

**2006 No. 2375**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (General Development Procedure) (Amendment) (No. 2) (England) Order 2006**

<i>Made</i> - - - -	<i>4th September 2006</i>
<i>Laid before Parliament</i>	<i>8th September 2006</i>
<i>Coming into force</i> - -	<i>1st October 2006</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 61(1), 74(1)(c) and 333(7) of the Town and Country Planning Act 1990(a) makes the following Order:

**Citation, commencement, interpretation and application**

1.—(1) This Order may be cited as the Town and Country Planning (General Development Procedure) (Amendment) (No. 2) (England) Order 2006 and shall come into force on 1st October 2006.

(2) In this Order, “the 1995 Order” means the Town and Country Planning (General Development Procedure) Order 1995(b).

(3) This Order applies in relation to England only.

**Amendment of the Town and Country Planning (General Development Procedure) Order 1995**

2.—(1) The 1995 Order is amended as follows.

(2) In the table in article 10 (consultations before the grant of planning permission)—

(a) for paragraph (p) substitute—

“(p)	Development involving—	The Environment Agency”
	(i) the carrying out of works or operations in the bed of, or within 20 metres of the top of a bank of, a main river which has been notified to the local planning authority by the Environment Agency as a main river for the purposes of this provision; or	
	(ii) the culverting or control of flow of any river or stream	

(b) after paragraph (zc) insert—

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(a) 1990 c. 8. The functions of the Secretary of State under the 1990 Act were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the 1990 Act.

(b) S.I. 1995/419. Relevant amendments were made by S.I. 2003/247.

- “(zd) Development, other than minor development, which is to be carried out on land—  
 (i) in an area within Flood Zones 2 or 3; or  
 (ii) in an area within Flood Zone 1 which has critical drainage problems and which has been notified for the purpose of this provision to the local planning authority by the Environment Agency  
 The Environment Agency
- (ze) Any development of land of one hectare or more The Environment Agency”.
- (3) In article 10(2)—
- (a) after subparagraph (g), insert—  
 “(ga) in paragraph (p), “main river” has the same meaning as in section 113 of the Water Resources Act 1991(a);”;
- (b) after subparagraph (n), insert—  
 “(o) in paragraph (zd)—  
 “Flood Zone 1” means land which has a less than a 1 in 1000 annual probability of river or sea flooding(b);  
 “Flood Zone 2” means land which has—  
 (i) between a one in 100 and 1 in 1000 annual probability of river flooding; or  
 (ii) between a one in 200 and 1 in 1000 annual probability of sea flooding;  
 “Flood Zone 3” means land which has—  
 (i) a 1 in 100 or greater annual probability of river flooding; or  
 (ii) a 1 in 200 or greater annual probability of sea flooding;  
 “minor development” means—  
 (i) development of an existing dwelling-house, or development within the curtilage of such a dwelling-house, for any purpose incidental to the enjoyment of the dwelling-house as such;  
 (ii) the extension of an existing building used for non-domestic purposes where the floorspace created by the development does not exceed 250 square metres; and  
 (iii) the alteration of an existing building where the alteration does not increase the size of the building; and  
 ”.

### **Transitional provision**

3. The amendments made to the 1995 Order by article 2 do not apply in relation to any application made before 1st October 2006.

Signed by authority of the Secretary of State

4th September 2006

*Angela Smith*  
 Parliamentary Under Secretary of State  
 Department for Communities and Local Government

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(a) 1991 c. 57.

(b) Maps showing the various Flood Zones are available from the Environment Agency at <http://www.environment-agency.gov.uk>.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Town and Country Planning (General Development Procedure) Order 1995 (“the 1995 Order”) specifies the procedures connected with planning applications, appeals to the Secretary of State and related matters so far as these are not laid down in the Town and Country Planning Act 1990. This Order amends the 1995 Order.

Article 2 amends article 10 of the 1995 Order. It introduces further requirements to consult the Environment Agency before applications for development in certain areas are determined.

Article 3 contains a transitional provision.

A regulatory impact assessment has been prepared in relation to this Order. This assessment has been placed in the Library of each House of Parliament and copies may be obtained from PSID, Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU (Telephone 020 7944 3842).

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