

It has been said that town planning includes "anything that the local government may choose to admit within the clauses of a scheme." This is correct only to a point.

What Town Planning Includes

Town planning provisions must not be *ultra vires* of the general statute. They must be consistent with and yet limited by the terms of the statute. Thus, by way of illustration: (1) You may restrict the number of houses or buildings per acre upon any piece of land—thereby creating an open plan of development—but it is doubtful whether you may say that any particular piece of land shall be left unbuilt upon and reserved as common, or as recreation ground, or even as allotment land, except by consent, or by compensation. (2) You may say that a factory shall not be built upon any particular piece of land; you may not say that any particular site—however suitable and enticing from the points of view of convenience and amenity—shall be reserved as the site of a school, a church, or a public building, such as befits the prominence of particular sites for any such particular function, and which would make its contribution both to convenience and amenity. (3) You may plan your arterial roads along lines, and of widths and formation, consonant with convenience and amenity; it is doubtful if you may exceed the widths recognized by local or public statute or by-law, except by consent or compensation. (4) You may "town-plan" a piece of undeveloped land in the country; it is doubtful if under "town-planning" you may replan an overbuilt and congested area in a town. (5) You may require the width of a road to bear its due relation to the height of buildings which will front it, but it is at least open to question how far you may require the lay-out of estate roads upon a plan that expresses art and amenity; in short, while controlling many matters less important, you are inadequately equipped in ensuring the greater things that do contribute so much towards convenience, amenity, health, utility, and the ordinary pleasures of domestic life.

Liberal Interpretation Required

These are but a few illustrations of certain anomalies that turn up in the course of preparing town-planning schemes, and show the need there is for amplification of the Act, or for its more liberal interpretation, so that town planning in its legal sense and expression will become as spontaneous as its practical exponents would exhibit it in material form, embodied in the settings of avenue, house, garden, allotment, play-fields and other attributes of suburban development. Fortunately, however, the legal exponents of town planning—scenting its atmosphere—are beginning to realize its freedom and elasticity and are now disposed towards extreme simplification of a town planning scheme in the first instance, reserving the "infilling" of details as regards any piece of land until it is maturing for building development, so that we may now have within one and the same "area" the super-imposing at a later date of a detail scheme or schemes upon an earlier skeleton scheme previously made—that is to say, the same piece of area of land may be the subject of two or more successive and supplementary schemes, the second (and it may even be still later ones) being but the carrying on as items of detail development of the first and earlier scheme or schemes. This point is very clearly brought out in the annual report of the Local Government Board of Scotland, 1917. . . .

The institution may here note that all the Act requires is that the local authority should satisfy the board that

there is a *prima-facie* case. A *prima-facie* case for what? For showing that a piece of land is "in course of development, or appears likely to be used for building purposes." This issue surely is a simple one—not of argument, but of fact; not of policy, but of practice; not of subtle legal quibble and the rival proof of experts arrayed against each other at a formal inquiry, but of simple discernment of the facts as they appear to the eyes and judgment of a skilled practical commissioner or inspector such as the Local Government Board appoints to report to them. It is in this procedure stage that the Act seems almost to break down in its operation, and it is important to note that the procedure regulations, although deriving their power from clause 56 of the Act, are not a compulsory appendage of the Acts, but are in their form optional or permissive upon the Local Government Board, and they are the product of the Local Government Board and not of Parliament.

It is agreed that some simple regulations are necessary to secure the orderly and smooth working of the Act, but not to smother it.

Usefulness of Act Impaired

The Procedure Regulations which the Local Government Boards of England and of Scotland have drawn up and the abuse or license which, under cover of these regulations, opposing interests have set up in this preliminary procedure, are together strangulating progress and so cumbering the Act that its usefulness is seriously impaired if not indeed threatening to reduce the Act to comparative nullity.

If the Act be followed in its straightforward provisions the need for amendments is limited to points of detail and not of principle: it is the complete rescission of the existing Procedure Regulations that is wanted, and the substitution of a shortened code of regulations in harmony with the simplicity and spirit of the Act itself, so that the duty of satisfying the board that "land is in course of development or is likely to be used for building purposes" may be treated as a question of fact and of practice in as simple, expeditious and inexpensive a way as the simplicity of the issue justifies. And here may I suggest to the membership of this institution, which has taken the most prominent and leading part in the pursuit of town planning, the desirability of approaching the Local Government Boards for the two-fold purpose (1) of co-operating with the boards in the drafting of an amended and simplified set of Procedure Regulations suited to the need of the times and of the issue; and (2) of co-operating with the board in the drafting of a set of "General Provisions" forming the fourth schedule of the Act. It is more than time that such a set of "General Provisions" should be prepared for the guidance in particular of the smaller local authorities, and the cumulative experience of those authorities who have been active in town planning work should now be co-ordinated and placed at the disposal of the two boards.

The views of this institution upon this proposed simplification of the working of the Act are desired, and would prove helpful to the cause of town planning at this critical juncture of its administration.

Engineers To Act Conjointly

The Procedure Regulations are big enough to form the subject of a separate paper, but it will be agreed that their suitable amendment can be best carried through by the co-operation of Select Committees for England and for Scotland, representative of town and district clerks with engineers and surveyors acting conjointly and in an advisory capacity with the officers of the two boards in