
STATUTORY INSTRUMENTS

1995 No. 419

**The Town and Country Planning (General
Development Procedure) Order 1995**

Consultations before the grant of permission

10.—(1) Before granting planning permission for development which, in their opinion, falls within a category set out in the table below, a local planning authority shall consult the authority or person mentioned in relation to that category, except where—

- (i) the local planning authority are the authority so mentioned;
- (ii) the local planning authority are required to consult the authority so mentioned under articles 11 or 12; or
- (iii) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted.

TABLE

Para	Description of Development	Consultee
(a)	Development likely to affect land in Greater London or in a metropolitan county	The local planning authority concerned
(b)	Development likely to affect land in a non-metropolitan county, other than land in a National Park	The district planning authority concerned ⁽¹⁾
(c)	Development likely to affect land in a National Park	The county planning authority concerned
(d)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which involves the provision of— (i) residential accommodation;	The Health and Safety Executive

(1) For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I.1994/867) and section 1 of the Act.

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Para	Description of Development	Consultee
	(ii) more than 250 square metres of retail floor space;	
	(iii) more than 500 square metres of office floor space; or	
	(iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	
(e)	Development likely to result in a material increase in the volume or a material change in the character of traffic—	
	(i) entering or leaving a trunk road; or	In England, the Secretary of State for Transport and, in Wales, the Secretary of State for Wales
	(ii) using a level crossing over a railway	The operator of the network which includes or consists of the railway in question, and in England, the Secretary of State for Transport and, in Wales, the Secretary of State for Wales
(f)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(g)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(h)	Development involving—	
	(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or	The local highway authority concerned
	(ii) the construction of a highway or private	The local highway authority concerned, and in the case of

Para	Description of Development	Consultee
	means of access to premises affording access to a road in relation to which a toll order is in force	a road subject to a concession, the concessionaire
(i)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(j)	Development which involves the provision of a building or pipe-line in an area of coal working notified by the Coal Authority to the local planning authority	The Coal Authority
(k)	Development involving or including mining operations	The National Rivers Authority
(l)	Development within three kilometres of Windsor Castle, Windsor Great Park, or Windsor Home Park, or within 800 metres of any other royal palace or park, which might affect the amenities (including security) of that palace or park	The Secretary of State for National Heritage
(m)	Development of land in Greater London involving the demolition, in whole or part, or the material alteration of a listed building	The Historic Buildings and Monuments Commission for England
(n)	Development likely to affect the site of a scheduled monument	In England, the Historic Buildings and Monuments Commission for England, and, in Wales, the Secretary of State for Wales
(o)	Development likely to affect any garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953 ⁽²⁾ (register of gardens) and which is classified as Grade I or Grade II*.	The Historic Buildings and Monuments Commission for England

(2) 1953 c. 49 (1 & 2 Eliz. 2); section 8C was inserted by section 33 of, and paragraph 10 of Schedule 4 to, the National Heritage Act 1983 (c. 47).

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Para	Description of Development	Consultee
(p)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The National Rivers Authority
(q)	Development for the purpose of refining or storing mineral oils and their derivatives	The National Rivers Authority
(r)	Development involving the use of land for the deposit of refuse or waste	The National Rivers Authority
(s)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The National Rivers Authority
(t)	Development relating to the use of land as a cemetery	The National Rivers Authority
(u)	Development—	The Council which gave, or is to be regarded as having given, the notice
	(i) in or likely to affect a site of special scientific interest of which notification has been given, or has effect as if given, to the local planning authority by the Nature Conservancy Council for England or the Countryside Council for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981(3) (areas of special scientific interest); or	
	(ii) within an area which has been notified to the local planning authority by the Nature Conservancy	

Para	Description of Development	Consultee
	Council for England or the Countryside Council for Wales, and which is within two kilometres of a site of special scientific interest of which notification has been given or has effect as if given as aforesaid	
(v)	Development involving any land on which there is a theatre	The Theatres Trust
(w)	Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves— <ul style="list-style-type: none"> (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more 	In England, the Minister of Agriculture, Fisheries and Food and, in Wales, the Secretary of State for Wales
(x)	Development within 250 metres of land which— <ul style="list-style-type: none"> (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the waste regulation authority for the purposes of this provision 	The waste regulation authority concerned

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Para	Description of Development	Consultee
(y)	Development for the purposes of fish farming	The National Rivers Authority

(2) In the above table—

- (a) in paragraph (d)(iv), “industrial process” means a process for or incidental to any of the following purposes—
- (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
 - (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
 - (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this sub-paragraph, “mine” means any site on which mining operations are carried out);
- (b) in paragraph (e)(ii), “network” and “operator” have the same meaning as in Part I of the Railways Act 1993(4) (the provision of railway services);
- (c) in paragraphs (f) and (g), “classified road” means a highway or proposed highway which—
- (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980(5) (general provision as to principal and classified roads); or
 - (ii) is classified for the purposes of any enactment by the Secretary of State by virtue of section 12(3) of that Act;
- (d) in paragraph (h), “concessionaire”, “road subject to a concession” and “toll order” have the same meaning as in Part I of the New Roads and Street Works Act 1991(6) (new roads in England and Wales);
- (e) in paragraph (i), “street” has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and “new street” includes a continuation of an existing street;
- (f) in paragraph (m), “listed building” has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990(7) (listing of buildings of special architectural or historic interest);
- (g) in paragraph (n), “scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979(8) (schedule of monuments);
- (h) in paragraph (s), “slurry” means animal faeces and urine (whether or not water has been added for handling), and “caravan” has the same meaning as for the purposes of Part I of the Caravan Sites and Control of Development Act 1960(9) (caravan sites);
- (i) in paragraph (u), “site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981(10) (areas of special scientific interest) applies;
- (j) in paragraph (v), “theatre” has the same meaning as in section 5 of the Theatres Trust Act 1976(11) (interpretation); and

(4) 1993 c. 43.

(5) 1980 c. 66.

(6) 1991 c. 22.

(7) 1990 c. 9.

(8) 1979 c. 46.

(9) 1960 c. 62; a relevant amendment is section 13 of the Caravan Sites Act 1968 (c. 52).

(10) 1981 c. 69.

(11) 1976 c. 27.

- (k) in paragraph (x), “waste regulation authority” has the same meaning as in section 30(1) of the Environmental Protection Act 1990(12) (authorities for purposes of Part II).
- (3) The Secretary of State may give directions to a local planning authority requiring that authority to consult any person or body named in the directions, in any case or class of case specified in the directions.
- (4) Where, by or under this article, a local planning authority are required to consult any person or body (“the consultee”) before granting planning permission—
- (a) they shall, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
 - (b) they shall not determine the application until at least 14 days after the date on which notice is given under paragraph (a) or, if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.
- (5) The local planning authority shall, in determining the application, take into account any representations received from a consultee.