

SCHEDULE 2

Permitted development rights

PART 8

Transport related development

Class A – railway or light railway undertakings

Permitted development

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

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.

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

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.*

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; or

Status: This is the original version (as it was originally made).

- (b) the construction or erection otherwise than wholly within the limits of a dock, pier or harbour of—
 - (i) an educational building, or
 - (ii) a car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation.

Interpretation of Class B

B.2 For the purposes of Class B—

- (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, and
- (b) the reference to operational land includes land designated by an order made under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc., of harbours)(1), 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

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 (classification of waterways)(3) 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 – dredging by transport undertakings

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 – development for the aid of shipping

Permitted development

E. Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1995(4) and any other statutory provision made with

-
- (1) 1964 c. 40; relevant amendments are made by Schedules 6 and 12 to the Transport Act 1981 (c. 56), section 46 of the Criminal Justice Act 1982 (c. 48), Schedule 3 to the Transport and Works Act 1992 (c. 42), Schedule 2 to the Planning Act 2008 (c. 29), Schedule 21 to the Marine and Coastal Access Act 2009 (c. 23) and S.I. 2006/1177 and 2009/1941.
 - (2) 1945 c. 18. An order is subject to special parliamentary procedure under the Act if it is one which the Secretary of State makes which authorises the compulsory purchase of land (see paragraph 22 of Schedule 3 to the Harbours Act 1964).
 - (3) 1968 c. 73, was amended by S.I. 2012/1659; there are other amendments not relevant to this Order.
 - (4) 1995 c. 21. See in particular section 193 as to the meaning of a general and a local lighthouse authority and Part 8 of the Act in general; relevant amendments are made by sections 19 and 20 of, and Schedule 6 to, the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 9 of the Marine Navigation Act 2013 (c. 23), Schedule 8 to the Public Service Pensions Act 2013 (c. 25) and S.I. 2003/2867.

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 1995 Act.

Development not permitted

E.1 Development is not permitted by Class E 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 F – development at an airport

Permitted development

F. *The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport.*

Development not permitted

F.1 Development is not permitted by Class F if it would consist of or include—

- (a) the construction or extension of a runway;
- (b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;
- (c) the extension or alteration of a passenger terminal, where the floor space of the building as existing at 5th December 1988 or, if built after that date, of the building as built, would be exceeded by more than 15%;
- (d) the erection of a building other than an operational building; or
- (e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

Condition

F.2 Development is permitted by Class F subject to the condition that the relevant airport operator consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph F.4.

Interpretation of Class F

F.3 For the purposes of paragraph F.1, floor space is calculated by external measurement and without taking account of the floor space in any pier or satellite.

F.4 Development falls within this paragraph if—

- (a) it is urgently required for the efficient running of the airport, and
- (b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.

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

Class G – air traffic services development at an airport

Permitted development

G. 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.

Class H – air traffic services development near an airport

Permitted development

H. 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

H.1 Development is not permitted by Class H 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.

Class I – development by an air traffic services licence holder within an airport

Permitted development

I. 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.

Class J – development by an air traffic services licence holder on operational land

Permitted development

J. 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

J.1 Development is not permitted by Class J 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.

Class K – development by an air traffic services licence holder in an emergency

Permitted development

K. *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

K.1 Development is permitted by Class K subject to the condition that on or before the expiry of a period of 6 months beginning with the date on which the use began, the use ceases, and any apparatus is removed, and the land is 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.

Class L – development by an air traffic services licence holder involving moveable structures

Permitted development

L. *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

L.1 Development is permitted by Class L subject to the condition that, on or before the expiry of the period of 6 months beginning with the date on which the use began, the use ceases, and any structure is removed, and the land is 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.

Class M – development by the Civil Aviation Authority for surveys etc.

Permitted development

M. *The use of land by or on behalf of the Civil Aviation Authority for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.*

Condition

M.1 Development is permitted by Class M subject to the condition that on or before the expiry of the period of 6 months beginning with the date on which the use began, the use ceases, and any apparatus is removed, and the land is 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.

Class N – use of airport buildings managed by relevant airport operators

Permitted development

N. *The use of buildings within the perimeter of an airport managed by a relevant airport operator for purposes connected with air transport services or other flying activities at that airport.*

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

Interpretation of Part 8

O. For the purposes of Part 8—

“air traffic services” has the same meaning as in section 98 of the Transport Act 2000 (air traffic services)(**5**);

“air traffic services licence holder” means a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000(**6**);

“air transport services” has the same meaning as in section 82 of the Airports Act 1986(**7**);

“operational building” means a building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at a relevant airport;

“relevant airport” means an airport to which Part 5 of the Airports Act 1986 (status of certain airport operators as statutory undertakers etc.)(**8**) applies;

“relevant airport operator” means a relevant airport operator within the meaning of section 57A of the Airports Act 1986 (scope of Part 5); and

“transport legislation” means section 14(1)(d) of the Transport Act 1962 (supplemental provisions relating to the Boards’ powers)(**9**) or section 10(1)(x) of the Transport Act 1968 (general powers of Passenger Transport Executive)(**10**).

(5) 2000 c. 38.

(6) See in particular sections 5 to 7 and 40 (section 5 was amended by S.I. 2009/1941 and 2011/205).

(7) 1986 c. 31.

(8) 1986 c. 31. See section 57A(2); section 57A was substituted for section 57 by Schedule 8 to the Civil Aviation Act 2012 (c. 19). There are other amendments to Part 5 but none are relevant to this Order.

(9) 1962 c. 46.

(10) 1968 c. 73, relevant amendments are made by Schedule 3 to the Transport Act 1985 (c. 67), Schedule 4 to the Local Transport Act 2008 (c. 26) and S.I. 2014/866.