

SCHEDULE 2

PART 17

DEVELOPMENT BY STATUTORY UNDERTAKERS

Class A Railway or light railway undertakings

A Permitted development

A. Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.

A.1 Development not permitted

A.1 Development is not permitted by Class A if it consists of or includes—

- (a) the construction of a railway,
- (b) the construction or erection of a hotel, railway station or bridge, or
- (c) the construction or erection otherwise than wholly within a railway station of—
 - (i) an office, residential or educational building, or a building used for an industrial process, or
 - (ii) a car park, shop, restaurant, garage, petrol filling station or other building or structure provided under transport legislation.

A.2 Interpretation of Class A

A.2 For the purposes of Class A, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

Class B Dock, pier, harbour, water transport, canal or inland navigation undertakings

B Permitted development

B. Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required—

- (a) **for the purposes of shipping, or**
- (b) **in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking.**

B.1 Development not permitted

B.1 Development is not permitted by Class B if it consists of or includes—

- (a) the construction or erection of a hotel, or of a bridge or other building not required in connection with the handling of traffic,
- (b) the construction or erection otherwise than wholly within the limits of a dock, pier or harbour of—

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- (i) an educational building, or
- (ii) a car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation.

B.2 Interpretation of Class B

B.2 For the purposes of Class B, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected, and the reference to operational land includes land designated by an order made under section 14 or 16 of the Harbours Act 1964(1) (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc. of harbours), and which has come into force, whether or not the order was subject to the provisions of the Statutory Orders (Special Procedure) Act 1945(2).

Class C Works to inland waterways

C Permitted development

C. The improvement, maintenance or repair of an inland waterway (other than a commercial waterway or cruising waterway) to which section 104 of the Transport Act 1968(3) (classification of the Board's waterways) applies, and the repair or maintenance of a culvert, weir, lock, aqueduct, sluice, reservoir, let-off valve or other work used in connection with the control and operation of such a waterway.

Class D Dredgings

D Permitted development

D. The use of any land by statutory undertakers in respect of dock, pier, harbour, water transport, canal or inland navigation undertakings for the spreading of any dredged material.

Class E Water or hydraulic power undertakings

E Permitted development

E. Development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of—

- (a) development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge,
- (b) development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse,
- (c) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation,

(1) 1964 c. 40; section 14 was amended by paragraph 2, and sections 14 and 16 were amended by paragraphs 3, 4 and 14, of Schedule 6 to, and by Part II of Schedule 12 to, the Transport Act 1981 (c. 56); section 14 was amended by paragraph 1, and section 16 was amended by paragraph 2, of Schedule 3 to the Transport and Works Act 1992 (c. 42).

(2) 1945 c. 18 (9 and 10 Geo. 6).

(3) 1968 c. 73.

- (d) **the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel,**
- (e) **the installation in a water distribution system of a booster station, valve house, meter or switch-gear house,**
- (f) **any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991(4) (power to make ordinary and emergency drought orders),**
- (g) **any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building.**

E.1 Development not permitted

E.1 Development is not permitted by Class E if—

- (a) in the case of any Class E(a) development, it would include the construction of a reservoir,
- (b) in the case of any Class E(e) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic,
- (c) in the case of any Class E(g) development, it would consist of or include the extension or alteration of a building so that—
 - (i) its design or external appearance would be materially affected;
 - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or
 - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres, or
- (d) in the case of any Class E(g) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

E.2 Condition

E.2 Development is permitted by Class E(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of six months from the commencement of the development, whichever is the sooner, all such operations shall cease and all such buildings, plant, machinery and apparatus shall be removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

Class F Gas suppliers

F Permitted development

F. Development by a public gas supplier required for the purposes of its undertaking consisting of—

- (a) **the laying underground of mains, pipes or other apparatus;**
- (b) **the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus;**

(4) [1991 c. 57.](#)

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- (c) **the construction in any storage area or protective area specified in an order made under section 4 of the Gas Act 1965(5) (storage authorisation orders), of boreholes, and the erection or construction in any such area of any plant or machinery required in connection with the construction of such boreholes;**
- (d) **the placing and storage on land of pipes and other apparatus to be included in a main or pipe which is being or is about to be laid or constructed in pursuance of planning permission granted or deemed to be granted under Part III of the Act (control over development);**
- (e) **the erection on operational land of the public gas supplier of a building solely for the protection of plant or machinery;**
- (f) **any other development carried out in, on, over or under the operational land of the public gas supplier.**

F.1 Development not permitted

F.1 Development is not permitted by Class F if—

- (a) in the case of any Class F(b) development involving the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity, that installation would be carried out at or above ground level, or under a highway used by vehicular traffic,
- (b) in the case of any Class F(c) development—
 - (i) the borehole is shown in an order approved by the Secretary of State for Trade and Industry for the purpose of section 4(6) of the Gas Act 1965; or
 - (ii) any plant or machinery would exceed 6 metres in height, or
- (c) in the case of any Class F(e) development, the building would exceed 15 metres in height, or
- (d) in the case of any Class F(f) development—
 - (i) it would consist of or include the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected;
 - (ii) it would involve the installation of plant or machinery exceeding 15 metres in height, or capable without the carrying out of additional works of being extended to a height exceeding 15 metres; or
 - (iii) it would consist of or include the replacement of any plant or machinery, by plant or machinery exceeding 15 metres in height or exceeding the height of the plant or machinery replaced, whichever is the greater.

F.2 Conditions

F.2 Development is permitted by Class F subject to the following conditions—

- (a) in the case of any Class F(a) development, not less than eight weeks before the beginning of operations to lay a notifiable pipe-line, the public gas supplier shall give notice in writing to the local planning authority of its intention to carry out that development, identifying the land under which the pipe-line is to be laid,
- (b) in the case of any Class F(d) development, on completion of the laying or construction of the main or pipe, or at the expiry of a period of nine months from the beginning of the development, whichever is the sooner, any pipes or other apparatus still stored on the land

(5) **1965 c. 36**; section 4 was amended by paragraph 6 of Schedule 7, and Part I of Schedule 9, to the Gas Act **1986 (c. 44)**, and by paragraph 12 of Schedule 2 to the Planning (Consequential Provisions) Act **1990 (c. 11)**.

shall be removed and the land restored as soon as reasonably practicable to its condition before the development took place (or to any other condition which may be agreed with the local planning authority),

- (c) in the case of any Class F(e) development, approval of the details of the design and external appearance of the building shall be obtained, before the development is begun, from—
 - (i) in Greater London or a metropolitan county, the local planning authority,
 - (ii) in a National Park, outside a metropolitan county, the county planning authority,
 - (iii) in any other case, the district planning authority⁽⁶⁾.

Class G Electricity undertakings

G Permitted development

G. Development by statutory undertakers for the generation, transmission or supply of electricity for the purposes of their undertaking consisting of—

- (a) **the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;**
- (b) **the installation or replacement of any telecommunications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;**
- (c) **the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;**
- (d) **the extension or alteration of buildings on operational land;**
- (e) **the erection on operational land of the undertaking or a building solely for the protection of plant or machinery;**
- (f) **any other development carried out in, on, over or under the operational land of the undertaking.**

G.1 Development not permitted

G.1 Development is not permitted by Class G if—

- (a) in the case of any Class G(a) development—
 - (i) it would consist of or include the installation or replacement of an electric line to which section 37(1) of the Electricity Act 1989⁽⁷⁾ (consent required for overhead lines) applies; or
 - (ii) it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity;
- (b) in the case of any Class G(b) development—
 - (i) the development would take place in a National Park, an area of outstanding natural beauty, or a site of special scientific interest;
 - (ii) the height of any support would exceed 15 metres; or

⁽⁶⁾ For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.

⁽⁷⁾ 1989 c. 29.

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- (iii) the telecommunications line would exceed 1,000 metres in length;
- (c) in the case of any Class G(d) development—
 - (i) the height of the original building would be exceeded;
 - (ii) the cubic content of the original building would be exceeded by more than 25% or, in the case of any building on article 1(5) land, by more than 10%, or
 - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres or, in the case of any building on article 1(5) land, by more than 500 square metres;
- (d) in the case of any Class G(e) development, the building would exceed 15 metres in height, or
- (e) in the case of any Class G(f) development, it would consist of or include—
 - (i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or
 - (ii) the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.

G.2 Conditions

G.2 Development is permitted by Class G subject to the following conditions—

- (a) in the case of any Class G(a) development consisting of or including the replacement of an existing electric line, compliance with any conditions contained in a planning permission relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;
- (b) in the case of any Class G(a) development consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, on the ending of the diversion or at the end of a period of six months from the completion of the installation (whichever is the sooner) the temporary electric line shall be removed and the land on which any operations have been carried out to install that line shall be restored as soon as reasonably practicable to its condition before the installation took place;
- (c) in the case of any Class G(c) development, on the completion of that development, or at the end of a period of six months from the beginning of that development (whichever is the sooner) any plant or machinery installed shall be removed and the land shall be restored as soon as reasonably practicable to its condition before the development took place;
- (d) in the case of any Class G(e) development, approval of details of the design and external appearance of the buildings shall be obtained, before development is begun, from—
 - (i) in Greater London or a metropolitan county, the local planning authority,
 - (ii) in a National Park, outside a metropolitan county, the county planning authority,
 - (iii) in any other case, the district planning authority⁽⁸⁾.

G.3 Interpretation of Class G

G.3 For the purposes of Class G(a), “electric line” has the meaning assigned to that term by section 64(1) of the Electricity Act 1989 (interpretation etc. of Part 1).

⁽⁸⁾ For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.

G.4 For the purposes of Class G(b), “electrical plant” has the meaning assigned to that term by the said section 64(1) and “telecommunications line” means a wire or cable (including its casing or coating) which forms part of a telecommunication apparatus within the meaning assigned to that term by paragraph 1 of Schedule 2 to the Telecommunications Act 1984(9) (the telecommunications code).

G.5 For the purposes of Class G(d), (e) and (f), the land of the holder of a licence under section 6(2) of the Electricity Act 1989 (licences authorising supply etc.) shall be treated as operational land if it would be operational land within section 263 of the Act(10) (meaning of “operational land”) if such licence holders were statutory undertakers for the purpose of that section.

Class H Tramway or road transport undertakings

H Permitted development

H. Development required for the purposes of the carrying on of any tramway or road transport undertaking consisting of—

- (a) **the installation of posts, overhead wires, underground cables, feeder pillars or transformer boxes in, on, over or adjacent to a highway for the purpose of supplying current to public service vehicles;**
- (b) **the installation of tramway tracks, and conduits, drains and pipes in connection with such tracks for the working of tramways;**
- (c) **the installation of telephone cables and apparatus, huts, stop posts and signs required in connection with the operation of public service vehicles;**
- (d) **the erection or construction and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of people waiting to enter public service vehicles;**
- (e) **any other development on operational land of the undertaking.**

H.1 Development not permitted

H.1 Development is not permitted by Class H if it would consist of—

- (a) in the case of any Class H(a) development, the installation of a structure exceeding 17 cubic metres in capacity,
- (b) in the case of any Class H(e) development—
 - (i) the erection of a building or the reconstruction or alteration of a building where its design or external appearance would be materially affected,
 - (ii) the installation or erection by way of addition or replacement of any plant or machinery which would exceed 15 metres in height or the height of any plant or machinery it replaces, whichever is the greater,
 - (iii) development, not wholly within a bus or tramway station, in pursuance of powers contained in transport legislation.

(9) 1984 c. 12.

(10) Section 263 was amended by paragraph 23 of Schedule 6 to the Planning and Compensation Act 1991 (c. 34).

Status: This is the original version (as it was originally made).

Class I Lighthouse undertakings

I Permitted development

I. Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1894⁽¹¹⁾ and any other statutory provision made with respect to a local lighthouse authority, or in the exercise by a local lighthouse authority of rights, powers or duties acquired by usage prior to the 1894 Act.

I.1 Development not permitted

I.1 Development is not permitted by Class I if it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected.

Class J Post Office

J Permitted development

J. Development required for the purposes of the Post Office consisting of—

- (a) the installation of posting boxes or self-service machines,**
- (b) any other development carried out in, on, over or under the operational land of the undertaking.**

J.1 Development not permitted

J.1 Development is not permitted by Class J if—

- (a) it would consist of or include the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or**
- (b) it would consist of or include the installation or erection by way of addition or replacement of any plant or machinery which would exceed 15 metres in height or the height of any existing plant or machinery, whichever is the greater.**

K Interpretation of Part 17

K. For the purposes of Part 17—

“transport legislation” means section 14(1)(d) of the Transport Act 1962⁽¹²⁾ (supplemental provisions relating to the Boards' powers) or section 10(1)(x) of the Transport Act 1968⁽¹³⁾ (general powers of Passenger Transport Executive).

⁽¹¹⁾ 1894 c. 60.

⁽¹²⁾ 1962 c. 46.

⁽¹³⁾ 1968 c. 73.