

SCHEDULE 2

Permitted development rights

PART 8

Transport related development

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
- (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**).

(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).