
STATUTORY INSTRUMENTS

1994 No. 678

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning General
Development (Amendment) Order 1994**

<i>Made</i>	- - - -	<i>9th March 1994</i>
<i>Laid before Parliament</i>		<i>18th March 1994</i>
<i>Coming into force</i>	- -	<i>8th April 1994</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 59, 60, 61(1), 65, 74(1) and 333(7) of the Town and Country Planning Act 1990(1) and all other powers enabling them in that behalf, hereby make the following Order—

Citation and commencement

1.—(1) This Order may be cited as the Town and Country Planning General Development (Amendment) Order 1994 and shall come into force on 8th April 1994.

(2) In this Order “the 1988 Order” means the Town and Country Planning General Development Order 1988(2).

Notice of application for planning permission

2. In article 12(2) of the 1988 Order (notice of application for planning permission), for “a minerals application by underground working” substitute “an application for planning permission for development consisting of the winning and working of minerals by underground operations”.

Environmental information

3.—(1) In article 14(2)(a) of the 1988 Order (directions by the Secretary of State), after “those Regulations” insert “in accordance with Article 2(3) of Council Directive 85/337/EEC”(3).

(1) 1990 c. 8; section 65 was substituted by section 16 of the Planning and Compensation Act 1991 (c. 34). Section 74 was extended by regulation 3 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (S.I.1988/1199); see also section 2(4) of the Planning (Consequential Provisions) Act 1990 (c. 11).
(2) S.I.1988/1813; relevant amending instruments are S.I. 1992/1493, 1992/2450.
(3) OJNo. L175, 5.7.85, p. 40.

(2) In article 25 of the 1988 Order (written notice of decision or determination relating to a planning application)—

(a) after “25.” insert “(1)”; and

(b) after paragraph (1) insert—

“(2) Where—

(a) the applicant for planning permission has submitted an environmental statement; and

(b) the local planning authority have decided (having taken environmental information into consideration) to grant permission (whether unconditionally or subject to conditions),

the notice given to the applicant in accordance with article 23(1) shall include a statement that environmental information has been taken into consideration by the authority.

(3) In paragraph (2), “environmental information” and “environmental statement” have the same meanings respectively as in the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988.”⁽⁴⁾

Telecommunications

4. In Part 24 of Schedule 2 to the 1988 Order (development by telecommunications code system operators)—

(a) in paragraphs A.1(f) and (g) delete “a dwellinghouse or” in each place where it occurs;

(b) after paragraph A.1(k) insert “(1) it would consist of the installation, alteration or replacement of any telecommunication apparatus on, or within the curtilage of, a dwellinghouse.”;

(c) in paragraph A.2(4)(v)(a), after “is required”, insert “and has been given to the applicant within 28 days following the date on which the local planning authority received the application”; and

(d) in paragraph A.2(4)(v)(b), after “is not required”, insert “or where no determination as to whether such approval is required has been notified to the applicant, or where prior approval is required but no approval has been given or refused within 28 days following the date on which the local planning authority received the application.”.

7th March 1994

John Selwyn Gummer
Secretary of State for the Environment

9th March 1994

John Redwood
Secretary of State for Wales

(4) S.I. 1988/1199, to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning General Development Order 1988 (“the 1988 Order”).

Article 2 makes a minor drafting amendment to article 12(2) of the 1988 Order which relates to notice of application for planning permission in respect of winning and working minerals.

Article 3(1) amends article 14(2)(a) of the 1988 Order. The effect of the amendment is to limit the exercise of the Secretary of State’s power to exempt development from the application of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 to cases where the requirements of Article 2(3) of Council Directive [85/337/EEC](#) are satisfied.

Article 3(2) amends article 25 of the 1988 Order. The effect of the amendment is that where an applicant for planning permission has submitted an environmental statement, the local planning authority must include in its notification of any grant of planning permission a statement that they have taken the environmental information into consideration.

Article 4 amends Part 24 of Schedule 2 to the 1988 Order so that the installation, alteration or replacement of any telecommunication apparatus on, or within the curtilage of, a dwellinghouse is excluded from the development permitted by Class A(a) of that Part. Amendments are made to the circumstances in which development may be carried out in accordance with details submitted to or approved by the local planning authority (paragraph A.2(4)(v) of Part 24).