

L.N. 137 of 1997

**DEVELOPMENT PLANNING ACT, 1992
(ACT No. I of 1992)**

General Development (No. 2) Order, 1997

IN VIRTUE of the powers conferred on it by section 31 of the Development Planning Act, 1992, the Planning Authority has made the following order:

Citation and
commencement.

1. (1) This order may be cited as the General Development (No. 2) Order, 1997.

(2) This Order shall be deemed to have come into force on the 14th July, 1997.

Definitions.

2. (1) In this Order, unless the context otherwise requires-

Act V of 1991.

“designated sites or areas” means any Urban Conservation Area, and other sites and areas identified by Structure Plan policies for protection, conservation or preservation, including areas of archaeological, ecological, geological, palaeontological, architectural, historic, antiquarian, or artistic importance, or of natural beauty, or scientific interest, together with any specific areas and sites designated under the Act or declared under Parts Six and Seven of the Environment Protection Act, 1991;

“dwelling” means a single family dwelling unit, including a terraced house, villa, bungalow, flat, penthouse or maisonette;

“environmental impact assessment” means an environmental impact assessment carried out in accordance with the Act or the Environment Protection Act, 1991;

“environment planning statement” means an environment planning statement carried out in accordance with the Act or the Environment Protection Act, 1991 or the Structure Plan;

“grade separated junction” means a junction where two or more flows of traffic cross at more than one level;

“highway boundary” means land which consists of any existing road, street, square, court, alley, lane, bridge or footway;

“Outside Development Zone”, hereinafter referred to as ODZ means development outside the boundary of a temporary provisions scheme;

“this Order” includes the Schedules to this Order;

“Temporary Provisions Scheme” means a planning scheme made and approved in accordance with The Building Permits (Temporary Provisions) Act, 1988;

Act X of 1988.

“Scheduled property” means every area, building, structure, remains, a tree or group of trees or woodland scheduled in terms of sections 46 and 47 of the Act, but for the purposes of Classes 1 and 2 does not include UCAs;

“scheme for traffic management” means a scheme including any works or operations for the purpose of controlling, affecting or altering, the direction, rate of flow, and means of movement, of vehicular and pedestrian traffic, and includes, but is not limited to, the alteration of road junctions or kerblines, the parking of vehicles, restrictions on parking, loading and unloading, pedestrianisation, and the installation of traffic lights and pedestrian crossings;

“the Act” means the Development Planning Act, 1992;

“Urban Conservation Area” means an historic area (village core) as designated in a Temporary Provisions Scheme or other area designated or scheduled in accordance with the Structure Plan and section 46 of the Act, hereinafter referred to as UCA.

(2) In this Order, words and expressions defined in the Act shall have the same meaning as they have in the Act.

3. (1) Subject to the provisions of this Order, development permission is hereby granted for the classes of development described as permitted development in the Schedule to this order.

Permitted
Development.

(2) Any permission granted by paragraph (1) of this article is subject to any relevant exception, limitation or condition specified in the said Schedule.

(3) Nothing in this Order shall permit development contrary to any condition or limitation specifically imposed by any development permission granted on an application made in accordance with Part IV of the Act.

(4) The permission granted by paragraph (1) of this article shall not authorise any development which -

(i) except in relation to development permitted by subparagraphs (i), (ii) and (iv) of paragraph 1 of Class 3, requires or involves the formation, laying out or material widening of a means of access to an existing road;

(ii) creates an obstruction to the view of, or a distraction to, persons using any road used by vehicular traffic, so as to be likely to cause danger to such persons;

(iii) in the case of development falling within Classes 3 to 16, where the development requires an environmental impact assessment or an environment planning statement, or which is located in or within 50 metres of any scheduled property or designated sites or areas;

(iv) runs counter to policies, plans and conditions approved according to the Act, applicable at the time of the notification.

(5) The exemption under paragraph (1) of this article shall not dispense from the requirement of any other permit, including any permit from the sanitary authorities, required by law.

Power to restrict
permitted
development.

4. If the Planning Authority is of the opinion that development described in the Schedule to this Order should not be carried out unless permission is granted for it on an application, the Authority may by notice in the Government Gazette direct that the permission granted by article 3 shall not apply to -

(a) all or any development of class or classes specified in the notice in an area or areas so specified; or

(b) any particular development, falling within a class specified in the notice;

and thereupon article 3 of this Order shall cease to apply to such development.

Traffic management
schemes.

5. Where development consists of, or includes, a scheme for traffic management, the developer shall give notice to the Authority giving a written description of the scheme and a plan indicating the proposed layout of the scheme, and such other details as may be necessary to, provide the Authority with a full and accurate description of the scheme, and the development shall become permitted development

unless the Authority has, within 30 days of receiving the description, plan and other details aforesaid and having regard to the Structure Plan, or any Local Plan in force at the time, and the likely significance or impact of the scheme, given to the developer a notice in writing that the development requires a development permit in accordance with Part IV of the Act.

6. All development covered in Classes 1 and 2, except for those mentioned in sub-paragraph (iii) of paragraph 1 of Class 1 and sub-paragraph (i) of paragraph 1 of Class 2, and all development covered in sub-paragraphs (ii) and (iv) of paragraph 1 of Class 11 of the Schedule annexed to this Order, shall be notified to the Authority, prior to the commencement of any works, without prejudice to other conditions mentioned under the paragraphs of these same Classes, in a letter containing sufficient information together with such plans and elevations where necessary so as to clearly identify the architect and civil engineer in charge, the developer, the site and the nature and extent of the works and the class under which the development falls.

Procedure of
Notification.

7. The General Development Order, 1997 is hereby repealed.

Repeal of L.N.
103 of 1997.

SCHEDULE

(Article 3)

Classes of permitted development

CLASS 1

Alterations to existing dwellings and development within the curtilage of dwellings

1. The following development is permitted development under this Class:

(i) the erection of a washroom or washrooms on the roof of a dwelling or dwellings, unless it or they are in scheduled property. The number of such washrooms is limited to one for each dwelling unit:

Provided that where the site is scheduled property or lies in a designated site or area, the washroom or washrooms shall be considered permitted development if the developer shall have complied with the procedure of notification specified in article 6 and the Authority does not, within 30 days of such notification give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act;

(ii) all internal alterations, other than alterations in scheduled property or designated sites or areas, that do not increase the number of dwelling units, and do not change the context of the building and/or its use;

(iii) the installation of water tanks and solar heating panels and associated apparatus on the roof of a dwelling or dwellings subject to a maximum height of 1.2 metres from the roof and, provided that such installations are set back by at least 4.5 metres from the front facade;

(iv) the provision of not more than one satellite dish antenna for each dwelling, not being in scheduled property or in ODZ, either on the roofs of dwellings or at ground floor level within the backyard.

Provided that a satellite dish antenna shall not exceed 120cms in diameter and shall not exceed a height of 1.5 metres from the roof of the last habitable floor, when placed on the roof and shall not exceed 220cm in diameter and shall not exceed a height of 2.5 metres from the ground level, when placed at ground level within the backyard. In all cases they shall be set back at least 3 metres from the front facade;

Provided further that where the development is in a UCA or is within 30 metres of scheduled property, such development, being in conformity with the above limitations of size and height, shall be permitted development if the developer shall have complied with the procedure of notification specified in

article 6 and the Authority does not within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act;

(v) the provision, within the backyard of a dwelling, of any building or other structure required for a purpose incidental to the enjoyment of the dwelling, or the maintenance, improvement or other alteration of such a building:

Provided that any development as aforesaid shall not be permitted if:-

a) it exceeds 9.5 square metres floor area measured externally or would, together with any existing building or other structure in the backyard of the dwelling, exceed 9.5 square metres floor area measured externally; or

b) it exceeds 2.5 metres (nine courses), when measured externally, above existing ground level; or

c) it is proposed that there would be a permanent access to the roof of such building or structure; or

d) it is located within the minimum permissible backyard (measured from the rear wall of the dwelling) as defined in paragraph 2 of this Class; or

e) it is located within the backyard of a scheduled property or within the backyard of property that lies within an ODZ.

(vi) the erection of lift wells and engine rooms and their stairwells, except in scheduled property and in ODZs, and provided that, in UCAs, the structures shall be abutting to any existing structures. Provided that if they are at roof level, they do not exceed in height that of the highest existing structure or part of the building:

Provided that where the development is within 30 metres of scheduled property, such development, being in conformity with the above limitations of position and height, shall be permitted development if, the developer shall have complied with the procedure of notification specified in article 6 and the Authority does not within 30 days of the receipt of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act;

(vii) the creation of one level of basement to an existing dwelling and limited to its footprint, other than to an existing dwelling which is either scheduled property or lies in an UCA or is ODZ, and which:

(i) does not involve the creation of a new access to a road or a separate entrance to the basement:

- (ii) is to be used for a purpose ancillary to the use of the dwelling;
- (iii) is constructed below street level at all points on the facade and;
- (iv) does not exceed 9 courses in height measured internally;

Provided that where the site lies within a UCA, such development, being in conformity with the above limitations as specified above, shall be permitted development if the developer shall have complied with the procedure of notification as specified in article 6, and the Authority does not, within 30 days of the receipt of such notification, give notice in writing to the developer that the development requires a development permission in accordance with Part IV of the Act.

2. For the purpose of the development permitted under paragraph 1 above-

“roof level” means the level of the lowest part of the roof of the dwelling on which the structure is to be located;

“front facade” means the facade or facades of a dwelling facing a road or roads;

“purpose incidental to the enjoyment of the dwelling” includes the keeping of poultry, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling;

“washroom” means a non-habitable structure at roof level conforming to specifications in DC1/88 or any subsequent regulating policies substituting the said specifications;

“minimum permissible backyard” means that the backyard is not less than the measurements given hereunder depending on the number of habitable floors, that is to say -

10 feet (3.05 metres) if there is only a ground floor or a ground and first floor

13 feet (4.43 metres) if there is a ground and two floors

16 feet (5.45 metres) if there is a ground and three floors

19 feet (6.475 metres) if there is a ground and four floors

22 feet (7.5 metres) if there is a ground and five floors

25 feet (8.52 metres) if there is a ground and six floors

28 feet (9.54 metres) if there is a ground and seven floors

31 feet (10.565 metres) if there is a ground and eight floors

CLASS 2*Minor operations*

1. The following development is permitted development under this Class -

- (i) the painting of the exterior of a building or work, except where-
 - (a) the painting is for the purpose of advertisement, announcement or direction; or
 - (b) the painting involves the whole or a substantial part of a building, which is located in an UCA or is ODZ or is scheduled property and involves also a change in colour from the colour in which the building is then painted;
 - (c) the Planning Authority has given notice in writing to the developer of the building or work that, having regard to its location or other material consideration, the permission of the Authority given on an application made under Part IV of the Act is required for the painting of its exterior;

Provided that where the building is within such an area as described in subparagraph (b), the development shall be permitted development if the developer shall have notified the Authority in writing of the proposed painting operation, together with a site plan, and the Authority does not, within 30 days of the receipt of such notice, give to the developer a notice in writing that the operation requires a development permission in accordance with Part IV of the Act

(ii) the alteration or replacement of windows, doors, balconies, galleriji and similar parts of any building in UCAs, in the same traditional style, design and materials as existing, unless -

- (a) the alteration and replacement materially affects the external appearance of any part of such building abutting or facing a road; or
- (b) the building is scheduled property; or
- (c) the building is ODZ;

(iii) changes to size, position, style, form and materials of doors, windows, and other similar elements of the facade, where such changes do not alter materially the character and/or context of the building and its surroundings, and unless:

- a) the building is scheduled property; or
- b) the building is within an UCA or is ODZ;

(iv) the erection of walls, as long as they are not in scheduled property, in the following areas and under the following conditions:

(a) In ODZ - boundary walls subject to the following conditions:

- the wall does not exceed 1.2 metres above ground level along its whole perimeter; and
- the wall is constructed in or faced with rubble (sejjieh).

(b) In UCA - boundary walls, other than walls abutting on the street, and parapet walls not on the facade of a building, subject to the following conditions:

- the walls are not higher than the minimum height established by the Civil Code and
- the walls are constructed in the same style and material as the building.

(c) In all other areas - boundary walls, other than walls, abutting on the street, and parapet walls, subject to the following condition:

the walls do not exceed the minimum height established by the Civil Code;

(v) the reconstruction or erection of front garden walls, not being in UCAs, scheduled property or ODZ, subject to the condition that works are carried out in the same style and materials as the rest of the building;

(vi) the replacement of dangerous roofs, provided that were the site lies in an UCA or scheduled property and unless the same method and material then in existence are used, the details of the development including materials to be used in reconstructing the roofs, are to be submitted with the procedure of notification specified in article 6;

(vii) the maintenance of building or other structures, except where the maintenance involves the replacement of building elements in a building which is scheduled property or is in an UCA or ODZ, with elements of different material or different style;

(viii) the installation of air conditioning units on the exterior of a building, unless the building -

(a) is scheduled property; or

(b) is situated within an UCA or is ODZ; or

(c) the air conditioning unit is located on the facade of a building facing a road or roads:

Provided that if the building is within the areas mentioned in (a) or (b) the development shall be permitted development if the developer shall have complied with the procedure of notification specified in article 6, and the Authority, does not within 30 days of the receipt of such notification, give notice in writing to the developer that it requires a development permission in accordance with Part IV of the Act;

(ix) the creation of a swimming pool together with its ancillary reservoir and pump room, except in UCAs, scheduled property and ODZ;

(x) the erection of an extension or extensions, not being in scheduled property, ODZ or UCAs, set back at least 3 metres from the facade as separate and in addition to any development covered by washrooms contemplated in Class 1, to a single dwelling unit, where the accumulated floor area of such extensions as measured externally do not exceed a total of 30 square metres:

Provided that extensions exceeding 30 square metres in total shall not be allowed on the strength of this sub-paragraph;

(xi) the erection of an extension or extensions in UCAs, not being in scheduled property, set back at least 3 metres from the facade as separate and in addition to any development covered by washrooms contemplated in Class 1, to a single dwelling unit where the total of such extensions measured externally do not exceed a total of 15 square metres:

Provided that extensions exceeding 15 square metres in total shall not be allowed on the strength of this sub-paragraph;

Provided further that the above development is permitted development only if the developer has complied with the procedure of notification specified in article 6 and the Authority does not within 30 days of the receipt of such notification, give notice in writing to the developer that the development requires a development permission in accordance with Part IV of the Act;

(xii) the erection of an extension or extensions to a building containing more than one dwelling unit and used solely for dwelling purposes, not being in scheduled property, ODZ or in UCAs, provided that the extension or extensions:

(a) is setback at least 3 metres from the facade;

(b) does not exceed 20 square metres for each individual unit, which shall relate to each dwelling and shall not be cumulative;

(c) does not exceed the height of the last habitable floor of the building;

(d) does not result in the creation of a separate dwelling unit; and

(e) the site coverage, habitable floor space and height limitations applicable to the site are not exceeded:

Provided that extensions exceeding 20 square metres in total shall not be allowed to any one unit on the strength of this sub-paragraph;

(xiii) the shoring up of a dangerous building or structure, including others effected by its state, until such time as the danger is removed.

2. For the purpose of the development permitted under this Class -

“ground level” means the level of the land on which the wall is to be constructed;

“same style, design, and materials” means the style and design, and the type, form and colour of the materials, used in the formation or construction of the works which are to be replaced and “same style” or “different style” shall be construed accordingly;

“substantial part” in relation to a building means fifty per cent or more of any facade of a building facing a road or roads.

CLASS 3

The formation, laying out, alteration or improvement of roads

1. Subject to paragraph 2 of this Class, the following development is permitted development under this Class:-

(i) The formation or laying out of roads as indicated in a Temporary Provisions Scheme;

(ii) The widening, improvement or maintenance of an existing road within the highway boundary, unless such widening would result in the creation of an extra lane or lanes;

(iii) The improvement or alteration of junctions, unless such improvement or alteration consists of the improvement or alteration of a grade separated junction or involves a significant alteration in the direction of traffic flow;

(iv) The embellishment or enhancement of roundabouts unless it involves the display of a sign or advertisement.

(v) The alteration or creation of pavements, subject to the prior notification procedure for traffic management schemes;

(vi) The installation of traffic lights to control a pedestrian flow and only one traffic flow subject to the prior notification procedure for traffic management schemes, except where they are:-

(a) within 25 metres of any junction; or

(b) within 100 metres of an arterial distributor road.

2. Notwithstanding anything contained in the provisions of paragraph 1 of this Class, any development described therein shall not be permitted development if:

(i) it involves the formation, laying out or widening of a road, or the improvement of a junction within an UCA; or

(ii) it involves the demolition of any building;

and where development permitted under paragraph 1 of this Class involves the demolition of a rubble wall that is to say a wall constructed in random rubble (sejjieh), the development shall not be permitted development unless such wall is replaced by a wall constructed in similar material and style as soon as practicable.

CLASS 4

Minor Infrastructure Development

The following development is permitted development under this Class:-

(i) the erection or construction, and the maintenance, alteration or other improvement, of lamp standards, public seats, refuse bins or baskets, bollards, barriers and similar works or structures;

(ii) the installation of posting boxes or self service machines;

Provided that any development described in this paragraph shall not be permitted development if -

(a) it involves or includes development of the type referred to in article 5 of this Order; or

(b) it would create an obstruction to any road, including a footway; or

(c) it involves or includes any erection or construction in an UCA or in or adjoining scheduled property, unless the developer has notified the Authority in writing and given to the Authority a written description of the proposed

development, together with a site plan showing the location and details of the development and the Authority does not, within 30 days of the receipt of such notice, give notice in writing to the developer that the development requires a development permission in accordance with Part IV of the Act.

CLASS 5

Repairs to Services

The following development is permitted development under this Class -

The carrying out of any works for the purpose of inspecting, maintaining, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any land for that purpose, provided that the land is returned to its original condition as soon as is practicable.

CLASS 6

Development for the Provision of Water Services

The following is permitted development under this Class -

(i) Development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, unless -

(a) it includes the construction of a reservoir; or

(b) it involves works in or under streets outside a Temporary Provisions Scheme or not formed at the time this Order comes into force; or

(c) it involves erection, construction, engineering or other operations for, or in connection with, the installation of a main distribution network, with a main pipe of 30 cms in diameter or more; or

(d) it involves the supply of water to agricultural land for the purposes of irrigation;

(ii) the installation in a water system of a booster station, valve house, meter or switch gear house, unless such development involves any of the matters contained in sub-paragraphs (c) and (d) of the foregoing paragraph of this Class.

CLASS 7*Development for sewage and sewage disposal*

1. Subject to paragraph 2 of this Class, the following development is permitted development under this Class:

(i) Any development not above ground level which is required in connection with the provision, improvement, maintenance or repair of a sewer or associated apparatus, and the maintenance or repair of an outfall pipe;

(ii) The construction, provision or improvement of inspection chambers above ground level unless such chamber exceeds -

(a) 1 square metre in floor area; or

(b) 1.5 metres (5 courses) in height.

2. Notwithstanding the provisions of paragraph 1 of this Class, any development therein described shall not be permitted development if it involves:

(a) works in or under streets which are either outside a Temporary Provisions Scheme or not formed at the time this Order comes into force; or

(b) erection, construction, engineering or other operations for, or in connection with, the installation of a main sewage network or system with a main pipe 40 cms in diameter or more; or

(c) erection, construction, engineering or other operations for, or in connection with, the construction of a new sewage treatment works, or sewage outfall.

CLASS 8*Development for installation of electrical services.*

The following development is permitted development under this Class:

(i) the laying underground of pipes, cables or any other apparatus, including excavations for such purpose, unless such works involve -

(a) erection, construction, engineering or other operations for, or in connection with, the installation of a main electricity distribution network or system with a power line capacity of 33 KVs or greater; or

(b) works in or under streets either outside a Temporary Provisions Scheme or not formed at the time this Order comes into force;

(ii) the installation of service lines to individual customers from an electric line;

(iii) the installation in an electric line of feeder or service pillars or transforming or switching stations or chambers.

CLASS 9

Development related to public transport.

The following development is permitted development under this class:-

i) the installation of telephone cables and apparatus, stop signs, other signs and posts required in connection with the operation of public service vehicles, unless such development involves the erection or display of any sign which is greater than one square metre in area or the sign is illuminated.

ii) the erection or construction, and the maintenance, improvement or other alteration of passenger shelters or barriers for the control of people waiting to enter public service vehicles:

Provided that any development described in this paragraph shall not be permitted development if it involves or consists in development of the type referred to in article 5 of this Order.

CLASS 10

Development related to telecommunications.

The installation, alteration or replacement of any telecommunications apparatus is permitted development under this Class, unless it involves -

a) the erection or alteration of buildings; or

b) the installation, alteration or replacement of a mast with a height exceeding 10 metres; or

c) the installation, alteration or replacement of a microwave antenna, satellite television apparatus or similar apparatus.

CLASS 11*Development related to agriculture.*

1. The following development is permitted development under this Class:

- i) the carrying out of engineering operations reasonably necessary for the purpose of agriculture, including works for the irrigation of land, unless the works or operations involve:
 - (a) the erection of a building, or are related to the erection of a building or to the intensive raising of animals or crops; or
 - (b) the construction of a new reservoir wholly above ground or the installation of a new system for the distribution of water or the irrigation of agricultural land, or for both such construction and installation; unless the irrigation system is a drip sprinkler irrigation system; or
 - (c) the creation of a pond; or
 - (d) the deposit of waste material on land whether for the purpose of the creation or improvement of agricultural land or otherwise.
- ii) the erection of reservoirs partly or wholly below ground level, unless the reservoir -
 - (a) exceeds a height of 1.7 metres (6 courses) above ground level; or
 - (b) exceeds 25 square metres in floor area; or
 - (c) it is to be located on land which is not within an existing agricultural holding; or
 - (d) where wholly underground, it exceeds 100 square metres floor area;
- iii) the deposit by the Department of Agriculture of waste material on land for the purpose of the afforestation of the land, but only if the Department has notified the Authority of the proposed land reclamation and afforestation, giving the Authority a written description of the proposal and supplying it with a plan showing the location and details of the development and the Authority does not within 30 days of the receipt of such notice, give to the Department a notice in writing that the development requires a development permission in accordance with part IV of the Act;
- iv) the construction of pumphouses to serve reservoirs or boreholes, unless the pumphouse -

CLASS 11*Development related to agriculture.*

1. The following development is permitted development under this Class:

- i) the carrying out of engineering operations reasonably necessary for the purpose of agriculture, including works for the irrigation of land, unless the works or operations involve:
 - (a) the erection of a building, or are related to the erection of a building or to the intensive raising of animals or crops; or
 - (b) the construction of a new reservoir wholly above ground or the installation of a new system for the distribution of water or the irrigation of agricultural land, or for both such construction and installation; unless the irrigation system is a drip sprinkler irrigation system; or
 - (c) the creation of a pond; or
 - (d) the deposit of waste material on land whether for the purpose of the creation or improvement of agricultural land or otherwise.
- ii) the erection of reservoirs partly or wholly below ground level, unless the reservoir -
 - (a) exceeds a height of 1.7 metres (6 courses) above ground level; or
 - (b) exceeds 25 square metres in floor area; or
 - (c) it is to be located on land which is not within an existing agricultural holding; or
 - (d) where wholly underground, it exceeds 100 square metres floor area;
- iii) the deposit by the Department of Agriculture of waste material on land for the purpose of the afforestation of the land, but only if the Department has notified the Authority of the proposed land reclamation and afforestation, giving the Authority a written description of the proposal and supplying it with a plan showing the location and details of the development and the Authority does not within 30 days of the receipt of such notice, give to the Department a notice in writing that the development requires a development permission in accordance with part IV of the Act;
- iv) the construction of pumphouses to serve reservoirs or boreholes, unless the pumphouse -

- (a) is located more than 1 metre from the reservoir or borehole; or
- (b) exceeds 2.2 metres (8 courses) in height; or
- (c) exceeds 4 square metres in floor area;
- (v) The levelling, widening and maintenance of existing farm roads carried out by or on behalf of the Department of Agriculture.

2. For the purpose of the development permitted under this Class -

“existing agricultural holding” means land currently used for cultivation at the time the reservoir is constructed;

“waste material” includes waste, refuse and any soil imported onto the land.

CLASS 12

Temporary Structures

1. Operations consisting in the placing on land of a building, moveable structure, works, plant or machinery required temporarily in connection with and for the duration of operations being, or to be, carried out on, in, under or over that land or on land immediately adjoining that land, are permitted development under this Class, subject to the exceptions and conditions set out in paragraph 2 of this Class.

2. The operations described in the foregoing paragraph of this Class shall not be permitted development if:-

- (i) the operations are mining operations; or
- (ii) the land is in or on scheduled property; or
- (iii) not later than three months from the date on which anything placed as indicated in paragraph 1 of this Class or the date on which the operations in connection with which they were so placed have been carried out, whichever is the earlier date:-
 - a) any building works, plant or machinery placed as aforesaid has not been removed; and
 - b) any land or adjoining land on which development permitted by this Class has been carried out has not been restored to the condition in which it was prior to such development.

CLASS 13*Temporary Uses.*

1. Subject to paragraph 2 of this Class the use of land for any purpose for not more than fourteen days in any calendar year is permitted development under this Class.

2. Notwithstanding the provisions of paragraph 1 of this Class the use of land is not permitted development if:-

- (i) the use of land is for a caravan site; or
- (ii) the use of land is for camping; or
- (iii) the land is in or on scheduled property; or
- (iv) the use of land is for off-road vehicle, motor car and motorcycle racing or rallying, including practising for these events and activities;

and, if the use of the land is for the holding of a market or sale, such use is permitted development only if it is for only seven days in any calendar year.

3. For the purpose of this Class "calendar year" means a period of twelve months beginning with the day on which the use is first begun.

CLASS 14*Development in relation with Aviation.*

1. Subject to paragraph 2 of this Class, the following is permitted development under this Class:-

- (i) the carrying out on operational land by an airport operator, or its agent, of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at an airport, unless such development consists in:-
 - (a) the construction or extension of a runway; or
 - (b) the construction of a passenger terminal; or
 - (c) the alteration or extension of a passenger terminal where the floor space of the building as existing would be exceeded by more than 10 per cent; or
 - d) a building which is not an operational building;

(ii) the carrying out on operational land, within the perimeter of an airport by an airport operator, or its agent, of development in connection with any one or more of the following:-

- (a) the provision of air traffic control services;
- (b) the navigation of aircraft using the airport;
- (c) the monitoring of the movement of aircraft using the airport;

(iii) the carrying on operational land, outside but within 1 kilometre of the perimeter of an airport, by an airport operator, or its agent, of development in connection with any of the matters set out in sub-paragraph (ii) above, unless such development consists in or includes:-

(a) the erection of any building for a use or purpose other than the housing of equipment used in connection with any of the matters set out as aforesaid;

(b) any building exceeding 4 metres in height;

(c) the installation or erection of any radar or radio mast, antenna or other apparatus exceeding 15 metres in height, or the replacement of any such mast, antenna or apparatus, if the replacement exceeds that height;

(iv) the use of buildings within the perimeter of an airport for purposes connected with air transport services or other flying activities at that airport.

2. Any development described in paragraph 1 of this Class, other than that described in sub-paragraph (ii) of paragraph 1, shall not be permitted development unless the airport operator has provided the Authority with full details of the proposed development at least 30 days before any development is commenced unless such development:-

(a) is in the opinion of the Director of Civil Aviation urgently required for the efficient running of the airport; and

(b) consists of the carrying out of works or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building or equipment do not exceed 4 metres in height or 100 square metres in floor area.

3. Any development which requires the airport operator to provide details of the proposed development to the Authority shall not be permitted development if the Authority within 30 days of the receipt of such information gives notice in writing to the airport operator that the development requires the submission of an application for development permission in accordance with Part IV of the Act.

4. For the purposes of this Class -

“operational land” or “operational building” means land or a building used or required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, goods or livestock at an airport, and is land or a building owned by or under the control of the relevant airport operator.

CLASS 15

Lighting of buildings and works.

1. The external lighting of buildings and structures carried out by a Government department or agency is permitted development, unless:-

- (a) it involves the lighting of any sign or advertisement; or
- (b) the primary purpose of the lighting is that of advertisement, announcement or direction; or
- (c) it involves the lighting of an area larger than a building or structure; or
- (d) it involves the external lighting of buildings or structures in an UCA or in or adjoining a scheduled property:

Provided that, if where the development is not permitted only because it falls under this sub-paragraph (d), if the developer has notified the Authority in writing of the proposed development, giving the description thereof together with a plan showing the location and details of the development, such development shall become permitted development if the Authority has not within 30 days of the receipt of such notice, given to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act.

CLASS 16

Mineral Exploration.

1. Development on any land for a period not exceeding 30 days and consisting of

- (i) the drilling of boreholes; or

(ii) the carrying out of seismic surveys, for the purpose of mineral exploration is permitted development under this class, unless it is an operation to be carried out within 50 metres of any part of a residential building or other non-commercial building.