
STATUTORY INSTRUMENTS

1988 No. 1813

**The Town and Country Planning
General Development Order 1988**

Permitted development

3.—(1) Subject to the provisions of this order, planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2 and subject to the condition set out in paragraph (9) below (hazardous substances condition).

(3) References in the following provisions of this order to permission granted by Schedule 2 or by any Part, Class or paragraph of that Schedule is a reference to the permission granted by this article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Act otherwise than by this order.

(5) The permission granted by Schedule 2 shall not, except in relation to development permitted by Parts 9, 11 or 13, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(6) Any development falling within Part 11 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval shall not be treated for the purpose of this order as authorised unless and until that consent or approval is obtained; except where the Act was passed or the order made after 1 July 1948 and it contains provision to the contrary.

(7) Schedule 2 does not grant permission for—

- (a) the laying or construction of a notifiable pipeline, or
- (b) development which involves or is likely to involve a hazardous activity, except in the cases specified in paragraph (8).

(8) The cases specified in this paragraph are—

- (a) where the development is to be carried out in, on, over or under land comprised in a notified site and the carrying out of the development is not likely to result in the presence in, on, over or under the land of a quantity of the hazardous substance notified which exceeds three times the quantity last notified;
- (b) where—
 - (i) an exemption certificate under the Notification Regulations applies to the development;
 - (ii) there is, immediately before the development is carried out, a notifiable quantity of a hazardous substance present in, on, over or under that land, and

- (iii) the carrying out of the development is not likely to result in the presence in, on, over or under that land of a quantity of the substance which exceeds three times the quantity present immediately before development began;
 - (c) where the development is to be carried out by a public gas supplier and consists of the laying of mains, pipes or other apparatus;
 - (d) where the development is for the purpose of inspecting, repairing or renewing mains, pipes or other apparatus.
- (9) The hazardous substances condition referred to in paragraph (2) is a condition that no building erected or extended, no plant or machinery installed or provided (other than a mains, pipe or other apparatus belonging to a public gas supplier), and no works carried out by virtue of permission granted by this article and Schedule 2 on land within any site shall be used for a hazardous activity.
- (10) For the purposes of this article—
- “hazardous activity” means the manufacture, processing, keeping or use of a hazardous substance in circumstances which 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 is carried out or the site which comprises that land,
 - “notified site” means a site in respect of which notification has been given to the Health and Safety Executive in pursuance of the requirements of the Notification Regulations, and
 - “site” means the whole of the area of land within a single unit of occupation.