

SCHEDULE

PART III

CONSEQUENTIAL AMENDMENTS RELATING TO TOWN AND COUNTRY PLANNING

Town and Country Planning Act 1990

- 13.** In the Town and Country Planning Act 1990(1)—
- (a) in section 264 (cases in which land is to be treated as not being operational land) in subsection (8)—
 - (i) for “the Civil Aviation Authority” there shall be substituted
“—
 - (a) the Civil Aviation Authority, or
 - (b) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 or a company associated with that person,”; and
 - (ii) after “the Authority” there shall be inserted “or the licence holder”; and
 - (b) in section 265 (meaning of “the appropriate Minister”) in subsection (1)(d)(2) for “or the Civil Aviation Authority,” there shall be substituted “, the Civil Aviation Authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services),”.

Town and Country Planning (General Permitted Development) Order 1995

- 14.** In the Town and Country Planning (General Permitted Development) Order 1995(3) in Schedule 2 (permitted development) in Part 18 (aviation development)—
- (a) the content of Class B shall be substituted by—

“Class B Air traffic services development at an airport

Permitted development

B. The carrying out on operational land within the perimeter of a relevant airport by a relevant airport operator or its agent of development in connection with the provision of air traffic services.”;

- (b) the content of Class C shall be substituted by—

(1) 1990 c. 8.

(2) Section 265(1)(d) was amended by S.I.2001/2568, article 16 and the Schedule, paragraph 9(4).

(3) S.I. 1995/418, to which there are amendments not relevant to this Order.

“Class C Air traffic services development near an airport

Permitted development

C. The carrying out on operational land outside but within 8 kilometres of the perimeter of a relevant airport, by a relevant airport operator or its agent, of development in connection with the provision of air traffic services.

Development not permitted

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

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;
 - (b) any building erected would exceed a height of 4 metres;
 - (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast antenna or apparatus, if greater.”;
- (c) the content of Class D shall be substituted by—

“Class D Development by an air traffic services licence holder within an airport

Permitted development

D. The carrying out by an air traffic services licence holder or its agents within the perimeter of an airport of development in connection with the provision of air traffic services.”;

(d) the content of Class E shall be substituted by—

“Class E Development by an air traffic services licence holder on operational land

Permitted development

E. The carrying out on operational land of an air traffic services licence holder by that licence holder or its agents of development in connection with the provision of air traffic services.

Development not permitted

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

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;
 - (b) any building erected would exceed a height of 4 metres; or
 - (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.”;
- (e) the content of Class F shall be substituted by—

“Class F Development by an air traffic services licence holder in an emergency

Permitted development

F. The use of land by or on behalf of an air traffic services licence holder in an emergency to station moveable apparatus replacing unserviceable apparatus.

Condition

F.1. Development is permitted by Class F subject to the condition that on or before the expiry of a period of six months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.”;

- (f) the content of Class G shall be substituted by—

“Class G Development by an air traffic services licence holder involving moveable structures

Permitted development

G. The use of land by or on behalf of an air traffic services licence holder to provide services and facilities in connection with the provision of air traffic services and the erection or placing of moveable structures on the land for the purposes of that use.

Condition

G.1. Development is permitted by Class G subject to the condition that, on or before the expiry of the period of six months beginning with the date on which the use began, the use shall cease, and any structure shall be removed, and the land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.”; and

- (g) in paragraph J (interpretation of Part 18) before the definition of “operational building” there shall be inserted—

““air traffic services” has the same meaning as in section 98 of the Transport Act 2000 (air traffic services);

“air traffic services licence holder” means a person who holds a licence under Chapter I of Part I of the Transport Act 2000;”.