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STATUTORY INSTRUMENTS

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**2005 No. 2721**

**The London Thames Gateway Development Corporation (Planning Functions) Order 2005**

**Planning functions of the development corporation**

4.—(1) Subject to article 7, the development corporation shall be the local planning authority for the planning functions area for the purposes of Part 3 of the 1990 Act in relation to the following kinds of development—

- (a) development which comprises or includes the provision of 50 or more houses, flats or houses and flats;
- (b) development which comprises or includes the provision of 2,500 or more square metres of floorspace where the development is not solely for houses, flats or houses and flats;
- (c) development which occupies 1 hectare or more of land;
- (d) development which comprises or includes the provision of buildings which are 25 metres or more in height;
- (e) development which comprises or includes the winning and working of minerals in, on or under land, whether by surface or underground working;
- (f) development to provide an installation for, or designed to be used wholly or mainly for the purposes of, waste development;
- (g) development which comprises or includes a generating station with an output of 0.5 or more megawatts;
- (h) development for a use, other than residential use, which includes the provision of 50 or more car parking spaces;
- (i) development—
  - (i) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and
  - (ii) which would involve the construction of a building with 500 or more square metres of floorspace, or a material change in the use of such a building;
- (j) development to provide or extend—
  - (i) an aircraft runway, airfield or aerodrome;
  - (ii) a heliport (including a floating heliport and a helipad on a building);
  - (iii) an air passenger terminal at an airport;
  - (iv) a railway station;
  - (v) a tramway, an underground, surface or elevated railway, or a cable car;
  - (vi) a bus or coach station;
  - (vii) a crossing over or under the River Thames, the River Lea and associated waterways, or the River Roding; or

- (viii) a pier on the River Thames;
  - (k) development which is likely to result in the loss of 20 or more houses, flats or houses and flats (irrespective of whether the development would also entail the provision of new houses or flats);
  - (l) development on land with an area of 1 hectare or more which—
    - (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or
    - (ii) is on land which has been—
      - (aa) used as a playing field at any time in the five years before the making of the relevant application for planning permission and which remains undeveloped; or
      - (bb) allocated for use as a playing field in a development plan or in proposals for a for such a plan or its alteration or replacement;
  - (m) development which is not of a kind specified in any of the preceding sub-paragraphs but which forms part of more substantial proposed development of such a kind on the same land or adjoining land in the planning functions area.
- (2) In deciding whether development forms part of more substantial development, there shall be taken into account other development of the same land or adjoining land in the designated area—
- (a) in respect of which an application for planning permission has been made but not finally determined on the date the relevant application is received; and
  - (b) in respect of which planning permission has been granted within the period of five years immediately preceding that date; or
  - (c) which has been substantially completed within the period of five years immediately preceding that date.
- (3) For the purposes of this article—
- (a) development occupies that area in respect of which the application for planning permission for the development seeks planning permission;
  - (b) “floorspace” shall be calculated by external measurement;
  - (c) “generating station” has the same meaning as in Part 1 of the Electricity Act 1989(1);
  - (d) “playing field” has the same meaning as in article 10(2)(l) of the GDPO; and
  - (e) “waste development” means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, keeping, processing, recovering or disposing of refuse or waste materials.

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(1) 1989 c. 29. Relevant amendments were made by the Energy Act 2004 (c. 20), section 89.