



Comprehensive list of nationally defined consultees in  
the planning application process - information report  
**Draft for consultation**

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# Section 1

## Introduction and overview

### The purpose of the document

The purpose of this document is to develop a useful information resource which can provide a single comprehensive list of all **nationally defined consultees** in the planning application process.

The list seeks to identify:

- statutory consultees in the planning application process; and
- all bodies and organisations, identified in national planning policy, who should be consulted on planning applications.

Clearly some bodies and organisations may be both statutory and non statutory consultees in relation to specified types of application

This document sets out **draft lists of consultees** on planning applications<sup>1</sup> on which we are seeking views on two key issues:

- (a) whether we have fully captured all the statutory and non statutory arrangements that exist as at **1 December 2009**
- (b) Whether the format and content of the list is helpful.

Specific questions are set out in Section 5

This document is intended as an information resource, which reports existing arrangements. This report is not seeking views on whether the current arrangement should be changed.

The paper focuses on the arrangements for planning applications. It does not deal with nationally defined consultation on other aspects of the planning system including listed building consent, development plans or permitted development.

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<sup>1</sup> These are organisations which are defined in National Planning Policy, Government Circulars and National Planning Guidance.

This document forms part of a wider package of measures developed by the Government in response<sup>2</sup> to the Killian Pretty Report Recommendation 9<sup>3</sup>.

Killian Pretty Recommendation 9 stated that:

‘Government should clarify and improve the process for consulting on planning applications so that it clearer which organisations need to be consulted, when they must be consulted and why, what response is required, and how the response should be taken into account by the local planning authority’.

The consultation paper “Improving Engagement by Statutory and Non Statutory Consultees” published in December 2009 provides a comprehensive report on all the proposed measures to improve statutory and non statutory consultation arrangements and is available at '[www.communities.gov.uk/publications/planningandbuilding/improvingengagementconsult](http://www.communities.gov.uk/publications/planningandbuilding/improvingengagementconsult)

## **Structure of the report**

The report is divided into four further parts

- Section 2: Index of nationally defined consultees
- Section 3: Draft list of statutory consultees. For each statutory consultee where it is appropriate, we list the references to the body/organisation in national policy where consultation should also take place.
- Section 4: Draft list of non statutory consultees who need to be consulted as a result of being mentioned in national planning policy, Circulars or guidance.
- Section 5: List of questions.

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<sup>2</sup> Government Response to Killian Pretty Review published in March 2009  
[www.communities.gov.uk/publications/planningandbuilding/killianprettyresponse](http://www.communities.gov.uk/publications/planningandbuilding/killianprettyresponse)

<sup>3</sup> The Killian Pretty Review: Planning applications - A faster and more responsive system: Final Report  
[www.communities.gov.uk/publications/planningandbuilding/killianprettyfinal](http://www.communities.gov.uk/publications/planningandbuilding/killianprettyfinal)

## **Next steps**

Comments in response to the questions set out in Section 5 are welcomed by 19 March 2010

The consultation paper on statutory and non statutory consultees we published in December 2009 identifies a number of proposed changes to statutory consultation arrangements in the General Development Procedure Order 1995 (GDPO). In addition, we propose to issue a consolidated version of the GDPO in either April or October 2010.

We intend to issue a final version of this note, alongside an updated version of the GDPO.

# Section 2

## Index

### Statutory consultees

British Waterways  
Commission for Architecture and the Built Environment  
Civil Aviation Authority  
Coal Authority  
Crown Estate Commissioners  
Department for Culture, Media and Sport  
Department of Energy and Climate Change  
Department for Environment, Food and Rural Affairs  
Department for Transport  
Environment Agency  
English Heritage  
Forestry Commission  
Garden History Society  
Health and Safety Executive  
Highways Agency  
Local and Regional Bodies (County Planning Authority, District Planning Authority, Greater London Authority, Local Highway Authority, Local Planning Authority, Parish and Town Councils, Regional Development Agencies and Regional Planning Bodies)  
Ministry of Defence  
Natural England  
National Air Control Transport Services and Operators of Officially Safeguarded Civil Aerodromes  
Rail Network Operators  
Sport England  
Theatres Trust  
Toll Road Concessionaries

## Non statutory consultees

Conservation Area Advisory Committees  
County Archaeological Officers  
Drainage Board  
Emergency Services and Multi-Agency Emergency Planning  
Health Authorities and Agencies  
HM Revenue and Customs  
Local Authority Environmental Health Officers  
Navigation Authorities  
Police Architectural Liaison Officers and Crime Prevention Design Advisers  
Schools and Colleges  
Waste Disposal Authorities  
Water and Sewerage Undertakers

# Section 3

## Draft list of statutory consultees

### Notes

Note 1: a number of these bodies may also be non statutory consultees on separate matters, and in those cases, the non statutory references are also included in this section.

Note 2: position as at 1 December 2009. Does not reflect changes identified in draft documents that are the subject of consultation.

### British Waterways

#### **STATUTORY CONSULTATION**

##### **Article 10 (za) of the Town and Country Planning (General Development Procedure) Order 1995 (GDPO)**

Development likely to affect:

- (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the British Waterways Board; or
- (ii) any canal feeder channel, watercourse, let off or culvert, which is within an area which has been notified for the purposes of this provision to the local planning authority by the British Waterways Board.

#### **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Commission for Architecture and the Built Environment

## **STATUTORY CONSULTATION**

### **Directions on London View Management Framework Protected Vistas 2007 under articles 10(3) and 27 of the GDPO 1995: Requirements for consultation relating to the 11 London protected vistas:**

Before granting planning permission on any application in relation to which these Directions apply, a local planning authority named in Schedule 1 (London Boroughs plus GLA) must consult English Heritage and CABE. (In addition Historic Royal Palaces must be consulted for the protected vista of the Tower of London from outside City Hall on Queen's Walk) The directions also require additional consultation between Local Planning Authorities and the GLA.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

### **CLG letter to local planning authorities dated 6 December 2006**

Local planning authorities should consult CABE on development proposals which are significant because of their size or they uses proposed; development proposals which are significant because of their siting or proposals that are significant in having an importance greater than their size, use or siting would suggest. See paragraph 76 of DCLG Circular 1/2006 'Guidance on Changes to the Development Control System'.

### **Planning Policy Guidance 15: Planning and Historic Environment Paragraph 2.13**

Authorities should ensure that the Royal Fine Art Commission (which has now been replaced by CABE) is consulted on all planning applications raising conservation issues of more than local importance, and should take the RFAC's views fully into account in reaching their decisions.

# Civil Aviation Authority

## **STATUTORY CONSULTATION**

### **Safeguarding Aerodromes, Technical Sites and Military Storage Areas: The Town and Country planning (Safeguarded Aerodromes, technical Sites and Military Explosives Storage Areas) Direction 2002, (Joint DPM/DfT Circular 1/2003**

#### **Annex 1, Paragraph 7**

If a local planning authority proposes to grant permission for the development of land forming the site of or in the neighbourhood of an officially safeguarded civil aerodrome or technical site, or to grant permission subject to conditions, contrary to the advice of the consultee, they must notify the Civil Aviation Authority.

#### **Annex 2, Paragraph 25**

If a local planning authority proposes to grant planning permission contrary to advice given on behalf of the consultee for civil aerodrome or technical site, or not to attach conditions which that consultee has requested, or to attach conditions which the consultee has advised against, it will be necessary for relevant safety regulator to assess the planning application and the consultee's advice and to identify any possible solutions. In such circumstances the local planning authority are therefore required to notify the Civil Aviation Authority as well as the consultee. The Civil Aviation Authority may wish to request the First Secretary of State to call in the planning application and determine it.

#### **Annex 2, Paragraph 31 - 32**

Local planning authorities are also asked to inform the Civil Aviation Authority about new development anywhere within their area which involves an obstacle (any building or works extending 91.4 metres or more above ground level), as soon as permission has been granted.

Local planning authorities are also asked to supply similar information to the Civil Aviation Authority about such buildings or works not previously notified, and to notify it of any which no longer exist.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

See also PPS 10, Planning for Sustainable Waste Management, Annex E, Paragraph i.

## **Vermin and Birds**

Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites.

Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure (ODPM Circular 1/200316) local planning authorities are required to consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the proposals map in the local development framework). The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.

## Coal Authority

### **STATUTORY CONSULTATION**

**Article 10(j) of the GDPO 1995 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.**

### **Article 16 of the GDPO 1995**

Where the Coal Authority has given notice to a mineral planning authority that land in its area contains coal, the minerals planning authority shall not determine any application for planning permission to win or work any mineral on that land, without first notifying the Coal Authority.

### **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Crown Estate Commissioners

## **STATUTORY CONSULTATION**

### **Article 16 of the GDPO 1995**

Where the Crown Estates Commissioners have given notice to a mineral planning authority that land in their area contains silver or gold, the mineral planning authority shall not determine any application for planning permission to win and work any mineral on that land, without first notifying the Crown Estates Commissioners.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Department for Culture, Media and Sport

## **STATUTORY CONSULTATION**

### **Article 10(l) of the GDPO 1995**

Development within 3 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.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Department of Energy and Climate Change

(Responsibility transferred from former DTI)

## **STATUTORY CONSULTATION**

### **Article 16 of the GDPO 1995**

Where the Secretary of State for Trade and Industry has given notice to a mineral planning authority that land in their area contains gas or oil, the mineral planning authority shall not determine any application for planning permission to win and work any mineral on that land, without first notifying the Secretary of State.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Department for Environment, Food and Rural Affairs

## **STATUTORY CONSULTATION**

### **GDPO 1995 Article 10(w)**

Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves

- 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.

### **Town and Country Planning Act 1990**

Schedule 5, Part I, paragraph 4 (Also referred to in MPG 7, paragraphs 59 and 60)

Before imposing an aftercare condition, on mineral or waste applications, the mineral planning authority shall consult Defra where they propose that the use specified in the condition shall be a use for agriculture.

Where after consultation as required above, the mineral planning authority are satisfied that the use that they ought to specify is a use for agriculture, they shall consult the Defra with regard to whether the steps to be taken should be specified in the aftercare condition, or in an aftercare scheme.

The mineral planning authority shall also consult the Defra as to the steps to be specified in an aftercare condition which specifies a use for agriculture; and before approving an aftercare scheme submitted in accordance with an aftercare condition which specifies such a use.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

MPG 7  
Paragraph B7

Where reclamation to agriculture is proposed in a planning application, Defra have a responsibility to offer mineral planning authorities a view on the appropriateness of this after-use and on suitable aftercare conditions if

planning permission is to be given. Such consultation is required regardless of the area of land involved or its agricultural quality. Defra may also provide advice and comment on site working and restoration since the achievement of good standards in the aftercare period depends in part upon the appropriate and satisfactory (and enforced) stripping, movement and restoration of soils and contouring.

#### Paragraph B10

When imposing agricultural restoration and aftercare conditions, mineral planning authorities should consult with Defra on the form of the aftercare condition.

#### PPG24, Noise

PPG24 recommends that, in some cases, where noisy development may have a serious effect on the welfare of livestock on nearby farms, local authorities may wish to consult the land use planning department of the Ministry of Agriculture, Fisheries and Food (now Defra).

# Department for Transport

## **STATUTORY CONSULTATION**

### **GDPO 1995 Article 10(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
- ii) using a level crossing over a railway.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

### **Circular 9/95 'General Development Order Consolidation 1995' Paragraph 15 of Appendix B**

Local highway authorities should also consider carrying out consultation with the rail network operator for highway schemes which, although not covered by paragraph (e)(ii) of the table in article 10(1) of the GDPO 1995, might affect level crossing safety. Examples are road closures or alterations to priority within 200 metres of a level crossing which may cause tailbacks, and the construction of a road close to and running parallel to a railway which will make modernisation of the existing crossing equipment difficult.

# Environment Agency

## STATUTORY CONSULTATION

### GDPO 1995

- (i) Article 10(k) - Development involving or including mining operations.
- (ii) Article 10(p) - Development involving (i) the carrying out of works or operations in the bed of or within 20 metres of the top of a bank of, a main river which has been notified to the local planning authority by the Environment Agency as a main river for the purposes of this provision; or the culverting or control of flow of any river or stream.
- (iii) Article 10(q) - Development for the purpose of refining or storing mineral oils and their derivatives.
- (iv) Article 10(r) - Development involving the use of land for the deposit of refuse or waste.
- (v) Article 10(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).
- (vi) Article 10(t) - Development relating to the use of land as a cemetery.
- (vii) Article 10(x) - Development within 250 metres of land which:
  - (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.
- (viii) Article 10(y) - Development for the purposes of fish farming.
- (ix) Article 10(zb)-Development:
  - (i) involving the siting of new establishments; or
  - (ii) consisting of modifications to existing establishments which could have significant repercussions on major-accident hazards; or
  - (iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident.

- (x) Article 10(zd)- Development, other than minor development, which is is to be carried out on land-
  - (i) in an area within Flood Zones 2 or 3; or
  - (ii) in an area within Flood Zones 1 which has critical drainage problems and which has been notified for the purposes of this provision to the local planning authority by the Environment Agency.
- (xi) Article10(ze) - Any development of land of one hectare or more

**NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

See also PPS 23, Planning and Pollution Control, Annex 1, paras.1.42-1.46 and Annex 2, paras. 2.24 and PPS 25, Development and Flood Risk, paras. 30-31, Circular 03/99, Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development PPG24 Planning and Noise para 25.

# English Heritage

## **STATUTORY CONSULTATION**

### **Article 10(m) of the GDPO 1995**

Development of land in Greater London involving the demolition, in whole or part, or the material alteration of a listed building.

### **Article 10(n)**

Development likely to affect the site of a scheduled monument.

### **Article 10(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 (register of gardens) and which is classified as Grade I or Grade II\*.

### **Directions on London View Management Framework Protected Vistas 2007**

Under articles 10(3) and 27 of the GDPO 1995: Requirements for consultation relating to the 11 London protected vistas:

Before granting planning permission on any application in relation to which these Directions apply, a local planning authority named in Schedule 1 (London Boroughs plus GLA) must consult English Heritage and CABE.

(In addition Historic Royal Palaces must be consulted for the protected vista of the Tower of London from outside City Hall on Queen's Walk).

### **Circular 01/01: Arrangements for Handling Heritage Applications - Notification and Directions by the Secretary of State**

English Heritage needs to be notified of planning applications for development likely to affect the setting of a grade I or II\* listed building. In addition, within Greater London, the requirement to notify English Heritage in respect of a grade II (unstarred) building is restricted to applications for development within the curtilage likely to affect its setting; and to other applications in respect of development likely to affect its setting involving the provision of more than 1,000 square metres of gross floor space or the construction of a building more than 20metres above ground level. Advice on what setting involves is contained in paragraph 2.17 of PPG 15 and local authorities should be aware that the courts may quash a decision if this judgment is not made reasonably: see R v South Hereford District Council, ex p. Felton [1989] 3 P.L.R.81 upheld in the Court of Appeal [1990] E.G.C.S. 34.

Paragraph (m) of the table in article 10(1) of the Procedure Order requires local planning authorities to consult English Heritage about planning applications for development of land in Greater London involving the demolition, in whole or part, or the material alteration of a listed building. It would be helpful if authorities would also send English Heritage details of applications for planning permission for development likely to involve the demolition of the whole or part of, or the material alteration of, a grade I or II\* building (including ecclesiastical buildings shown in the list as grade A, B or C) outside Greater London in order for it to assess schemes affecting these grades of building.

In respect of development likely to affect the character or appearance of a conservation area, authorities must notify English Heritage of applications where the erection or extension, or material change of use of a building involves a development site of more than 1,000 square metres or the construction of any building more than 20 metres in height above ground level.

Notifications should be sent to the relevant regional office of English Heritage.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

Paragraph 8 of DETR Circular 01/01 “Arrangements for handling heritage applications - notifications and directions by the Secretary of State”.

Local planning authorities are not required to notify English Heritage of planning applications which in the opinion of the local planning authority affects the setting of a grade I or II\* listed building; or

(a) development which in the opinion of the local planning authority affects the character or appearance of a conservation area and which involves:

i) the erection of a new building or the extension of an existing building where the area of land in respect of which the application is made is more than 1000 square metres;

ii) the material change of use of any building where the area of land in respect of which the application is made is more than 1000 square metres; or

iii) the construction of any building more than 20 metres in height above ground level.

# Forestry Commission

## **STATUTORY CONSULTATION**

### **Town and Country Planning Act 1990**

Schedule 5, Part I, paragraph 4 (Also referred to in MPG 7, Paragraphs 59 and 60).

Before imposing an aftercare condition, on minerals or waste applications, the mineral planning authority shall consult the Forestry Commission where they propose that the use specified in the condition shall be a use for forestry.

Where, after consultation as required above, the mineral planning authority are satisfied that the use that they ought to specify is a use for forestry, they shall consult the Forestry Commission with regard to whether the steps to be taken should be specified in the aftercare condition, or in an aftercare scheme.

The mineral planning authority shall also consult the Forestry Commission as to the steps to be specified in an aftercare condition which specifies a use for forestry; and before approving an aftercare scheme submitted in accordance with an aftercare condition which specifies such a use.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

Table 2 of Appendix B of DOE Circular 9/95 as amended by DETR letter to Chief Planning Officers dated 15 March 1999.

Proposals which affect ancient semi-natural woodlands or ancient replanted woodlands, as recorded in English Nature's Provisional Inventory of Ancient Woodland.

DETR letter to Chief Planning Officers dated 15 March 1999

In addition to the above, the letter advises that the Forestry Commission wishes to be consulted on:

- i) proposals where any part of the development site consists of ancient semi-natural woodland or ancient replanted woodland recorded in the Provisional Inventory; and
- ii) proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings or extending the footprint of existing buildings.

Where a local planning authority is unclear whether to consult on a particular proposal, it should seek the advice of the Forestry Commission.

MPG 7, Annex B, Paragraphs B20 and B21

The Forestry Commission should be consulted if any of the following apply:

- i) if it is proposed that the land be reclaimed for a forestry after-use;
- ii) woodland on the land proposed for mineral working is dedicated under the Forestry Commission Dedication Scheme, or grant aided under section 1 of the Forestry Act 1979;
- iii) if tree planting is to be supported by a grant under the Woodland Grant Scheme or Community Woodland Supplement.

Mineral planning authorities are also advised to seek advice from the Forestry Commission on all significant planting schemes, including those considered as part of a more general “amenity” reclamation.

Paragraph B27

Details of a programme of reclamation to forestry use should be individually tailored to suit the particular site in question and the prevailing conditions. Close liaison with the Forestry Commission is desirable

## Garden History Society

### **STATUTORY CONSULTATION**

Direction under Article 10(3) of the GDPO 1995 set out in Appendix C to DOE Circular 9/95

Before granting planning permission for development which, in the local planning authority's opinion, is 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, they shall consult the Garden History Society.

### **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Health and Safety Executive

## STATUTORY CONSULTATION

### GDPO 1995

**Article 10(d)**, See also HM Chief Inspector of Explosives letter to Chief Planning Officers, dated 13 July 2005

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
- (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.

### Article 10 (zb)

Development:

- (i) involving the siting of new establishments; or
- (ii) consisting of modifications to existing establishments which could have significant repercussions on major-accident hazards; or
- (iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident.

## NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT

HSE should be consulted on development at or near quarries. Guidance exists on PADHI+ (Planning Advice for Developments near Hazardous Installations - an internet based standing advice tool for LPAs, <https://extranet.hse.gov.uk>) which covers the types of development at or near quarries on which HSE would like to be consulted.

#### **PPG 14 Development on Unstable Land Paragraph 48**

Where relevant expertise is available on issues such as mineral planning, waste disposal, land reclamation, building control, surveying or engineering, the local authority should endeavour to make use of it. Such advice will be particularly relevant in the formulation of development plans and of general development control policies relating to unstable land. Consultation as necessary with bodies such as the Health and Safety Executive is also to be recommended.

# Highways Agency

## STATUTORY CONSULTATION GDPO 1995

### Article 10(e)

Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a trunk road.

### Article 15

(1) Where an application is made to a local planning authority for planning permission for development which consists of or includes –

- a) the formation, laying out or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour; or
- b) any development of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under this article) from the middle of –
  - i) any highway (other than a trunk road) which the Secretary of State has provided, or is authorised to provide, in pursuance of an order under Part II of the Highways Act 1980 (trunk roads, classified roads, metropolitan roads, special roads) and which has not for the time being been transferred to any other highway authority;
  - ii) any highway which he proposes to improve under Part V of that Act (improvements of highway) and in respect of which notice has been given to the local planning authority;
  - iii) any highway to which he proposes to carry out improvements in pursuance of an order under Part II of that Act; or
  - iv) any highway which he proposes to construct, the route of which is shown on the development plan or in respect of which he has given notice in writing to the relevant local planning authority together with maps or plans sufficient to identify the route of the highway,

the local planning authority shall notify the Secretary of State by sending him a copy of the application and any accompanying plans and drawings.

(2) An application referred to in paragraph (1) above shall not be determined unless –

- a) the local planning authority receive a direction given under article 14 of this Order (and in accordance with the terms of that direction);
- b) they receive notification by or on behalf of the Secretary of State that he does not propose to give any such direction in respect of the development to which the application relates; or

- c) a period of 28 days (or such longer period as may be agreed in writing between the local planning authority and the Secretary of State) from the date the notification was given to the Secretary of State has elapsed without receipt of such a direction.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

Circular 9/95 'General Development Order Consolidation 1995'

Paragraph 14 of Appendix B

The types of development on which local planning authorities should consider consulting include:

- a) those requiring road alterations, for example, the construction of roundabouts or junctions for access to new estates, both of which can cause tailbacks on to crossings;
- b) the construction of houses, schools or leisure facilities near to crossings, which can increase the numbers of vehicles and pedestrians using the crossings; and
- c) the construction and location of access to industrial or similar premises near to crossings where turning traffic (particularly large or slow-moving vehicles) may cause tailbacks across level crossings.

Paragraph 15 of Appendix B

Local highway authorities should also consider carrying out the same consultations for highway schemes which, although not covered by paragraph (e)(ii) of the table in article 10(1) of the GDPO 1995, might affect level crossing safety. Examples are road closures or alterations to priority within 200 metres of a level crossing which may cause tailbacks, and the construction of a road close to and running parallel to a railway which will make modernisation of the existing crossing equipment difficult.

# Local and regional bodies

## County Planning Authorities

### STATUTORY CONSULTATION

#### **GDPO 1995 Article 10(c)**

Development likely to affect land in a National Park in England.

#### **Article 11**

Where a district planning authority are required by paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990 (local planning authorities – distribution of functions) to consult the county planning authority before determining an application for planning permission, they shall not determine the application until the expiry of at least 14 days after the date of the notice given to the county planning authority.

#### **Paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990**

A district planning authority must consult with the county planning authority for their area if the development –

(a) would materially conflict with or prejudice the implementation of a relevant county policy;

(b) is in an area in relation to which the county planning authority have given notice in writing to the district planning authority that development is likely to affect or be affected by the winning and working of minerals, other than coal;

(c) is in of land in respect of which the county planning authority have given notice in writing to the district planning authority that they propose to carry out development;

(d) would prejudice a proposed development mentioned in paragraph (c) in respect of which notice has been given as so mentioned;

(e) of land in relation to which the county planning authority have given notice in writing to the district planning authority that it is proposed to use the land for waste disposal;

(f) which would prejudice a proposed use mentioned in paragraph (e) in respect of which notice has been given as so mentioned.

The requirements do not apply if the county planning authority gives a direction authorising the determination of the application without compliance with the requirements.

**NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# District Planning Authorities

## **STATUTORY CONSULTATION**

### **GDPO 1995**

#### **Article 10(b)**

Development likely to affect land in a non-metropolitan county in England, other than land in a National Park.

#### **Article 12**

12(1) A county planning authority shall, before determining –

- a) an application for planning permission under Part III of the Town and Country Planning Act 1990 (control over development);
- b) an application for a certificate of lawful use or development under section 191 or 192 of the Act (certificates of lawfulness of existing or proposed use or development); or
- c) an application for approval of reserved matters,

give the district planning authority, if any, for the area in which the relevant land lies a period of at least 21 days, from the date of receipt of the application by the district authority, within which to make recommendations about the manner in which the application shall be determined; and shall take any such recommendations into account.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Greater London Authority

## **STATUTORY CONSULTATION**

The Town and Country Planning (Mayor of London) Order 2008 (SI 2008/580) Article 4 of the Mayor of London Order 2008, with effect from 6 April 2008, requires local planning authorities to send to the Mayor a copy of an application of potential strategic importance.

The detailed definition of the applications that must be notified to the Mayor is set out in the Schedule to the Order.

Four main groups of development proposals are identified:

- i) large scale development
- ii) major infrastructure
- iii) development which may affect strategic policies; and
- iv) development on which the Mayor must be consulted by virtue of a direction of the Secretary of State.

Further guidance on the Mayor of London's role in planning applications is given in Section 5 of the GOL Circular 1/2008 'Strategic Planning in London'.

The Mayor of London Order 2008 and the GOL Circular 1/2008 are available at Government Office for London's website:

[www.gos.gov.uk/gol/Planning/624901/?a=42496](http://www.gos.gov.uk/gol/Planning/624901/?a=42496)

## **Directions on London View Management Framework Protected Vistas 2007**

Under articles 10(3) and 27 of the GDPO 1995: Requirements for consultation relating to the 11 London protected vistas:

Before granting planning permission on any application in relation to which these Directions apply, a local planning authority named in Schedule 1 (London Boroughs plus GLA) must consult English Heritage and CABE. (In addition Historic Royal Palaces must be consulted for the protected vista of the Tower of London from outside City Hall on Queen's Walk) The directions also require additional consultation between Local Planning Authorities and the GLA.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Local Highway Authority

## **STATUTORY CONSULTATION**

### **GDPO 1995**

#### **Article 10(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.

#### **Article 10(g)**

Development likely to prejudice the improvement or construction of a classified road or proposed highway.

#### **Article 10(h)**

Development involving-

- i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or
- ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force.

#### **Article 10(i)**

Development which consists of or includes the laying out or construction of a new street.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

## Local Planning Authority

### **STATUTORY CONSULTATION**

#### **Article 10(a) of the GDPO 1995**

Development likely to affect land in Greater London or in a metropolitan county.

Directions on London View Management Framework Protected Vistas 2007 under articles 10(3) and 27 of the GDPO 1995: Requirements for consultation relating to the 11 London protected vistas:

Before granting planning permission on any application in relation to which these Directions apply, a local planning authority named in Schedule 1 (London Boroughs plus GLA) must consult English Heritage and CABI. (In addition Historic Royal Palaces must be consulted for the protected vista of the Tower of London from outside City Hall on Queen's Walk) The directions also require additional consultation between Local Planning Authorities affected by the relevant Vista and the GLA.

### **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Parish Councils and Town Councils

## **STATUTORY CONSULTATION**

### **Article 13 of the GDPO 1995**

Local planning authorities determining a planning application must on request notify a parish or town council within their area of any relevant planning application and any relevant alteration to that application (see paragraph 8 of Schedule 1 to the Town and Country Planning Act 1990, as substituted by paragraph 53(5) of Schedule 7 to the Planning and Compensation Act 1991).

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Regional Development Agencies

## **STATUTORY CONSULTATION**

### **Article 10(zc) of the GPDO**

Development which -

(i) involves or is likely to affect the provision of an existing or proposed strategic infrastructure project of which notification has been given to the local planning authority and which is likely to have a significant impact upon a policy in the Regional Development Agency's Strategy; or

(ii) is within an area of which notification has been given to the local planning authority for the purpose of this provision and is likely to affect the implementation of a strategic regional investment or employment policy in the Regional Development Agency's Strategy.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

## Regional Planning Bodies

### **STATUTORY CONSULTATION**

#### **Paragraph 7 of Schedule 1 to the Town and Country Planning act 1990**

The regional planning body must be consulted on any development which would be of major importance for the implementation of the Regional Spatial Strategy or a relevant regional policy, because of its scale or nature or the location of the land. The regional planning body may notify local planning authorities of other descriptions of development in relation to which it wishes to be consulted.

### **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Ministry of Defence

## STATUTORY CONSULTATION

Safeguarding Aerodromes, Technical Sites and Explosives Storage Areas:

**The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Directions 2002 (Joint ODPM/DfT Circular 1/2003)**

### **Annex 1, Paragraph 4**

A local planning authority, before granting planning permission for the development of land forming the site of or in the neighbourhood of an officially safeguarded military aerodrome, technical site or explosives storage area, must consult the Ministry of Defence. This consultation requirement relates to buildings, structures, erections and works, and to developments likely to attract birds.

### **Annex 1, Paragraph 7**

If a local planning authority propose to grant permission for the development of land forming the site of or in the neighbourhood of an officially safeguarded aerodrome, technical site or explosives storage area, or to grant permission subject to conditions, contrary to the advice of the Ministry of Defence, they must notify the Ministry of Defence.

### **Annex 2, Paragraph 11**

In the case of safeguarded military aerodromes local planning authorities are asked to consult the Ministry of Defence about any proposal to build a new road, or to upgrade an existing road, which is planned to run within 300 metres of the perimeter of an aerodrome (to take account of the presence of explosives storage areas on certain military aerodromes).

### **Annex 2, Paragraph 20**

Article 3(2) of the GDPO provides that, where a local planning authority consider that an application for outline planning permission ought not to be considered separately from all or any reserved matters, they must notify the applicant within one month of receiving the application that they are unable to determine the application unless further specific details are submitted. If the Ministry of Defence is provided with all the necessary information to consider the effect of the proposed development on the military aerodrome, technical site or explosives storage area, this will minimise the need for the Ministry to advise against the proposal on a holding basis.

## **Annex 2, Paragraph 25**

If a local planning authority propose to grant planning permission contrary to the advice of the Ministry of Defence as the consultee for a military aerodrome, technical site or explosives storage area, or not to attach conditions which that consultee has requested, or to attach conditions which that consultee has advised against, they are required to notify the Ministry of Defence again. The Ministry of Defence may wish to request the Secretary of State CLG to call in the application and determine it.

See also PPS 10, Planning for Sustainable Waste Management, Annex E, Paragraph i:

Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure (Updated Annex 3 to Department for Transport Circular 01/2003) it is likely to be necessary for local planning authorities to ask an applicant for any of the types of development listed in paragraph 8<sup>4</sup> to show by means of a risk assessment that a proposed development would not be likely to increase the number of birds or the bird hazard risk to aircraft.

The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

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<sup>4</sup> Updated Annex 3 to Department for Transport Circular 01/2003) End of Paragraph 8: The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect are: facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes, which attract a variety of species, including gulls, starlings, lapwings and corvids; the creation or modification of areas of water such as reservoirs, lakes, ponds, wetlands and marshes, which attract gulls and waterfowl; nature reserves and bird sanctuaries; and sewage disposal and treatment plant and outfalls, which can attract gulls and other species. Planting trees and bushes normally creates a bird hazard only when it takes place relatively near to an aerodrome, but a potential starling roost site further away from an aerodrome can create a hazard. Mineral extraction and quarrying can also create a bird hazard because, although these processes do not in themselves attract birds, the sites are commonly used for landfill or the creation of wetland.

## STATUTORY CONSULTATION

### Article 10(u) of the GDPO 1995

Development -

- (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 English Nature, in accordance with section 28 of the Wildlife and Countryside Act 1981 (areas of special scientific interest); or
- (ii) within an area which has been notified to the local planning authority by English Nature, 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.

### Article 10(zb) of the GDPO 1995

Development –

- i) involving the siting of new establishments; or
- ii) consisting of modifications to existing establishments which could have significant repercussions on major-accident hazards; or
- iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk of consequences of a major accident,

where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected.

Natural England must also be consulted on development likely to affect a range of sensitive sites such as those covered by the Conservation (Natural Habitats, & c.) Regulations 1994. ODPM Circular 06/2005 provides guidance on the various requirements to consult Natural England,

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<sup>5</sup> In addition to the requirements set out in this table, please see Environmental Impact Assessment: A guide to procedures January 2000. The Guide is mainly for developers, their advisors and others who wish to gain a general understanding of EIA. It provides a general explanation of EIA procedures transposed into UK legislation as required by Council Directive 85/337/EEC, as amended.

Parts 1 and 2 of this booklet explain the procedures which apply to projects falling within the scope of the Directive and requiring planning permission in England and Wales. For such projects the Directive was given legal effect through the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which came into force on 14 March 1999 and apply to relevant planning applications lodged on or after that date. [www.communities.gov.uk/documents/planningandbuilding/pdf/157989.pdf](http://www.communities.gov.uk/documents/planningandbuilding/pdf/157989.pdf)

**[The Conservation (Natural Habitats, &C.) Regulations 1994 [SI No. 2716]**

**Regulation 48(3) (See also paragraph 15 of ODPM Circular 06/2005)**

Before granting planning permission for a project or plan which is likely to have a significant effect on a European Site in England, the competent authority must consult English Nature for the purpose of assessing the implications of that site. The authority must have regard to any representation made by English Nature within such reasonable time as the authority may specify.

**Regulation 61(1) (See also paragraphs 45-46 of ODPM Circular 06/2005)**

Where development is proposed in reliance on planning permission granted by a general development order, application may be made to English Nature for their opinion as to whether the development is likely to have a significant effect on a European Site in Great Britain. On receiving such an application, English Nature shall consider whether the development is likely to have such an effect.

**Regulation 62(4) (See also paragraphs 47-48 of ODPM Circular 06/2005)**

Where development is proposed in reliance upon a planning permission granted by a general development order, and that development is likely to have a significant effect on a European Site in Great Britain, the development must not be begun or continued without the approval of the local planning authority. On receipt of an application for approval, the local planning authority must send a copy of the application to English Nature and take account of any representations made by them.

**Section 281, Wildlife and Countryside Act 1981(See also paragraph 66 of ODPM Circular 06/2005)**

A planning authority authorising or granting permission for other parties to carry out operations likely to damage the special interest features of an SSSI must notify English Nature before reaching its decision.]

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

See also paragraphs 62-83 of ODPM Circular 06/2005, Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system.

Paragraph 60 of ODPM Circular 06/2005

A planning authority exercises many functions and in doing so will need to take into full account its duty to take reasonable steps to further the conservation and enhancement of the special interest features of SSSIs. It will need to decide what it considers are 'reasonable steps' to be taken and in

doing so may wish to consult English Nature. At the strategic level, regional spatial strategies and local development documents must be prepared in accordance with this duty. At the local level, the duty applies to individual decisions on planning applications, including the consideration of whether to impose conditions on a planning decision, on the monitoring of compliance with planning obligations and any subsequent enforcement action a planning authority may consider necessary.

Paragraph 69 of ODPM Circular 06/2005

A local planning authority should inform English Nature of decisions and applications for the development of land about which they were consulted.

Paragraph 98 of ODPM Circular 06/2005

The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature before granting planning permission.

Paragraph 37 of Circular 2/99 'Environmental Impact Assessment'

Whenever local planning authorities are uncertain about the significance of a development's likely effect on an SSSI, they should consult English Nature.

MPG 7

Annex B, Paragraph B51

English Nature should be consulted on habitat type and conservation practice with regard to reclamation to nature conservation.

Annex B, Paragraph B53

Advice on geological features of interest should be sought from English Nature.

Paragraph 2 of circular 03/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development identifies the Countryside Agency as a consultee in sewerage and sewage disposal matters.

# National Air Control Transport Services and Operators of Officially Safeguarded Aerodromes<sup>6</sup>

## STATUTORY CONSULTATION

Safeguarding Aerodromes, Technical Sites and Explosives Storage Areas:

**The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Directions 2002 (Joint OODPM/DfT Circular 1/2003)**

### **Annex 1, Paragraph 4**

A local planning authority, before granting permission for the development of land forming the site of or in the neighbourhood of an officially safeguarded civil aerodrome or technical site shall consult the owner or operator of the aerodrome or technical site, as identified on the safeguarding map. This consultation requirement relates to buildings, structures, erections and works, and to developments likely to attract birds.

### **Annex 1, Paragraph 7**

If a local planning authority propose to grant permission for the development of land forming the site of or in the neighbourhood of a civil aerodrome or technical site, or to grant permission subject to conditions, contrary to the advice of the consultee, they shall notify both the Civil Aviation Authority and the consultee.

### **Annex 1, Paragraph 8**

Where a local planning authority are required to notify in accordance with paragraph 7 (above) they shall as soon as practicable send to those required to be notified the following information-

- (a) a copy of the application (including any accompanying plans or drawings);
- (b) a copy of the advice from the consultee about the proposed development;
- (c) a statement providing sufficient information to demonstrate that, in reaching a decision on the application, they have assessed the application in the light of the guidance in Annex 2 of ODPM Circular 1/2003 (NAFW Circular 1/2003) Joint Circular from the Office of the Deputy Prime Minister, the Department for Transport and the National Assembly for Wales; and

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<sup>6</sup> Under the Transport Act 2000 National Air Control Transport Services are licensed to provide en route air traffic services in the UK. NATS are regulated by the Civil Aviation Authority. Civil aerodromes are licensed in order to ensure that certain types of flights, essentially those for the transport of fare-paying passengers and those for flying training, use only those aerodromes which provide a range of facilities in accordance with internationally agreed safety criteria. These criteria are set out in Annex 14 to the Convention on International Civil Aviation 1944 (The Chicago Convention).

(d) a statement of reasons for proposing to grant planning permission, or to grant permission subject to conditions, contrary to the advice of the consultee.

### **Annex 1, Paragraph 9**

Where a local planning authority have provided notification in accordance with paragraph 7, they shall not grant planning permission for the development before the expiry of a period of 28 days from the date notified by the consultee is the date of receipt of the information specified in paragraph 8.

### **Annex 2, Paragraph 29**

Local planning authorities are asked to advise the relevant consultee of any unauthorised development of which they become aware and for which consultation would have been required.

### **Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 24 'Development by Telecommunications Code System Operators'**

In cases where a (telecommunication) mast is to be installed under permitted development rights within 3 kilometres of the perimeter of an aerodrome, the developer shall notify the Civil Aviation Authority, the Secretary of State for Defence or aerodrome operator, as appropriate, of the proposal, before making an application to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development.

In submitting an application in such cases, the developer must supply evidence that the Civil Aviation Authority, the Secretary of State for Defence or aerodrome operator, as the case may be, has been notified of the proposal.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

### **Annex 2, Paragraph 13**

Operators of licensed aerodromes which are not officially safeguarded, and operators of unlicensed aerodromes and sites for other aviation activities (for example gliding or parachuting) should take steps to protect their locations from the effects of possible adverse development by establishing an agreed consultation procedure between themselves and the local planning authority or authorities. One method, recommended by the Civil Aviation Authority to aerodrome licensees, is to lodge a non-official safeguarding map with the local planning authority or authorities. Local planning authorities are asked to respond sympathetically to requests for non-official safeguarding.

PPG24, Annex 3

PPG24 states that, in respect of noise generated by air traffic operations, Local planning authorities should consult National Air Traffic Services where appropriate.

# Rail Network Operators

## **STATUTORY CONSULTATION**

### **GDPO 1995**

#### **Article 10(e)**

Development likely to result in a material increase in the volume or a material change in the character of traffic

- iii) entering or leaving a trunk road; or
- iv) using a level crossing over a railway.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

Circular 9/95 'General Development Order Consolidation 1995'  
Paragraph 15 of Appendix B

Local highway authorities should also consider carrying out consultation with the rail network operator for highway schemes which, although not covered by paragraph (e)(ii) of the table in article 10(1) of the GDPO 1995, might affect level crossing safety. Examples are road closures or alterations to priority within 200 metres of a level crossing which may cause tailbacks, and the construction of a road close to and running parallel to a railway which will make modernisation of the existing crossing equipment difficult.

## STATUTORY CONSULTATION

### GDPO 1995

#### Article 10(z)

Development which:

- i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or
- ii) is on land which has been:
  - (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or
  - (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or
- iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.

#### Article 10(2)(l)

- (l) in paragraph (z) –
  - (i) “playing field” means the whole of a site which encompasses at least one playing pitch;
  - (ii) “playing pitch” means a dedicated area which together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo.

## NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT

Circular 9/95 ‘General Development Order Consolidation 1995’

Amendment to Table 2 of Appendix B (set out in a letter from DETR to Chief Planning Officers dated 22 July 1996)

Proposals which would lead to the loss of a body of water of two hectares or more currently or within the last two years in use for water sports; the loss of use for sport of such a body of water; the loss of or loss of use for sport of any major sports facility (e.g. community sports hall, swimming pool, golf course, water sports centre, athletics track or indoor tennis centre); the creation of a site for one or more playing pitches; the floodlighting of a major outdoor sports facility; the creation of a body of water of two hectares or more; the creation of any other major sports facility; a residential development of 300 dwellings or more; and the working and winning of minerals.

# Theatres Trust

## **STATUTORY CONSULTATION**

### **GDPO 1995**

#### **Article 10(v)**

Development involving any land on which there is a theatre.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Toll Road Concessionaires

## **STATUTORY CONSULTATION**

### **GDPO 1995 Article 10(h)**

Development involving-

- i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or
- ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force.

## **NON STATUTORY CONSULTATION RECOMMENDED BY CENTRAL GOVERNMENT**

None.

# Section 4

## Draft list of non statutory consultees

**(Bodies or organisations, in addition to the non statutory arrangements for statutory consultees, set out in Section 3)**

### Countryside Agency

### Conservation Area Advisory Committee

Para 4.13 of PPG15 Planning and the Historic Environment states that 'Local planning authorities are asked to consider setting up conservation area advisory committees... as a continuing source of advice on planning and other applications that could affect an area'.

### County Archaeological Officers

PPG 16 Archaeology and Planning Paragraph 23

When planning applications are made without prior discussions with the local planning authorities, the authorities should seek to identify those applications which have archaeological implications, and to assess their likely archaeological impact by consulting the County Archaeological Officer or equivalent and the County Sites and Monuments Record.

Planning authorities should also ensure that they are fully informed about the nature and importance of the archaeological site and its setting. They should therefore seek archaeological advice, normally from the County Archaeological Officer or equivalent who in turn may wish to consult locally based museums and archaeological units and societies.

Paragraph 76 of Mineral Planning Guidance 6

PPG16 and the revised CBI Minerals Environment Charter underline the importance of identifying as early as possible the likely presence and the importance of any archaeological sites liable to be affected by proposed development. This should involve early consultation with the County Archaeological Officer or equivalent.

Paragraph 43 of Mineral Planning Guidance 10

PPG16 and the CBI Code of Practice for Minerals Operators underline the importance of identifying as early as possible the likely presence of and the importance of any archaeological sites liable to be affected by the proposed development. In England this should involve early consultation with the County Archaeological Officer or equivalent.

## Drainage Board

Para 15 of PPS23 Planning and Pollution Control states that 'LPA's must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts.

This will require close co-operation with the Environment agency and/or the pollution control authority, and other relevant bodies such as English Nature, Drainage Boards, and water and sewerage undertakers, to ensure that in the case of potentially polluting developments: - the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable'.

## Emergency Service and Multi - Agency Emergency Planning

Paragraph H11 of Annex H of PPS25 states that Emergency Services should be consulted during the consideration of planning applications where emergency evacuation requirements are an issue.

## Health Authorities and Agencies

Para 31: PPS 10 Planning for Sustainable Waste Management. states that 'Where concerns about health are raised, waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies. Rather, they should ensure, through drawing from Government advice and research and consultation with the relevant health authorities and agencies, that they have advice on the implications of health, if any, and when determining planning applications consider the locational implications of such advice. A concurrent process and a transparent relationship between the planning and pollution control regimes will help facilitate this'.

## HM Revenue and Customs (formerly Inland Revenue)

Paragraph 48 of PPG 14

Where relevant expertise is available on issues such as mineral planning, waste disposal, land reclamation, building control, surveying or engineering, the local authority should endeavour to make use of it.

Such advice will be particularly relevant in the formulation of development plans and of general development control policies relating to unstable land. Consultation as necessary with bodies such as the Mineral Valuers of the Valuation Office, HM Revenue & Customs, is also recommended.

## Local Environmental Health Officers

Circular 9/95 'General Development Order Consolidation 1995'

Appendix B, Table 2

Proposals sited within 250 metres (measured from the site boundary) of a process subject to Local Authority Air Pollution Control under Part 1 of the Environmental Protection Act 1990.

## Navigation Authorities

PPS 25 Development and Flood Risk Practice Guide, Paragraph 2.56

Navigation authorities should be consulted by the LPA and developers in relation to sites adjacent to canals, especially where these are impounded above natural ground level.

## Police Architectural Liaison Officers & Crime Prevention Design Advisers

Safer Places, The Planning System and Crime Prevention, ODPM 2004

Local authorities may find it beneficial to agree thresholds with the police on when their advice should be sought, including on whether a specific crime risk assessment is required.

## Schools and Colleges

Paragraph 62-63 PPG8, Telecommunications,

Planning Policy Guidance Note 8 sets out circumstances in which schools should be treated as non-statutory consultees in planning cases involving mobile phone base stations on or near a school or college. Before the operator submits an application for planning permission or prior approval to the local planning authority the operator should discuss the proposed development with the school or college concerned.

When an application has been submitted to the local planning authority for planning permission or prior approval for the installation of a mobile phone base station on or near a school or college the local planning authority should also consult the school or college.

## Waste Disposal Authorities

Annex C 'Quarry Plans', Paragraph C10 of Mineral Planning Guidance 15

Any proposal to use controlled wastes in infilling will also require consultation with the waste disposal authority at an early stage.

## Waste and Sewerage Undertakers

Para 15 of PPS23 states that 'LPA's must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. This will require close co-operation with the Environment agency and/or the pollution control authority, and other relevant bodies such as English Nature, Drainage boards, and water and sewerage undertakers, to ensure that in the case of potentially polluting developments: - the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and the effects of existing sources of pollution in and around the site are not such that the

cumulative effects of pollution when the proposed development is added would make that development unacceptable’.

# Section 5

## Questions

1. Do you agree it is useful to have a single comprehensive list of nationally defined consultees
2. Do you find the organisation in the document useful? If no, what changes would you propose to improve the value of this resource?
3. Have we omitted a body or organisation that should be included on the list?
4. Are any of the statutory or non statutory references incorrect?
5. Do you have any other suggestions about how we might make this information more useful?