
WELSH STATUTORY INSTRUMENTS

2009 No. 3342

The Town and Country Planning (Environmental
Impact Assessment) (Undetermined Reviews of Old
Mineral Permissions) (Wales) Regulations 2009

PART 3

Environmental Statements

CHAPTER 1

Preparation of Environmental Statements

Scoping directions of the Welsh Ministers requested under regulation 12(8)

13.—(1) An applicant who, pursuant to regulation 12(8), requests the Welsh Ministers to make a scoping direction must submit with that request—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment;
- (c) a copy of any relevant notification given to the applicant under regulation 12(2) and of any response;
- (d) such other information or representations as the applicant may wish to provide or make.

(2) An applicant who makes a request pursuant to regulation 12(8) must send to the relevant mineral planning authority a copy of that request and of any information or representations which the applicant submits to the Welsh Ministers pursuant to paragraph 13(1)(d).

(3) As soon as reasonably practicable—

- (a) following receipt of a request made pursuant to regulation 12(8); or
- (b) where paragraph (4) applies, following receipt of such scoping information as may be required pursuant to written notification given under that paragraph,

the Welsh Ministers must make a scoping direction in relation to the EIA application which is the subject of the request.

(4) If the Welsh Ministers consider that they have not been provided with sufficient information to make a scoping direction they must, as soon as reasonably practicable following receipt of a request made pursuant to regulation 12(8), notify the applicant or a relevant operator in writing of the additional information (“scoping information”) they require and of the matters set out in paragraph 7 of Schedule 3.

(5) For the purposes of paragraph (4), a relevant operator is any operator which the Welsh Ministers reasonably consider is, or should be, able to provide scoping information.

(6) The Welsh Ministers must send a copy of any notification given under paragraph (4) to the relevant mineral planning authority.

(7) The Welsh Ministers may in writing, request the relevant mineral planning authority to provide such information as it can in relation to scoping information required pursuant to a written notification given under paragraph (4).

(8) A mineral planning authority to which a request is made under paragraph (7) must, within 3 weeks of the date on which that request is made, or such longer period as is agreed in writing with the Welsh Ministers—

- (a) provide such information as it can in relation to the scoping information; or
- (b) notify the Welsh Ministers in writing of the reasons why it cannot provide any such information.

(9) Scoping information required pursuant to written notification given under paragraph (4) must be provided within 3 weeks beginning with the date on which the notification is given, or such longer period as may be agreed in writing with the Welsh Ministers (“the relevant period”).

(10) If scoping information required pursuant to written notification given under paragraph (4) is not provided within the relevant period the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period.

(11) The Welsh Ministers must not make a scoping direction under this regulation until they have consulted the applicant, any relevant operator notified under paragraph (4) and the consultation bodies.

(12) The Welsh Ministers must, as soon as reasonably practicable following the making of a scoping direction under this regulation, send to the applicant and the relevant mineral planning authority a copy of that direction.

(13) The copy of the direction sent to the applicant under paragraph (12) must be accompanied by written notification of the right to challenge the direction and the time period for doing so.

(14) The making of a scoping direction under this regulation does not preclude the Welsh Ministers or a relevant mineral planning authority from giving written notification under regulation 26 (further information) or regulation 27 (evidence).

(15) The Welsh Ministers may withdraw a written notification given under paragraph (4) at any time before the expiration of the relevant period.