

SCHEDULE 5

Rule 13(3)

THOSE TO BE SERVED WITH A COPY OF THE APPLICATION AND DOCUMENTS

(1) Authority sought for—	(2) Documents to be deposited with—
1. Works affecting the foreshore below mean high water spring tides, or tidal waters, or the bed of, or the subsoil beneath, tidal waters.	1. The Crown Estate Commissioners; the Trinity House; the Environment Agency; the Secretary of State for Environment, Food and Rural Affairs, the Secretary of State for Transport (marked “for the attention of the Maritime and Coastguard Agency”); and, for works— (a) in or adjacent to Wales, the National Assembly for Wales; (b) in or adjacent to the counties of Devon and Cornwall and the Isles of Scilly, the Duchy of Cornwall; and (c) in or adjacent to the counties of Cumbria, Lancashire, Merseyside and Cheshire, the Duchy of Lancaster.
2. Works affecting the banks or the bed of, or the subsoil beneath, a river.	2. The Environment Agency and any relevant operator.
3. Works affecting the banks or the bed of, or the subsoil beneath, an inland waterway comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving the undertaking.	3. The British Waterways Board, ^{f1} ... the Inland Waterways Association, the National Association of Boat Owners and the Environment Agency.
4. Works affecting the banks or the bed of, or the subsoil beneath, a canal or inland navigation not comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving such canal or inland navigation.	4. Any relevant operator, the Environment Agency, the Inland Waterways Association and the National Association of Boat Owners.
5. Works causing or likely to cause an obstruction to the passage of fish in a river.	5. The Environment Agency and, for works— (a) in England, the Secretary of State for Environment, Food and Rural Affairs; and (b) in Wales, the National Assembly for Wales.

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- 6.** Works involving tunnelling or excavation deeper than 3 metres below the surface of the land, other than for piling or making soil tests.
- 7.** Works affecting an area under the control of a harbour authority as defined in section 57(1) of the Harbours Act 1964 ^{M1}.
- 8.** Works affecting a site protected under the Protection of Wrecks Act 1973 ^{M2}.
- 9.** Works affecting, or involving the stopping-up or diversion of, a street, or affecting a proposed highway.
- 10.** The stopping-up or diversion of a footpath, a bridleway, a byway or a cycle track.
- 6.** The Environment Agency.
- 7.** The relevant harbour authority and the relevant navigation authority (if different).
- 8.** For works—
- (a) in or adjacent to England, the [^{F2}Secretary of State for Culture, Media and Sport]; and
 - (b) in or adjacent to Wales, the National Assembly for Wales.
- 9.** The relevant highway authority or, where the street is not a highway maintainable at the public expense, the street managers.
- 10.** Every parish or community council in whose area the relevant way or track is, or is proposed to be, situated, the Auto-Cycle Union, the British Horse Society, the Byways and Bridleways Trust, the Open Spaces Society, the Ramblers' Association, the British Driving Society and the Cyclists' Touring Club; and for works—
- (a) in the counties of Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire, the Peak and Northern Footpaths Society; and
 - (b) in the county of Bedfordshire, the borough of Luton and within the district of Mid Bedfordshire the parishes of Harlington and Shillington, and within the district of South Bedfordshire the parishes of Barton le Clay, Caddington and Slip End, Dunstable, Eaton Bray, Houghton Regis, Hyde, Kensworth, Streatley, Studham, Sundon, Toddington, Totternhoe and Whipsnade, the Chiltern Society; and
 - (c) in the County of Buckinghamshire, in the districts of Chiltern, Wycombe and South Bucks, and within the district of Aylesbury Vale the parishes

of Aston Clinton, Buckland, Drayton Beauchamp, Edlesborough Northall and Dagnall, Halton, Ivinghoe, Marsworth, Pitstone, Wendover and Weston Turville, the Chiltern Society; and

- (d) in the county of Hertfordshire, in the districts of Dacorum and Three Rivers, and within the district of North Hertfordshire the parishes of Hexton, Hitchin, Ickleford, Ippolitts, Kings Walden, Langley, Lilley, Offley, Pirton, Preston and St Paul's Walden, the Chiltern Society; and
- (e) in the county of Oxfordshire, the district of South Oxfordshire, the Chiltern Society; and
- (f) in Wales, the Welsh Trail Riders' Association.

11. The construction of a transport system involving the placing of equipment in or over a street.

11. The relevant street authority and, where the works are to be carried out in Greater London, Transport for London.

12. Works affecting land in, on or over which is installed the apparatus, equipment or street furniture of a statutory undertaker.

12. The relevant statutory undertaker.

13. Works in an area of coal working notified to the local planning authority by the British Coal Corporation or the Coal Authority.

13. The Coal Authority.

14. Works affecting:

- (i) a building listed under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990^{M3};
- (ii) an ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979^{M4}; or
- (iii) any archaeological site.

14. (i), (ii) and (iii). For works—

- (a) in or adjacent to England, the Historic Buildings and Monuments Commission for England; and
- (b) in or adjacent to Wales, the National Assembly for Wales and the Royal Commission on Ancient and Historical Monuments in Wales.

15. Works affecting:

- (i) a conservation area designated under Part 2 of the Planning (Listed Buildings and

15. (i) and (ii). For works—

- (a) in England, the Historic Buildings and Monuments Commission for England; and

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- (i) Conservation Areas) Act 1990; or
- (ii) an area of archaeological importance designated under section 33 of the Ancient Monuments and Archaeological Areas Act 1979.

16. Works affecting a garden or other land of historic interest registered pursuant to section 8C of the Historic Buildings and Ancient Monuments Act 1953^{M5}.

- (b) in Wales, the National Assembly for Wales.

17. Works affecting:

- (i) a site of special scientific interest of which notification has been given or has effect as if given under section 28(1) of the Wildlife and Countryside Act 1981^{M6};
- (ii) an area within 2 kilometres of such a site of special scientific interest and of which notification has been given to the local planning authority; or
- (iii) land declared to be a national nature reserve under section 35 of the Wildlife and Countryside Act 1981; or a marine nature reserve designated under section 36 of that Act.

18. Works affecting a National Park or an Area of Outstanding Natural Beauty.

16. For works—

- (a) in England, the Historic Buildings and Monuments Commission for England; and
- (b) in Wales, the National Assembly for Wales.

17. (ii) and (iii). For works—

- (a) in or adjacent to England, English Nature; and
- (b) in or adjacent to Wales, the Countryside Council for Wales.

19. Works which are either:

- (i) within 3 kilometres of Windsor Castle, Windsor Great Park or Windsor Home Park; or

18. For works—

- (a) in England, the Countryside Agency; and
- (b) in Wales, the Countryside Council for Wales.

19. The [F2Secretary of State for Culture, Media and Sport].

- (ii) within 800 metres of any other royal palace or royal park and which are likely to affect the amenity or security of that palace or park.

20. Works which are within 250 metres of land which:

- (i) is, or has been within 30 years immediately prior to the date of the application, used for the deposit of refuse or waste ; or
- (ii) has been notified to the local planning authority by the waste regulation or disposal authority for the relevant area.

21. The carrying-out of an operation requiring hazardous substances consent under the Planning (Hazardous Substances) Act 1990

M7

[^{F3}**21A** . A relevant project as defined in regulation 26(5) of the Planning (Hazardous Substances) Regulations 2015.

22. Works not in accordance with a development plan and which either—

- (i) involve the loss of not less than 20 hectares of agricultural land of grades 1, 2 and 3a (in aggregate); or
- (ii) taken with the other associated works cumulatively involve the loss of not less than 20 hectares of such land.

23.

- (i) Works which would affect the operation of any existing railway passenger or tramway services provided under statutory powers; or
- (ii) the construction of a new railway for the provision of public passenger transport, or of a new tramway.

24. Works to construct, alter or demolish a transport system or to carry out works ancillary

20. The Environment Agency.

21. The hazardous substances authority as defined in that Act and the Health and Safety Executive.

21A. The COMAH competent authority as defined in regulation 2(1) of those Regulations.]

22. (i) and (ii). For works—

- (a) in England, the Secretary of State for Environment, Food and Rural Affairs; and
- (b) in Wales, the National Assembly for Wales.

23. [^{F4}Passengers' Council] or the London Transport Users' Committee M8 as the case may require.

24. Her Majesty's Railway Inspectorate.

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to its operation or works consequential upon its abandonment or demolition.

- 25. Works to construct new railways to which any regulatory provisions in the Railways Act 1993^{M9} would apply or provisions to amend existing powers in relation to railways subject to such regulation.
- 25. [^{F5}the Office of Rail and Road].
- 26. The right for a person providing transport services to use a transport system belonging to another. 26. The operator of the relevant transport system.
- 27. Works affecting land in which there is a Crown interest. 27. The appropriate authority for the land, within the meaning of section 25(3).
- 28. Works to be carried out in Greater London. 28. The Mayor of London.

Textual Amendments

- F1 Words in Sch. 5 revoked (2.7.2012) by [The Inland Waterways Advisory Council \(Abolition\) Order 2012 \(S.I. 2012/1658\)](#), arts. 1(b), 5, **Sch.**
- F2 Words in Sch. 5 table substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 44** (with art. 17)
- F3 Words in Sch. 5 table inserted (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), reg. 1(1), **Sch. 5 para. 2(3)** (with reg. 34)
- F4 Words in Sch. 5 substituted (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, **Sch. para. 15**
- F5 Words in Sch. 5 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 10(p)**

Marginal Citations

- M1 1964 c. 40.
- M2 1973 c. 33.
- M3 1990 c. 9.
- M4 1979 c. 46.
- M5 1953 c. 49 as amended by the [National Heritage Act 1983 \(c. 33\)](#).
- M6 1981 c. 69 as amended by the [Countryside and Rights of Way Act 2000 \(c. 37\)](#). Section 36 has been amended by the Territorial Sea Act 1997 c. 49.
- M7 1990 c. 10.
- M8 See section 247 of the [Greater London Authority Act 1999 \(c. 29\)](#).
- M9 1993 c. 43.

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