
STATUTORY INSTRUMENTS

1992 No. 609

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning General
Development (Amendment) Order 1992**

<i>Made</i>	- - - -	<i>10th March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 59(1) and (2), 60, 61(1) and 333(7) of the Town and Country Planning Act 1990⁽¹⁾ and all other powers enabling them in that behalf, hereby make the following Order—

Citation, commencement and interpretation

1. –

(1) This Order may be cited as the Town and Country Planning General Development (Amendment) Order 1992 and shall come into force on 1st April 1992.

(2) In this Order—

“the 1988 Order” means the Town and Country Planning General Development Order 1988⁽²⁾.

Toll road facilities

2.—(1) After Part 29 of Schedule 2 to the 1988 Order insert—

(1) 1990 c. 8.

(2) S.I.1988/1813; a relevant amending instrument is S.I.1991/1536.

**“PART 30
TOLL ROAD FACILITIES**

CLASS A

A. Permitted Development

Development consisting of–

- (a) **the setting up and the maintenance, improvement or other alteration of facilities for the collection of tolls;**
- (b) **the creation of a hard surface to be used for the parking of vehicles in connection with the use of such facilities.**

A.1 Development not permitted

A.1 Development is not permitted by Class A if–

- (a) it is not located within 100 metres (measured along the ground) of the boundary of a toll road;
- (b) the height of any building or structure would exceed–
 - (i) 7.5 metres excluding any rooftop structure; or
 - (ii) 10 metres including any rooftop structure;
- (c) the aggregate floor area at or above ground level of any building or group of buildings within a toll collection area, excluding the floor area of any toll collection booth, would exceed 1500 square metres.

A.2 Conditions

A.2 In the case of any article 1(5) land, development is permitted by Class A subject to the following conditions–

- (a) the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the facilities for the collection of tolls;
- (b) the application shall be accompanied by a written description, together with plans and elevations, of the proposed development and any fee required to be paid;
- (c) the development shall not be begun before the occurrence of one of the following–
 - (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (ii) where the local planning authority give the applicant notice within 28 days following the date of receiving his application of their determination that such prior approval is required, the giving of such approval; or
 - (iii) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;
- (d) the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out–

- (i) where prior approval is required, in accordance with the details approved;
- (ii) where prior approval is not required, in accordance with the details submitted with the application; and
- (e) the development shall be carried out—
 - (i) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given;
 - (ii) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub-paragraph (b).

A.3 Interpretation of Class A

A.3 For the purposes of Class A—

“facilities for the collection of tolls” means such buildings, structures, or other facilities as are reasonably required for the purpose of or in connection with the collection of tolls in pursuance of a toll order;

“ground level” means the level of the surface of the ground immediately adjacent to the building or group of buildings in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it;

“rooftop structure” means any apparatus or structure which is reasonably required to be located on and attached to the roof, being an apparatus or structure which is—

- (a) so located for the provision of heating, ventilation, air conditioning, water, gas or electricity;
- (b) lift machinery; or
- (c) reasonably required for safety purposes;

“toll” means a toll which may be charged pursuant to a toll order;

“toll collection area” means an area of land where tolls are collected in pursuance of a toll order, and includes any facilities for the collection of tolls;

“toll collection booth” means any building or structure designed or adapted for the purpose of collecting tolls in pursuance of a toll order;

“toll road” means a road which is the subject of a toll order;

“toll order” has the same meaning as in Part I of the New Roads and Street Works Act 1991(3).”.

(2) In paragraph 5 of article 3 of the 1988 Order (permitted development), for “Parts 9, 11 or 13” substitute “Parts 9, 11, 13 or 30”

10th March 1992

Michael Heseltine
Secretary of State for the Environment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

10th March 1992

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning General Development Order 1988. Permitted development rights relating to the setting up and the maintenance, improvement or other alteration of facilities for the collection of tolls are introduced into Schedule 2 to the 1988 Order. In respect of article 1(5) land (National Parks, areas of outstanding natural beauty and conservation areas etc) there is a requirement for the developer to apply for a determination as to whether the prior approval of the local planning authority is required to the siting, design and external appearance of the proposed facilities for the collection of tolls.