
 STATUTORY INSTRUMENTS

1985 No. 1981

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

**The Town and Country Planning General Development
(Amendment) (No. 2) Order 1985**

Made - - - - - 18th December 1985
Laid before Parliament 20th December 1985
Coming into Operation 1st March 1986

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) (No. 2) Order 1985, and shall be included among the orders which may be cited together as the Town and Country Planning General Development Orders 1977 to 1985(b).

(2) This order shall come into operation on 1st March 1986.

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

(1) in article 2(1) for the definition of “aerodrome” there shall be substituted:—

“aerodrome” means an aerodrome as defined in article 96 of the Air Navigation Order 1985(c) which is—

- (a) licensed under that order,
- (b) a Government aerodrome,
- (c) one at which the manufacture, repair or maintenance of aircraft is carried out by a person carrying on business as a manufacturer or repairer of aircraft,
- (d) one used by aircraft engaged in the public transport of passengers or cargo or aerial work, or
- (e) one identified to the Civil Aviation Authority before 1st March 1986 for inclusion in the U.K. Aerodrome Index;

and for the purposes of this definition, the terms “aerial work”, “Government aerodrome” and “public transport” have the meanings given in article 96;

(a) 1971 c.78.

(b) S.I. 1977/289, 1980/1946, 1981/245, 1569, 1983/1615, 1985/1011.

(c) S.I. 1985/1643.

(2) in article 2(1), the following definitions shall be added:—

“the 1981 Act” means the Town and Country Planning (Minerals) Act 1981(a);

“amusement park” means an enclosed area of open land, or any part of a seaside pier, which is principally used (other than by way of a temporary use) as a funfair or otherwise for the purposes of providing public entertainment by means of mechanical amusements and side-shows; and, where part only of an enclosed area is commonly so used as a funfair or for such public entertainment, only the part so used shall be regarded as an amusement park;

“area of outstanding natural beauty” means an area designated as such by an order made by the Countryside Commission under section 87 of the National Parks and Access to the Countryside Act 1949(b) and confirmed by the Secretary of State;

“fish pond” means a pond, tank, reservoir, stew or other structure to be used for the keeping of live fish or the cultivation or propagation of shellfish;

“lawfully used” means used otherwise than—

- (a) in contravention of previous planning control; or
- (b) without planning permission granted or deemed to be granted under Part III of the Act;

“site of archaeological interest” means land which is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(c), or is within an area of land which before 1st March 1986 was designated as an area of archaeological importance under section 33 of that Act, or which is within a site registered in the County Sites and Monuments Record before that date;

“site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981(d) applies;

“stockpile” means a mineral-working deposit consisting primarily of minerals which have been deposited for the purposes of their processing or sale;

“urban development corporation” has the same meaning as in Part XVI of the Local Government, Planning and Land Act 1980(e); and

“warehouse” means a building used for any purpose within Class X of the Schedule to the Town and Country Planning (Use Classes) Order 1972(f);

(3) in article 4 (directions restricting permitted development)—

- (a) in paragraph (1), after the words “any of the classes specified in Schedule 1 to this order”, there shall be added the words, (“other than classes XXVI.2 and XXVII.2”);
- (b) in paragraph (3) the following subparagraph shall be substituted for sub-paragraph (a):—

“(a) a direction relating to—

- (i) a building which is included in a list compiled or

(a) 1981 c.36.

(b) 1949 c.97.

(c) 1979 c.46.

(d) 1981 c.69.

(e) 1980 c.65.

(f) S.I. 1972/1385.

approved under section 54 of the Act or in respect of which the Secretary of State has given notice in writing to the authority making the direction that it is a building of architectural or historic interest; or

(ii) development within the curtilage of a listed building,

and to no other description of land or development, where the direction does not affect the carrying out of any of the operations referred to in paragraph (9) of this article;”;

(c) in paragraph (5), for the words “subject to the provisions of the next succeeding paragraph” there shall be substituted the words, “subject to the provisions of paragraphs (6) and (6A) of this article”;

(d) after paragraph (5) there shall be inserted the following paragraph:—

“(5A) In the case of a direction to which paragraph (3)(b) of this article applies, if the direction is approved by the Secretary of State within the period of six months referred to in that sub-paragraph, then (subject to the provisions of paragraph (6) of this article) the authority who made the direction shall, as soon as may be, serve notice of such approval on the owner and occupier of every part of the land affected by the direction; and, where the Secretary of State has approved the direction with modifications, the notice shall indicate the effect of such modifications.”;

(e) for paragraph (6) there shall be substituted the following paragraphs:—

“(6) Where, in the case of any direction given under paragraph (1)(a) of this article which specifies a particular area of land, the authority who made the direction are of the opinion that individual service in accordance with the provisions of paragraph (5) or (5A) above is impracticable because of the number of owners and occupiers of the land to which the direction relates, or the difficulty of identifying or locating such owners and occupiers (or any of them), they shall publish notice of the direction, or of approval of the direction by the Secretary of State (as the case may be), in at least one newspaper circulating in the locality in which the land is situated; and such notice shall contain a statement of the effect of the direction (and, where appropriate, the effect of any modifications to the direction made by the Secretary of State) and shall name a place or places where a copy of the direction, and of a map defining the area to which it relates, may be seen at all reasonable hours.

(6A) Where notice of a direction, or notice of approval of a direction (other than approval of a direction to which paragraph (5A) of this article applies) has been published in accordance with the provisions of paragraph (6) above, the direction shall come into force on the date on which such notice is first published.”;

(f) for paragraph (7) there shall be substituted the following paragraph:—

“(7) Any direction made by a local planning authority may be cancelled by a subsequent direction by that authority or by a direction made by the Secretary of State, and a cancelling direction given by the authority, if it contains no provisions other than the

cancellation of the original direction, shall not require the approval of the Secretary of State; notice of a local authority's cancelling direction shall be given under paragraph (5) or (6) of this article as though it were a direction made under paragraph (1) of this article.”;

- (g) in paragraph (9), for the words from the beginning of the paragraph to “any of the following operations” there shall be substituted the following:—

“No direction given or having effect under this article shall have effect in relation to:—

- (i) the carrying out in the case of emergency of any development specified in Schedule 1 to this order;
- (ii) the carrying out of any development under class XXIV, unless the direction specifically so provides; or
- (iii) the carrying out of any of the following operations by a statutory undertaker, unless the direction specifically so provides:—”;

- (4) the following article shall be added after article 4:—

“Directions restricting development under Class XXVI.2 or XXVII.2

4A.— (1) If, on receipt of a notification from any person that he proposes to carry out development within class XXVI.2 or XXVII.2, a mineral planning authority are satisfied as mentioned in paragraph (2) below they may, within 21 days of receipt of the notification, direct that the permission granted by article 3 of this order shall not apply to the development, or to such part of the development as is specified in the direction.

(2) The mineral planning authority may make a direction under this article if they are satisfied that it is expedient that the development, or any part of it, should not be carried out unless permission for it is granted on an application because:—

- (a) the land on which the development is to be carried out is within—
 - (i) a National Park,
 - (ii) an area of outstanding natural beauty,
 - (iii) a site of archaeological interest, unless the operation to be carried out is one described in the Schedule to the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984(a), or
 - (iv) a site of special scientific interest; or
- (b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area or in respect of which notification has been given in

(a) S.I. 1984/1286.

pursuance of the provisions of class XXVI.2 or XXVII.2, would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a building shown as grade 1 in the list of buildings of special architectural or historic interest compiled by the Secretary of State under section 54 of the Act; or

- (c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or
- (d) the development would endanger aircraft using a nearby aerodrome.

(3) A direction made under this article shall contain a statement as to the day on which, if it is not disallowed under paragraph (5) below, it will come into force, which shall be 29 days from the date on which notice of it is sent to the Secretary of State in accordance with paragraph (4) below.

(4) As soon as may be a copy of a direction under this article shall be sent by the mineral planning authority to the Secretary of State and to the person who gave notice of the proposal to carry out development.

(5) The Secretary of State may, at any time within a period of 28 days beginning on the day on which the direction is made, disallow the direction; and immediately upon receipt of notice in writing from the Secretary of State that he has disallowed the direction, the mineral planning authority shall give notice in writing to the person who gave notice of the proposal that he is authorised to proceed with the development.”;

(5) in article 11 (special provisions as to permission for development affecting certain existing and proposed highways) the following paragraphs shall be substituted for paragraph (2):—

“(2) On receipt of an application for planning permission for development which consists of or includes:—

- (a) the formation, laying out or alteration or a means of access to any part of a trunk road which is subject to a speed limit exceeding 40 miles per hour or to a special road; or
- (b) any development (other than development within the descriptions in sub-paragraph (a) above) of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under article 15(4) of this order) from the middle of—
 - (i) any highway which is to be provided by the Secretary of State and is within the description in paragraph (1)(iii) of this article; or
 - (ii) any highway within the descriptions in subparagraphs (iv) and (v) of paragraph (1) of this article,

the relevant local planning authority shall notify the Secretary of State and, in the case of an application which falls to be determined by the county planning authority, the county planning authority.

(2A) Such application as is referred to in paragraph (2) above shall not be determined unless:—

- (a) the relevant local planning authority receive a direction given under article 10 of this order; or
- (b) they receive notification, given by or on behalf of the Secretary of State, that he does not propose to give any such direction in respect of the development to which the application relates; or
- (c) a period of 28 days (or such longer period as may be agreed in writing between the relevant local planning authority and the Secretary of State) from the date when notification was given to the Secretary of State has elapsed without receipt of such a direction or such notification.

(2B) In this article, “the relevant local planning authority” means—

- (a) in relation to land in Greater London, the local planning authority;
- (b) in relation to land in an urban development area in respect of which the urban development corporation is the local planning authority, the urban development corporation; and
- (c) in relation to any other land, the district planning authority.”;

(6) in article 12 the following paragraph shall be substituted for paragraph (2):—

“(2) A local planning authority shall not determine an application for planning permission for development to which paragraph (1) of this article applies unless—

- (a) they receive a direction given under paragraph (1) of this article;
- (b) they receive notification from the local highway authority that that authority does not propose to give such a direction; or
- (c) a period of 28 days from the date when a copy of the application was sent to the local highway authority in accordance with the requirements of paragraph 15(3B) of Schedule 16 to the Local Government Act 1972^(a) (or such longer period as may be agreed in writing with the local highway authority) has elapsed without receipt of such a direction or such notification.”;

(7) in Schedule 1:—

(a) in class I (development within the curtilage of a dwellinghouse)—

- (i) in paragraph 1, after the words “The enlargement, improvement or other alteration of a dwellinghouse” there shall be added the words “(other than by the carrying out of operations within paragraph 2A of this class)”;

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

“2A. The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse, so long as:—

^(a) 1972 c.70; paragraph 15(3B) was inserted in Schedule 16 by section 86(1) of the Local Government, Planning and Land Act 1980 (c.65).

- (a) the size of the antenna (excluding any projecting feed element) does not, when measured in any dimension, exceed 90 centimetres;
 - (b) there is no other satellite antenna installed on the dwelling-house or anywhere else within the curtilage of the dwelling-house;
 - (c) in the case of an antenna installed on a dwelling-house the highest part of the antenna is not higher than the highest part of the roof of the building on which it is installed.”;
- (iii) in paragraph 3, after the words “dwelling, stable” there shall be added the words, “, satellite antenna”;
- (b) in class VI (Agricultural buildings, works and uses)—
- (i) in paragraph 1:—
 - (A) after the words “building or engineering operations” there shall be inserted the words “(other than engineering operations to which paragraph 4 below applies)”;
 - (B) the following conditions shall be inserted in column (2):—
 - “1. In the case of operations which involve the deposit on or under the land of refuse or waste materials no such material shall be brought onto the land from elsewhere.
 - 2. Where an operation involves the extraction of any mineral from the land, or from any disused railway embankment on the land, or the removal of any mineral from a mineral-working deposit on the land, and no planning permission has been granted (on an application made to the local planning authority under Part III of the Act) for the winning and working of that mineral, the mineral shall not be moved off the land.”;
 - (ii) in paragraph 3 the following condition shall be inserted in column (2):—

“No minerals extracted during the course of the operations shall be moved to any place outside the land from which they were extracted, except to the land which is held or occupied with that land and is used for agricultural purposes.”;
 - (iii) the following paragraph shall be added after paragraph 3:—

“4. The carrying out of operations for the construction of fishponds (including the excavation of land and the winning and working of minerals) and other engineering operations on agricultural land used for the purposes of any business of fish farming or of shellfish farming which is registered in a register kept by the Minister of Agriculture Fisheries and Food or the Secretary of State (as the case may be) for the purposes of an order made under section 7 of the Diseases of Fish Act 1983(a) where—

 - (a) the area of the site within which the operations are carried out does not exceed 2 hectares;

(a) 1983 c.30.

- (b) no operations are carried out within 25 metres of the metalled portion of a trunk or classified road;
- (c) in a case where the operations involve the winning or working of minerals, they comply with both of the following limitations:—
- (i) that no excavation exceeds a depth of 2.5 metres; and
 - (ii) that the area of excavation (taken together with any other excavations carried out on the land within the preceding two years) does not exceed 0.2 hectares.”;
- (c) in class VIII (development for industrial purposes) the following sub-paragraph shall be substituted for sub-paragraph (iv) of paragraph 1:—
- “(iv) the extension or alteration of buildings (whether erected before or after 1st July 1948), so long as the height of the original building is not exceeded, the cubic content of the original building (as ascertained by external measurement) is not increased by more than 25%, and its aggregate floor space is not increased by more than 1000 square metres.”;
- (d) in class XIII (development by local authorities), after the words “by a local authority” in paragraph 1, there shall be inserted the words “or by an urban development corporation”;
- (e) in class XVIII.E (development by electricity undertakings):—
- (i) in sub-paragraph (ii), after the words “elsewhere than under a highway”, there shall be added the words “used by vehicular traffic”, and
 - (ii) the following sub-paragraph shall be substituted for sub-paragraph (iv):—
- “(iv) the extension or alteration of buildings on operational land, so long as the height of the original building is not exceeded, the cubic content of the original building (as ascertained by external measurement) is not increased by more than 25%, and its aggregate floor space is not increased by more than 1000 square metres.”;
- (f) in class XVIII:—
- (i) the following paragraph shall be added:—
- “J. Civil Aviation Authority.
1. The carrying out within the perimeter of an aerodrome at which the Civil Aviation Authority provide air traffic control services of development required in connection with the provision of services and facilities which are necessary or desirable either for providing air traffic control services or for assisting the navigation of aircraft using the aerodrome.
 2. The carrying out, on any operational land of the Authority which is outside but within 8 kilometres of the perimeter of an aerodrome at which the Authority provide air traffic control services, of development required in connection with the provision of services and facilities which are necessary or desirable either for

providing such air traffic control services or for assisting the navigation of aircraft using the aerodrome, with the exception of:—

- (a) the erection of buildings to be used for purposes other than housing equipment used in connection with the provision of air traffic control services or in connection with assisting the navigation of aircraft;
- (b) the erection of any building exceeding a height of 4 metres;
- (c) the installation or erection, by way of addition or replacement, of any radio mast, radar mast, antenna or other apparatus which exceeds the height of the mast, antenna or apparatus which is being replaced, or a height of 15 metres, whichever is the greater.

3. The carrying out, on land which was operational land of the Authority on 1st March 1986 and remains operational land, of development required in connection with the provision by the Authority of services and facilities necessary or desirable for assisting the navigation of aircraft, except—

- (a) the erection of buildings to be used for purposes other than housing equipment used in connection with assisting the navigation of aircraft;
- (b) the erection of any building exceeding a height of 4 metres;
- (c) the installation or erection of any radio mast, radar mast, antenna or other apparatus, save by way of replacement or substitution for an existing mast or antenna or existing apparatus by one which does not exceed the height of the mast, antenna or apparatus which is being replaced, or a height of 15 metres, whichever is the greater.

4. The use of land by or on behalf of the Civil Aviation Authority in case of emergency, for a period not exceeding six months, for the stationing of moveable apparatus required for the replacement of unserviceable apparatus.

5. The use of land by or on behalf of the Civil Aviation Authority, for a period not exceeding six months, for the purpose of providing services and facilities in connection with air traffic control services or assistance in the navigation of aircraft, and the erection or placing of moveable structures on the land for the purposes of such use.

6. The use of land by or on behalf of the Civil Aviation Authority, for a period not exceeding six months, for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.”;

- (ii) the following condition to paragraph J shall appear in column (2):—

“On or before the expiry of any period of six months referred to in paragraphs 4 to 6, all such uses shall cease and any

apparatus or structure shall be removed, and the land shall be restored to its condition before the development took place.”;

- (g) the classes set out in the Schedule to this order shall be added after class XXV.

SCHEDULE

Column (1) Description of Development	Column (2) Conditions
<p><i>Class XXVI.—Mineral exploration</i></p> <p>1. The carrying out of any of the following operations, namely:—</p> <ul style="list-style-type: none"> (i) the drilling of boreholes for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral; (ii) operations required for the carrying out of seismic surveys designed for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral; (iii) the making of other excavations for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral; <p>on any land during a period not exceeding 28 consecutive days, and the erection, assembly or construction on the land, or adjoining land, of buildings, plant or machinery, or other structures, which are required in connection with any of those operations, where:—</p> <ul style="list-style-type: none"> (a) no operations are carried out in, on, over or under land which is within 50 metres of any part of an occupied residential building or a building which is occupied and used as a hospital or a school; (b) no operations are carried out on land which is within a National Park, an area of outstanding natural beauty or a site of archaeological interest or special scientific interest; (c) in the case of operations carried out under sub-paragraph (ii) above, no explosive charge of more than 1 kilogram is used; (d) in the case of operations carried out under sub-paragraph (iii) above— 	<ul style="list-style-type: none"> 1. No operations shall be carried out between the hours of 6 pm and 7 am. 2. No trees on the land shall be removed, felled, lopped or topped except insofar as the mineral planning authority may otherwise have agreed in writing and no operations shall be carried out (or any other thing done on the land) which is likely to have any detrimental effect on the trees. 3. Before any operation consisting of an excavation is carried out the topsoil shall be removed from the area of land excavated and shall be stored separately from other excavated material; and the subsoil shall then be removed and stored separately from other excavated material (including the topsoil). 4. Within a 28 day period following the cessation of the operations the following action shall be taken (unless, in any particular case, the mineral planning authority have otherwise agreed in writing):— <ul style="list-style-type: none"> (a) all buildings, plant, machinery and other structures and any waste materials, shall be removed from the land; (b) all boreholes shall be adequately sealed or (as the case may be) all other excavations shall be filled in with material from the site; the surface shall be levelled and the topsoil shall be replaced as the uppermost layer; and (c) the land shall (so far as it is practicable to do so) be restored to its condition before the development took place (with the carrying out of seeding and replanting so far as may be necessary).

SCHEDULE (*continued*)

Column (1) Description of Development	Column (2) Conditions
<p><i>Class XXVI.—Mineral exploration—cont.</i></p> <p>(i) no excavation made during the carrying out of the operations exceeds 10 metres in depth or 12 square metres in surface area; and</p> <p>(ii) the operations do not result in the making of more than 10 excavations over any period of 24 months within any area of 1 hectare within the land;</p> <p>(e) in the case of the erection, assembly or construction of buildings, plant or machinery or other structures—</p> <p>(i) no such building, plant or machinery or other structure exceeds a height of 12 metres; and</p> <p>(ii) no building, plant or machinery or other structure which exceeds a height of 3 metres is erected, assembled or constructed on any land which is within 3 kilometres of the perimeter of an aerodrome.</p> <p>2.—(1) The carrying out of any of the following operations, namely:—</p> <p>(i) the drilling of boreholes for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral;</p> <p>(ii) operations required for the carrying out of seismic surveys designed for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral;</p> <p>(iii) the making of other excavations for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral;</p>	<p>1. The development shall be carried out in accordance with the details specified in the written notice given to the mineral planning authority, except insofar as the mineral planning authority have otherwise agreed in writing.</p> <p>2. No trees on the land shall be removed, felled, lopped or topped except insofar as the mineral planning authority may otherwise have agreed in writing, and no operations shall be carried out (or any other thing done on the land) which is likely to have any detrimental effect on the trees.</p> <p>3. Before any operation consisting of an excavation is carried out, the topsoil shall be removed from the area of land excavated and shall be stored separately from other excavated material; and the subsoil shall then be removed and stored separately from other excavated material (including the topsoil).</p>

SCHEDULE (continued)

Column (1) Description of Development	Column (2) Conditions
<p><i>Class XXVI.—Mineral exploration—cont.</i></p> <p>on any land during a period not exceeding 4 months, and the erection, assembly or construction on that land, or on adjoining land, of buildings, plant or machinery or other structures, which are required in connection with any of those operations, where:—</p> <p>(a) in the case of operations carried out under sub-paragraph (ii) above, no explosive charge of more than 2 kilograms is used;</p> <p>(b) in the case of operations carried out under sub-paragraph (iii) above, no excavation made during the carrying out of the operations exceeds 10 metres in depth or 12 square metres in surface area; and</p> <p>(c) in the case of the erection assembly or construction of buildings, plant or machinery or other structures, no such building, plant or machinery or other structure exceeds a height of 12 metres,</p> <p>so long as the developer has previously notified the mineral planning authority in writing of his intention to carry out development under this paragraph (specifying the nature of the development), and the relevant period has elapsed.</p> <p>(2) The relevant period elapses:—</p> <p>(a) where the mineral planning authority do not issue a direction under article 4A:—</p> <p>(i) 28 days after the notification referred to in paragraph (1) above, or</p> <p>(ii) if earlier, on the date on which the mineral planning authority notify the developer in writing that they will not issue such a direction;</p> <p>(b) where the mineral planning authority issue a direction under article 4A:—</p>	<p>4. Within a 28 day period following the cessation of the operations, the following action shall be taken (unless in any particular case, the mineral planning authority have otherwise agreed in writing):—</p> <p>(a) all buildings, plant, machinery and other structures and any waste materials, shall be removed from the land;</p> <p>(b) all boreholes shall be adequately sealed or (as the case may be), all other excavations shall be filled in with other material from the site; the surface shall be levelled and the topsoil shall be replaced as the uppermost layer; and</p> <p>(c) the land shall (so far as it is practicable to do so) be restored to its condition before development took place (with the carrying out of seeding and replanting so far as may be necessary).</p>

SCHEDULE (*continued*)

Column (1) Description of Development	Column (2) Conditions
<p><i>Class XXVI.—Mineral exploration—cont.</i></p> <p>(i) 28 days from the date on which notice of it is sent to the Secretary of State, or</p> <p>(ii) if earlier, the date on which the mineral planning authority notify the developer in writing that the Secretary of State has disallowed the direction.</p> <p><i>Class XXVII.—Removal of material from mineral-working deposits</i></p> <p>1. The removal of material of any description from a mineral-working deposit, where material has been extracted from the deposit, otherwise than in breach of planning control, at any time during the period of 12 months immediately preceding the date of the coming into operation of section 1 of the 1981 Act:</p> <p>Provided that—</p> <p>(1) this permission does not authorise the carrying out of development after the end of the period of six months from the date of the coming into operation of section 1 of the 1981 Act, unless an application has been made, before the end of that period, for planning permission to continue to remove material from the deposit;</p> <p>(2) where an application for permission to continue to remove material from the deposit has been made before the end of the period described in proviso (1), this permission does not authorise the carrying out of any development after the date when that application is determined by the mineral planning authority or, in the event of an appeal to the Secretary of State, the date when that appeal is finally determined;</p> <p>(3) where an application for permission to continue to remove material from the deposit has been made before the end of the period described in proviso (1), this permission does not authorise the carrying out of any development other than the development described in the application.</p> <p>2.— (1) The removal of material of any description from a stockpile or a mineral-</p>	<p>Where the development consists of the removal of material from a mineral-</p>

SCHEDULE (continued)

Column (1) Description of Development	Column (2) Conditions
<p><i>Class XXVII—Removal of material from mineral-working deposits—cont.</i></p> <p>working deposit other than a stockpile which either—</p> <ul style="list-style-type: none"> (i) covers a ground area not exceeding 2 hectares; or (ii) contains no mineral or other material which was deposited on the land more than 5 years before the date of removal; <p>Provided that:</p> <ul style="list-style-type: none"> (a) this permission does not authorise the removal of material from any stockpile or other mineral-working deposit which derives from the carrying out of any operations permitted under class VI; and (b) no material shall be removed from a mineral-working deposit which is not a stockpile unless the developer has notified the mineral planning authority in writing of his intention to carry out development within this class, specifying the nature of that development, the exact location of the mineral-working deposit from which material is to be removed, the proposed means of vehicular access to the site at which the development is to be carried out and the earliest date at which any material presently contained in the deposit was deposited on the land, and the relevant period has elapsed. <p>(2) The relevant period elapses:—</p> <ul style="list-style-type: none"> (a) where the mineral planning authority do not issue a direction under article 4A:— <ul style="list-style-type: none"> (i) 28 days after the notification referred to in paragraph (b) of the proviso above, or (ii) if earlier, on the date on which the mineral planning authority notify the developer in writing that they will not issue such a direction; 	<p>working deposit which is not a stockpile—</p> <ul style="list-style-type: none"> (1) it shall be carried out in accordance with the details given in the notice sent to the mineral planning authority in accordance with proviso (b) in column (1) except where the authority have otherwise agreed in writing; (2) if the mineral planning authority so require, the developer shall submit to them for approval a scheme making provision for the restoration and aftercare of the site, such scheme to be submitted within such period as the authority may specify (which shall not be less than 3 months from the date when the requirement is made); and (3) where submission of a scheme of restoration and aftercare has been required, the site shall be restored and aftercare shall be carried out in accordance with the provisions of such scheme (as those provisions are approved).

SCHEDULE (*continued*)

Column (1) Description of Development	Column (2) Conditions
<p><i>Class XXVII.—Removal of material from mineral-working deposits—cont.</i></p> <p>(b) where the mineral planning authority issue a direction under article 4A:—</p> <p>(i) 28 days from the date on which the notice of it is sent to the Secretary of State, or</p> <p>(ii) if earlier, on the date on which the mineral planning authority notify the developer in writing that the Secretary of State has disallowed the direction.</p> <p><i>Class XXVIII.—Warehouses</i></p> <p>The extension or alteration of a building (whether erected before or after 1st July 1948) which is lawfully used as a warehouse, and which is to be used for that purpose, so long as:—</p> <p>(a) the height of the original building is not exceeded;</p> <p>(b) the cubic content of the original building (as ascertained by external measurement) is not increased by more than 25%, and its aggregate floor space is not increased by more than 1000 square metres;</p> <p>(c) the external appearance of the premises is not materially affected;</p> <p>(d) no part of the building is, as a result of the development, within a distance of 5 metres from any boundary of the curtilage of the premises; and</p> <p>(e) the development does not result in a decrease in the extent of any existing vehicle parking area or area laid out for the turning of vehicles:</p> <p>Provided that the erection on land within the curtilage of an existing warehouse of an additional building to be used in connection with that warehouse shall be treated as an extension of the existing warehouse and, where any two or more existing buildings in the same curtilage are</p>	

SCHEDULE (continued)

Column (1) Description of Development	Column (2) Conditions
<p><i>Class XXVIII.—Warehouses—cont.</i></p> <p>used as one unit for warehouse purposes, the references in paragraph (b) above to the cubic content and to the aggregate floor space shall be construed as references to the aggregate cubic content and the total floor space (respectively) of those buildings.</p> <p><i>Class XXIX.—Amusement Parks</i></p> <p>The carrying out of any of the following operations on land (or on a seaside pier) which is lawfully used as an amusement park:—</p> <p>(a) the erection of any booths, stalls, other similar buildings or structures, or the installation of any plant or machinery (which expression, in this class, includes structures or erections in the nature of plant or machinery) to be used for or in connection with the provision in the amusement park of entertainment or amusement for the public;</p> <p>(b) the extension, alteration or replacement of any plant or machinery, building or other structure so used;</p> <p>so long as—</p> <p>(i) no plant or machinery installed, extended, altered or replaced pursuant to this permission exceeds a height of 25 metres above ground level (or, if the land or pier is within 3 kilometres of the perimeter of an aerodrome, 25 metres or the height of the highest existing structure, whichever is the lesser), and</p> <p>(iii) no other building or structure erected pursuant to this permission exceeds the height of 5 metres above ground level (or, in the case of an extension to a building or structure, 5 metres or the height of the roof of the</p>	

SCHEDULE (*continued*)

Column (1) Description of Development	Column (2) Conditions
<p><i>Class XXIX.—Amusement Parks—cont.</i></p> <p>existing building or of the structure, whichever is the greater),</p> <p>and so long as no such operation is carried out within 25 metres of the curtilage of a dwelling.</p> <p><i>Class XXX.—Development by the Historic Buildings and Monuments Commission for England</i></p> <p>Development of the following descriptions, by or on behalf of the Historic Buildings and Monuments Commission for England, required for the purpose of securing the preservation of any building or monument in the ownership, or under the guardianship, or otherwise under the control or management of the Commission:—</p> <p>(a) the maintenance, repair or restoration (but excluding the extension) of any such building or monument;</p> <p>(b) (insofar as the development is not permitted by sub-paragraph (a) above) the erection of structures of the nature of screens or covers, designed or intended to protect or safeguard such buildings or monuments (including any fencing which may be necessary for that purpose);</p> <p>(c) the carrying out of works for stabilising ground conditions of any cliff, water-course or the coastline.</p>	<p>Such structures as are referred to in (b) shall be removed at the expiration of 6 months (or such longer period as the local authority may agree in writing) from the date on which work was commenced to erect them.</p>

Kenneth Baker,
Secretary of State for
the Environment.

18th December 1985.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order amends the Town and Country Planning General Development Orders 1977 to 1985 ("the General Development Order"). It includes various minor changes and improvements and five new classes of permitted development.

Article 2(1) of the order substitutes a more restrictive definition of "aerodrome" in the General Development Order. This will affect the application of classes VI and VII in Schedule 1, as well as the new provisions made in this order.

Article 2(3)(a) to (d) makes various small changes and improvements to article 4 of the General Development Order. Article 2(3)(e) amends article 4(9) to preclude the making of a direction under article 4 in relation to development under class XXIV (development by telecommunications code system operators) unless the direction contains specific provision to that effect.

Article 2(4) adds a new article 4A to the General Development Order. It provides for a direction to be made withdrawing planning permissions granted by classes XXVI.2 (mineral exploration) and XXVII.2 (extraction from mineral-working deposits) by a procedure which is speedier than the procedure under article 4 of the General Development Order.

Article 2(5) and (6) relaxes certain consultation requirements in articles 11 and 12 relating to highways.

Article 2(7)(a) amends class I in Schedule 1 to the General Development Order by permitting the installation of a 90 centimetre satellite antenna on and in the curtilage of a dwelling-house.

Article 2(7)(b) makes changes to class VI in Schedule 1 to control the use of the class for mineral extraction and tipping of waste on agricultural land.

Article 2(7)(c) and (e) relaxes the limits on the cubic content and floorspace of extensions under class VIII (development for industrial purposes) and class XVIII.E (development by electricity undertakings).

A new paragraph J is added by article 2(7)(f) to class XVIII to permit certain development by the Civil Aviation Authority in relation to the provision of air traffic control services at or near airports.

Article 2(7)(g) adds five new classes to Schedule 1 to the General Development Order. They are:—

- (1) a new class XXVI which grants permission for small-scale temporary exploration for the purposes of exploiting minerals,
- (2) a new class XXVII which grants permission for the removal of material from stockpiles and from small or temporary mineral-working deposits,
- (3) a new class XXVIII which permits the extension of existing warehouses similar to the permission available in relation to industrial buildings—see class VIII,
- (4) a new class XXIX which permits the provision and rearranging of small buildings and equipment within existing amusement parks,
- (5) a new class XXX which permits the Historic Buildings and Monuments Commission for England to carry out minor development in connection with the preservation of buildings or monuments for which they have responsibility.

The U.K. Aerodrome Index (CAP 481, edition of April 1986) which will include all aerodromes identified to the Civil Aviation Authority before 1st March 1986 will be published by the Civil Aviation Authority in April 1986. Copies can then be purchased by post from the Civil Aviation Authority, Printing and Publication Services, Greville House, Gratton Road, Cheltenham, Gloucestershire, GL50 2BN.

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