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STATUTORY INSTRUMENTS

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**2015 No. 596**

**The Town and Country Planning (General Permitted Development) (England) Order 2015**

**Directions restricting certain minerals permitted development**

5.—(1) If, on receipt of a notification from any person proposing to carry out development within Class K [<sup>F1</sup>, KA] or M of Part 17 of Schedule 2, a mineral planning authority <sup>M1</sup> are satisfied as mentioned in paragraph (2), they may, within a period of 21 days beginning with the receipt of the notification, direct that the permission granted by article 3 does 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, and the operation to be carried out is not one described in the Schedule to the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984 (exempt operations) <sup>M2</sup>;

(iv) a site of special scientific interest; or

(v) the Broads;

[<sup>F2</sup>(aa) in the case of development otherwise permitted under Class KA, the land on which the development is to be carried out is within a protected groundwater source area (as defined in Class JA of Part 17 of Schedule 2);]

(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 under the provisions of Class K [<sup>F3</sup>, KA] or M of Part 17 of Schedule 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 Grade I listed building;

(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 must contain a statement as to the day on which (if it is not disallowed under paragraph (5)) it comes into force, which must be 29 days from the date on which notice of it is sent to the Secretary of State in accordance with paragraph (4).

(4) As soon as is reasonably practicable a copy of a direction under this article must 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 with the date on which the direction is made, disallow the direction; and immediately upon receipt of notice in writing

**Status:** Point in time view as at 24/03/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, Section 5. (See end of Document for details)

from the Secretary of State disallowing the direction, the mineral planning authority must give notice in writing, to the person who gave notice of the proposal, stating that the person is authorised to proceed with the development.

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#### **Textual Amendments**

- F1** Word in art. 5(1) inserted (6.4.2016) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, **13(a)**
- F2** Art. 5(2)(aa) inserted (6.4.2016) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, **13(b)**
- F3** Word in art. 5(2)(b) inserted (6.4.2016) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, **13(c)**

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#### **Marginal Citations**

- M1** See section 1(4) of the Act.
- M2** [S.I. 1984/1286](#).

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