

**Changes to legislation:** The Town and Country Planning (Development Management Procedure) (England) Order 2015, SCHEDULE 4 is up to date with all changes known to be in force on or before 28 March 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULE 4

Articles 18, 19 and 20

### F1F2F3F4F5 Consultations before the grant of permission

- F1** Sch. 4 para. (aa) (which contains a definition of “relevant nuclear site”) inserted (1.4.2018) by [The Town and Country Planning \(Local Authority Consultations etc.\) \(England\) Order 2018 \(S.I. 2018/119\)](#), **art. 9**
- F2** Sch. 4 para. (zb)(ii): words “which would require notification under regulation 6(6) of the Control of Major Accident Hazards Regulations 2015” substituted for the words from “covered” to “substances” (31.12.2020) by [The Planning \(Hazardous Substances and Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1234\)](#), regs. 1, **5(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Sch. 4, Interpretation of the Table, para. 1(k)(i) omitted (31.12.2020) by virtue of [The Planning \(Hazardous Substances and Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1234\)](#), regs. 1, **5(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** [Sch. 4](#) para. (s)(b): words “The Gardens Trust” substituted for words “the Garden History Society” (with application in accordance with reg. 1(4) of the amending S.I.) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/746\)](#), arts. 1(3), **19(2)**
- F5** Sch. 4 para. (zg), which sets out a new description of development proposal which triggers duties in relation to consultation with the Health and Safety Executive before the grant of planning permission involving relevant high-rise residential buildings, inserted (with application in accordance with reg. 1(5) of the amending S.I.) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/746\)](#), arts. 1(3), **19(3)**

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**Table**

<i>Para</i>	<i>Description of Development</i>	<i>Consultee</i>
(a)	Development likely to affect land in a National Park	The National Park authority concerned
(b)	Development likely to affect land in Greater London or in a metropolitan county other than land in a National Park	The local planning authority concerned
(c)	Development likely to affect land in a non-metropolitan county other than land in a National Park	The district planning authority concerned or, where there is no district planning authority in relation to the land, the county planning authority concerned
(d)	Development, in relation to which an application for planning permission has been made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application)(a), where that development is likely to affect land in the area of a parish council	The parish council
(e)	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 (otherwise than on a relevant nuclear site) 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	The Health and Safety Executive
(f)	Development within an area which has been notified to the local planning authority by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; or (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,	The Office for Nuclear Regulation

(a) 1990 c. 8. Section 293A was inserted by section 82(1) of the 2004 Act.

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	or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.	
(g)	Development other than minor development, likely to result in an adverse impact on the safety of, or queuing, on a trunk road	The highway authority for the trunk road
(h)	Development likely to prejudice the improvement or construction of a trunk road	The highway authority for the trunk road
(i)	Development which consists of or includes the construction, formation or laying out of access to or from a trunk road	The highway authority for the trunk road
(j)	Development which is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway	The operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport
(k)	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
(l)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(m)	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 means of access to premises affording access to a road in relation to which a toll order is in force	The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire
(n)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(o)	Development which involves the provision of a building or pipeline in an area of coal working notified by the Coal Authority to the local planning authority	The Coal Authority
(p)	Development involving or including mining operations	The Environment Agency
(q)	Development of land involving the demolition, in whole or in part, or the material alteration of a listed building which is classified as Grade I or Grade II*	Historic England <sup>(a)</sup>
(r)	Development likely to affect the site of a scheduled monument	Historic England

<sup>(a)</sup> See section 32 of the National Heritage Act 1983 (c. 47). This body is also known as the Historic Buildings and Monuments Commission for England.

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(s)	Development likely to affect any battlefield, 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)(a)	(a) Historic England in relation to any battlefield, and any garden or park which is classified as Grade I or Grade II*; and (b) the Garden History Society in relation to all registered gardens or parks
(t)	Development involving 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	The Environment Agency
(u)	Development for the purpose of refining or storing mineral oils and their derivatives	The Environment Agency
(v)	Development relating to the use of land as a cemetery	The Environment Agency
(w)	Development in or likely to affect a site of special scientific interest	Natural England
(x)	Development involving any land on which there is a theatre	The Theatres Trust
(y)	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(b) 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	Natural England
(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	Sport England(c)

(a) 1953 c. 49; section 8C was inserted by paragraph 10 of Schedule 4 to the National Heritage Act 1983 (c. 47).

(b) See Natural England publication for the agricultural land classification system. TIN049 edition 2 – Agricultural Land Classification: protecting the best and most versatile agricultural land available from <http://publications.naturalengland.org.uk/publication/35012?category=9001>.

(c) Sport England is also known as the English Sports Council.

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- (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

<p>(za) Development likely to affect—</p> <ul style="list-style-type: none"> <li>(i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal &amp; River Trust; or</li> <li>(ii) any canal feeder channel, watercourse, let off or culvert,</li> </ul> <p>which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal &amp; River Trust</p>	<p>The Canal &amp; River Trust</p>
<p>(zb) Development falling within any of the following descriptions—</p> <ul style="list-style-type: none"> <li>(i) development involving the siting of new establishments;</li> <li>(ii) development consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances<sup>(a)</sup>; or</li> <li>(iii) new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident.</li> </ul>	<p>(a) The COMAH competent authority;</p> <p>(b) where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected, Natural England; and</p> <p>(c) in the case of development falling within paragraph (iii), any person who according to—</p> <ul style="list-style-type: none"> <li>(i) the register held by the hazardous substances authority under regulation 20 of the Planning (Hazardous Substances) Regulations 2015<sup>(b)</sup>, or</li> <li>(ii) a notice submitted under regulation 32(1)(b) of those Regulations where the local authority has been notified under regulation 32(3) of those Regulations,</li> </ul> <p>is the person in control of the land on which any establishment is located.</p>

<sup>(a)</sup> O.J.L 197, 24.7.2012, p. 1.

<sup>(b)</sup> S.I. 2015/627.

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(zc)	Development, other than minor development, which is to be carried out on land—  (i) in an area within Flood Zone 2 or Flood Zone 3; or (ii) in an area within Flood Zone 1 which has critical drainage problems and which has been notified for the purpose of this provision to the local planning authority by the Environment Agency	The Environment Agency
(zd)	Major development which does not use the services of a sewerage undertaker for the disposal of sewage	The Environment Agency
(ze)	Major development with surface water drainage	The Lead local flood authority
(zf)	Development involving the boring for or getting of oil and natural gas from shale	Any water or sewerage undertaker in whose area of appointment the development is proposed and, in the case where the development is likely to affect water resources in the area of appointment of another water or sewerage undertaker, that undertaker

### Interpretation of Table

#### 1. In the above Table—

- (a) in paragraph (e)(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 paragraph, “mine” means any site on which mining operations are carried out);
- (b) in paragraph (g), “minor development” means—
  - (i) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse, for any purpose incidental to the enjoyment of the dwellinghouse as such;
  - (ii) the extension of an existing building used for non-domestic purposes where the floor space created by the development does not exceed 250 square metres; and
  - (iii) the alteration of an existing building where the alteration does not increase the size of the building.
- (c) in paragraph (j), “network” and “operator” have the same meaning as in Part 1 of the Railways Act 1993 (the provision of railway services)(a);

(a) 1993 c. 43; see section 83.

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- (d) in paragraphs (k) and (l), “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 (general provision as to principal and classified roads)(a); or
  - (ii) is classified for the purposes of any enactment by the Secretary of State by virtue of section 12(3) of that Act;
- (e) in paragraph (m), “concessionaire”, “road subject to a concession” and “toll order” have the same meaning as in Part 1 of the New Roads and Street Works Act 1991 (new roads in England and Wales)(b);
- (f) in paragraph (n), “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;
- (g) in paragraph (r), “scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(c);
- (h) in paragraph (t), “main river” has the same meaning as in section 113 of the Water Resources Act 1991 (interpretation of Part 4 – flood defence)(d);
- (i) in paragraph (x), “theatre” has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)(e);
- (j) in paragraph (z)—
  - (i) “playing field” means the whole of a site which encompasses at least one playing pitch;
  - (ii) “playing pitch” means a delineated 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;
- (k) in paragraph (zb)—
  - (i) expressions appearing both in that paragraph and in Directive 2012/18/EU have the same meaning as in that Directive;
  - (ii) “COMAH competent authority” has the meaning in regulation 2(1) of the Planning (Hazardous Substances) Regulations 2015; and
- (l) in paragraph (zc)—

“Flood Zone 1” means land which has a less than a 1 in 1000 annual probability of river or sea flooding(f);

“Flood Zone 2” means land which has—

  - (i) between a 1 in 100 and 1 in 1000 annual probability of river flooding; or
  - (ii) between a 1 in 200 and 1 in 1000 annual probability of sea flooding;

“Flood Zone 3” means land which has—

  - (i) a 1 in 100 or greater annual probability of river flooding; or
  - (ii) a 1 in 200 or greater annual probability of sea flooding; and

“minor development” has the same meaning as in paragraph (g).

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(a) 1980 c. 66.

(b) 1991 c. 22.

(c) 1979 c. 46.

(d) 1991 c. 57.

(e) 1976 c. 27.

(f) Maps showing the various Flood Zones are available from the Environment Agency at <http://www.environment-agency.gov.uk>.

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