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STATUTORY INSTRUMENTS

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**1990 No. 457**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning General  
Development (Amendment) Order 1990**

<i>Made</i>	- - - -	<i>6th March 1990</i>
<i>Laid before Parliament</i>		<i>9th March 1990</i>
<i>Coming into force</i>	- -	<i>31st March 1990</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 24 and 287(3) of the Town and Country Planning Act 1971(1) and all other powers enabling them in that behalf, hereby make the following Order—

**1.**—(1) This Order may be cited as the Town and Country Planning General Development (Amendment) Order 1990 and shall come into force on 31st March 1990.

(2) In this Order “the 1988 Order” means the Town and Country Planning General Development Order 1988(2).

**2.** In article 1(2) of the 1988 Order (interpretation), in the definition of “statutory undertaker”, after “water undertaker” insert “and a licence holder within the meaning of section 64(1) of the Electricity Act 1989(3)”.

**3.** For Part 16 of Schedule 2 to the 1988 Order (development by or on behalf of sewerage undertakers) substitute—

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(1) 1971 c. 78; a relevant amendment is made to section 24 by paragraph 2 of Schedule 11 to the Housing and Planning Act 1986 (c. 63).  
(2) S.I.1988/1813; a relevant amending instrument is S.I. 1989/1590.  
(3) 1989 c. 29.

## “PART 16

### DEVELOPMENT BY OR ON BEHALF OF SEWERAGE UNDERTAKERS

#### Permitted development

- A. Development by or on behalf of a sewerage undertaker consisting of—
- (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;
  - (b) the provision of a building, plant or machinery or apparatus in, on, over or under land for the purpose of survey or investigation;
  - (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;
  - (d) any works authorised by or required in connection with an order made under section 1 of the Drought Act 1976<sup>(4)</sup> or sections 131 or 132 of the Water Act 1989<sup>(5)</sup>;
  - (e) any other development in, on, over or under their operational land, other than the provision of a building but including the extension or alteration of a building.

#### Development not permitted

- A.1 Development is not permitted by Class A(e) if—
- (a) it would consist of or include the extension or alteration of a building so that—
    - (i) its design or external appearance would be materially affected; or
    - (ii) the height of the original building would be exceeded, or the content of the original building would be exceeded, by more than 25%; or
    - (iii) the floorspace of the original building would be exceeded by more than 1,000 square metres; or
  - (b) it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

#### Condition

A.2 Development is permitted by Class A(b) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development concerned, whichever is the sooner, all such operations shall cease and all such buildings, plant or apparatus shall be removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).”

4. In Class G of Part 17 of Schedule 2 to the 1988 Order (development by electricity suppliers)—
- (a) in the first line of paragraph G for “the supply of electricity” substitute “the generation, transmission or supply of electricity”;
  - (b) after paragraph G.2 insert—

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(4) 1976 c. 44.  
 (5) 1989 c. 15.

**“Interpretation of Class G**

**G.3** For the purposes of Classes G(e), (f) and (g) the land of the holder of a licence under section 6(2) of the Electricity Act 1989 shall be treated as operational land if it would be operational land within section 222 of the Act if such licence holders were statutory undertakers for the purpose of that section.”

**5.** Article 2(5) of the Town and Country Planning General Development (Amendment) (No. 2) Order 1989(6) is hereby revoked.

5th March 1990

*Chris Patten*  
Secretary of State for the Environment

6th March 1990

*Peter Walker*  
Secretary of State for Wales

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

This Order amends the Town and Country Planning General Development Order 1988. The changes are—

- (a) the extension of the definition of “statutory undertaker” to include licence holders under the Electricity Act 1989 and some minor associated amendments to the permitted development right provisions relating to electricity undertakers;
- (b) the extension of the permitted development rights of sewerage undertakers.