STATUTORY INSTRUMENTS

1987 No. 1344

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Teesside Urban Development Area) Special Development Order 1987

Made - - - -	*29th July 1987*
Laid before Parliament	*10th August 1987*
Coming into force	*1st September 1987*

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 24 of the Town and Country Planning Act 1971(a) and section 148(2) of the Local Government, Planning and Land Act 1980(b) and of all other powers enabling him in that behalf, hereby makes the following Order:–

Application, citation and commencement

1.—(1) This Order shall apply to the Teesside urban development area.

(2) This Order may be cited as the Town and Country Planning (Teesside Urban Development Area) Special Development Order 1987 and shall come into force on 1st September 1987.

Interpretation

2. In this Order, unless the context otherwise requires–

"the 1971 Act" means the Town and Country Planning Act 1971;

"the 1980 Act" means the Local Government, Planning and Land Act 1980;

"the development area" means the area designated as an urban development area by the Teesside Development Corporation (Area and Constitution) Order 1987(c);

"the development corporation" means the Teesside Development Corporation;

"the General Development Order" means the Town and Country Planning General Development Order 1977(d); and expressions used in this Order shall have the meaning which they bear in the General Development Order;

"new street" has the same meaning as in Part X of the Highways Act 1980(e); and

"unapproved means of access" means a means of access which is not shown in a proposal approved by the Secretary of State under section 148(1) of the 1980 Act.

(a) 1971 c.78.
(b) 1980 c.65.
(c) S.I. 1987/923.
(d) S.I. 1977/289, to which there are amendments not relevant to this Order.
(e) 1980 c.66.

Permitted development

3. Subject to the following provisions of this Order development within the development area in accordance with proposals approved by the Secretary of State under section 148(1) of the 1980 Act (not being development for which permission under the 1971 Act is granted or deemed to be granted otherwise than by this Order) is hereby permitted subject to such of the limitations and conditions set out in articles 4 to 6 of this Order as are applicable to that development and subject–

(a) to the development being begun within the period of five years beginning with the date on which the proposal for such development is approved by the Secretary of State or such other period (whether longer or shorter) beginning with that date as may be specified in the proposal as approved;

(b) where the development consists of or includes the erection, extension or alteration of any buildings, and is not to be carried out by the development corporation, to the approval by the corporation of the siting, design and external appearance of the buildings, means of access, provision for vehicle parking and for loading, unloading and storage of vehicles and containers, storage of materials in the open and landscaping of the site; and

(c) where the development consists of or includes the formation, laying out or alteration of a means of access to any highway used by vehicular traffic or the laying out of a new street, and the development is not to be carried out by the development corporation, to the approval by the corporation of detailed plans thereof.

Exception where section 45 order previously made

4. Where planning permission for development has been revoked by an order made under section 45 of the 1971 Act, this Order shall not permit the carrying out of development of the description which was authorised by the revoked permission on the land to which that permission applied.

Exception where section 51 order previously made

5. Where, by virtue of an order under section 51 of the 1971 Act, the use of land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, or where any buildings or works are required to be altered or removed, nothing in this Order shall permit the carrying out of any development which would result in the resumption of the use of the land or the replacement or restoration of the buildings or works, as the case may be, as they were before the order took effect.

Consultation before development

6.—(1) The development corporation shall, before beginning any development permitted by this Order or granting any approval required by article 3(b) or (c) of this Order, consult the district council in whose area the development is to be carried out.

(2) The development corporation shall, before beginning any development permitted by this Order or granting any approval required by article 3(b) or (c) of this Order, consult the following authorities or persons:–

(a) in the case of development consisting of the formation, laying out or alteration of an unapproved means of access to a trunk road, the Secretary of State;

(b) where it appears to the development corporation that the development is likely to result in a material increase in the volume of traffic entering or leaving a trunk road or using a level crossing over a railway, the Secretary of State;

(c) subject to paragraph (3) below in the case of development involving the formation, laying out or alteration of any means of access to a highway, or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified to the development corporation, the local highway authority;

(d) in the case of development which appears to the development corporation to be likely to result in a material increase in the volume of traffic entering or leaving a classified road or proposed road, the route of which has been adopted by

resolution of the local highway authority and notified to the corporation, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering, leaving or using such a road, the local highway authority;

(e) in the case of development consisting of the laying out or construction of a new street, the local highway authority;

(f) in the case of development which appears to the development corporation likely to affect land outside their area, the district council in whose area that land is situated, unless they have otherwise been formally consulted;

(g) where the development consists of or includes–

(i) the carrying out of works or operations in the bed or on the banks of a river or stream;

(ii) the carrying out of building or other operations or the use of land for the purpose of refining or storing mineral oils and their derivatives;

(iii) the use of land for the deposit of any kind of refuse or waste;

(iv) the carrying out of building or other operations (other than the laying of sewers, the construction of pump houses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling-houses or single buildings in which not more than ten people will normally reside, work or congregate and works ancillary thereto), or the use of land, for the retention, treatment or disposal of sewage, trade waste or sludge; or

(v) the use of land as a cemetery,

the Northumbrian Water Authority;

(h) where the development is of land in an area of special interest notified to the development corporation by the Nature Conservancy Council in accordance with section 28 of the Wildlife and Countryside Act 1981(**a**), the Nature Conservancy Council, except where the Council dispense with this requirement;

(i) where the development is of any land on which there is a theatre, as defined in the Theatres Trust Act 1976(**b**), the Theatres Trust;

(j) where the development consists of or includes–

(i) the winning and working of minerals;

(ii) the use of land or the carrying out of operations in or on land for the deposit of refuse or waste materials; or

(iii) the erection of any building, plant or machinery to be used wholly or mainly for the purpose of treating, storing, processing or disposing of refuse or waste materials,

the Cleveland County Council;

(k) where the development is of land within the harbour as defined in section 3 of the Tees and Hartlepool Port Authority Act 1966(**c**), the Tees and Hartlepool Port Authority;

(l) in the case of development or a class of development specified in any direction for the time being in force under the General Development Order by which the development corporation are required to consult with any authority or person, that authority or person.

(3) Consultation shall not be required by virtue of paragraph (2)(c) above in relation to–

(a) a highway for which the Secretary of State is the highway authority; and

(b) a highway shown in proposals approved by the Secretary of State under section 148(1) except where those proposals require consultation.

(4) Where this Order requires the development corporation to consult any authority or other person, the corporation shall–

(a) give to that authority or other person not less than 14 days' notice of the proposed development together with particulars sufficient to identify the site

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(**a**) 1981 c.69.
(**b**) 1976 c.27.
(**c**) 1966 c.xxv.

and describe the development; and, where the consultation relates to an approval required by article 3(b) or (c) of this Order, particulars of the proposed approval;

(b) not begin to carry out the development or grant the proposed approval until the expiration of the period of such notice; and

(c) take into account any objections or other representations received from such authority or person.

(5) Where any objection or representation has been made by an authority or other person consulted as aforesaid and has not been withdrawn, the development corporation shall send particulars of the proposed development and, where applicable, of the proposed approval under article 3(b) or (c) of this Order, and of the objection or representation to the Secretary of State in writing, and shall not begin the development or grant any such approval until the Secretary of State has notified the corporation that he does not intend to give a direction under article 7 of this Order in respect of the development.

Directions restricting development permitted by this Order

7.—(1) If the Secretary of State is satisfied that it is expedient that any development permitted by article 3 of this Order should not be undertaken unless permission is granted on an application in that behalf, he may direct that the permission granted by that article shall not apply to that development.

(2) Notice of a direction given by the Secretary of State under this article shall, except in the case of development to be carried out by the development corporation, be served by the development corporation on the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which notice thereof is served on the occupier of that part or, if there is no occupier, on the owner.

Nicholas Ridley
29th July 1987 Secretary of State for the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is a special development order applying to land within the Teesside urban development area.

Under section 148(1) of the Local Government, Planning and Land Act 1980 the Secretary of State, after consultation with the appropriate local planning authority and with any other local authority which appears to him to be concerned, may approve proposals submitted to him by an urban development corporation for the development of land within the urban development area. Section 148(2) of that Act provides that a special development order may grant permission for any development of land in accordance with proposals so approved.

Article 3 of this Order grants permission for the carrying out of any development in accordance with proposals approved by the Secretary of State. The permission does not apply to the carrying out of development of the same description as development which has been made the subject of an order under section 45 (power to revoke or modify planning permission) or section 51 (orders requiring discontinuance of use or alteration or removal of buildings or works) of the Town and Country Planning Act 1971 (articles 4 and 5). It is also subject to conditions relating to the period within which the

development must begin, requiring approval of certain details by the development corporation (where the development is being carried out other than by the development corporation) (article 3) and requiring consultations in certain cases (article 6). The permission may be withdrawn by the Secretary of State by direction in relation to any particular development (article 7).

Copies of schemes submitted by Teesside Urban Development Corporation and approved by the Secretary of State will be available for inspection by the public at the offices of the development corporation.