SCHEDULE 2

Permitted development rights

PART 13

Water and sewerage

Class A – Water or hydraulic power undertakings

Permitted development

A. ***Development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of—***

(a) ***development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge;***

(b) ***development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse;***

(c) ***the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;***

(d) ***the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;***

(e) ***the installation in a water distribution system of a booster station, valve house, meter or switch-gear house;***

(f) ***any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)*(1)*;***

(g) ***any other development in, on, over or under 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 if—

(a) in the case of any Class A(a) development, it would include the construction of a reservoir;

(b) in the case of any Class A(e) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;

(c) in the case of any Class A(g) development, 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;

(ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or

(iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or

(1) 1991 c. 57; which was amended by Schedule 22 to the Environment Act 1995 and S.I. 2013/755.

(d) in the case of any Class A(g) development, 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(c) 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, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are 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).

Class B – development by or on behalf of sewerage undertakers

Permitted development

B. ***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, 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) ***the installation in a sewerage system of a pumping station, valve house, control panel house or switch-gear house;***

(e) ***any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)***(**2**)***;***

(f) ***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

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

(a) in the case of any Class B(d) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;

(b) in the case of Class B(f) development, 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;

(ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded, by more than 25%; or

(iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or

(**2**) 1991 c. 57; which was amended by Schedule 22 to the Environment Act 1995 and S.I. 2013/755.

(c) in the case of Class B(f) development, 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

B.2 Development is permitted by Class B(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 cease and all such buildings, plant, machinery and apparatus are 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).

Interpretation of Class B

B.3 For the purposes of Class B—

"associated apparatus", in relation to any sewer, main or pipe, means pumps, machinery or apparatus associated with the relevant sewer, main or pipe; and

"sludge main" means a pipe or system of pipes (together with any pumps or other machinery or apparatus associated with it) for the conveyance of the residue of water or sewage treated in a water or sewage treatment works as the case may be, including final effluent or the products of the dewatering or incineration of such residue, or partly for any of those purposes and partly for the conveyance of trade effluent or its residue.

Class C – development by drainage bodies

Permitted development

C. ***Development by a drainage body in, on or under any watercourse or land drainage works required in connection with the improvement, maintenance or repair of that watercourse or those works.***

Interpretation of Class C

C.1 For the purposes of Class C, "drainage body" has the same meaning as in section 72(1) of the Land Drainage Act 1991 (interpretation)(**3**) other than the Environment Agency.

*Class D – development by the Environment Agency(**4**)*

Permitted development

D. ***Development by the Environment Agency for the purposes of its functions, consisting of—***

(a) ***development not above ground level required in connection with conserving, redistributing or augmenting water resources;***

(b) ***development in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works;***

(c) ***the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;***

(**3**) 1991 c. 59; which was amended by Schedule 22 to the Environment Act 1995 (c. 25). There is another amendment not relevant to this Order.

(**4**) A body established under section 1 of the Environment Act 1995 (c. 25).

(d) ***the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;***

(e) ***any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)*(5)*;***

(f) ***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

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

(a) in the case of any Class D(a) development, it would include the construction of a reservoir;

(b) in the case of any Class D(f) development, 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,

(ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or

(iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or

(c) in the case of any Class D(f) development, 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

D.2 Development is permitted by Class D(c) 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 cease and all such buildings, plant, machinery and apparatus are 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).

(5) 1991 c. 57; which was amended by Schedule 22 to the Environment Act 1995 and S.I. 2013/755.