

1989 No. 2205

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

**The Town and Country Planning (Bristol Urban
Development Area) Special Development Order 1989**

<i>Made</i> - - - -	<i>24th November 1989</i>
<i>Laid before Parliament</i>	<i>5th December 1989</i>
<i>Coming into force</i>	<i>27th December 1989</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 24 of the Town and Country Planning Act 1971(a) and section 148(2) of the Local Government, Planning and Land Act 1980(b) and of all other powers enabling him in that behalf, hereby makes the following Order:

Application, citation and commencement

1.—(1) This Order shall apply to the Bristol urban development area.

(2) This Order may be cited as the Town and Country Planning (Bristol Urban Development Area) Special Development Order 1989 and shall come into force on 27th December 1989.

Interpretation

2. In this Order, unless the context otherwise requires—

“the 1971 Act” means the Town and Country Planning Act 1971;

“the 1980 Act” means the Local Government, Planning and Land Act 1980;

“the development area” means the area designated as an urban development area by the Bristol Development Corporation (Area and Constitution) Order 1988(c);

“the development corporation” means the Bristol Development Corporation;

“the General Development Order” means the Town and Country Planning General Development Order 1988(d); and expressions used in this Order shall have the meaning which they bear in the General Development Order; and

“new street” has the same meaning as in Part X of the Highways Act 1980(e).

(a) 1971 c.78. (b) 1980 c.65; relevant amendments are made by paragraph 2 of Schedule 11 to the Housing and Planning Act 1986 (c.63). (c) S.I. 1989/91, amended by S.I. 1989/92. (d) S.I. 1988/1813, to which there are amendments not relevant to this Order. (e) 1980 c.66.

Permitted development

3. Subject to the following provisions of this Order development within the development area in accordance with proposals approved by the Secretary of State under section 148(1) of the 1980 Act (not being development for which permission under the 1971 Act is granted or deemed to be granted otherwise than by this Order) is hereby permitted subject to such of the limitations and conditions set out in articles 4 to 6 of this Order as are applicable to that development and subject—

- (a) to the development being begun within the period of five years beginning with the date on which the proposal for such development is approved by the Secretary of State or such other period (whether longer or shorter) beginning with that date as may be specified in the proposal as approved;
- (b) where the development consists of or includes the erection, extension or alteration of any buildings, and is not to be carried out by the development corporation, to the approval by the corporation of the siting, design and external appearance of the buildings, means of access, provision for vehicle parking and for loading and unloading, provision for the storage of vehicles and containers and the storage of materials in the open and the landscaping of the site; and
- (c) where the development consists of or includes the formation, laying out or alteration of a means of access to any highway used by vehicular traffic or the laying out of a new street, and the development is not to be carried out by the development corporation, to the approval by the corporation of detailed plans thereof.

Exception where section 45 order previously made

4. Where planning permission for development has been revoked by an order made under section 45 of the 1971 Act, this Order shall not permit the carrying out of development of the description which was authorised by the revoked permission on the land to which that permission applied.

Exception where section 51 order previously made

5. Where, by virtue of an order under section 51 of the 1971 Act, the use of land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, or any buildings or works are required to be altered or removed, nothing in this Order shall permit the carrying out of any development which would result in the resumption of the use of the land or the replacement or restoration of the buildings or works, as the case may be, as they were before the order took effect.

Consultation before development

6.—(1) The development corporation shall, before beginning any development permitted by this Order or granting any approval required by article 3(b) or (c) of this Order, consult the Bristol City Council, except where that council have advised the development corporation that they do not wish to be consulted.

(2) The development corporation shall, before beginning any development permitted by this Order which, in its opinion, falls within a category set out in the Schedule hereto, or granting any approval required by article 3(b) or (c) of this Order in relation to such development, consult the authority, person or body mentioned in relation to that category, except where the authority, person or body so mentioned has advised the development corporation that they do not wish to be consulted.

(3) Consultation shall not be required by virtue of paragraph (e) of the Schedule hereto in relation to a highway shown in proposals approved by the Secretary of State under section 148(1) of the 1980 Act unless those proposals require consultation.

(4) Where this Order requires the development corporation to consult any authority or other person or body, the corporation shall—

- (a) give to that authority or other person or body not less than 14 days' notice of the proposed development together with particulars sufficient to identify the site and describe the development and, where the consultation relates to an approval required by article 3(b) or (c) of this Order, particulars of the proposed approval;
- (b) not begin to carry out the development or grant the proposed approval until the expiration of the period of such notice; and
- (c) take into account any objections or other representations received from such authority, or person or body.

(5) Where any objection or representation has been made by an authority or other person or body consulted as aforesaid and has not been withdrawn, the development corporation shall send particulars of the proposed development and, where applicable, of the proposed approval under article 3(b) or (c) of this Order, and of the objection or representation to the Secretary of State in writing, and shall not begin the development or grant any such approval until the Secretary of State has notified the corporation that he does not intend to give a direction under article 7 of this Order in respect of the development.

Directions restricting development permitted by this Order

7.—(1) If the Secretary of State is satisfied that it is expedient that any development permitted by article 3 of this Order should not be undertaken unless permission is granted on an application in that behalf, he may direct that the permission granted by that article shall not apply to that development.

(2) Notice of a direction given by the Secretary of State under this article shall, except in the case of development to be carried out by the development corporation, be served by the corporation on the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which notice thereof is served on the occupier of that part or, if there is no occupier, on the owner.

24th November 1989

Chris Patten
Secretary of State for the Environment

SCHEDULE

Article 6

CATEGORIES OF DEVELOPMENT AND CONSULTEES

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(a)	Development involving 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	The Health and Safety Executive
(b)	Development likely to result in a material increase in the volume or a material change in the character of traffic— (i) entering or leaving a trunk road; or (ii) using a level crossing over a railway	The Secretary of State for Transport The British Railways Board or other railway undertakers likely to be affected, and the Secretary of State for Transport
(c)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified or proposed road	The Avon County Council
(d)	Development likely to prejudice the improvement or construction of a classified or proposed road	The Avon County Council
(e)	Development involving the formation, laying out or alteration of any means of access to a highway (other than a trunk road)	The Avon County Council
(f)	Development which involves the provision of a building or pipeline in an area of coal working notified by the British Coal Corporation to the local planning authority	The British Coal Corporation
(g)	Development involving or including mining operations	The National Rivers Authority
(h)	Development involving or including the winning and working of coal by opencast methods	The Secretary of State for Energy
(i)	Development likely to affect the site of a scheduled ancient monument	The Historic Buildings and Monuments Commission
(j)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The National Rivers Authority
(k)	Development for the purpose of refining or storing mineral oils and their derivatives	The National Rivers Authority
(l)	Development involving the use of land for the deposit of refuse or waste	The National Rivers Authority
(m)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling-houses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The National Rivers Authority

- (a) give to that authority or other person or body not less than 14 days' notice of the proposed development together with particulars sufficient to identify the site and describe the development and, where the consultation relates to an approval required by article 3(b) or (c) of this Order, particulars of the proposed approval;
- (b) not begin to carry out the development or grant the proposed approval until the expiration of the period of such notice; and
- (c) take into account any objections or other representations received from such authority, or person or body.

(5) Where any objection or representation has been made by an authority or other person or body consulted as aforesaid and has not been withdrawn, the development corporation shall send particulars of the proposed development and, where applicable, of the proposed approval under article 3(b) or (c) of this Order, and of the objection or representation to the Secretary of State in writing, and shall not begin the development or grant any such approval until the Secretary of State has notified the corporation that he does not intend to give a direction under article 7 of this Order in respect of the development.

Directions restricting development permitted by this Order

7.—(1) If the Secretary of State is satisfied that it is expedient that any development permitted by article 3 of this Order should not be undertaken unless permission is granted on an application in that behalf, he may direct that the permission granted by that article shall not apply to that development.

(2) Notice of a direction given by the Secretary of State under this article shall, except in the case of development to be carried out by the development corporation, be served by the corporation on the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which notice thereof is served on the occupier of that part or, if there is no occupier, on the owner.

24th November 1989

Chris Patten
Secretary of State for the Environment

SCHEDULE

Article 6

CATEGORIES OF DEVELOPMENT AND CONSULTEES

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(a)	Development involving 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	The Health and Safety Executive
(b)	Development likely to result in a material increase in the volume or a material change in the character of traffic— (i) entering or leaving a trunk road; or (ii) using a level crossing over a railway	The Secretary of State for Transport The British Railways Board or other railway undertakers likely to be affected, and the Secretary of State for Transport
(c)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified or proposed road	The Avon County Council
(d)	Development likely to prejudice the improvement or construction of a classified or proposed road	The Avon County Council
(e)	Development involving the formation, laying out or alteration of any means of access to a highway (other than a trunk road)	The Avon County Council
(f)	Development which involves the provision of a building or pipeline in an area of coal working notified by the British Coal Corporation to the local planning authority	The British Coal Corporation
(g)	Development involving or including mining operations	The National Rivers Authority
(h)	Development involving or including the winning and working of coal by opencast methods	The Secretary of State for Energy
(i)	Development likely to affect the site of a scheduled ancient monument	The Historic Buildings and Monuments Commission
(j)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The National Rivers Authority
(k)	Development for the purpose of refining or storing mineral oils and their derivatives	The National Rivers Authority
(l)	Development involving the use of land for the deposit of refuse or waste	The National Rivers Authority
(m)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying or sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling-houses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The National Rivers Authority

(n)	Development relating to the use of land as a cemetery	The National Rivers Authority
(o)	Development in an area of special scientific interest of which notification has been given or has effect as if given to the local planning authority by the Nature Conservancy Council in accordance with section 28 of the Wildlife and Countryside Act 1981(a)	The Nature Conservancy Council
(p)	Development involving any land on which there is a theatre as defined in the Theatres Trust Act 1976(b)	The Theatres Trust
(q)	Development within 250 metres of land which— (i) is or has, at any time in the 30 years before the relevant application been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the waste disposal authority for the purposes of this provision	The Avon County Council
(r)	Development likely to affect land outside the development area	The district council in whose area the land is situated
(s)	Development of a class specified in any direction for the time being in force under the General Development Order by which the development corporation are required to consult with any person or body	The person or body concerned

(a) 1981 c.69. (b) 1976 c.27.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is a special development order applying to land within the Bristol urban development area.

Under section 148(1) of the Local Government, Planning and Land Act 1980 the Secretary of State, after consultation with the appropriate local planning authority and with any other local authority which appears to him to be concerned, may approve proposals submitted to him by an urban development corporation for the development of land within its area. Section 148(2) of that Act provides that a special development order may grant permission for any development of land in accordance with proposals so approved.

Article 3 of this Order grants such permission. The permission does not apply to the carrying out of development of the same description as development which has been made the subject of an order under section 45 (power to revoke or modify planning permission) or section 51 (orders requiring discontinuance of use or alteration or removal of buildings or works) of the Town and Country Planning Act 1971 (articles 4 and 5). It is also subject to conditions relating to the period within which the development must begin, requiring approval of certain details by the development corporation (where the development is being carried out by someone other than that corporation) (article 3) and requiring consultations in certain cases (article 6). The permission may be withdrawn by the Secretary of State by direction in relation to any particular development (article 7).

Copies of schemes submitted by the Bristol Development Corporation and approved by the Secretary of State will be available for inspection by the public at the offices of the development corporation.

£1.35 net

ISBN 0 11 098205 3