

SCHEDULE 2

Permitted development rights

PART 9

Development relating to roads

Class A – development by highways authorities

Permitted development

A. *The carrying out by a highway authority—*

- (a) *on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(1) of the Act; or*
- (b) *on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.*

Class B – development by the Secretary of State or a strategic highways company under the Highways Act 1980

Permitted development

B. *The carrying out by the Secretary of State or a strategic highways company of works in exercise of the functions of the Secretary of State or the company under the Highways Act 1980(2), or works in connection with, or incidental to, the exercise of those functions.*

Interpretation of Class B

B.1. For the purposes of Class B, “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(3).

Class C – tramway or road transport undertakings

Permitted development

C. *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;*

(1) Section 55(2)(b) was amended by Schedule 9 to the Planning and Compulsory Purchase Act 2004 (c. 5) and S.I. 1999/293.

(2) 1980 c. 66. Relevant amendments are made by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(3) 2015 c. 7.

- (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.***

Development not permitted

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

- (a) in the case of any Class C(a) development, the installation of a structure exceeding 17 cubic metres in capacity;
- (b) in the case of any Class C(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; or
 - (iii) development, not wholly within a bus or tramway station, in pursuance of powers contained in transport legislation.

Interpretation of Class C

C.2. For the purposes of Class C, “transport legislation” means section 14(1)(d) of the Transport Act 1962 (supplemental provisions relating to the Boards’ powers)(4) or section 10(1)(x) of the Transport Act 1968 (general powers of Passenger Transport Executive)(5).

Class D – toll road facilities

Permitted development

D. ***Development consisting of—***

- (a) ***the setting up and the maintenance, improvement or other alteration of facilities for the collection of tolls;***
- (b) ***the provision of a hard surface to be used for the parking of vehicles in connection with the use of such facilities.***

Development not permitted

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

- (a) it is not located within 100 metres (measured along the ground) of the boundary of a toll road;
- (b) the height of any building or structure would exceed—
 - (i) 7.5 metres excluding any rooftop structure; or
 - (ii) 10 metres including any rooftop structure; or

(4) 1962 c. 46.

(5) 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.

- (c) the aggregate area of the floor space at or above ground level of any building or group of buildings within a toll collection area, excluding the floor space of any toll collection booth, would exceed 1,500 square metres.

Conditions

D.2. In the case of any article 2(3) land, development is permitted by Class D subject to the following conditions—

- (a) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the facilities for the collection of tolls;
- (b) the application must be accompanied by a written description, together with plans and elevations, of the proposed development and any fee required to be paid;
- (c) the development must not begin before the occurrence of one of the following—
 - (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (ii) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or
 - (iii) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;
- (d) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—
 - (i) where prior approval is required, in accordance with the details approved;
 - (ii) where prior approval is not required, or where paragraph (c)(iii) applies, in accordance with the details submitted with the application; and
- (e) the development must be carried out—
 - (i) where approval has been given by the local planning authority, within a period of 5 years from the date on which the approval was given;
 - (ii) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b).

Interpretation of Class D

D.3. For the purposes of Class D—

“facilities for the collection of tolls” means such buildings, structures, or other facilities as are reasonably required for the purpose of or in connection with the collection of tolls in pursuance of a toll order;

“ground level” means the level of the surface of the ground immediately adjacent to the building or group of buildings in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it;

“rooftop structure” means any apparatus or structure which is reasonably required to be located on and attached to the roof, being an apparatus or structure which is—

- (a) so located for the provision of heating, ventilation, air conditioning, water, gas or electricity;
- (b) lift machinery; or
- (c) reasonably required for safety purposes;

“toll” means a toll which may be charged pursuant to a toll order;

“toll collection area” means an area of land where tolls are collected in pursuance of a toll order, and includes any facilities for the collection of tolls;

“toll collection booth” means any building or structure designed or adapted for the purpose of collecting tolls in pursuance of a toll order;

“toll order” has the same meaning as in Part 1 of the New Roads and Street Works Act 1991 (new roads in England and Wales)(6); and

“toll road” means a road which is the subject of a toll order.

Class E – repairs to unadopted streets and private ways

Permitted development

E. The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.

Interpretation of Class E

E.1. For the purposes of Class E, “unadopted street” means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 1980(7).

(6) 1991 c. 22; which was amended by Schedule 2 to the Planning Act 2008 (c. 29).

(7) 1980 c. 66. See in particular sections 36, 328 and 329; section 36 was amended by Schedule 4 to the Local Government Act 1985 (c. 51), Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71), Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), section 64 of, and Schedule 4 to, the Transport and Works Act 1992 (c. 42), Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 37) and S.I. 2006/1177. There are amendments to section 329 but none are relevant to this Order.