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STATUTORY INSTRUMENTS

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**1995 No. 419**

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

**Publicity for applications for planning permission**

**8.—**(1) An application for planning permission shall be publicised by the local planning authority to which the application is made in the manner prescribed by this article.

(2) In the case of an application for planning permission for development which—

- (a) is the subject of an E.A. Schedule 1 or E.A. Schedule 2 application accompanied by an environmental statement;
- (b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; or
- (c) would affect a right of way to which Part III of the Wildlife and Countryside Act 1981(1) (public rights of way) applies,

the application shall be publicised in the manner specified in paragraph (3).

(3) An application falling within paragraph (2) (“a paragraph (2) application”) shall be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days, and
- (b) by local advertisement.

(4) In the case of an application for planning permission which is not a paragraph (2) application, if the development proposed is major development the application shall be publicised by giving requisite notice—

- (a) (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days, or  
(ii) by serving the notice on any adjoining owner or occupier,  
and
- (b) by local advertisement.

(5) In a case to which neither paragraph (2) nor paragraph (4) applies, the application shall be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days, or
- (b) by serving the notice on any adjoining owner or occupier.

(6) Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i) or (5)(a) has elapsed, the authority shall be treated as having complied with the requirements of the

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(1) 1981 c. 69, to which there are amendments not relevant to this Order.

relevant paragraph if they have taken reasonable steps for protection of the notice and, if need be, its replacement.

(7) In this article—

“adjoining owner or occupier” means any owner or occupier of any land adjoining the land to which the application relates;

“E.A. Schedule 1 application” and “E.A. Schedule 2 application” have the same meanings as “Schedule 1 application” and “Schedule 2 application” respectively in regulation 2 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988(2) (interpretation);

“major development” means development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where—
  - (i) the number of dwellinghouses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

“requisite notice” means notice in the appropriate form set out in Schedule 3 to this Order or in a form substantially to the like effect;

“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, storing, processing or disposing of refuse or waste materials.