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STATUTORY INSTRUMENTS

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**2006 No. 1284**

**The Planning (National Security Directions and Appointed Representatives) (England) Rules 2006**

**Publicity**

**6.—(1)** As soon as practicable after receiving a request for a direction it shall be publicised by the Secretary of State in the manner prescribed by this rule.

(2) In the case of a request which relates to an application for planning permission for development which—

- (a) is an EIA application accompanied by an environmental statement;
- (b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; or
- (c) would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981(1) (public rights of way) applies,

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

(3) A request falling within paragraph (2) (“a paragraph (2) request”) shall be publicised by giving notice—

- (a) by site display in at least one place on or near the land to which the application for planning permission relates for not less than 2 weeks; and
- (b) by local advertisement.

(4) In the case of a request for a direction which is not a paragraph (2) request, if the proposed development to which the request relates is major development the request shall be publicised by giving notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 2 weeks or by serving the notice on any adjoining owner or occupier; and
- (b) by local advertisement.

(5) In a case to which neither paragraph (2) nor paragraph (4) applies, a request for a direction shall be publicised by giving notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 2 weeks; or
- (b) by serving the notice on any adjoining owner or occupier.

(6) A notice given under paragraphs (3), (4) or (5) shall—

- (a) state that a request for a direction has been made;
- (b) state that written representations as to whether a direction should be given can be made to the Secretary of State at the address specified in the notice; and

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(1) 1981 c. 69. Relevant amendments were made by the Countryside and Rights of Way Act 2000, section 51 and Schedule 5, Part I.

(c) specify the date by which any such representations should be made to the Secretary of State (being a date not less than 2 weeks from the date when the notice is given).

(7) Where the notice is, without any fault or intention of the Secretary of State, removed, obscured or defaced before the period of 2 weeks referred to in paragraph (3)(a), (4)(a)(i) or (5)(a) has elapsed, the Secretary of State shall be treated as having complied with the requirements of the relevant paragraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement.

(8) In this rule—

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

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

“EIA application” has the meaning given in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(2), and “environmental statement” means a statement which the applicant refers to as an environmental statement for the purposes of those Regulations;

“by local advertisement” means—

- (a) publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated; and
- (b) where the Secretary of State maintains a website for the purpose of advertisement of applications, by publication of the notice on the website;

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

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

“by site display” means by the posting of the notice by firm affixture to some object, sited and displayed in such manner as to be easily visible and legible by members of the public; and

“waste development” means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, storing, processing or disposing of refuse or waste materials.

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(2) [S.I.1999/293](#) to which there are amendments not relevant to this instrument.