
STATUTORY INSTRUMENTS

1992 No. 658

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

**The Town and Country Planning General
Development (Amendment) (No. 2) Order 1992**

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| <i>Made</i> | - - - - | <i>11th March 1992</i> |
| <i>Laid before Parliament</i> | | <i>11th March 1992</i> |
| <i>Coming into force</i> | - - | <i>1st June 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, 60(1), 61(1), 74(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) (No. 2) Order 1992 and shall come into force on 1st June 1992.

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

Amendment of interpretation article

2. In article 1(2) of the 1988 Order (interpretation)—

- (a) omit the definitions of “hazardous substance” and “notifiable quantity”;
- (b) for the definition of “notifiable pipeline” substitute—

““notifiable pipe-line” means a pipe-line, as defined in section 65 of the Pipe-lines Act, 1962⁽³⁾, which contains or is intended to contain a hazardous substance, as defined in regulation 2(1) of the Notification Regulations, except—

- (a) a pipe-line the construction of which has been authorised under section 1 of the Pipe-lines Act, 1962; or

(1) 1990 c. 8.
(2) S.I.1988/1813.
(3) 1962 c. 58.

- (b) a pipe-line which contains or is intended to contain no hazardous substance other than—
 - (i) a flammable gas (as specified in item 1 of Part II of Schedule 1 to the Notification Regulations) at a pressure of less than 8 bars absolute; or
 - (ii) a liquid or mixture of liquids, as specified in item 4 of Part II of that Schedule;”.

Permitted development

- 3. In article 3 of the 1988 Order (permitted development)—
 - (a) in paragraph (2) omit from “and subject to” to the end;
 - (b) for paragraph (7) substitute—

“(7) Schedule 2 does not grant permission for the laying or construction of a notifiable pipe-line, except in the case of the laying or construction of a notifiable pipe-line by a public gas supplier in accordance with Class F of Part 17 of that Schedule.”;
 - (c) omit paragraphs (8) to (10).

Consultation before the grant of permission

- 4. In article 18 of the 1988 Order (consultations before the grant of permission), in paragraph (d) of the Table in paragraph (1) substitute for everything except the name of the consultee—
 - “(d) Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which involves the provision of —
 - (i) residential accommodation;
 - (ii) more than 250 square metres of retail floorspace;
 - (iii) more than 500 square metres of office floorspace; or
 - (iv) more than 750 square metres of floorspace to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.”.

Transitional

- 5. Paragraph (d) of the Table in paragraph (1) of article 18 of the 1988 Order, as substituted by article 4 of this Order, shall not apply in relation to applications for planning permission made before the coming into force of article 4.

10th March 1992

Michael Heseltine
Secretary of State for the Environment

11th 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.

The main changes are—

(1) the deletion of restrictions on permitted development rights relating to development which is likely to involve the presence of hazardous substances, other than the restrictions in relation to certain pipe-lines (the presence of hazardous substances will, in the future, be controlled by the Planning (Hazardous Substances) Act 1990 (c. 10)) (article 3);

(2) the introduction of consultation requirements before the grant of planning permission for certain development within the vicinity of installations keeping or using hazardous substances (article 4).