
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 3

Environmental Statements: Consultation and Public Participation

Environmental statements: publicity requirements

20.—(1) The applicant or appellant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the name of the person who has applied for or who has appealed in relation to the determination of the conditions to which the planning permission is to be subject, the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made and the name and address of the relevant mineral planning authority;
- (b) the date on which the application was made and, if it be the case, that it has been referred to the Welsh Ministers for determination or is the subject of an appeal to them;
- (c) the address or location and the nature of the proposed development;
- (d) that a copy of the application and of any plan and other documents submitted with it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;
- (g) that copies may be obtained there so long as stocks last;
- (h) if a charge is to be made for a copy, the amount of the charge;
- (i) if further information or evidence has been the subject of a written notification given under regulation 28(8), that a copy of that information or evidence may be inspected by members of the public at all reasonable hours;
- (j) if other relevant information has been the subject of publicity under regulation 37, that a copy of that other relevant information may be inspected by members of the public at all reasonable hours;

- (k) an address in the locality in which the land is situated at which copies of any information or evidence mentioned in sub-paragraphs (i) and (j) may be inspected;
- (l) that any person wishing to make representations about the application should make them in writing to the relevant mineral planning authority or the Welsh Ministers (as the case may be), before the expiration of 21 days from the date of the notice ; and
- (m) the address to which representations should be sent.

(2) Where the applicant or appellant has been notified of any particular person who is or is likely to be affected by, or have an interest in the application, the applicant or appellant must serve on every person of whom the applicant has been so notified, a notice; and the notice must contain the information specified in paragraph (1), except that the date specified as the latest date on which the documents will be available for inspection must not be less than 21 days later than the date on which the notice is first served.

(3) The applicant or appellant must, unless the applicant or appellant has not, and was not reasonably able to acquire, such rights as would enable the applicant or appellant to do so, post on the land a notice containing the information specified in paragraph (1), except that the date named as the latest date on which the documents will be available for inspection must be not less than 21 days later than the date on which the notice is first posted.

(4) The notice mentioned in paragraph (3) must—

- (a) be left in position for not less than seven days in the 28 days immediately preceding the date on which the certificate required pursuant to regulation 21(2)(b) is submitted; and
- (b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

Documentary evidence to be submitted to a relevant mineral planning authority or the Welsh Ministers following publication of notice of environmental statement

21.—(1) An applicant or appellant notified in accordance with regulation 18(21) must submit—

- (a) where the notification was given by a relevant mineral planning authority, to that authority;
- (b) where the notification was given by a relevant mineral planning authority and before submitting the documents required under this regulation the EIA application in question is referred to the Welsh Ministers for determination, to the Welsh Ministers; or
- (c) where the notification was given by the Welsh Ministers, to the Welsh Ministers,

the documents specified in paragraph (2).

(2) The documents referred to in paragraph (1) are—

- (a) a copy of the notice mentioned in regulation 20(1) certified by or on behalf of the applicant or appellant as having been published in a named newspaper on a date specified in the certificate;
- (b) a certificate by or on behalf of the applicant or appellant which states either—
 - (i) that the applicant or appellant has posted a notice on the land in compliance with regulation 20(3) and (4), the date on which the notice was so posted, and that either the notice was left in position for not less than seven days in the 28 days immediately preceding the date on which the certificate is submitted, or that, without any fault or intention on the part of the applicant or appellant, it was removed, obscured or defaced before seven days had elapsed and the applicant or appellant took reasonable steps for its protection or replacement, specifying the steps taken; or
 - (ii) that the applicant or appellant was unable to comply with regulation 20(3) and (4) because the applicant or appellant did not have the necessary rights to do so; that the applicant or appellant has taken such reasonable steps as are open to the applicant

or appellant to acquire those rights; and has been unable to do so, specifying the steps taken; and

- (c) where the applicant or appellant has been notified of any particular person who is likely to be affected by, or have an interest in, the application, a copy of the notice mentioned in regulation 20(2) certified by or on behalf of the applicant or appellant as having been given to that person on a date specified in the certificate.

(3) If any person issues a certificate which purports to comply with the requirements of paragraph (2)(b) and which contains a statement which that person knows to be false or misleading in any material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in any material particular, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Procedure following notification given under regulation 18(21)

22.—(1) An applicant or appellant notified under regulation 18(21) must, within 7 days of the date of that notification, provide to the relevant mineral planning authority or the Welsh Ministers (as the case may be), such number of copies of the environmental statement as are specified in the notice given under that regulation.

(2) A relevant mineral planning authority must, within 14 days of the date of a notice given by it under regulation 18(21)—

- (a) send to the Welsh Ministers, two copies of the environmental statement to which the notification relates and a copy of the relevant application and of any documents submitted with the application;
- (b) send to each of the consultation bodies a copy of the environmental statement to which the notice relates; and
- (c) give written notification to each consultation body stating that any representation it wishes to make in response to the consultation regarding the application must be made in writing to the relevant mineral planning authority within 28 days of the date of the notice (or such longer period as may be agreed between the relevant mineral planning authority and the consultation body).

(3) The Welsh Ministers must, as soon as reasonably practicable following the giving of notice by them under regulation 18(21)—

- (a) send to each of the consultation bodies a copy of the environmental statement to which the notification relates;
- (b) give written notification to each consultation body stating that any representation it wishes to make in response to the consultation regarding the application must be made in writing to the Welsh Ministers within 28 days of the date of the notice (or such longer period as may be agreed between the Welsh Ministers and the consultation body); and
- (c) send to the relevant mineral planning authority a copy of the environmental statement to which the notice relates.

(4) Where a relevant mineral planning authority or the Welsh Ministers give written notification under regulation 18(21), the authority or, as the case may be, the Welsh Ministers, must suspend consideration of the application or appeal in question until the expiry of the relevant period applicable in accordance with regulation 19(1); and must not determine the application or appeal until the expiry of 21 days following the date on which that relevant period ends.

Availability of copies of environmental statements

23. An applicant or an appellant to whom written notification is given under regulation 18(21) must ensure that a reasonable number of copies of the environmental statement are available at the address named in the notices published or posted pursuant to regulation 20 as the address at which such copies may be obtained.

Provision of copies of environmental statements for the Welsh Ministers on referral or appeal

24. Where an EIA application is referred or appealed to the Welsh Ministers on or after the date on which these Regulations come into force, the Welsh Ministers may by notice in writing, require the applicant to provide such number of copies of the environmental statement as they consider necessary, within such period as is specified in the notice.

Charges for copies of environmental statements

25. A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of an environmental statement made available in accordance with regulation 23.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009, CHAPTER 3.