### STATUTORY INSTRUMENTS

## 1983 No. 1614

## TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

# The Town and Country Planning (Use Classes) (Amendment) Order 1983

Made - - - - 31st October 1983 Coming into Operation 1st May 1984

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 22 and 287(3) of the Town and Country Planning Act 1971(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

- 1.—(1) This Order may be cited as the Town and Country Planning (Use Classes) (Amendment) Order 1983, and the Town and Country Planning (Use Classes) Order 1972(b) and this Order may be cited together as the Town and Country Planning (Use Classes) Orders 1972 and 1983.
  - (2) This Order shall come into operation on 1st May 1984.
- 2. The Town and Country Planning (Use Classes) Order 1972 is hereby amended as follows:—
  - (a) In article 2(2), the following definitions shall be added:—
    - "hazardous substance" and "notifiable quantity" have the meanings assigned to those terms by the Notification of Installations Handling Hazardous Substances Regulations 1982(c);
    - "site" means the whole of the area of land within a single unit of occupation;

(b) In article 3, the following paragraph shall be added after paragraph (1):—

"(1A) The classes specified in the Schedule to this order shall not include any use of a building or other land for any purpose which involves the manufacture, processing, keeping or use of a hazardous substance in such circumstances as will result in there being at any one time a notifiable quantity of such substance in, on, over or under that building or land, or any site of which that building or land forms part.".

Patrick Jenkin,
Secretary of State for the Environment.

31st October 1983.

### **EXPLANATORY NOTE**

(This Note is not part of the Order.)

This Order amends the Town and Country Planning (Use Classes) Order 1972. The 1972 Order specifies classes for the purposes of section 22(2)(f) of the Town and Country Planning Act 1971, which provides that a change of use of a building or other land does not involve development for the purposes of the Act if the new use and the former use are both within the same specified class.

This Order amends article 3(1) of the 1972 Order to exclude from all of the specified classes any use of a building or land which involves the presence on the site of a notifiable quantity of a hazardous substance within the meaning of the Notification of Installations Handling Hazardous Substances Regulations 1982, so that a change to such a use is not excluded by section 22(2)(f) of the 1971 Act from constituting or involving development for the purposes of the Act.

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