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 STATUTORY INSTRUMENTS
 

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1983 No. 1615

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**
**The Town and Country Planning General Development  
(Amendment) Order 1983**

<i>Made - - - -</i>	31st October 1983
<i>Laid before Parliament</i>	10th November 1983
<i>Coming into Operation</i>	1st May 1984

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 24 and 287(3) of the Town and Country Planning Act 1971 (a) and all other powers in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Town and Country Planning General Development (Amendment) Order 1983, and the Town and Country Planning General Development Orders 1977 to 1981 (b) and this Order may be cited together as the Town and Country Planning General Development Orders 1977 to 1983.

(2) This Order shall come into operation on 1st May 1984.

2. The Town and Country Planning General Development Order 1977 is hereby amended as follows:—

(a) in article 2(1), 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);

“notifiable pipeline” means a pipeline (as that term is defined in section 65 of the Pipelines Act 1962 (d)) which contains or is intended to contain a hazardous substance, but does not include a pipeline which has been authorised under section 1 of the Pipelines Act 1962, nor a pipeline which contains, or is intended to contain, no hazardous substance other than a substance within one of the following classes, namely:—

(a) a flammable gas (as specified in item 1 of Part II of Schedule 1 to the Notification of Installations Handling Hazardous Substances Regulations 1982) at a pressure of less than 8 bars absolute; or

(b) a flammable liquid, as specified in item 4 of Part II of the said Schedule;

(b) in article 3 (Permitted development)—

(i) for paragraph (1) there shall be substituted the following paragraph:—

“(1) Subject to the subsequent provisions of this order, development

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(a) 1971 c.78.

(b) S.I. 1977/289, 1980/1946, 1981/245, 1569.

(c) S.I. 1982/1357.

(d) 1962 c.58.

of any class specified in Schedule 1 to this order is permitted by this order and may be undertaken upon land to which this order applies, without the permission of the local planning authority or of the Secretary of State:

Provided that—

(a) the permission granted by this order in respect of any such class of development shall be defined by any limitation and be subject to any condition imposed in the said Schedule in relation to that class; and

(b) the permission granted by this order in respect of any such class of development shall be subject to the condition that no building, plant or machinery, or structure or erection in the nature of plant or machinery (other than a mains, pipe or other apparatus belonging to a gas undertaker), authorised by the permission, and no floor space created by development authorised by the permission, shall be used 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 the land on which the building, plant or machinery, structure or erection or floorspace is situated, or any site of which that land forms part.”;

(ii) the following paragraphs shall be inserted after paragraph (2):—

“(2A) The permission granted by this article and Schedule 1 to this order shall not operate so as to permit the carrying out of any development for a purpose which involves, or is likely to involve, either the laying or construction of a notifiable pipeline or the manufacture, processing, keeping or use of a hazardous substance in such circumstances (in any of those cases) as will result in there being at any one time a notifiable quantity of a hazardous substance in, on, over or under the land on which the development would be carried out, or any site of which that land forms part, except in the following cases:—

(i) where the development is to be carried out in, on, over or under land which constitutes or forms part of a site in respect of which notification has been given to the Health and Safety Executive in pursuance of the requirements of the Notification of Installations Handling Hazardous Substances Regulations 1982 and the carrying out of the development is not likely to result in an increase in the quantity of such substance present at any one time in, on, over or under the land to a quantity which exceeds three times the quantity in respect of which such notification was last given;

(ii) where there is already a notifiable quantity of a hazardous substance present on the land in, on, over or under which the development is to be carried out but that land is excepted from the requirements of the Regulations referred to in subparagraph (i) above, and the carrying out of the development is not likely to result in an increase in the quantity of such substance present at any one time in, on, over or under that land to a quantity which exceeds three times the quantity present immediately before the development is begun;

(iii) where the development is to be carried out by a gas undertaker and consists of the laying of mains, pipes or other apparatus;

(iv) where the development is for the purpose of inspecting, repairing or renewing mains, pipes or other apparatus.

(2B) For the purposes of paragraphs (1) and (2A) above, "site" means the whole of the area of land within a single unit of occupation.";

(c) in article 15(1) (Consultation before the grant of permission), the following subparagraph shall be inserted after subparagraph (a):—

"(aa) where it appears to the local planning authority that the development will involve the manufacture, processing, keeping or use of a hazardous substance in such circumstances that there will at any one time be, or is likely to be, a notifiable quantity of such substance in, on, over or under any land, with the Health and Safety Executive;"

(d) for Class XVIII.D in Schedule 1 there shall be substituted the following:—

Column (1) Description of Development	Column (2) Conditions
<p>D. Gas undertakings.</p> <p>Development required for the purposes of the undertaking of any of the following descriptions, that is to say:—</p> <p>(i) the laying underground of mains, pipes or other apparatus;</p> <p>(ii) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure flow or volume of gas, and structures for housing such apparatus not exceeding (except where constructed underground elsewhere than under a highway) 29 cubic metres in capacity;</p> <p>(iii) the construction, in any storage area or protective area specified in an order made under section 4 of the Gas Act 1965 (a) of boreholes, other than those shown in the order as approved by the Secretary of State for Energy for the purpose of subsection (6) of the said section 4, and the erection or construction, in any such area, of any plant or machinery, or structure or erections in the nature of plant or machinery, not exceeding 6 metres in height which is required in connection with the construction of any such borehole;</p>	<p>Not less than 8 weeks before the commencement of operations for the laying of a notifiable pipeline, the undertaker shall give notice in writing to the local planning authority of the intention to carry out such development, identifying the land under which the pipeline is to be laid.</p>

(a) 1965 c.36.

Column (1) Description of Development	Column (2) Conditions
<p>(iv) the placing and storage on land of pipes and other apparatus needed for inclusion in a main or pipe which is being or is about to be laid or constructed in pursuance of a planning permission granted or deemed to be granted under Part III of the Act;</p> <p>(v) the erection on operational land of the undertaking, solely for the protection of plant or machinery, or structures or erections of the nature of plant or machinery, of buildings not exceeding 15 metres in height;</p> <p>(vi) any other development carried out in, on, over or under operational land of the undertaking except:—</p> <p>(a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;</p> <p>(b) the installation of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height, or capable, without addition, of being extended to a height exceeding 15 metres;</p> <p>(c) the replacement of any plant or machinery, or structures or erections of the nature of plant or machinery, to a height exceeding 15 metres or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.</p>	<p>On completion of the laying or construction of the relevant main or pipe, or at the expiration of nine months from the date of commencement of those operations, whichever is the sooner, such pipes and apparatus shall be removed and the land shall be restored to its condition before the development took place.</p> <p>Approval of the details of the design and external appearance of the buildings shall be obtained from (a) the district planning authority (except in Greater London or a National Park), (b) in Greater London, the local planning authority, or (c) in a National Park, the county planning authority, before the erection of the building is begun.</p>

*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 General Development Order 1977, which provides for the granting of permission for the development of land under Part III of the Town and Country Planning Act 1971 and itself permits certain developments to be carried out without a grant of planning permission from the local planning authority or the Secretary of State.

The amendments relate to development which is likely to involve the presence of a notifiable quantity of a hazardous substance within the meaning of the Notification of Installations Handling Hazardous Substances Regulations 1982.

The following changes are made in the Order of 1977:—

- (a) the addition of a new paragraph (2A) to article 3 (which grants permission for development within the classes set out in Schedule 1 to the Order) to exclude from the permission granted by the article any development which involves, or is likely to involve, the laying or construction of a notifiable pipeline or the presence of a notifiable quantity of a hazardous substance, or, where a hazardous substance is already present on the land in a notifiable quantity, development which will, or is likely to, lead to a more than three-fold increase in the amount present: permission continues to be given under article 3, however, for the laying of gas mains, gas pipes and gas apparatus and development for the purpose of inspecting, repairing or renewing all kinds of mains, pipes and other apparatus;
- (b) the amendment of paragraph (1) of article 3 to provide that permission granted by the article is subject to the condition that no permitted building, plant or machinery (other than mains, pipes and other apparatus belonging to gas undertakers) shall be used for any purpose which will result in the presence of a notifiable quantity of a hazardous substance;
- (c) the amendment of article 15(1) (which requires the local planning authority to consult certain specified persons or bodies before granting planning permission for certain classes of development) to require the local planning authority to consult the Health and Safety Executive in relation to any development which appears to be likely to give rise to the presence of a notifiable quantity of a hazardous substance;
- (d) the amendment of Class XVIII.D of Schedule 1 (development by gas undertakers) by the addition of a condition requiring the undertaker to give written notice to the local planning authority before laying a notifiable pipeline (a definition of that term being added to the 1977 Order by article 2(a)).

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