, West Bromwich, another two millions;

and in the Tyneside area, with Newcastle as centre, a million and a half; the network of towns and mining villages in Glamorgan and West Monmouth also contains a million and a half.

Until the end of the nineteenth century these big centres of population tended to increase more rapidly than the smaller towns, in fact, many of the old county towns actually showed decreases in population. Since the beginning of the twentieth century there have been slight indications of a tendency to decentralization, and, as we shall show, conscious efforts are being made by certain town-planning reformers to encourage and hasten this process. Broadly speaking, however, up to the present the tendency towards the aggregation of population in a limited number of large industrial areas has been continuous.

Closely associated with the foregoing considerations is the fact revealed by the Census that the increase in population and the building of dwellings in certain districts has been extremely rapid, as the following table, giving the size of the population of certain towns and urban districts in 1861 and 1921 respectively, will show :

	Census, 1861.	Census, 1921.
Acton	3,000	60,000
Barrow-in-Furness	5,000	74,000
Birmingham	357,000	920,000
Bootle	6,000	76,000
Bournemouth	4,000	91,000
Cardiff	41,000	200,000
Croydon	30,000	190,000
East Ham	3,000	143,000

	Census, 1861.	Census, 1921.
Grimsby . . .	11,000	82,000
Leyton . . .	5,000	128,000
Leicester . . .	71,000	234,000
Middlesbrough . . .	19,000	131,000
Newport . . .	25,000	92,000
Rhondda . . .	8,000	162,000
Sheffield . . .	193,000	490,000
Smethwick . . .	13,000	75,000
Southend . . .	5,000	106,000
Swindon . . .	7,000	54,000
Tottenham . . .	10,000	146,000
Wallasey . . .	10,000	190,000
Walthamstow . . .	6,000	130,000
West Ham . . .	38,000	300,000
Willesden . . .	4,000	165,000

It will be observed that, with the exception of a few watering-places and such a place as Swindon, where special reasons exist for rapid growth, most of the places registering the largest proportionate growth come within the great industrial districts mentioned on a previous page. Acton, East Ham, Walthamstow and Croydon are suburban districts of London; Wallasey and Bootle of Liverpool, Birmingham and Smethwick part of the Black Country. Many more instances of the growth of suburbs of large towns could be given, particularly of London suburbs. Even in the London County Council's own boundary many of the Metropolitan Boroughs have shown enormous increases in population during the sixty years in question, and have in fact been largely built up during that period. Thus Battersea grew from 19,000 to 167,000; Fulham from 15,000 to 157,000; Hammersmith

from 24,000 to 130,000 ; Lewisham from 28,000 to 174,000, Wandsworth from 50,000 to 328,000.

On the other hand, we find that in the central parts of London there has been a large decrease in population. Thus the City of London has decreased from 112,000 to 13,000 ; Westminster from 256,000 to 141,000 ; Holborn from 93,000 to 43,000 ; Finsbury from 129,000 to 75,000. These figures show, what is also true to a more limited extent of other large towns, that industry and commerce have steadily displaced the population in the central parts, and that workers of all classes have to travel ever-lengthening distances to and from their work. It is calculated that about £30,000,000 a year is spent by London workers in this way, and transport thus becomes an increasingly important factor in the consideration of problems connected with town and regional planning.

The above and similar facts raise important sociological questions. For example, how far does the modern development of industry really necessitate this crowding of such a large proportion of the population into comparatively restricted areas ; how far is the general welfare of the community, and in particular the rural population and agricultural development, hampered by this tendency ? How far is it possible, by carefully prepared regional plans and by bold schemes for the planning of new towns and the decentralization of industry, to counteract the tendency of the last hundred years and how far is it desirable to do so ?

To answer these questions it is obviously necessary

to take into account the requirements of industry, to see how far modern inventions and improvements have obviated what were necessities in a bygone era. For example, the modern development of electrical power and the possibilities, by means of a super-power-station, of distributing power more economically than by the actual carriage of coal, obviously introduce a factor in industrial development of far-reaching importance. Again, a realization of the enormous economic waste involved by thousands of workers living out at Ilford, Tottenham and Croydon, and travelling daily to and from their work in the centre of London is a factor which must be set off against any possible economic advantages of having industry located at the centre.

When suggestions are made for the "open planning" of housing estates, and for the limitation of the number of houses to the acre in connection with town planning, it is often argued that if these reforms were carried out no countryside would be left. In this connection the figures published in the Census Returns are of great significance. The acreage of England and Wales is a little over 37,000,000. The population is also between 37 and 38 million. In other words, the population of England and Wales only averages one person per acre.

The average number of persons per house is roughly $4\frac{1}{2}$. If houses were built in the residential districts on an average of eight to the acre, the population of England and Wales would require

one million acres, leaving 36 million for agricultural purposes, open spaces, factories and other purposes. There is thus no substance in this particular objection to town planning.

The 82 County Boroughs and the County of London cover a total acreage of 700,000. Their total population is 17 million (i.e. slightly under half the whole population of England and Wales) and yet the average number of persons within the boundaries of these Boroughs is under 25 per acre. The area is sufficient to house all the people at the rate of twelve houses to the acre and yet leave half the land available for industries, open spaces, and other purposes.

The real problem is the unequal distribution of population as between the big towns and the rest of the country and also within the areas of the big towns themselves.

CHAPTER IV

THE PRESENT POSITION IN GREAT BRITAIN

THE rapid urbanization of the British population, coupled with the unplanned and uncontrolled development of towns, has brought in its train evils both social and economic. Houses have been built in districts close to the railways or docks on land which was pre-eminently suitable for factories and warehouses. Factories have been placed in the midst of what might have been desirable residential districts. Streets required to carry heavy traffic have been made too narrow, and when traffic became too congested they have been widened at enormous expense, owing to the large sums involved in compensation for the buildings which have had to be demolished. In working-class districts houses have been crowded closely together in order that the landowners and builders might get the maximum immediate profit. The slums thus created can only be cleared and reconstructed at great inconvenience to the ratepayers. No foresight has been exercised in regard to the reservation of playing-fields and open spaces.

Added to these evils is the lack of dignity and beauty which is so prevailing a characteristic of our towns. For example, instead of having a civic centre where the town hall and other public buildings could be grouped with ample space surrounding them, in most cases these buildings are separated from each other and they are often up comparatively unimportant back streets. A civic centre of real dignity is only to be found where some lucky chance has preserved an area of unoccupied land in a suitable position—as in the case of Cardiff.

Space does not permit of an exhaustive account of the social and economic evils resulting from our past failures to plan towns with care and foresight, but some of the more important of these results may be briefly summarized thus :

(1) For the most part, the small houses have been built in long rows, each house with a narrow frontage and with a small back-yard. In many cases the houses are huddled together in small courts. So far as the industrial population are concerned, not merely do they have to live in these congested conditions, but owing to the failure to separate residential and factory districts the workshops and factories are intermingled with the houses, polluting the atmosphere and adding to the noise and traffic congestion.

(2) The failure to reserve separate areas for residential and industrial purposes has not merely been detrimental to the condition of life of the working-class population living in the houses, but has involved considerable economic loss to manu-

facturers and has added to the traffic difficulties, thus inflicting a further economic loss upon the whole population. Instead of the factories being situated in carefully-selected areas close to the railways or the docks, they are often at some considerable distance, thus involving unnecessary handling of goods and considerable delay in connection with road transport. A visit to the area surrounding the London docks illustrates this. Land valuable for warehousing and factory purposes is covered with small houses, and therefore many of the warehouses and factories have to be placed at some distance from the river.

(3) In addition to the transport difficulties indicated above, there has been insufficient co-ordination of the arrangements for railway and road transport, due to lack of variety in planning. Inadequate steps have been taken to secure that the main roads should be sufficiently wide, and vast sums of money have been spent in street widenings. As motor transport has developed, the footpaths have been found to be inadequate for the protection of pedestrians and the road junctions have become unnecessarily dangerous.

(4) The fact that no foresight has been exercised in the reservation of land for open spaces and playing-fields has acted to the further detriment of the social life of the crowded industrial areas. Young men and lads have had to travel considerable distances out of the towns in order to be able to play games, and in many cases have been unable to find space to play at all. If it had not been for the

benefactions of certain individuals many towns would be without parks or playing-fields of any kind. Where Local Authorities have made purchases of land for parks and open spaces they have often had to pay too high a price, owing to the land having already acquired a substantial building value. Much of this money could have been saved if well-thought-out town plans had been prepared at an earlier stage.

(5) Although uncontrolled development has led to each individual landowner considering his own interest in its development, and to the creation of too many houses to the acre and other evils, yet in fact owners of land as a whole have in many cases suffered from the lack of a co-ordinated plan. A great deal of land is wasted, and the destruction of amenity has reacted, not merely against the interests of the population, but against the interest of these who own the land themselves.

(6) Finally, from the ratepayers' point of view the loss has been enormous. A considerable part of the burden on the rates in industrial towns is due to recent expenditure on attempts to remove the evils caused by the lack of a co-ordinated town plan. The expenditure on street-widenings has already been referred to, but additional expenditure is incurred in many other directions. For example, extra police have to be utilized in order to prevent accidents where one narrow street joins another, and while in a busy town (even if properly planned) a certain amount of traffic regulation by the police would be necessary, a great deal of the

expenditure incurred in this way might have been avoided. Again, vast sums of money have been spent on clearing overcrowded slum areas, and much larger expenditure will be necessary in the future if slums are to be swept away. These examples of expenditure out of the rates are directly due to lack of planning, but the indirect effects have necessitated even more expenditure from public funds. The congested and unhealthy conditions in the industrial areas have been the cause of an unnecessary amount of bad health, in its turn causing substantial economic loss and direct expenditure by the Local Authority on health services.

In the towns in which future generations are to live we have to avoid these mistakes, and at the same time take definite steps to provide the necessary conditions for a healthy and vigorous community life. The following provisions must therefore be made :

(1) The reservation of certain areas for industrial purposes, suitably placed with relation to means of transport and other factors of efficiency, within which no dwelling-houses shall be erected.

(2) The reservation of other areas exclusively for residential purposes with a definite limitation on the number of houses to be built to the acre, with wise regulations as to the laying-out of roads, the setting-back of the building frontage, and control of the elevations of the buildings themselves. Each house should be well planned, with healthy surroundings and an individual garden, and there should be

sufficient houses to provide a separate home for every family.

(3) Careful planning of new streets and roads, their width being graded according to the amount of traffic they are likely to carry and with sufficient setting-back of the buildings on either side to permit access of the maximum of sunshine to the windows of the buildings on both sides of the carriageway.

(4) The reservation of adequate areas of land for parks, playing-fields and open spaces both for adults and children. In particular, the reservation of sufficient play-ground space in connection with all new schools.

(5) The careful consideration of the sites or areas to be reserved for public buildings of all kinds.

These are but some of the matters of which account must be taken. As indicated in the opening chapter of this book, consideration of all of these points should be inspired by an enlightened "town psychology and civic desire", visualizing the ideals of town life and preventing the town plan from becoming merely a piece of administrative and technical machinery.

In a later chapter we deal with the cost of the preparation and putting into execution of town-planning schemes, but enough has been said in the present chapter to indicate that the savings involved by a properly thought-out plan will be infinitely in excess of any direct expenditure which it would involve.

CHAPTER V

THE GARDEN CITY: LETCHWORTH AND WELWYN

THE principles of town planning described in the previous chapter will be rendered more clear by their application to the planning of a new town from the start. Where a new town is being constructed and serious efforts are made to plan it from the first in such a way that it may best serve the needs of the community dwelling in it, those responsible for its foundation have an easier task from the planning point of view than if they were preparing schemes for the extension of an existing town or replanning a built-up area. In the former case the town-planners are hampered neither by the mistakes of the past nor by the extreme complications arising from much of the land having already acquired a high building value and its ownership being divided among a large number of different individuals.

In Great Britain there have been comparatively few examples in recent times of a new town being initiated, though in a number of cases small villages have rapidly developed into towns.

New towns may be started, or villages transformed into towns, either because of the discovery of coal or some other natural industrial advantage, or for private speculative profit on the part of land-developers (e.g. some of the modern seaside watering-places), or, thirdly, owing to a deliberate attempt to make some social experiment. Until the present century no serious attempt was made to plan new towns or the extensions of existing villages. During the last few years, however, attempts have been made to plan some of the new mining villages being constructed in freshly-developed coal areas, particularly in portions of South Yorkshire and North Nottinghamshire, and in Kent. For the most part, these have been attempts to design mining villages as such, rather than complete towns. The far-seeing regional plans prepared in connection with the Doncaster and East Kent coal areas mark an enormous advance on anything previously achieved in connection with industrial development.

In the case of watering-places, the individual interests of landowners have led to a certain amount of planning from commercial motives, but this planning has not been really comprehensive, nor has there been a serious attempt to consider the interests of the community as a whole.

The only comprehensive attempts to plan complete towns from the start have been in connection with the establishment and development of the two garden cities at Letchworth and Welwyn. In both of these cases those responsible for the promotion of the scheme deliberately made it

their main object to plan and construct self-contained industrial towns in which the physical and social conditions of life should approximate as nearly as possible to the ideal. These experiments are so important in their bearing upon the general problem of town planning and illustrate so well the application of the principles of good planning that every one who is anxious to further the good planning of his town should study the development which is taking place at both Letchworth and Welwyn.

At the end of the last century Mr. Ebenezer Howard produced a book entitled *Garden Cities of To-morrow* in which he set out the idea of establishing new towns planned in such a way as to combine the facilities and amenities of both urban and rural life. Shortly after the publication of this book the Garden Cities and Town Planning Association was formed for the purpose of putting these ideas into practical effect. The first outcome of their educational propaganda was the formation of a company with a limited dividend for the purpose of buying a site and developing a new garden city. The area chosen was at Letchworth in Hertfordshire and some 4,500 acres were purchased between 1903 and 1905. Since the War another scheme, also carried out by a company with a limited dividend, has been started in the same county, between Hatfield and Welwyn. In the case of both the Letchworth and Welwyn garden cities the specific object is best described in the terms of the definition of a garden city adopted by the Garden Cities Association as

“ a town planned for industry and healthy living ; of a size that makes possible a full measure of social life, but not larger ; surrounded by a permanent belt of rural land ; the whole of the land being in public ownership or held in trust for the community.”

For our present purpose the main points to notice are that in each case a *town* was to be built, and the town was to be planned for industry and healthy living. In order to achieve their object those responsible for the promotion of the schemes employed town-planners to prepare a comprehensive town plan, which had to provide the conditions which would meet both the individual and social needs of the community in a self-contained town, industrial as well as residential.

Now, the needs of a community are varied. It needs facilities for (a) homes, (b) industry and places of work, (c) shopping and commerce, (d) education, (e) public and social life, (f) recreation, (g) transit, both internal and also for communication with the outside world. In addition, and in so far as it is practicable, the production of food should be undertaken on its outskirts. If the town plan is to be successful not merely should the land be developed in such a way as to provide for all of these needs in the best possible manner, but the town as a whole should have a definite unity and every effort should be made to secure its beauty and dignity. Moreover, in order that the plan may provide for economical development, careful attention has to be paid from the start to the pro-

vision of such public services as water supply, drainage and roads so as to obtain the best results with the minimum expenditure of money.

We thus see that it is not sufficient merely to provide, for example, ideal home conditions and the best possible facilities for industry, but it is also necessary to consider carefully the relation of the residential area to the industrial area, so that on the one hand there may be some separation between them and on the other hand people should not have unnecessary distances between their homes and their work. Again, it would not be sufficient merely to reserve adequate spaces for schools or for shops without considering their relation to the residential areas.

The first step in the establishment of each Garden City was to make a comprehensive survey of the land to be developed, so that every advantage might be taken of the physical conditions of the site itself. In the preparation of the plan economical and satisfactory provision of public services, not merely for the initial development, but for the ultimate population of from 30,000 to 50,000, had to be made, and this depended upon a knowledge of the levels of the land and the existence of such natural features as woods. Thus the survey of the site involved the preparation of a contour map. On the basis of this map the town-planner, acting in co-operation with the civil engineer (who had to consider the economical provision of water and drainage and the making of roads) was able to determine the broad outline of the plan. The

existence in each case of a railway line running through the estate was an important factor in connection with the determination of the areas to be reserved for industrial, commercial and residential purposes respectively, and as to what areas could most suitably be utilized for open spaces and playing-fields.

When the town-planners had decided what areas should be reserved for industrial purposes, shopping centres and public buildings, most of the remainder of the town area was then reserved for residential purposes, with a definite limitation on the number of houses to be built to the acre and with certain carefully-selected areas earmarked for such purposes as open spaces, playgrounds, and schools.

Facing this page is a reproduction of the outline plan of Welwyn Garden City. It indicates the railway lines, which are such a dominating factor in connection with the preparation of a town plan, the civic and commercial area, the industrial area and the residential areas, the remainder of the land being reserved for agricultural purposes. The plan was prepared by Mr. Louis de Soissons, F.R.I.B.A., in constant consultation with the Board of Directors and technical staff of the Company. The Civil Engineer was Captain W. E. James, A.M.Inst.C.E., and Mr. J. D. Haworth, M.S.E., acted as Consulting Engineer for the purpose of water supply and main drainage.

The following points may be noticed in connection with the outline plan. The area reserved

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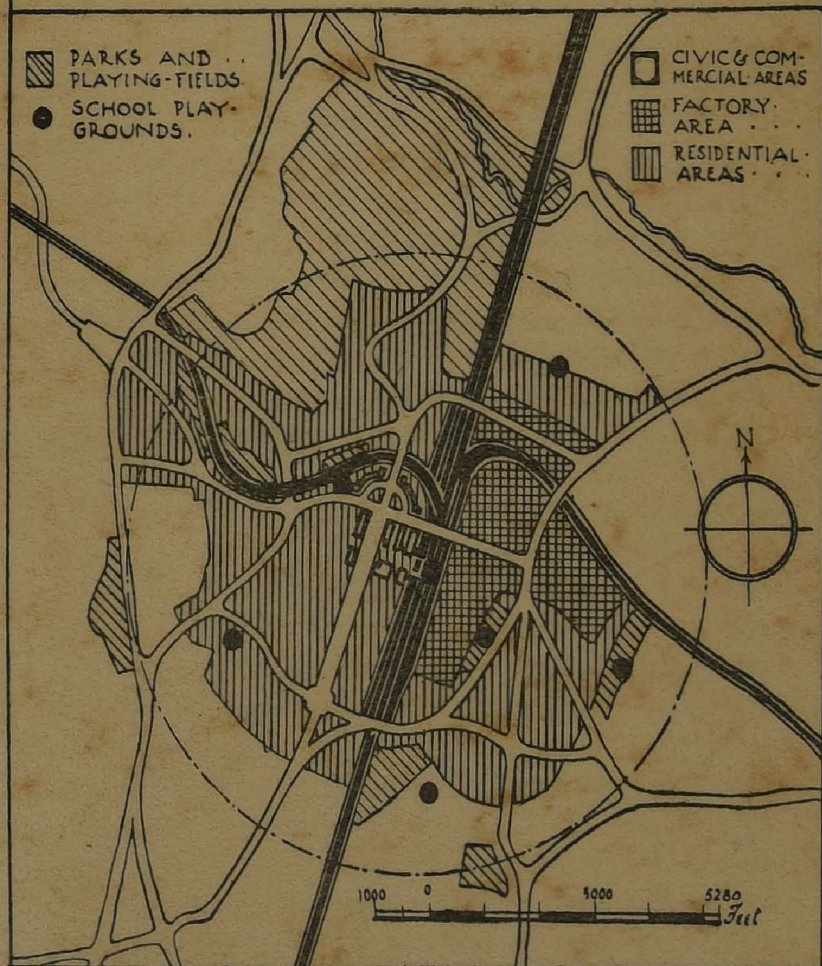


Diagram prepared from Town Plan by Mr. Louis de Soissons, F.R.I.B.A.
 The diagram illustrates the main features—only principal roads shown.

for industrial purposes was selected for its close proximity to the railway main line and the branch line to Hertford, which provide facilities for sidings to the factories, and because the land on this part of the estate was fairly flat. It will be observed that careful attention has been paid to the road access to the factory area both from outside and for internal communication. The details of the layout of the factory are not indicated on the outline plan, but secondary roads are provided in addition to the main roads which are shown, so as to give the factories good road access as well as railway sidings. Within this factory area steps are being taken to secure that only a portion of each factory site shall be covered with buildings, making possible healthy conditions of work and facilities for efficiency in industry. As a business expands it will be possible for its works to be increased in size without undue congestion, thus obviating one of the difficulties which constantly hinders the manufacturer with an expanding business which is located in the ordinary town. The factory area is of course equipped throughout with electric power mains and all the public services. It is laid out primarily for efficiency, but not without regard for beauty.

The civic and commercial area is placed so as to be in immediate proximity to the main-line station and to stand in a central position in relation to all parts of the town. A portion of this area to the north is reserved for civic buildings, and as the land slopes southwards the main public buildings will

be in a commanding position. The southern portion of this area is reserved for shops, professional offices and other commercial buildings. The main road running north and south through this area is planned with a broad parkway in its centre and wide carriageways on either side, making an imposing central feature of the town.

The remaining area, reserved for residential purposes, is planned in detail in such a way as to limit the number of houses to the acre, and to provide for the setting-back of the building line of the houses from the carriageways, thus allowing for the planting of grass margins and trees. Off the main roads culs-de-sac and other minor roads are provided in such a way as to secure the utmost economy in development costs. It should further be pointed out that within this residential area a considerable amount of space is reserved for playgrounds, both large and small, and also for four elementary schools and two secondary schools, each of them with an adequate reservation of land for playgrounds.

It will be observed that many of the main roads do not run straight. This is not in order to produce artificial curves, but has been determined by the lie of the land as revealed in the contour survey. The contour survey also indicated to the engineers where the sewage-disposal works ought to be placed and the lines along which the main sewers should be constructed. The sewage-disposal works are located to the north-east, the reservoirs for the water supply are at the highest point of the estate, which

is just north of the branch railway line running to the west, and the wells and pumping station are in the extreme north in the valley of the small river Mimram.

As development proceeds detailed layout plans are being prepared in connection with each area of land. It will thus be seen that the town-planners work from the general to the particular. Having secured the main outlines of the town plan and thus ensured unity in the relation of each area to the others the detailed layout of each particular district is planned so as to provide for the residential areas the best home conditions, in the factory area the best surroundings from the point of view of industrial efficiency and health, and in the case of the civic and commercial area such arrangements as will make for efficiency and at the same time provide a dignified centre to the town as a whole.

Within the scope of the present chapter it is not possible to do more than indicate the methods adopted and the considerations incorporated in the town plan. Those who wish to study the matter more closely in connection with the planning and development of Letchworth and Welwyn Garden City should refer to *The Building of Satellite Towns* by Mr. C. B. Purdom.¹ In this book the planning and development is fully and ably described from both the technical and sociological standpoints, the author writing with an intimate and practical

¹ *The Building of Satellite Towns* (J. M. Dent). For a shorter account see *Town Theory and Practice*, edited by C. B. Purdom (Benn Bros.).

knowledge of the development of both places. The author also describes the new economic experiments being carried out at Welwyn Garden City, which have an important bearing upon town planning generally.

In Chapter XVIII we refer to the subject of the future of the garden city movement and its relation to the development of the country as a whole. In the present chapter we have merely dealt with the planning of the garden cities in order to illustrate the practical application of the principles of town planning to the building of new towns.

CHAPTER VI

THE APPLICATION OF TOWN PLANNING TO EXISTING TOWNS; AND THE TOWN PLANNING ACTS

WHERE the town-planner is preparing a scheme for the development of a new town in the open country, he is not handicapped by having to take into account a large amount of existing development. He is able to make a fresh start, and to utilize all the possibilities of the site as a whole. Where, however, a scheme is being prepared for the development of land in or adjacent to an existing town or village, the town-planner is restricted in many directions.

Many attempts have been made by owners of land in or near existing towns to plan out building estates. Among the most recently successful of these attempts are Bournville, near Birmingham, and Hampstead Garden Suburb on the outskirts of London. In the latter case the area was planned for residential purposes only, but in the former there is also an industrial area where Messrs. Cadbury's large factory is situated. Again, in some cases areas of land acquired for housing purposes

by Municipal Authorities have been of sufficient extent to permit of considerable planning, provision being made not merely for houses, but for open spaces, sites for churches, shops and other public buildings. In the central parts of towns a certain amount of replanning has been possible where Local Authorities have acquired slum areas for the purposes of clearance and reconstruction or where they have exercised their powers in connection with street widenings.

In the case of all these examples the opportunities for planning have been very limited, and none of them really afford scope for town planning in the fullest sense of the term.

Thus apart from the powers granted under the Town Planning Acts, which are described later, town planning has only been possible, and that to very limited extent, where the plan is based upon ownership of the land either by an individual or a company or by a Local Authority.

In some cases, as at Hampstead Garden Suburb and Bournville, the land was acquired with the definite purpose of laying it out in accordance with the principles of good planning ; in others, as on the municipal housing estates or in connection with the clearance of slum areas, the land has been acquired by the Local Authority primarily for housing purposes, while in such places as Eastbourne practically all the land in a town has been in the ownership of one individual who has exercised a certain amount of forethought in the general laying-out of his land, with the result that in some

measure the principles of town planning have been adopted. Except at Letchworth and Welwyn Garden City, however, no attempt has been made to take advantage of the sole ownership of land and to prepare a really well-thought-out town plan providing for all the social needs of a community, including industry.

Since the beginning of this century people have come to realize more and more that by reliance upon the chances connected with the ownership of land satisfactory results are very seldom secured, and that public authorities need general powers to control the development of land so as to ensure that the extensions of towns and villages shall be properly planned in themselves and also in relation to the existing development.

Partly as a result of the efforts of such bodies as the Garden Cities and Town Planning Association and the National Housing and Town Planning Council, partly as a result of such experiments as Bournville, Hampstead Garden Suburb and Letchworth, and partly from observation of the work of certain municipalities in Germany and America, the agitation for the passing of a Town Planning Act was successful. In 1909 the Rt. Hon. John Burns, then President of the Local Government Board, introduced a Housing and Town Planning Bill which, in addition to extending the housing powers of Local Authorities, incorporated a series of clauses giving power to Local Authorities to prepare town-planning schemes.

The Bill met with general approval in Parliament

and became law the same year. Since that date Local Authorities have had power to prepare town-planning schemes in respect of land within their boundaries or in their neighbourhood which was likely to be built upon in the near future. This power is quite independent of the ownership of the land. In their use of it Local Authorities need not necessarily acquire a single square yard of land, but by exercising their powers under the Act they can control its use by individual owners "with the general object of securing proper sanitary conditions, amenity and convenience in connection with the laying-out and use of the land."

As a result of experience, the powers granted under the Town Planning Act of 1909 have been gradually extended and improved. Amending Acts were passed in 1919 and 1923, and the whole of the law is now consolidated in the Town Planning Act of 1925. The powers and duties of Local Authorities under this Act and the procedure to be adopted are explained in subsequent chapters, and the Act is printed in full in Appendix I.

As the law now stands, the powers and duties of Authorities in regard to land not yet built upon are fairly ample for their purpose. In two important respects, however, further legislation is required. In the first place, the Local Authorities have not power (except in certain very limited cases) to prepare replanning schemes for built-up areas. This limitation hampers the Local Authorities, not merely in regard to these areas themselves, but also

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in the preparation of their schemes for undeveloped land which ought to be considered in relation to the replanning of the existing town. The second main limitation of the existing law is in connection with regional planning. Although it is possible for Local Authorities to join together in the preparation of a plan for a whole region, any Joint Committee set up for this purpose has only advisory and not executive powers. This matter is dealt with more fully in Chapter XVI.

Before proceeding to describe the powers and procedure under the Town Planning Act it is well to bring forward a few general points in connection with the exercise of these powers.

As already stated, those responsible for the preparation of a town-planning scheme for the Local Authority of a town where there is already considerable development, have to work under grave limitations. They have a more difficult task than those who are responsible for preparing the plan of a new town to be constructed out in the open country. They are handicapped by having to contend with the existing development of their own town and also, in many cases, of contiguous towns. As the existing development is as a rule devoid of any kind of order or plan and as the existing town usually has houses and factories spread about without any attempt to separate residential and industrial zones, with many streets narrow and congested and with insufficient open spaces in proportion to the population, it is obvious that the town-planning schemes for land on the outskirts

of a town have to be prepared with due regard for these existing defects.

Moreover, in the case of many towns, the proximity of another town has to be taken into account. For example, anyone preparing a town-planning scheme for Sheffield has not merely to consider the existing bad development of Sheffield, but also the proximity of such a town as Rotherham. Again, those responsible, under the London County Council, for the preparation of town-planning schemes in the neighbourhood of London are bound to take into account the development in suburban districts such as Finchley, Tottenham, West and East Ham, Croydon, and Ealing.

Thus the town-planner, acting under a Local Authority and instructed to prepare town-planning schemes for an existing town, should be furnished or furnish himself with a considerable amount of social and economic data regarding the existing town. He will require to know the present conditions in order that he may prepare for the probable tendencies of future expansion. He will require to base his plan on the broad principles exemplified in the plans of Letchworth and Welwyn Garden City, but he will have to adapt the principles to the special limitations imposed by existing development. Among the matters which he will have to consider carefully are: (a) what areas should be reserved for industries, having regard particularly to transport facilities (generally speaking, this will be land in proximity to railway or docks which is fairly flat); (b) what areas should be reserved

exclusively for residential purposes (and this should exclude land which is low-lying or which is in close proximity to railway lines) ; (c) the limitation of the number of houses to the acre that should be built in various portions of the residential areas ; (d) road development and the grading of roads according to the amount of traffic they are likely to be required to take ; (e) what areas of land should be reserved for agricultural or horticultural purposes ; (f) what areas should be reserved for shopping and other commercial purposes ; and (g) what general provisions as to setting-back of buildings from the road, care of front gardens and verges of roads, restrictions on the placing of hoardings and advertisements and similar matters should be made.

As explained in later chapters, the making of the town-planning scheme consists in the preparation of a series of maps and a series of clauses. It is important to bear in mind that although persons with technical skill may be required for the preparation of the plan, and with legal knowledge for the preparation of the clauses, the whole must be governed by broad considerations of public policy, and that the layman, including not merely the publicly-elected representatives on the municipal authority but also the general body of citizens, has an important part to play.

With these preliminary remarks we proceed to explain in more detail the powers and procedure under the consolidated Town Planning Act of 1925.

CHAPTER VII

THE POWER TO PREPARE SCHEMES

UNDER the Town Planning Act a town-planning scheme may be made as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity and convenience in connection with the laying-out and use of the land, and of any neighbouring lands.

The following questions require an answer :

- (1) What is the Authority which has power to prepare a scheme ?
- (2) What land can be included in a scheme ?
- (3) What are allowed to be the objects of such a scheme and what matters can be provided for in it ?

(1) The Authority for preparing a scheme is " the Local Authority," and by Section 21 the expression " Local Authority " for the purposes of the Act is defined as :

- (a) As respects the Administrative County of London the London County Council (i.e. not the Metropolitan Borough Councils), and

- (b) Elsewhere, the Council of the Borough, Urban or Rural District.

As will be pointed out in a later chapter, however, provision is made in the Act enabling Local Authorities to act jointly in the preparation of a scheme. Moreover, it is possible for a Local Authority to adopt a scheme prepared by an individual land-owner or owners, and there are special provisions by which "Authorized Associations" can carry out schemes for Garden Cities, Garden Suburbs, or Garden Villages. Apart from these special cases, however, it is the London County Council in London and the Borough Councils, Urban District Councils and Rural District Councils elsewhere who are given the main powers for the preparation and execution of town-planning schemes and upon whom, as we shall show, definite duties are imposed in certain cases.

Where a Local Authority fails to carry out its duties in this respect certain powers are given to the Minister of Health to enforce them or to act in default.

(2) Despite the number of Town Planning Acts which have been passed during the last fifteen years, culminating in the Consolidating Act of 1925, the powers of Local Authorities for the preparation of schemes is limited in various directions; in particular, it is only in respect of certain land that schemes may be prepared. Broadly speaking, the land which can be included in a town-planning scheme is land which is at present unbuilt upon. Moreover, the land included must be in course of

development or appear likely to be used for building purposes.

But although in general land already built up is excluded from the Act, this is subject to certain exceptions. In the first place, where a piece of land is already built upon, or a piece of land not likely to be used for building purposes is so situated 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, then the scheme may include such pieces of land and may provide for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect. Moreover, where it appears to the Minister of Health that on account of the special architectural, historic or artistic interest attaching to a locality it is expedient with a view to preserving the existing character and to protecting the existing features of the locality that a scheme should be made in respect of such area, the Minister may authorize a scheme to be made, prescribing the space about buildings or limiting the number of buildings to be erected, and prescribing the height and character of the buildings.

In certain cases land not likely to be used for building purposes may be included, and it is provided that any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks or recreation grounds, or for other purposes not of a building character but which are incidental to the scheme, may be included. As to whether such land should be included or not is a matter

for the final decision of the Minister of Health.

It should further be pointed out that the land to be the subject of a town-planning scheme need not necessarily be within the area of the Local Authority actually preparing the scheme. In many cases on the boundaries of a town it is impossible to prepare satisfactory schemes without taking in a certain portion of suburban area which is technically within the boundaries of some other Authority and the scheme may include such land provided that the Minister approves.

Where any land proposed to be included in a town-planning scheme or to be acquired under the Act is within the distance prescribed by the regulations made by the Minister from any royal palace or parks, the Local Authorities shall, before preparing a scheme or acquiring the land, communicate with the Commissioner of Works. The Minister, in such a case, before confirming a scheme or authorizing the acquisition of land, will take into consideration any recommendations which the Commissioner of Works may make with reference to the proposal (Section 19).

(3) As already pointed out, the general object for which a town-planning scheme may be prepared is "to secure proper sanitary conditions, amenity and convenience." This phrase is an extremely wide one and in later sections of the Act indications are given of the kind of things which may be provided for in the scheme with a view to securing this general object. In practice the schemes may provide for practically everything in regard to the

laying-out of the land which will best secure the welfare of the inhabitants who will live in the area and of the town as a whole.

Thus among the matters for which a town-planning scheme may provide are :

The situation, width and construction of roads.

The stopping of highways.

The fixing of building lines.

The reservation of land for parks, open spaces, allotments and public buildings.

The preservation of objects of natural beauty and historic interest.

The limitation of the number of houses to be built to the acre.

The proportion of a site to be built upon.

The height and type of buildings.

The allocation of various areas for shopping centres, factories, or other purposes.

The variation or suspension of local by-laws.

Matters connected with the sewerage, drainage, and sewage disposal.

Public lighting.

Water supply.

By Section 5 of the Act power is given to the Minister to make general provisions for carrying out the objects of the town-planning schemes and in particular to deal with the matters set out in the First Schedule to the Act, and in fact the Minister has made such general requirements, and has prepared a set of Model Clauses for the use of Local Authorities in the preparation of schemes. (H.M. Stationery Office, 1s.)

CHAPTER VIII

COMPULSORY TOWN PLANNING

As already pointed out, all Local Authorities have *power* to prepare schemes in respect of land in course of development or likely to be used for building purposes. Until 1919, if a Local Authority decided not to exercise its powers to prepare schemes there was no statutory authority for the Local Government Board (as it then was) to force it to take action. Since 1919, however, there are statutory obligations to prepare schemes imposed upon certain Authorities and the Minister of Health has various powers for seeing that Local Authorities prepare schemes where, in his opinion, such a course is necessary.

By Section 3 of the Act of 1925 the Council of every Borough or other Urban District containing a population, according to the Census of 1921, of more than 20,000 is required, before January 1, 1929, to prepare and submit to the Minister 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. Such schemes, in addition to anything else which is contained in

the Act, must deal with such matters as the Ministry by regulation shall determine.

The general effect of this provision is that for all towns and Urban Districts with a population of over 20,000 schemes must be prepared in respect of all land within the Council's area which is in course of development or likely to be built upon.

Quite apart from this special obligation imposed upon the Councils of towns and Urban Districts with a population of over 20,000, the Minister may, by Section 13 of the Act of 1925, in respect of any Local Authority, whatever its population, require the Local Authority to prepare a town-planning scheme. He can only do so, however, if he is satisfied after holding a public local inquiry that a scheme ought to be made by the Local Authority. If the Minister is satisfied as to this he can order the Local Authority to prepare and submit for his approval such a scheme, and if that scheme is approved then he can require the Local Authority to put it into force. Any Order made by the Minister under this section has the same effect as if a Resolution had been passed by the Local Authority itself deciding to prepare a scheme.

If the Local Authority fails to prepare a scheme to the satisfaction of the Minister when required to do so, within the time prescribed by him, or if it fails to enforce observation of the scheme, the Minister has power himself to act, and the scheme can be prepared by the Ministry of Health. In the case of a Borough or Urban District with a population of less than 20,000, or of a Rural District,

the Minister may, if he thinks fit, by Order empower the County Council to act in the place and at the expense of the Local Authority.

It was pointed out in an earlier chapter that apart from the Local Authority's power to prepare a scheme itself it had power to adopt a scheme prepared by the owners of land within its area. By Section 14 of the Act of 1925, if representations are made to the Minister of Health that a Local Authority has failed to adopt a scheme prepared by the owners of land, and if the Minister is satisfied, after inquiry, that the Local Authority ought to have adopted it, then he can make an Order requiring the Local Authority to do so. Moreover, if representations are made to the Minister that a Local Authority is failing to enforce any scheme already adopted or prepared, then he is given power, if he is satisfied after inquiry that this is the case, to make the Local Authority put it into force.

Any Orders made by the Minister under this section may be enforced by mandamus.

CHAPTER IX

ADMINISTRATION OF THE ACT AND PROCEDURE TO BE ADOPTED

As explained in a previous chapter the Local Authorities have considerable powers and in all towns with a population of over 20,000 inhabitants a statutory duty to prepare town-planning schemes. The procedure in connection with the preparation of such schemes and the scope of their contents is defined by provisions and regulations made by the Minister of Health under the powers conferred upon him by Sections 5 and 6 of the Act of 1925.

In subsequent chapters these matters are considered in detail and the regulations and orders of the Ministry of Health explained. But first it is important to indicate in a general way the preliminary steps which a Local Authority should take in order to equip itself for the adequate performance of its town-planning duties so that the district may benefit to the fullest possible extent.

With the exception of a few Rural District Councils whose area is entirely agricultural, practically all Local Authorities should consider whether they should prepare a town-planning scheme under

the Act. In almost every district a certain amount of development is taking place, and at the very least there is the possibility of building. Moreover, in all districts there is a need for further housing, and if no one else is building the Local Authority ought to be exercising its powers under the Housing Act, and under the Act they will be required, in connection with the preparation of their housing schemes, to take account of their own town-planning proposals.

Even were there no such provision under the Housing Acts every Local Authority would be well advised to take such a step.

In these circumstances, every Local Authority (with the possible exception of certain purely agricultural rural districts) should set up a special Town Planning Committee. In general this should be a separate Committee from the Housing Committee, but in the case of some of the smaller Authorities it may possibly be found convenient to combine the Housing and the Town Planning Committees. Usually, however, a separate Committee is desirable. A town-planning scheme, when prepared, will have to provide for the possible development of industry, the development of residential districts, open spaces and variation in road development to fit in with different transport requirements.

In order that the Town Planning Committee should be well equipped to consider this wide range of subjects there should be placed upon it the members of the Council who are on the Highways

Committee, on the Parks and Open Spaces Committee (if such a Committee exists), on the Housing Committee, and in addition possibly one or two members of the Council who are specially concerned with industrial development, whether as manufacturers or as representatives of the workmen.

The Committee, when set up, will have to consider in the first place what areas of land are likely to be developed in the future, and therefore what are the precise boundaries of the land which should be included in the town-planning scheme or schemes. It will have to consider what should be the main lines upon which the scheme is to be prepared, and for this purpose should cause to be prepared a general survey of the existing built-up areas, in order to ascertain what requirements should be met in the scheme for future development.

One of their first steps will be to appoint a particular official with technical qualifications, who will act as their adviser and will be responsible for the actual preparation of the scheme, subject to the general directions of the Committee. In making this appointment the Committee will have to consider whether they will appoint the Surveyor to the Council, possibly giving him an extra assistant for this purpose, or whether they will appoint some outside expert. In deciding as to this the Committee should bear in mind that town planning is not merely a matter of roads and drainage, and that many of the surveyors to Councils have made no special study of the subject of town planning. In the case of large towns it is generally found

desirable to have a special Town Planning Officer appointed, who has made a special study of the subject and has passed the examinations of the Town Planning Institute. In the case of smaller towns the Committee will generally be well advised to place the matter in the hands of their Surveyor or a special assistant appointed for the purpose, but to have an outside town-planning consultant whom the Surveyor may consult with regard to the scheme.

This town-planner, as soon as he is appointed, will study the survey of existing conditions in order to see how far they fit in with the requirements of an ideal town, and in his new plans will then be able to include any features which may be lacking, and eliminate any which are undesirable. His drainage scheme and road arrangement will be guided by the lie of the land, and he will seek to preserve and develop any natural features, such as ponds, streams and woods, which will add to the beauty of the town. He must consider what industries are already in the town, or are likely to develop, and others which local conditions and facilities make it desirable to encourage, and provide for their requirements. He must also decide how much open space is required for play and recreation, and which are the most convenient areas for shopping centres and public buildings.

CHAPTER X

THE RESOLUTION TO PREPARE A SCHEME

WHEN a Local Authority has decided that it is desirable to consider the preparation of a town-planning scheme and has referred the matter for further consideration either to a special Town Planning Committee or to some other Committee charged with the duty, the Committee in question will have to consider carefully: (*a*) whether a scheme should be prepared; (*b*) the regulations and instructions issued by the Ministry of Health in regard to the preparation of schemes; (*c*) the steps to be taken to secure the preparation of a scheme if it is decided to prepare one; (*d*) whether it is desirable to co-operate with other Local Authorities in the preparation of a joint scheme.

Assuming that the Committee decides in favour of preparing a scheme, then the procedure which it will have to adopt is governed by regulations issued by the Ministry of Health. Section 6 of the Town Planning Act provides for the Minister making regulations as to procedure, and Section 5 of the Act enables the Minister to make general regulations as to the contents of schemes.

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Under the regulations issued by the Ministry of Health the procedure is divided into three stages :

(1) The Resolution to prepare a scheme, to pass which the Council, on the advice of its Town Planning Committee, will have to decide as to the area of land to be included.

(2) The preparation and adoption of a Preliminary Statement, and a Map described as " Map No. 2."

(3) The preparation and adoption of a complete Town Planning Scheme.

The regulations governing the procedure in regard to each of these stages are detailed in the Ministry's Town Planning Procedure Regulations, and a series of memoranda and circular letters has been issued in connection with the procedure, which also give advice on the contents of schemes. The members of the Town Planning Committee of the Council will find it necessary to make themselves familiar with the general trend of these regulations and orders.

The first stage in the procedure is the passing of the resolution to prepare a scheme. This resolution must be passed by the Council, but before the resolution is framed the Town Planning Committee should make definite recommendations to the Council. In order to do so the Committee will first have to decide on the area to be included in the scheme, and also as to whether one or more schemes will be required.

For the purpose of assisting them to come to a conclusion as to these important matters their technical adviser or officer will have to make a

careful survey of the needs of the town, of the land likely to be developed in the future, and of any additional areas of land which should be included in order to complete the scheme. As the resolution of the Council will have to contain a detailed definition of the area of land to be included, it is necessary to have prepared a map called "Map No. 1," indicating the exact area proposed.

The Council, if it decides to adopt the recommendations of its Committee, then proceeds to pass the necessary formal resolution (a model form of which has been issued by the Ministry). The resolution itself refers to Map No. 1, and the map must be exhibited at the Council Offices for inspection by anyone who is interested, and an advertisement of this proceeding must be inserted in the local papers. A copy of the resolution and of the map must be sent to the County Council, and if the area includes land under the jurisdiction of another Local Authority copies must be sent to that Authority also. It is not now necessary for the resolution to receive the approval of the Ministry of Health unless it is proposed to include land within the area of some other Authority in the scheme.

The effect of the passing of the resolution is to bring under control the whole of the land included in the proposed scheme. Any owner of land within the area included can proceed to develop his land or to build upon it pending the completion of the preparation of the plan itself, but if he does so without the consent of the Local Authority he does

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so at his own risk. If, when the scheme is actually prepared, it is found that his development conflicts with it, for example, if it is found that he has built a house (after the passing of the original resolution) in such a position that it obstructs a proposed new road, then the Council can require him to pull it down without giving him any compensation. Again, if he put up a factory or workshop in an area which in the scheme is reserved or "zoned" for residential purposes alone, he would be required to pull down the building at his own expense.

In view of these provisions, the owner of any land within the area to be included in the scheme who wishes to develop immediately should apply to the Council for special permission for this purpose, indicating precisely what he intends to do. The Council may then either give him permission to develop in accordance with his proposals or may refuse it. If the Council gives permission, he may carry out his proposed development, and should such development be found to conflict with the final scheme he would be entitled to compensation for the costs of bringing the development into accordance with the scheme. Any person aggrieved by the neglect or refusal of the Local Authority to grant permission, or by any condition they impose, can appeal to the Minister.

Thus, on the one hand, the whole of the area included in the resolution comes under the control of the Local Authority; and, on the other hand, there is no necessity for development to be entirely

stopped pending the preparation of the scheme itself. Section 4 of the Town Planning Act gives the Minister of Health power to make general orders dealing with the development of land pending the preparation of the scheme.

It is obviously extremely desirable that the Local Authority, having once passed a resolution deciding to prepare a scheme, should proceed with it as rapidly as possible, so that owners of land may know what is likely to be the future development and so that the officials of the Council may be in a position to decide as to whether any particular proposal of an individual owner for the development of his may be sanctioned or not.

CHAPTER XI

THE PRELIMINARY STATEMENT

THE next step in the procedure is for the Local Authority, within six months of the passing of the resolution referred to in the previous Chapter, to prepare a Preliminary Statement, together with a map called "Map No. 2," showing the main proposals for the development of the area covered by the scheme.

Under the original Act of 1909 there was no intermediate stage between the passing of the resolution to prepare a scheme and the preparation of the final and detailed town plan. It was found that the preparation of the final plan took a long period of time and development was often seriously hindered pending its completion.

The preparation of a preliminary statement has been introduced into the procedure so that the outline of development may be fixed comparatively quickly, without settling the actual legal clauses, and thus owners are enabled to carry on development within the outline of the scheme without running the risk of interference (without compensation) by the final scheme.

The task of preparing the preliminary statement will be in the hands of the Town Planning Committee, who will ultimately place it before the Council for sanction. The actual work of drafting the statement and plan will be entrusted by the Committee to the Surveyor, Engineer, Architect, or expert town-planner specially appointed for the purpose. But it is of great importance that the Committee should work in close co-operation with this official, directing and assisting him, so that even at this early stage other considerations than those which are purely technical may be given due weight.

The Local Authority, and particularly the Town Planning Committee, should take steps to ascertain the needs of persons interested in the progressive development of the district and should weigh carefully any representations made by owners of land within the area of the scheme, and they should also consult other Local Authorities who may be affected, either directly or indirectly.

The Preliminary Statement should contain the following particulars :

1. The area to be included in the town-planning scheme, together with indication of the following existing features :

- (a) Main Roads ;
- (b) Roads repairable by the inhabitants at large ;
- (c) Roads or footways over which the public has 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 authorized 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, etc., Act 1909, within the area of the scheme or in the immediate neighbourhood thereof.
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 or 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 for heavy industries, or partly one class and partly another, or (more often) predominantly one class with other classes allowed by consent of Council) ;
 - (b) Density of buildings (i.e., number of houses to the acre, and proportion of site to be covered by buildings) ;
 - (c) Height of buildings.

(The proposed restrictions and the area 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.) These restrictions are not the subject of compensation, provided that the Minister of Health certifies that they are reasonable.

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

All these particulars should be indicated by reference to Map No. 2. A Model Form for this Preliminary Statement has been issued by the Ministry of Health.

It will be seen that the preparation of the Preliminary Statement and Map No. 2 will require a precise knowledge of all the existing conditions within the area, and the formulation of a general outline of the proposals for development. No actual details of the proposed development, however, need be included. Before the Local Authority finally adopts the Preliminary Statement and Map it must give notice of its intention to do so by advertisement and take all the necessary steps to notify persons interested (though personal service on owners is not required at this stage), and give them an opportunity to make any objections or suggestions with regard to the scheme. So far as possible any objections arising should be met by mutual agreement, and the co-operation of all persons interested should be secured. In a statement issued in August 1921, relative to the preparation of schemes, the Ministry of Health draws attention to this point in the following words :

“It is of the highest importance that both the Local Authority and this 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. . . . 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 the 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 harmonized and satisfied to the fullest extent compatible with the public interest and the production of a sound Scheme. . . . Apart from any proceeding enjoined by the Regulations, however, Local Authorities should themselves arrange local conferences with recognized 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 organizations 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 view of social organizations.” 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 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 is pre-eminently a business proposition, and, above all things, has to be practical."

The Memorandum further says :

"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, etc., 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."

CHAPTER XII

PREPARATION AND ADOPTION OF THE FINAL SCHEME

WHEN the preliminary outline plan and statement have been approved by the Minister of Health, the Local Authority is required to proceed immediately with the preparation of the draft of the final scheme. This draft, which has to be prepared within twelve months of the approval of the preliminary statement and plan, is illustrated by Map No. 3. That map must give such particulars and details as can conveniently be indicated by reference letters, numbers, distinguishing colours or otherwise. In particular, it must show any new streets or widenings of existing streets or roads proposed as part of the scheme, and also the prescribed building lines or space about buildings. It must also illustrate the points already referred to in the description of the Preliminary Statement and map, with regard to the character of buildings to be erected, density of buildings, etc. The Ministry of Health has issued a leaflet giving instructions as to how the notation on the map should be carried out. A standard set of symbols and colouring is necessary

so that in all schemes the same things may as nearly as possible be shown in the same way. In addition to the map illustrating the final scheme, the Council must prepare a detailed statement of the regulations and conditions proposed. This will consist of a number of clauses dealing with such matters as how the regulations as to character of buildings, the limiting of the number of houses to the acre in residential areas, etc., are to be enforced, the widths and form of construction of the various classes of new roads, whether such roads are to be made by the Council or by private individuals and how they are to be paid for, and, in fact, any kind of regulation or requirement designed to secure amenity and health within the area and to provide for elasticity so that the scheme may be adapted to meet the circumstances of development. The Ministry of Health has provided a set of model clauses for the assistance of those preparing schemes. These will save Councils much of the time that has previously been spent in settling "forms," but the actual requirements will vary with each scheme and must be devised in accordance with local circumstances.

When the draft of the town-planning scheme has been prepared it must be formally adopted by a resolution of the Local Authority, and a notice of the resolution must be given by advertisement, stating that a print of the draft scheme and map No. 3 will be open for inspection, and that anyone having any objection or representation to make must send it in writing to the Local Authority

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within a specific period, not being less than four weeks from the date of the advertisement. Notice must also be served individually on certain prescribed persons, including the owners of the land, and any other Local Authority whose land is to be planned. A copy of the resolution and of the advertisement, together with a certified copy of the draft scheme and Map No. 3, must also then be sent to the Ministry of Health. The Local Authority has then to take into consideration any objections which have been raised and see to what extent they can be met.

With six months of the passing of the resolution adopting the draft scheme, the Local Authority must pass a resolution approving the scheme, with or without modifications, and directing that the said scheme, together with a map (Map No. 4), shall be sealed with the seal of the Authority and submitted to the Minister for his final approval. (If no alterations have been made Map No. 4 will, of course, be the same as Map No. 3.) The Local Authority must also advertise the fact that it has passed a resolution finally approving the scheme, and has sent it to the Minister, and must give a further opportunity for objections to be sent in within twenty-one days.

The Ministry of Health, before giving its sanction to the scheme, has to hold a public inquiry at which people who object may state their case. The Ministry then notifies the Local Authority that it proposes finally to approve the scheme with or without modification. Even then, before such final

approval, a further opportunity is given to people to raise objections by advertisement and personal service of notices on owners.

It will be seen that at every stage of the procedure it is made easy for owners and other persons interested to state their case, not merely to the Local Authority, but to the Ministry of Health. This fact, together with the holding of the public inquiry, amply safeguards from injustice any persons interested. At the same time all classes of the community are enabled to formulate their views as to amendment or improvement of the scheme.

CHAPTER XIII

CONTENTS OF A TOWN-PLANNING SCHEME

HAVING described the procedure to be adopted by Local Authorities preparing a town-planning scheme, it is now necessary to say something further about the scheme itself and the matters for which provision should be made. As already pointed out, Section 5 of the Act, together with the First Schedule, gives the Minister of Health power to make provisions for carrying out the general objects of schemes and setting out what is to be included in all schemes. In addition to issuing such general provisions the Ministry of Health has prepared a set of Model Clauses for use in the preparation of schemes.

The words used in the Act as to the general object of schemes being "the securing of better sanitary conditions, amenity and convenience in connection with the laying out and use of the land or of any neighbouring land" are extremely wide in their scope. They practically enable the Local Authority to make *any* provision which will be for the benefit of the people living in its district. Careful consideration of the Model Clauses issued by the Ministry and also the First Schedule of the Act will

give a guide as to what the contents of a scheme should be and what matters should be dealt with.

The Model Clauses are divided into six parts. A short summary of the matters contained in the clauses under each part will probably give a good idea of what should be the contents of a well-thought-out scheme.

PART I. Contains three general clauses dealing with the interpretation of the various terms used in the later clauses, a clause as to the area, and a clause as to who is to be the responsible Authority.

PART II. Consists of a series of clauses dealing with streets. Thus there are clauses dealing with the application to the area of various statutory provisions as to streets, a clause dealing with sites of new streets and widenings, others dealing with the amount that can be charged to frontagers where a street is widened, as to the construction of sewers, as to the restrictions on buildings at the sides of streets, as to the construction of streets by private owners, as to the submission of schemes of development of estates, relaxation of by-laws, grass margins and similar matters, damage to street works, adjustment of street boundaries, diversion or stopping-up of highways. Under these clauses it is usual to provide for some new streets being made or widened by the Local Authority itself, a certain amount of such cost being recouped from such frontagers

as they develop their land, and for other streets to be made by the owners as and when they are required to do so. There are usually also special provisions as to the width and specifications for the construction of the carriageways of the new roads.

PART III. Deals with buildings and building lines. In this Part there are a series of regulations dealing with the density of buildings; the character of buildings; zoning, i.e. the reservation of certain areas for certain classes of buildings; the height of buildings; space about buildings; breaks in between buildings;

PART IV. Deals with reservation of land for open spaces. In this Part there are clauses as to the reservation and acquisition of land for open spaces, with a table indicating by reference to the map where the open spaces are to be and as to whether they are to be public open spaces or private open spaces, whether they are to be for playing-fields, allotments, sites for schools, etc.

PART V. Clauses in this Part are described under the heading "General convenience and amenity," and here are found clauses dealing with regulations relating to the safety of traffic, preservation of trees, regulation of advertisements and hoardings, maintenance of private gardens.

PART VI. A series of miscellaneous clauses dealing with such matters as the adjustment of boundaries of estates, provision for the modification

in detail of the scheme itself, the effect of the scheme on any interim development orders that may have been issued, as to the method of enforcement of conditions imposed under the scheme, as to penalties, as to the suspension and application of by-laws, as to applications for compensation and betterment, as to the service of notice and a number of other matters.

Thus, in the preparation of the scheme it will be seen that the map will contain the actual plan itself, indicating where the roads are to be, as to what areas of land are to be reserved for various purposes, whether factories, residences, open spaces or agriculture; but in addition to the map and, in connection with it, the legal clauses which indicate how the plan shown on the map is to be carried out and enforced will require careful consideration.

CHAPTER XIV

ACQUISITION OF LAND COMPRISED IN TOWN-PLANNING SCHEME

THE preparation and putting into effect of a town-planning scheme does not of itself involve the acquisition of any land within the area of the scheme. It is quite possible for a town-planning scheme to be prepared by a Local Authority merely to control the use of the land remaining in private ownership.

In practice, however, the Local Authority will in most cases find it desirable to make provision for certain portions of the land included in the scheme to be acquired by itself. This obviously applies, for example, where land is being reserved for a public open space or park. It will also be desirable where existing highways are to be widened or new main roads constructed.

A special provision is, therefore, made in the Town Planning Act for Local Authorities to be able to acquire land within the area of their town-planning scheme, if necessary, by compulsion, should they think it desirable in order to make the scheme effective. By Section 8 of the Act the responsible Authority may, for the purpose of a town-

planning scheme, purchase any land comprised in such a scheme by agreement or be authorized to purchase any such land compulsorily.

Where land is purchased by agreement, it is treated as if it was purchased for one of the purposes under the Public Health Act of 1875, and Sections 175 and 178 of that Act apply to such purchase by agreement.

Where the Authority finds it necessary to purchase land compulsorily it does so by means of an Order passed by it and submitted to the Minister of Health, and this has to be confirmed by him in accordance with Part 1 of the Third Schedule of the Town Planning Act (see page 122).

The responsible Local Authority may, with the consent of the Minister, acquire by agreement land comprised in a town-planning scheme even though the land is not immediately required for the purposes of the scheme. (It should be noted that compulsory acquisition, however, must be for the purpose of the scheme.)

Where land within the area of the Local Authority is comprised within a town-planning scheme prepared by another Local Authority, the former may purchase such land by agreement or be authorized to purchase compulsorily just as the latter Authority is entitled to do. Contained in Part 2 of the Third Schedule of the Act are certain restrictions on the general power of acquiring land, and these restrictions are set out clearly in that schedule (see page 124).

The purchase price of the land, where not fixed

by agreement, is decided in accordance with the Land Clauses Act, as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919.

It is obviously desirable that Local Authorities should consider carefully in connection with their schemes what land it is desirable to purchase for open spaces and other purposes, and further whether that land should be acquired immediately. In view of the rapid increase in the value of land on the borders of a town it will, generally speaking, be desirable to purchase the land at an early stage so as to avoid having to pay a considerably enhanced price as might be necessary if it was acquired at some later date. In this connection it is necessary to consider the matter with due reference to the provisions as to compensation which are referred to in the next chapter.

CHAPTER XV

COMPENSATION AND THE COST OF SCHEMES

ONE of the objections which is often raised to the preparing of town-planning schemes is that it is an unnecessary expense. On this subject generally it is important on the one hand to consider the actual cost of preparing the scheme and the amount of compensation to affected owners which may be payable immediately or at some later date owing to the initiation of the scheme and as against this to set the amount of the savings involved by preventing the creation of further slums, avoidance of the necessity for street widenings at some future date, greater efficiency in the conduct of industry and transport facilities involved in the scheme, and the general advantage resulting to the whole community from ordered as opposed to haphazard development.

The direct cost in connection with the preparation and putting into effect of the scheme consists of the actual cost of employing technical advisers, both for the preparation of the maps and plans and for the preparation of the legal clauses. The cost

of this is comparatively small and may vary from five hundred to two or three thousand pounds, according to the size of the scheme. As, however, the cost of this may, if considered desirable, be raised by means of a loan, and repayment spread over a period of years, the annual cost to the ratepayers is a very trifling sum. In addition to the cost of preparing the scheme itself there may be questions involving applications for compensation by owners of land affected by the scheme, against which may be set claims by the Local Authority against owners whose land is improved in value. In a carefully prepared scheme the compensation payable is a comparatively small sum and is far more than counterbalanced by the savings effected as a result of the scheme.

Sections 10 and 11 of the Act deal with the subject of compensation to owners, and rules have been made by the Reference Committee under the Acquisition of Land (Assessment of Compensation) Act, 1919, dealing with the matter.

By Section 10 of the Town Planning Act, any person whose property is injuriously affected by the making of a town-planning scheme is entitled to obtain compensation from the responsible Authority. His claim to compensation, however, is limited by and subject to the following conditions :

- (1) He must make his claim within the time limited by the scheme, provided, however, that this time must not be less than three months after the notice of approval of the scheme is published ;

- (2) He is not entitled to obtain compensation on account of any building erected or contract made or other thing done in respect of land included in the scheme after the date of the resolution of the Local Authority to prepare a scheme, or after the date when such resolution takes effect or the Minister has authorized a scheme, provided—

(a) This does not apply as regards work done after the date of the approval of the scheme for the purpose of finishing a building begun or carrying out a contract entered into before the date of the resolution to prepare a scheme ;

(b) This does not apply in respect of anything done in accordance with permission granted by the Local Authority in pursuance of an Order of the Minister allowing interim development pending the preparation of the scheme (see pp. 60 and 103) ;

(c) This does not apply after any enactment providing for the registration of local land charges comes into force, to any purchaser of land unless the resolution, if required to be registered under such enactment as a local land charge, has been so registered.

- (3) He is not entitled to compensation where the property alleged to be injuriously affected by the provision of the scheme is similarly affected by provisions contained in any Act of Parliament or Order having the force of an Act of Parliament enforced in the area, or such as would have been enforceable if they had been contained in the by-laws of the Local Authority.

- (4) He is not entitled to compensation if the alleged damage is due to a provision in the scheme prescribing the space about buildings or limiting

the number of buildings to be erected, or prescribing the height or character of buildings and which the Minister, having regard to the nature and situation of the land affected, considers reasonable for the purpose.

- (5) Where a person is entitled to compensation under this Act in respect of any matter and he would be entitled to compensation in respect of the same thing under any other Act, he is not entitled to obtain compensation under both Acts, and he is not entitled to any greater compensation under the Town Planning Act than he would be entitled to under the other.

The general effect of the exclusion of compensation under paragraphs (3) and (4) above is that no person is able to claim compensation in such cases as the following :

- (a) That they own land within an area in respect of which the number of houses allowed to be built to the acre should not exceed ten ;
- (b) That their land is within an area which is reserved exclusively for industrial purposes and as a result they are not entitled to build houses there ;
- (c) That there are clauses in the town-planning scheme making certain restrictions as to the elevations of the buildings to be erected.

On the other hand, if their land is within an area scheduled as an open space then they are entitled to obtain compensation.

Claims for compensation are determined in accordance with the Land Acquisition Act by reference to an arbitrator, and rules relating to this have been made by the Reference Committee. (Statutory Rules and Orders, 1923, No. 1509—L 24.)

Where the making of any town-planning scheme causes property to increase in value the responsible Authority can claim compensation against the owner to the value of one-half of the amount of the increase in value, provided that the claim is made within the due time. Sums due as compensation to owners or as betterment from them may be recovered summarily as a civil debt.

Where a town-planning scheme is revoked by an Order of the Minister under the Act any person who has incurred expense for the purpose of complying with the scheme shall be entitled to compensation in so far as any such expenditure is rendered abortive.

The Local Authority may, as a result of its town-planning scheme, be involved in a certain amount of expense in the making of main roads, but it is usual to provide in such cases for contributions to be obtained from the owners of frontage land as and when the land is used for building purposes. In the case of minor roads it is usual to make provision for the owners themselves to construct the roads as and when they are needed and to bear the whole cost thereof.

CHAPTER XVI

JOINT TOWN-PLANNING SCHEMES AND REGIONAL PLANNING

UNTIL 1919 practically no attention was paid to the importance of regional planning. It is true that in some of the town-planning schemes prepared by individual Local Authorities land within the boundary of a neighbouring Authority was often included, and that there was a certain amount of co-operation with that Authority, but these efforts resulted from an individual Local Authority realizing that its town was bound to spread beyond its own borders within a comparatively short space of time and were not dictated by broader considerations.

Since the War, however, a wider view of the question has been taken. The first effort to secure comprehensive consideration of a regional plan was made in 1919 when Dr. Addison, who was then Minister of Health, set up a Special Committee to discuss the regional planning of the industrial area in South Wales. The appointment of this Committee was the outcome of the difficulties experienced in dealing with the housing problems of the mining areas in the valleys of Glamorganshire

and Western Monmouth. As the Regional Committee got to work it was soon realized that the housing and transport problems of this region could only be dealt with effectively if a comprehensive scheme involving the creation of new residential areas was adopted. Since this date a rapidly increasing amount of attention has been paid to the preparation of regional plans and of joint town-planning schemes, though further legislation is required in order to secure that the comprehensive regional schemes shall be carried out.

The successes so far achieved in this direction have been largely due to the energy and tact of Mr. G. L. Pepler, the Chief Town Planning Inspector of the Ministry of Health.

As already pointed out, a Local Authority may include within its town-planning scheme land which is not within its own boundaries, provided that the Minister agrees, but Section 2 of the Act also provides "that where any Local Authorities are desirous of acting jointly in the preparation or adoption of a town-planning scheme they may concur in appointing a Joint Committee for the purpose." There is, however, no power on the part of a Local Authority to *require* other Local Authorities to co-operate in the preparation of a joint town-planning scheme unless they wish to do so. In the main, therefore, in order to secure the preparation of a joint town-planning scheme or of a regional plan it is necessary to get the voluntary co-operation of the various Local Authorities concerned. But as the Minister of Health has power

to require Local Authorities to prepare town-planning schemes if he thinks that such a course is necessary, the Minister has power, indirectly, to bring pressure upon Authorities to co-operate in joint town-planning schemes and probably even to bring pressure on them to co-operate in a plan for a whole region.

In practice it is found that in most areas where a regional plan is desirable the calling of a conference which the Chief Town Planning Inspector of the Ministry attends results in the Local Authorities agreeing to set up a Joint Committee and already regional reports and plans have been prepared for a number of industrial areas. In some of these cases individual Local Authorities have refused to co-operate, but the regional plan has, in fact, covered their areas, and the general effect is that if the recalcitrant Local Authority submits a town-planning scheme of its own then the Minister can refuse to pass it unless it conforms to the general scheme prepared by the Regional Committee. There is a growing feeling amongst town-planners, however, that further legislation is desirable to give to the Regional Committees statutory powers as opposed to the merely advisory powers which they possess at present.

The procedure usually adopted is that three or four Local Authorities within a region for which they consider that a joint plan is desirable invite the other Local Authorities in the region to send representatives to a Joint Conference. A representative of the Ministry of Health attends, the matter

is discussed, and a Joint Committee consisting of representatives of each of the Authorities is set up. This Joint Committee employs an expert to collect the necessary data and to prepare a regional plan, with the co-operation of the officers of the various constituent Local Authorities. Plans and a Report are prepared and published, and if the Ministry of Health is satisfied that the scheme is a good one then each of the Local Authorities, in the preparation of its own detailed town-planning scheme, is required to conform to the broad outline laid down in the regional plan.

On page 88 is a list of the Town Planning Committees which have been set up and which have, in many cases, prepared their plans and reports.

The Regional Committees do not usually attempt to work out the actual detailed planning, but are mainly concerned with laying down the lines of the main traffic communications, particularly arterial and orbital roads, indicating in broadest outline the residential areas which should be reserved, and in many cases providing for certain land to be reserved for agricultural purposes or for open spaces. In some cases the region covered is one already highly developed, for instance, the Manchester area, in other cases it is land which is still mainly agricultural but which is likely to develop rapidly in the future. This latter description particularly applies to the East Kent region, where the anticipated rapid development of coal-mining and the introduction of such industries as iron and steel, which are dependent upon coal, render it highly

88 JOINT TOWN-PLANNING SCHEMES

JOINT TOWN PLANNING COMMITTEES

As constituted at March 31, 1926

Region.	Date of Constitution.	No. of L. As.	Acreage, 1921.	Population, 1921.	Rateable Value. £
NORTHERN—					
Doncaster	31.5.20	8	108,465	139,938	1,013,354
Manchester	14.1.21	96	653,888	2,978,557	19,690,135
South Tees-side	22.2.21	7	38,707	210,262	1,145,082
Dee-side	24.2.21	6	67,558	81,716	491,490
South Tyneside	2.3.22	16	99,401	741,728	3,124,671
North Tyneside	28.3.22	14	137,237	533,887	3,409,901
Rotherham	16.5.22	7	67,856	156,064	824,178
Wirral Peninsula	8.9.22	8	59,653	315,780	2,096,440
Lancaster and Morecambe	23.4.23	5	15,283	69,702	396,500
Leeds and Bradford	10.7.23	42	246,609	1,264,110	8,000,000
Great Crosby and District	23.6.24	4	14,937	64,374	443,467
North Tees-side	6.2.24	3	20,583	75,511	465,806
North-East Lancashire	20.5.25	21	240,164	510,573	2,600,000
MIDLANDS—					
Mansfield	18.5.22	10	118,615	152,833	664,701
Nottingham and District	22.10.23	13	174,375	414,261	2,200,205
Midlands	13.12.23	58	666,851	2,309,392	12,000,000
North Staffordshire	11.3.24	8	108,507	357,008	1,563,960
Chesterfield	9.4.24	8	115,175	186,443	762,231
Cheshire	27.1.26	12	156,004		1,05 45
SOUTHERN—					
West Middlesex	12.1.22	18	72,208	408,194	2,940,442
North-East Surrey	16.10.22	11	77,668	422,840	3,039,100
Thames Valley	17.11.22	12	31,597	266,917	1,750,000
South Essex	7.3.23	12	187,227	606,047	2,984,995
East Kent	14.5.23	17	185,156	298,938	1,699,142
Bristol, Bath, and District	31.1.24	14	321,525	619,105	3,654,271
Worthing and District	12.11.24	3	15,156	41,455	283,310
North-West Kent	20.11.24	14	157,754	289,432	1,800,000
South-West Kent	10.2.25	10	225,807	157,157	1,251,629
Hertfordshire	25.5.25	35	404,523	333,195	2,191,624
Arundel and District	25.2.26	3	24,955	19,136	106,134
Mid-Surrey	6.5.26	5	95,016	76,083	655,097
North-East Kent	2.7.26	9	86,452	147,477	
WALES—					
East Glamorgan	7.3.23	15	221,034	812,579	3,904,451
Mid-Glamorgan	2.5.23	7	110,579	113,571	463,397
Afan and Neath	29.11.23	4	90,794	118,626	511,851
West Glamorgan	5.2.24	8	230,190	318,254	1,377,988

important to take time by the forelock and prevent sporadic and unsatisfactory development. This also applies to the South Yorkshire and North Nottinghamshire coal-fields, where there is a large amount of undeveloped coal and the sinking of a number of fresh pits is likely to take place in the near future.

It is possible that the effect of the reports and plans prepared by some of these Joint Committees may be to pave the way for the eventual statutory establishment of permanent Regional Authorities, which will consider the broader questions involved in the development of a region, particularly such questions as transport, the establishment of new garden cities, the reservation of "green belts" of open country, problems of main drainage and water supply and electrical power. Such Authorities would be granted certain statutory powers to enforce their decisions instead of being, as at present, without any executive power. The need for something of this kind is clearly shown in the evidence submitted to the Royal Commission on London Government and its Report. The evidence submitted before this Commission makes it clear that the fundamental problems of slum clearance and the development of industry in Greater London cannot be solved within the boundaries of the London County Council, or even by considering an area as wide as that covered by the Metropolitan Police district, but that the whole of the Home Counties must be considered in relation to the growth and development of the Metropolis.

CHAPTER XVII

GARDEN CITIES AND THE DECENTRALIZATION OF INDUSTRY

IN Chapter V we have already made reference to the garden city movement and the establishment of the pioneer experiments at Letchworth and Welwyn. These experiments bear a definite relation to the whole question of urban development. Their foundation and successful development has already demonstrated that it is possible to start new industrial towns planned *ab initio*. The underlying purpose of those responsible for their establishment was not merely to start new towns in which the conditions of life should approximate as nearly as possible to the ideal, but also by demonstrating their practicability to give a lead in the problem of decentralization from the great centres of population. As the large towns such as London and Manchester grow in size and population and as they gradually absorb the surrounding towns the problems of civic government become more and more complicated. A few examples will illustrate the imperative necessity for preventing their continuous growth.

For instance, if the problems of London government are compared with those of such a town as Chelmsford or Newark, it will be found that when the civic authority tries to deal with the questions of traffic and street widenings, of slum clearance and housing generally, and of the needs of expanding industry, the difficulties are infinitely greater in London than in the smaller towns. In the central parts of London the traffic problems have become so acute as to involve the appointment of a succession of committees to try and prevent the continuous traffic blocks. A large proportion of the London police force is continuously engaged in controlling the traffic along the streets. Morning and evening the tubes, trams and omnibuses are packed to overflowing, and the workers have to spend considerable sums of money in going to and from their work. When the Local Authority attempts to deal with the clearance of the slums in Stepney, Bethnal Green, Shoreditch, or Southwark, it is faced with the problem of rehousing the displaced population. If they are to be accommodated afresh on the same site either the families will have to live in high block dwellings, with all their attendant evils, or they will be housed in self-contained cottages, leaving too little space for back yards, let alone gardens. If, on the other hand, only a proportion of the population are to be rehoused in the area, then the remainder will have to be moved right to the outskirts of Greater London, thus being forced to spend an increased amount of money in reaching their work and still

further accentuating the traffic difficulties in the morning and evening.

Confronted with these problems, the Committee set up by the Ministry of Health after the War to make recommendations as to the method of dealing with the slum areas, over which the present Minister of Health (Mr. Neville Chamberlain) presided, unanimously decided that in the case of the large towns the best results could not be obtained by considering the residential question alone. The only satisfactory solution, they said, was to establish new satellite garden cities out in the open country to which both industry and population could be moved. To move population alone would only intensify the traffic difficulties.

It may further be pointed out that this policy will be in the interests of industry itself, as large numbers of the works in big towns are hampered by the lack of planning in the town, by the fact that they are situated inconveniently in regard to railways or docks, and that as their business extends they can only acquire fresh land at very high cost and frequently have to demolish existing houses before they can use it. If, however, a certain proportion of industry and population could be moved out from the central areas of the big towns into new garden cities it would be possible to replan at the centre and to give better industrial and residential surroundings to those who remained. Additional advantages are gained in connection with the provision of open-air recreation. At present young men and women living in Stepney

who wish to play games on a Saturday afternoon have to travel a considerable distance outwards in order to play, but in a self-contained garden city they could be within walking distance of the playing-fields.

For the above reasons the establishment of new garden cities must be an integral part of town planning, and in connection with the preparation of regional plans suitable sites must be reserved for such garden cities.

The reservation of the sites, however, would be of little value if definite administrative steps were not taken to secure that the garden cities were in fact built. Up to the present the only garden cities established have been at Letchworth and Welwyn, as a result of the public spirit of small groups of people. In 1921, however, provision was made by statute for the co-operation of the State or the Local Authorities in the establishment of garden cities. As one of the principal difficulties in connection with the establishment of garden cities by unaided private enterprise is the raising of sufficient capital, it is along the lines of provision of loans from the State that the assistance was required. A clause in the Housing Act, 1921, empowered the Public Works Loan Board to lend to Authorized Associations (i.e. companies with limited dividends) money on first mortgage to assist them in their schemes, and, in addition, power is given to large Local Authorities to establish daughter garden cities on their own initiative, obtaining loans for the purpose from the Public Works Loan Board.

The various provisions of the law have now been consolidated in the Town Planning Act of 1925, Section 16. This section provides that where the Minister is satisfied as regards any scheme for the development of land as a garden city, garden suburb or garden village, whether by a Local Authority (including a County Council), two or more Authorities jointly or an Authorized Association, he may acquire the land on behalf of the Authority or Association, by compulsion if necessary, for the purpose of vesting it in the Local Authority or Association. It further provides that the Public Works Loan Board may advance money by way of loan to an Authorized Association for the purpose of developing a garden city in accordance with an approved scheme. (The section is printed in full in Appendix I.)

Up to the present this power has been utilized by the Public Works Loan Board to make loans to Authorized Associations, and it is to be hoped that in future more of such Associations will be formed, whether for the purpose of building garden cities or some smaller garden villages. The powers given to Local Authorities have not yet been utilized, though certain of the larger Authorities have already considered the possibility of using them. Thus the Manchester Corporation has had before it a scheme for acquiring a large area of land in Cheshire for a garden city, and the London County Council recently appointed a Committee to consider as to whether they should exercise their power. Although that Committee was not prepared to

recommend its utilization at present there seems to be ground for hope that the Manchester Corporation may use their powers. A considerable amount of further educational and propaganda work will, however, be necessary before these powers are used to their full extent and really constructive steps are taken to provide for the decentralization of industry and population from our congested centres.

CHAPTER XVIII

SUMMARY : THE RESPONSIBILITY OF INDIVIDUAL CITIZENS

It is hoped that enough has been said in the course of the preceding chapters to make it clear that the subject of town planning is not merely one for municipal councillors and technical town-planners; The whole future of both urban and rural life depends upon the extent to which individual citizens realize that town and regional planning is a matter of vital importance, and is not merely one of technique and administration. No satisfactory solution of the problems of housing, of transport and of industry will be found until adequate steps are taken to secure that town planning shall be carried out in accordance with well-defined principles, applied with broad vision. Individual citizens should, therefore, make themselves acquainted with the principles involved, should have a general knowledge of the powers possessed by Local Authorities under the Town Planning Act, should take a part in securing that these powers are extended still further by Parliament, and seeing that they are administered with energy by their representa-

tives on the Local Authorities. They should make a study of the existing conditions in their towns and of the possibilities of future development. They should urge that the Local Authority should co-operate with the neighbouring authorities in the preparation of outline regional plans. They should not cease to call attention to the dangers of the continuous expansion of big towns and the vital importance of securing the decentralization of industry and population to new garden cities whose sites have been carefully selected and whose plans have been prepared with forethought so as to make the new conditions of life far better than those in our existing centres of population.

The demands on people's thought and attention made by the housing problem and the natural desire to secure a quick solution of this social question should not blind our eyes to the more comprehensive task of town planning. It is necessary to make the public realize that the mere building of houses is not sufficient. Unless the building of the new housing schemes and the clearance of slum areas are carried out with due regard to the development of the town and the whole of the region in which it is situated fresh problems and difficulties may be created for succeeding generations. In fact, these fresh problems are actually being created in many towns at the present time. Rapid development on the wrong lines is outpacing attempts at organization and much of the countryside is being spoiled by sporadic and uncontrolled building. The need for a wider know-

ledge of, and insistence upon, the principles of town planning is urgent.

In a word the public must be made to realize the importance of town planning and the opportunity which it offers for making the Britain of the future a very different place from the Britain to-day.

Appendix I

TOWN PLANNING ACT, 1925.

[15 GEO. 5. CH. 16.]

ARRANGEMENT OF SECTIONS.

Section.

1. Town planning schemes.
2. Power of local authorities to prepare or adopt town planning schemes.
3. Duty of certain councils to prepare town planning schemes.
4. Development of estates pending preparation of town planning schemes.
5. Contents of town planning schemes.
6. Procedure regulations of the Minister.
7. Power to enforce scheme.
8. Acquisition of land comprised in a scheme.
9. Payment of purchase or compensation money (which would otherwise be paid into court) on direction of Minister.
10. Compensation in respect of property injuriously affected by scheme, &c.
11. Exclusion or limitation of compensation in certain cases.
12. Notice to withdraw or modify provisions of scheme.
13. Power of Minister to require preparation of town planning scheme.
14. Power of Minister in case of default of local authority to adopt or execute town planning scheme.

15. Power of Minister to order local authority to consent to modifications and conditions.
16. Acquisition of land for purpose of garden cities.
17. Determination of matters by Minister.
18. Local inquiries.
19. Provisions as to land in neighbourhood of Royal Palaces and Parks.
20. Definition of local authority, and expenses.
21. Repeals.
22. Short title, commencement and extent.

CHAPTER 16.

An Act to consolidate the enactments relating to town planning in England and Wales.

[9th April 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Town planning schemes.

1.—(1) A town planning scheme may be made in accordance with the provisions of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connection with the laying out and use of the land, and of any neighbouring lands :

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.

(2) Where it appears to the Minister of Health (hereinafter referred to as the Minister) that on account of the special architectural, historic or artistic interest attaching to a locality it is expedient that with a view to preserving the existing character and to protecting the existing features of the locality, a town planning scheme should be made with respect to any area comprising that locality, the Minister may, notwithstanding that the land or any part thereof is already developed, authorize a town planning scheme to be made with respect to that area prescribing the space about buildings, or limiting the number of buildings to be erected, or prescribing the height or character of buildings, and, subject as aforesaid, the provisions of this Act shall apply accordingly.

(3) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not, and the decision of the Minister, whether land is likely to be used for building purposes or not, shall be final and conclusive.

Power of local authorities to prepare or adopt town planning schemes.

2.—(1) A local authority 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 authorized 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 Minister, and the Minister may, in giving his 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.

(2) A town planning scheme prepared or adopted by a local authority shall not have effect unless it is approved by order of the Minister, and the Minister may refuse to approve any scheme except with such modifications and subject to such conditions as he thinks fit to impose.

(3) A town planning scheme, when approved by the Minister, shall have effect as if it were enacted in this Act.

(4) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Act, or in manner provided by regulations made by the Minister under this Act, and the Minister, on the application of the responsible authority, or of any other person appearing to him to be interested, may by order revoke a

town planning scheme if he thinks that under the special circumstances of the case the scheme should be so revoked.

Duty of certain councils to prepare town planning schemes.

3.—(1) The council of every borough or other urban district containing a population, according to the census taken in the year nineteen hundred and twenty-one, of more than twenty thousand shall, before the first day of January, nineteen hundred and twenty-nine, prepare and submit to the Minister 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 this Act.

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

(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.

Development of estates pending preparation of town planning schemes.

4. The Minister may by special or general order provide that where a resolution to prepare or adopt a town planning scheme had been passed, or where before the thirty-first day of July nineteen hundred and nineteen, or by virtue of any of the provisions of this Act, the preparation, adoption or making of a town planning scheme has been authorized, the development of estates and building operations may be permitted to proceed pending the preparation, adoption or making and

approval of the town planning scheme, subject to such conditions as may be prescribed by the order.

Contents of town planning schemes.

5.—(1) The Minister may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town planning schemes, and in particular for dealing with the matters set out in the First Schedule to this Act, and the general provisions, or set of general provisions appropriate to the area for which a town planning scheme is made, shall take effect as part of every scheme, except so far as provision is made by the scheme as approved by the Minister for the variation or exclusion of any of those provisions.

(2) Special provisions shall in addition be inserted in every town planning scheme—

- (a) defining in such manner as may be prescribed by regulations under this Act the area to which the scheme is to apply ; and
- (b) defining the authority who are to be responsible for enforcing the observance of the scheme, and for the execution of any works which under the scheme or this Act are to be executed by a local authority (in this Act referred to as the responsible authority) ; and
- (c) providing for any matters which may be dealt with by general provisions, and otherwise supplementing, excluding, or varying the general provision, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions ; and
- (d) providing for the suspension, so far as necessary for the proper carrying out of the scheme, of any statutory enactments, byelaws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme.

(3) Where land included in a town planning scheme is in the area of more than one local authority, or is in the area of a local authority by whom the scheme was not prepared, the responsible authority may be one of those local authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties :

Provided that, except with the consent of the London County Council, no other local authority shall, as respects any land in the administrative county of London, prepare or be responsible for enforcing the observance of a town planning scheme under this Act, or for the execution of any works which under the scheme or this Act are to be executed by a local authority.

(4) All general provisions made under this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such provisions as if they were statutory rules within the meaning of section one of that Act.

Procedure regulations of the Minister.

6.—(1) The Minister may make regulations for regulating generally the procedure to be adopted—

- (a) with respect to the preparation or adoption of a town planning scheme ; and
- (b) with respect to obtaining the approval of the Minister to a scheme so prepared or adopted ; and
- (c) with respect to the variation or revocation of a scheme ; and
- (d) with respect to any inquiries, reports, notices, or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto, or in relation

to the carrying out of the scheme or enforcing the observance of the provisions thereof, or the variation or revocation of the scheme.

- (2) Provision shall be made by those regulations—
- (a) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme, by such means as may be provided by the regulations ;
 - (b) for securing that notice of the proposal to prepare or adopt a scheme should be given at the earliest stage possible to any council interested in the land ;
 - (c) for securing that the council of the county in which any land proposed to be included in a scheme is situated 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 shall be entitled to be heard at any public local inquiry held by the Minister in regard to the scheme ;
 - (d) for securing that a local authority after passing a resolution to prepare or adopt a scheme shall proceed with all reasonable speed with the preparation or adoption of the scheme, and shall comply with any regulations as to steps to be taken for that purpose, including provisions enabling the Minister 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 ; and
 - (e) for dealing with the other matters mentioned in the Second Schedule to this Act.

Power to enforce scheme.

7.—(1) The responsible authority may at any time, after giving such notice as may be provided by a town

planning scheme and in accordance with the provisions of the scheme—

- (a) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or
 - (b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.
- (2) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Minister, and shall, unless the parties otherwise agree, be determined by the Minister as arbitrator, and the decision of the Minister shall be final and conclusive.

Acquisition of land comprised in a scheme.

8.—(1) The responsible authority may, for the purpose of a town planning scheme, purchase any land comprised in such scheme by agreement, or be authorized to purchase any such land compulsorily in manner hereinafter provided.

(2) Land may be purchased by agreement for the purposes aforesaid in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act so far as they relate to purchase of land by agreement shall apply accordingly,

and shall for the purposes of this Act extend to London as if the London County Council were a local authority in the said sections mentioned.

(3) The responsible authority may be authorized to purchase land compulsorily for the purposes aforesaid by means of an order submitted to the Minister, and confirmed by him in accordance with Part I. of the Third Schedule to this Act.

(4) The responsible authority may, with the consent of and subject to any conditions imposed by the Minister, acquire by agreement land comprised in a town planning scheme, notwithstanding that the land is not immediately required for the purposes of the scheme.

(5) Where land included within the area of a local authority is comprised in a town planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorized to purchase that land in the same manner as the responsible authority.

(6) The powers of acquiring land under this section shall be subject to the restrictions contained in Part II. of the said Schedule.

Payment of purchase or compensation money (which would otherwise be paid into court) on direction of Minister.

9.—(1) Any purchase money or compensation payable in pursuance of this Act by a responsible or other local authority in respect of any land, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts may, if the Minister consents, instead of being paid into court, be paid and applied as the Minister may determine.

(2) Any such decision of the Minister as to the payment and application of any such purchase money or compensation shall be final and conclusive.

Compensation in respect of property injuriously affected by scheme, &c.

10.—(1) Any person whose property is injuriously affected by the making of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Minister, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to obtain compensation under this section on account of any building erected on, or contract made or other thing done with respect to, land included in a scheme, after the date of the resolution of the local authority to prepare or adopt the scheme, or after the date when such resolution takes effect, or after the date when the Minister has authorized a scheme to be made by virtue of any power conferred on him for that purpose by this Act (as the case may be), or, in cases where before the thirty-first day of July nineteen hundred and nineteen the preparation or adoption of a town planning scheme was authorized, after the date on which the application for authority to prepare or adopt the scheme was made, or after such other time as the Minister may fix for the purpose :

Provided that—

- (a) this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before such date or other time as aforesaid ;
- (b) 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

Minister allowing the development of estates and building operations to proceed pending the preparation, adoption or making 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 ;

- (c) after any enactment providing for the registration of local land charges comes into force this provision shall not affect a purchaser of the land unless the resolution, if required to be registered under such enactment as a local land charge, has been so registered.

(3) Where, by the making of any town planning scheme, any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Minister), shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase.

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, unless the parties agree on some other method of determination.

(5) Any amount due under this section as compensation to a person aggrieved from a responsible

authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

(6) Where a town planning scheme is revoked by an order of the Minister under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

(7) For the purposes of this section "purchaser" means any person (including a mortgagee or lessee) who for valuable consideration takes any interest in land.

Exclusion or limitation of compensation in certain cases.

11.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are also contained in any public general or local Act, or Order having the force of an Act of Parliament, in force in the area, or are such as would have been enforceable if they had been contained in byelaws made by the local authority.

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Minister, having regard to the nature and situation of the land affected by the provisions, considers reasonable for the purpose.

(3) Where a person is entitled to compensation under this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enact-

ment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

Notice to withdraw or modify provisions of scheme.

12.—(1) The responsible authority may, at any time within one month after the date of an award of compensation in respect of property injuriously affected by the making of a town planning scheme, give notice to the owner of that property of their intention to withdraw or modify all or any of the provisions of the scheme which gave rise to the claim for compensation.

(2) Where such notice has been given, the responsible authority shall, within three months from the date of the notice, submit for the Minister's approval a varying scheme carrying into effect such withdrawal or modification as aforesaid, and upon approval by the Minister of the varying scheme, whether with or without modification, and payment by the authority of the owner's costs of and in connection with the arbitration, the award of the arbitrator shall be discharged without prejudice, however, to the right of the owner to make a further claim for compensation in respect of the said scheme as varied.

(3) No award of compensation in respect of property injuriously affected by the making of a town planning scheme shall be enforceable within one month from the date thereof, or, if notice has been given by the authority under the preceding subsection, pending the Minister's decision on the varying scheme.

Power of Minister to require preparation of town planning scheme.

13.—(1) Where the Minister is 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 this Act, the Minister may by order require the local authority to prepare and submit for his approval such a scheme, and, if the scheme is approved

by the Minister, 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 this Act, the authority are required to execute.

(2) Any order made by the Minister 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 Minister 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 Minister may himself act, or in the case of a borough or other urban district the population of which is less than twenty thousand, or of a rural district, may, if the Minister thinks fit, by order, empower the county council to act in the place and at the expense of the local authority.

Power of Minister in case of default of local authority to adopt or execute town planning scheme.

14.—(1) If the Minister is satisfied on any representation, after holding a public local inquiry, that a local authority have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted, the Minister may order the local authority to adopt the scheme proposed, or in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications or conditions, if any, as the Minister thinks fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority and approved by the Minister.

(2) If the Minister is satisfied on any representation, after holding a public local inquiry, that a responsible authority have failed to enforce effectively the observance of a scheme which has been approved, or any provisions thereof, or to execute any works which

under the scheme or this Act the authority are required to execute, the Minister may order that authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this Act the authority are required to execute.

(3) Any order under this section may be enforced by mandamus.

Power of Minister to order local authority to consent to modifications and conditions.

15.—(1) Where the Minister has refused to approve a town planning scheme prepared or adopted by a local authority, except with certain modifications or subject to certain conditions, and the Minister on any representation is satisfied after holding a public local inquiry that the local authority have unreasonably refused to consent to the modifications or conditions so imposed by the Minister, the Minister may order the local authority to consent to the modifications or conditions so imposed.

(2) An order under this section may be enforced by mandamus.

Acquisition of land for purpose of garden cities.

16.—(1) Where the Minister is satisfied that any local authority (including a county council) or two or more local authorities jointly, or any authorized association, are prepared to purchase and develop, in accordance with a scheme approved by the Minister—

(a) any land as a garden city (including a garden suburb or garden village);

(b) any land in regard to which a town planning scheme may be made;

and have funds available for the purpose, he may, with the consent of the Treasury and after consultation with the Board of Trade, the Minister of Agriculture and Fisheries, and the Minister of Transport, acquire that land on behalf of the authority or association either

by compulsion or by agreement in any case in which it appears to him necessary or expedient so to do for the purpose of securing the development of the land as aforesaid, and may do all such things as may be necessary to vest the land so acquired in the local authority or association.

(2) The provisions of this Act relating to the powers of a local authority to acquire land for the purposes of a town planning scheme, shall apply for the purpose of the acquisition of land by the Minister under this section, and the Minister in exercising his powers of acquiring land under this section shall be subject to the same conditions as are applicable to the acquisition of land under this Act by a local authority :

Provided that, in the case of an order for the compulsory acquisition of land on behalf of an authorized association, the order shall be laid before each House of Parliament and shall not be confirmed by the Minister unless and until both Houses by resolution have approved the order, nor, if any modifications are agreed to by both Houses, otherwise than as so modified.

(3) A local authority shall have power to acquire land for the purposes of a scheme approved by the Minister under this section, and to develop any land so acquired in accordance with the scheme.

(4) Subject to such conditions as the Treasury may prescribe and up to an amount approved by the Treasury, the Public Works Loan Commissioners may advance by way of loan to any authorized association such money as the association may require for the purpose of developing the garden city in accordance with a scheme approved by the Minister under this section, and the provisions of the Housing Act, 1925, with respect to loans by those Commissioners to a public utility society for the purpose of the purchase and development of land under Part III. of that Act shall, subject to the provisions of this section, apply to advances made in pursuance of this subsection.

The power to make advances under this subsection shall be exercised during such a period as the Treasury may prescribe.

(5) In this section "authorized association" means any society, company or body of persons approved by the Minister whose objects include the promotion, formation, or management of garden cities (including garden suburbs and garden villages), and the erection, improvement or management of buildings for the working classes and others, which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury; and any authorized association shall have power, notwithstanding anything in its rules or constitution prohibiting the payment of interest on loan capital at a rate exceeding six per centum per annum, to raise money on loan at a rate of interest not exceeding the rate for the time being prescribed by the Treasury.

Determination of matters by Minister.

17. Where the Minister is authorized by this Act or any scheme made under this Act or any enactment thereby repealed to determine any matter, it shall, except as otherwise expressly provided by this Act, be at his option to determine the matter as arbitrator or otherwise, and, if he elects or is required to determine the matter as arbitrator, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Minister and the determination of the matters aforesaid.

Local inquiries.

18.—(1) For the purposes of the execution of his powers and duties under this Act, the Minister may cause such local inquiries to be held as he may think fit, and the costs incurred in relation to any such local

inquiry shall be paid by the authorities and person concerned in the inquiry, or by such of them and in such proportions as the Minister may direct, and the Minister may certify the amount of the costs incurred, and any sum so certified and directed by the Minister to be paid by any authority or person shall be a debt to the Crown from such authority or person.

(2) Sections two hundred and ninety-three to two hundred and ninety-six and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any order to be made by the Minister or any local inquiry which he may cause to be held in pursuance of this Act.

Provisions as to land in neighbourhood of royal palaces and parks.

19.—(1) Where any land proposed to be included in a town planning scheme, or any land proposed to be acquired under this Act, is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall, before preparing the scheme or acquiring the land, communicate with the Commissioners of Works, and the Minister shall, before confirming the scheme or authorizing the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations he may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section, "prescribed" means prescribed by regulations made by the Minister after consultation with the Commissioners of Works.

Definition of local authority, and expenses.

20.—(1) For the purposes of this Act, the expression "local authority" means—

- (a) as respects the administrative county of London the London County Council; and
- (b) elsewhere the council of the borough or urban or rural district.

(2) Any expenses incurred by the London County Council under this Act or any scheme made under this Act or any enactment thereby repealed, including the cost of the preparation or adoption of a scheme, shall be defrayed out of the general county rate and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

(3) Any expenses incurred by the council of a borough or urban or rural district under this Act, or any scheme made under this Act or any enactment thereby repealed, shall be defrayed as expenses of the council under the Public Health Acts, 1875 to 1907, and the authority may borrow, for the purposes of this Act, or any such scheme, including the cost of the preparation or adoption of a scheme, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts, 1875 to 1907.

(4) Money borrowed for the purposes of this Act, or any scheme made under this Act or any enactment thereby repealed, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under subsections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875.

Repeals.

21.—(1) The enactments mentioned in the Fourth Schedule to this Act are, so far as they apply to England and Wales, hereby repealed to the extent specified in the third column of that schedule :

Provided that—

- (a) nothing in this repeal shall affect any scheme, order or regulation made, or notice or approval given under any enactment hereby repealed, but any such scheme, order, regulation, approval or notice shall have effect as if made

or given under the corresponding provision of this Act and may be amended, varied, repealed, revoked, or enforced accordingly ;

- (b) any document referring to any Act or enactment so repealed shall be construed as referring to this Act or the corresponding enactment in this Act.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Short title, commencement and extent.

22.—(1) This Act may be cited as the Town Planning Act, 1925.

(2) This Act shall come into operation on the first day of July, nineteen hundred and twenty-five.

(3) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULES.

Section 5.

FIRST SCHEDULE.

MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED BY THE MINISTER.

1. Streets, roads, and other ways, and stopping up or diversion of existing highways.
2. Buildings, structures, and erections.
3. Open spaces, private and public.
4. The preservation of objects of historical interest or natural beauty.
5. Sewerage, drainage, and sewage disposal.
6. Lighting.
7. Water supply.

8. Ancillary or consequential works.
 9. Extinction or variation of private rights of way and other easements.
 10. Dealing with or disposal of land acquired by the responsible authority or by a local authority.
 11. Power of entry and inspection.
 12. Power of the responsible authority to remove, alter, or demolish any obstructive work.
 13. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.
 14. Power of the responsible authority or a local authority to accept any money or property for the furtherance of the objects of any town planning scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.
 15. Application with the necessary modifications and adaptations of statutory enactments.
 16. Carrying out and supplementing the provisions of this Act for enforcing schemes.
 17. Limitation of time for operation of scheme.
 18. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested.
 19. Charging on the inheritance of any land the value of which is increased by the operation of a town planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.
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SECOND SCHEDULE.

Section 6.

MATTERS TO BE DEALT WITH BY REGULATIONS OF THE MINISTER.

1. Procedure anterior to the preparation or adoption of scheme :—

(a) Preparation and deposit of plans.

(b) Publication of notices.

2. Procedure during, on, and after the preparation or adoption and before the approval of the scheme :—

(a) Submission to the Minister of the proposed scheme, with plans and estimates.

(b) Notice of submission of proposed scheme to the Minister.

(c) Hearing of objections and representations by persons affected, including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme.

(d) Publication of notice of intention to approve scheme and the lodging of objections thereto.

3. Procedure after the approval of the scheme :—

(a) Notice to be given of approval of scheme.

(b) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.

4. Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

5. The details to be specified in plans, including, wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

THIRD SCHEDULE.

Section 8.

PART I.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND.

1. Where a local authority propose to purchase land compulsorily, the local authority may submit to the Minister an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

2. An order under this schedule shall be of no force unless and until it is confirmed by the Minister, and the Minister may confirm the order either without modification or subject to such modifications as he thinks fit, and an order when so confirmed shall, save as otherwise expressly provided by this schedule, become final and have effect as if enacted in this Act ; and the confirmation by the Minister shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

3. The order shall be in the form prescribed by the Minister, and shall contain such provisions as the Minister may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations—

(a) the Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919 ; and

(b) sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845.

4. The order shall be published by the local authority

in the manner prescribed by the Minister, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees, and occupiers of that land as may be prescribed by the Minister.

5. If within such period as may be prescribed by the Minister no objection to the order has been presented to the Minister by a person interested in the land, or if every such objection has been withdrawn, the Minister shall, without further inquiry, confirm the order, unless he is of opinion that the land is unsuited for the purpose for which it is proposed to be acquired, but, if such an objection has been presented and has not been withdrawn, the Minister shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry, and the Minister shall, before confirming the order, duly consider the report of the person by whom a public inquiry is held.

6. In construing for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

7. Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

8. The reference to sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845, shall be construed as a reference to those sections as originally enacted and not as a reference to the provisions which by virtue of the Mines (Working Facilities and Support) Act, 1923, are in certain cases to be substituted for those sections.

PART II.

RESTRICTIONS ON ACQUISITION OF LAND.

1. Nothing in this Act shall authorize the acquisition for the purposes of any town planning scheme of any land which is the site of an ancient monument or other object of archæological interest.

2. Nothing in this Act shall authorize the compulsory acquisition of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water or other public undertaking, or which, at the date of the order authorizing the compulsory acquisition of the land, forms parts of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any house.

3.—(1) Where any scheme or order under this Act authorizes the acquisition or appropriation of any land forming part of any common, open space, or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Minister after consultation with the Minister of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

(2) Before giving any such certificate the Minister

shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such scheme or order authorizes such an exchange, the scheme or order shall provide for vesting the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and for discharging the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Part of this Schedule the expression "common" includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

FOURTH SCHEDULE.

Section 21.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Edw. 7. c. 44.	The Housing, Town Planning, &c. Act, 1909.	Part II. Part IV. so far as it relates to town planning. The Fourth Schedule. The Fifth Schedule.
9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, &c. Act, 1919.	Part II. The Third Schedule.
9 & 10 Geo. 5. c. 99.	The Housing (Additional Powers) Act, 1919.	Section ten.
11 & 12 Geo. 5. c. 19.	The Housing Act, 1921	Section six so far as unrepealed by the Housing Act, 1924. Section seven.
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	Part II. The Second Schedule so far as it amends section 59 of the Housing, Town Planning, &c. Act, 1909.

Appendix II

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The Case for Town Planning, by H. R. Aldridge. 22s. 6d. Deals with the history of town planning and procedure under the Town Planning Acts.
Town Planning Administration, by H. R. Aldridge. 8s. 6d. A continuation of the foregoing.
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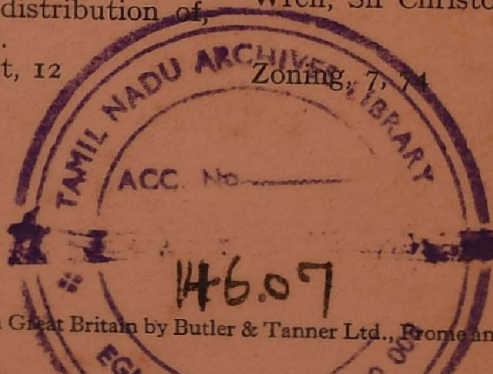
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