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STATUTORY INSTRUMENTS

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**1988 No. 1813**

**The Town and Country Planning  
General Development Order 1988**

**Consultations before the grant of permission**

**18.**—(1) Before granting 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 19 or 20; 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
(c)	Development likely to affect land in a National Park	The county planning authority concerned
(d)	Development involving the manufacture, processing, keeping or use of a hazardous substance in such circumstances that there will at any one time be, or is likely to be, a notifiable quantity of such substance in, on, over or under any land	The Health and Safety Executive

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Para	Description of Development	Consultee
(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, in Wales the Secretary of State for Wales
	(ii) using a level crossing over a railway	The British Railways Board or other railway undertakers likely to be affected, 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 or proposed road	The local highway authority concerned
(g)	Development likely to prejudice the improvement or construction of a classified or proposed road	The local highway authority concerned
(h)	Development involving the formation, laying out or alteration of any means of access to a highway (other than a trunk road)	The local highway authority concerned
(i)	Development which involves the provision of a building or pipeline in an area of coal working notified by the British Coal Corporation to the local planning authority	The British Coal Corporation

Para	Description of Development	Consultee
(j)	Development involving or including mining operations	The water authority concerned
(k)	Development involving or including the winning and working of coal by opencast methods	The Secretary of State for Energy
(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 the Environment
(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
(n)	Development likely to affect the site of a scheduled ancient monument	In England, The Historic Buildings and Monuments Commission, in Wales, the Secretary of State for Wales
(o)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The water authority concerned
(p)	Development for the purpose of refining or storing mineral oils and their derivatives	The water authority concerned
(q)	Development involving the use of land for the deposit of refuse or waste	The water authority concerned
(r)	Development relating to the retention,	The water authority concerned

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Para	Description of Development	Consultee
	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 dwelling-houses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	
(s)	Development relating to the use of land as a cemetery	The water authority concerned
(t)	Development in an area 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 in accordance with section 28 of the Wildlife and Countryside Act 1981(1)	The Nature Conservancy Council
(u)	Development involving any land on which there is a theatre as defined in the Theatres Trust Act 1976(2)	The Theatres Trust
(v)	Development which is not for agricultural purposes and is not in accordance with the provisions of a	In England, the Minister of Agriculture, Fisheries and Food and in Wales, the Secretary of State for Wales

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(1) 1981 c. 69.

(2) 1976 c. 27.

Para	Description of Development	Consultee
	<p>development plan and involves—</p> <ul style="list-style-type: none"> <li data-bbox="724 477 991 792">(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</li> <li data-bbox="724 792 991 1429">(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</li> </ul>	
(w)	<p>Development within 250 metres of land which—</p> <ul style="list-style-type: none"> <li data-bbox="724 1547 986 1794">(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</li> <li data-bbox="724 1794 986 1989">(ii) has been notified to the local planning authority by the waste disposal authority for the</li> </ul>	The waste disposal authority concerned.

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Para	Description of Development	Consultee
	purposes of this provision	

- (2) In paragraph (1)(w) “waste disposal authority” means—
  - (a) in the area of the London Waste Regulation Authority, the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority<sup>(3)</sup> respectively, that authority;
  - (b) elsewhere in England, the county council or metropolitan district council; or
  - (c) in Wales, the district council.
- (3) The Secretary of State may give directions to a local planning authority requiring that authority to consult with 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.

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(3) Established by Schedule 1 of the Waste Regulation and Disposal (Authorities) Order 1985 (S.I.1985/1884).