
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 opinions of the relevant mineral planning authority

12.—(1) A relevant mineral planning authority must adopt a scoping opinion in relation to every EIA application which is before it for determination and comply with paragraph (7)—

- (a) where paragraph (2) applies, within 8 weeks of receipt of such scoping information as may be required pursuant to written notification given under that paragraph;
- (b) where an applicant has made a request pursuant to regulation 10(2), within 8 weeks of receipt of a copy of a positive screening direction;
- (c) in all other cases, within 8 weeks of the date on which these Regulations come into force.

(2) If an authority considers that it has not been provided with sufficient information to adopt a scoping opinion it must—

- (a) where an applicant has made a request pursuant to regulation 10(2), within 8 weeks of receipt of a copy of a positive screening direction made under that regulation; otherwise
- (b) within 8 weeks of the date on which these Regulations come into force;

notify the applicant or a relevant operator in writing of the additional information (“scoping information”) it requires and of the matters set out in paragraph 4 of Schedule 3.

(3) For the purposes of paragraph (2), a relevant operator is any operator which the relevant mineral planning authority reasonably considers is, or should be, able to provide scoping information.

(4) Scoping information required pursuant to written notification given under paragraph (2) must be provided within 3 weeks beginning on the date on which the notification is given or such longer period as may be agreed in writing with the authority (“the relevant period”).

(5) If scoping information required pursuant to written notification given under paragraph (2) 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.

(6) An authority must not adopt a scoping opinion under paragraph (1) until it has consulted the applicant, any relevant operator notified under paragraph (2) and the consultation bodies.

(7) An authority must send to an applicant—

- (a) a copy of its scoping opinion adopted under this regulation; and
- (b) written notification of the matters set out in paragraph 5 of Schedule 3.

(8) Where an authority fails to comply with paragraph (7) within the 8 week period applicable in accordance with paragraph (1), the applicant may request the Welsh Ministers to make a scoping direction under regulation 13.

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

(10) Where a relevant mineral planning authority receives a copy of a scoping direction pursuant to regulation 13(12) the authority must, within seven days of receipt of the copy, notify the applicant in writing of the matters set out in paragraph 6 of Schedule 3.

(11) A relevant mineral planning authority may withdraw a written notification given under paragraph (2) at any time before the expiration of the relevant period.

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.

Scoping directions of the Welsh Ministers

14.—(1) This paragraph applies to every EIA application which, immediately before the date on which these Regulations come into force, is before the Welsh Ministers for determination.

(2) The Welsh Ministers must make a scoping direction in relation to every EIA application to which paragraph (1) applies—

- (a) in cases where paragraph (5) applies, as soon as reasonably practicable following receipt of such scoping information as may be required pursuant to written notification given under that paragraph;
- (b) where an applicant or appellant has made a request pursuant to regulation 10(2), as soon as reasonably practicable following the making of a positive screening direction;
- (c) in all other cases, as soon as reasonably practicable after the date on which these Regulations come into force.

(3) This paragraph applies to every EIA application referred to the Welsh Ministers for determination on or after the date on which these Regulations come into force and in respect of which—

- (a) a copy of a scoping opinion has not been sent to the applicant under regulation 12(7); and
- (b) a copy of a screening direction has not been sent to the applicant under regulation 13(12).

(4) The Welsh Ministers must make a scoping direction in relation to every EIA application to which paragraph (3) applies—

- (a) as soon as reasonably practicable following the application being so referred; or

(b) where paragraph (5) applies, as soon as reasonably practicable following receipt of such scoping information as may be required pursuant to written notification given under that paragraph.

(5) If the Welsh Ministers consider that they have not been provided with sufficient information to make a scoping direction they must—

(a) in relation to an EIA application to which paragraph (1) applies, as soon as reasonably practicable following the date on which these Regulations come into force; or

(b) in relation to an EIA application to which paragraph (3) applies, as soon as reasonably practicable following the application being so referred,

notify the applicant or appellant or a relevant operator in writing of the additional information (“scoping information”) they require and of the matters set out in paragraph 8 of Schedule 3.

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

(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 which is the subject of a written notification under paragraph (5).

(8) A request made pursuant to paragraph (7) must be accompanied by a copy of the notification given under paragraph (5) to which the request relates.

(9) 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.

(10) Scoping information required pursuant to a written notification given under paragraph (5) must be provided within 3 weeks beginning with the date on which notification under that paragraph is given, or such longer period as may be agreed in writing with the Welsh Ministers (“the relevant period”).

(11) If scoping information required pursuant to written notification given under paragraph (5) 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.

(12) The Welsh Ministers must not make a scoping direction under paragraph (2) or (4) until they have consulted the applicant or appellant, any relevant operator notified under paragraph (5), and the consultation bodies.

(13) The Welsh Ministers must, as soon as they have made a scoping direction under this regulation, send to the applicant or appellant—

(a) a copy of that direction; and

(b) written notification of the matters set out in paragraph 9 of Schedule 3.

(14) The Welsh Ministers must send a copy of any direction sent, and written notification given, under paragraph (13) to the relevant mineral planning authority.

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

(16) The Welsh Ministers may withdraw a written notification given under paragraph (5) at any time before the expiration of the relevant period.

Substitute scoping directions

15.—(1) This regulation applies to any EIA application in respect of which all of the following conditions are met—

- (a) a relevant scoping decision has been notified;
- (b) notification under regulation 18(21) has yet to be given; and
- (c) the EIA application in question has been referred to the Welsh Ministers for determination.

(2) For the purposes of paragraph (1)(a), a relevant scoping decision has been notified if, in relation to the EIA application in question, the relevant mineral planning authority has complied with regulation 12(7), or the Welsh Ministers have complied with regulation 13(12).

(3) The Welsh Ministers may make a scoping direction in relation to an EIA application to which this regulation applies if they consider it expedient to do so.

(4) A scoping direction made under paragraph (3) replaces, for the purposes of these Regulations—

- (a) the scoping opinion adopted under regulation 12; and
- (b) any scoping direction made under regulation 13.

(5) If the Welsh Ministers consider that they do not have sufficient information to make a scoping direction under paragraph (3) they must 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 10 of Schedule 3.

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

(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 (5).

(8) A request made pursuant to paragraph (7) must be accompanied by a copy of the notification given under paragraph (5) to which the request relates.

(9) 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.

(10) Scoping information required pursuant to a written notification given under paragraph (5) must be provided within 3 weeks beginning with the date on which notification under that paragraph is given, or such longer period as may be agreed in writing with the Welsh Ministers (“the relevant period”).

(11) If scoping information required pursuant to written notification given under paragraph (5) 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.

(12) The Welsh Ministers must not make a scoping direction under paragraph (3) until they have consulted the applicant, any relevant operator notified under paragraph (5), and the consultation bodies.

(13) As soon as reasonably practicable following the making of a scoping direction under paragraph (3), the Welsh Ministers must send to the applicant a copy of that direction and written notification of the matters set out in paragraph 11 of Schedule 3.

(14) The Welsh Ministers must send a copy of any scoping direction made under this regulation to the relevant mineral planning authority.

(15) The making of a scoping direction under this regulation does preclude the Welsh Ministers from giving written notification under regulation 26 (further information) or 27 (evidence).

(16) The Welsh Ministers may withdraw a written notification given under paragraph (5) at any time before the expiration of the relevant period.

Procedure to facilitate preparation of environmental statements

16.—(1) Subject to paragraph (6), the relevant mineral planning authority must, if requested by a person notified in accordance with regulation 12(7), 13(12), 14(13) or 15(13), enter into consultation with that person to determine whether the authority has in its possession any information which the person or the authority considers relevant to the preparation of the environmental statement and, if it has, the authority must make that information available to that person.

(2) Any person notified in accordance with regulation 12(7), 13(12), 14(13) or 15(13) may give notice in writing to the relevant mineral planning authority or, as the case may be, to the Welsh Ministers, under this paragraph.

(3) A notice under paragraph (2) must include the information necessary to identify the land and the nature and purpose of the EIA development

(4) The recipient of such notice as is mentioned in paragraph (2) must—

- (a) notify the consultation bodies in writing of the name and address of the person who gave notice under paragraph (2), and of the duty imposed on the consultation bodies by paragraph (5) to make information available to that person; and
- (b) inform in writing the person who gave the notice of the names and addresses of the bodies so notified.

(5) Subject to paragraph (6), any body notified in accordance with paragraph (4)(a) must, if requested by the person identified to the body as being the person who gave notice under paragraph (2), enter into consultation with that person to determine whether the body has in its possession any information which the person or the body considers relevant to the preparation of the environmental statement and, if it has, the body must make that information available to that person.

(6) This regulation does not require the disclosure of any information—

- (a) to which the Environmental Information Regulations 2004(1) apply, where the person holding it would be entitled to withhold it in response to a request made in accordance with those Regulations; or
- (b) which in any other case would be exempt information if a request for its disclosure were made in accordance with the Freedom of Information Act 2000(2).

(7) A reasonable charge reflecting the cost of making the relevant information available may be made by an authority or body which makes information available in accordance with paragraph (1) or (5).

CHAPTER 2

Submission of Environmental Statements

Requirement to submit environmental statement

17.—(1) An environmental statement must be submitted for every EIA application in connection with which written notification is given pursuant to regulation 12(7), 13(12), 14(13) or 15(13).

(1) S.I. 2004 No. 3391.

(2) 2000 c. 36.

(2) An environmental statement required in connection with an EIA application which is before a relevant mineral planning authority for determination must be submitted to that authority in draft (“draft environmental statement”)—

- (a) within 16 weeks of the date on which, in accordance with regulation 12(7)(a), a copy of the authority’s scoping opinion is sent to the applicant; or
- (b) where a scoping direction has been requested pursuant to regulation 12(8), within 16 weeks of the date on which, in accordance with regulation 13(12), a copy of the Welsh Ministers' scoping direction is sent to the applicant,

or such longer period as may be agreed in writing with the authority (“the relevant period”).

(3) An environmental statement required in connection with an EIA application to which regulation 14(1) or 14(3) applies, must be submitted to the Welsh Ministers in draft (a “draft environmental statement”) within 16 weeks of the date of the notification given under regulation 14(13), or such longer period as may be agreed in writing by the Welsh Ministers (“the relevant period”).

(4) An environmental statement required in connection with an EIA application to which regulation 15 applies, must be submitted to the Welsh ministers in draft (a “draft environmental statement”) within 16 weeks of the date of the notification given under regulation 15(13), or such longer period as may be agreed in writing by the Welsh Ministers (“the relevant period”).

(5) This paragraph applies where an EIA application is referred to the Welsh Ministers—

- (a) following the date on which a scoping opinion or direction is sent to the applicant pursuant to regulation 12(7)(a) or 13(12); and
- (b) before an environmental statement is submitted to a relevant mineral planning authority under this regulation.

(6) Where paragraph (5) applies, the draft environmental statement must be submitted to the Welsh Ministers within 16 weeks of the date on which, the scoping opinion or direction was sent to the applicant pursuant to regulation 12(7)(a) or 13(12), as the case may be, or such longer period as may be agreed in writing by the Welsh Ministers (“the relevant period”).

(7) No more than one draft environmental statement may be accepted by a relevant mineral planning authority or the Welsh Ministers in respect of any EIA application.

(8) If a draft environmental statement is not submitted within the relevant period applicable in accordance with paragraph (2), (3), (4) or (6), the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period.

Draft environmental statements: pre-consultation checks

Time periods within which written notification must be given

18.—(1) A relevant mineral planning authority must, within 3 weeks of receipt of a draft environmental statement, comply with paragraph (3) and give written notification in accordance with one of the following—

- (a) paragraph (6);
- (b) paragraph (15); or
- (c) paragraph (21).

(2) The Welsh Ministers must, within such period following receipt of a draft environmental statement as they may reasonably require, comply with paragraph (3) and give written notification in accordance with one of the following—

- (a) paragraph (6);

- (b) paragraph (15); or
- (c) paragraph (21).

Requirement to check consistency between relevant scoping decision and draft environmental statement

(3) On receipt of a draft environmental statement a relevant mineral planning authority must check whether the content and extent of the information included in the draft environmental statement appears to be consistent with the relevant scoping decision.

(4) On receipt of a draft environmental statement in connection with an EIA application which was referred or appealed to the Welsh Ministers before the date on which these Regulations come into force, the Welsh Ministers must check whether the content and extent of the information included in the draft environmental statement appears to be consistent with the scoping direction notified under regulation 14(13).

(5) On receipt of a draft environmental statement in connection with an EIA application referred to the Welsh Ministers on or after the date on which these Regulations come into force, the Welsh Ministers must check whether the content and extent of the information included in the draft environmental statement appears to be consistent with the relevant scoping decision.

Notification requirements concerning material inconsistencies between relevant scoping decision and draft environmental statement

(6) If it appears to a relevant mineral planning authority or the Welsh Ministers that the content or extent of the information included in a draft environmental statement submitted to them is materially inconsistent with the relevant scoping decision, the authority or the Welsh Ministers must give written notification to the applicant or appellant, or to a relevant operator—

- (a) identifying clearly and precisely both the material inconsistency in question, and the information which is necessary to remedy the inconsistency (“specified information”); and
- (b) of the matters set out in paragraph 12 of Schedule 3.

(7) For the purposes of paragraph (6), a relevant operator is any operator which the relevant mineral planning authority or the Welsh Ministers reasonably consider is, or should be, able to provide specified information.

Requirement to provide specified information

(8) Specified information identified pursuant to a written notification given by a relevant mineral planning authority under paragraph (6) must be provided to that authority within 3 weeks of the date of the notification given under that paragraph, or such longer period as may be agreed in writing with the authority (“the relevant period”).

(9) Specified information identified pursuant to a written notification given by the Welsh Ministers under paragraph (6) must be provided to the Welsh Ministers within 3 weeks of the date of the notification given under that paragraph, or such longer period as may be agreed in writing with the Welsh Ministers (“the relevant period”).

(10) If specified information identified pursuant to a written notification under paragraph (6) is not provided within the relevant period mentioned in paragraph (8) or, as the case may be, paragraph (9), the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period in question.

(11) A relevant mineral planning authority or the Welsh Ministers may withdraw a written notification given under paragraph (6) at any time before the expiration of the relevant period referred to in paragraph (8) or, as the case may be, paragraph (9).

Requirement to consider form in which draft environmental statement is presented

(12) If a relevant mineral planning authority or the Welsh Ministers is or are satisfied that a draft environmental statement appears to contain all of the information specified in the relevant scoping decision, the authority or the Welsh Ministers (as the case may be) must consider whether the draft environmental statement is presented in an inappropriate form.

(13) Where a relevant mineral planning authority is satisfied as mentioned in paragraph (12) as a result of specified information received pursuant to written notification given under paragraph (6), the authority must, within 3 weeks of receipt of the specified information, comply with paragraph (12) and notify the applicant in writing in accordance with one of the following—

- (a) paragraph (15); or
- (b) paragraph (21).

(14) Where the Welsh Ministers are satisfied as mentioned in paragraph (12) as a result of specified information received pursuant to written notification given under paragraph (6), the Welsh Ministers must, within such period following receipt of the specified information as they may reasonably require, comply with paragraph (12) and notify the applicant or appellant in writing in accordance with one of the following—

- (a) paragraph (15); or
- (b) paragraph (21).

Notification requirements concerning form of draft environmental statement

(15) If a relevant mineral planning authority or the Welsh Ministers reasonably consider that a draft environmental statement is presented in an inappropriate form, the authority or the Welsh Ministers (as the case may be) must notify the applicant or appellant in writing of—

- (a) the changes which are required to be made to the form in which the draft environmental statement is presented; and
- (b) the matters set out in paragraph 13 of Schedule 3.

Requirement to re-submit draft environmental statement

(16) Where changes are required to be made to the form of a draft environmental statement pursuant to a written notification given under paragraph (15), a further draft environmental statement incorporating those changes must be submitted in accordance with this regulation within 3 weeks of the date of the notification given under that paragraph, or such longer period as may be agreed in writing with the relevant mineral planning authority or the Welsh Ministers, as the case may be (“the relevant period”).

(17) If a further draft environmental statement incorporating the changes required pursuant to a written notification given under paragraph (15) is not submitted within the relevant period mentioned in paragraph (16), the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of that relevant period.

(18) A relevant mineral planning authority or the Welsh Ministers may withdraw a written notification given under paragraph (15) at any time before the expiration of the relevant period referred to in paragraph (16).

Authority to which specified information or further draft environmental statement is to be provided following referral

(19) This paragraph applies where an EIA application is referred to the Welsh Ministers for determination—

- (a) on or after the date on which written notification is given under paragraph (6) or (15); and
- (b) before the specified information or, as the case may be, the further draft environmental statement, is submitted.

(20) Where paragraph (19) applies, the specified information or, as the case may be, the further draft environmental statement, must be submitted to the Welsh Ministers within the relevant period mentioned in paragraph (8) or, as the case may be, paragraph (16).

Instruction to publish environmental statement

(21) If a relevant mineral planning authority or the Welsh Ministers is or are satisfied that a draft environmental statement submitted to it or them—

- (a) appears to contain all of the information specified in the relevant scoping decision; and
- (b) is not presented in an inappropriate form,

the authority or, as the case may be, the Welsh Ministers must give to the applicant or appellant the written notification specified in paragraph (24).

(22) Where a relevant mineral planning authority is satisfied as mentioned in paragraph (21) as a result of a further draft environmental statement received pursuant to written notification given under paragraph (15), the authority must, within 3 weeks of receipt of the further draft environmental statement, comply with paragraph (21).

(23) Where the Welsh Ministers are satisfied as mentioned in paragraph (21) as a result of a further draft environmental statement received pursuant to written notification given under paragraph (15), the Welsh Ministers must, within such period following receipt of the further draft environmental statement as they may reasonably require, comply with paragraph (21).

(24) The written notification referred to in paragraph (21) must—

- (a) instruct the applicant or appellant to comply with regulation 20;
- (b) specify the number of copies of the environmental statement required for the purposes of the duties imposed on the authority or, as the case may be, on the Welsh Ministers, by regulation 22;
- (c) where the authority or the Welsh Ministers is or are aware that any particular person is or is likely to be affected by, or has an interest in, the application and who is unlikely to become aware of it by means of a site notice or by local advertisement, identify any such person;
- (d) notify the applicant or appellant of the matters set out in paragraph 14 of Schedule 3.

Further information and evidence

(25) Written notification given pursuant to paragraph (21) does not preclude the relevant mineral planning authority or the Welsh Ministers from giving written notification under regulation 26 (further information) or 27 (evidence).

Environmental statements: requirement to submit documentary evidence of publication

19.—(1) An applicant or appellant notified in accordance with regulation 18(21) must comply with regulation 21 within 6 weeks of the date of the notification given under regulation 18(21), or such longer period as may be agreed in writing with the authority or, as the case may be, the Welsh Ministers (“the relevant period”).

(2) If an applicant or appellant notified in accordance with regulation 18(21) does not comply with regulation 21 within the relevant period, the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of that relevant period.

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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
