
WELSH STATUTORY INSTRUMENTS

2016 No. 55

The Developments of National Significance
(Procedure) (Wales) Order 2016

PART 3

Applications

Notices of applications for planning permission

16.—(1) Subject to paragraph (2), an applicant must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant—

- (a) by serving the notice on every such person whose name and address is known to the applicant; and
- (b) where the applicant has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated.

(2) In the case of an application consisting of the winning and working of minerals by underground operations, instead of giving notice in the manner provided for by paragraph (1), the applicant must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant—

- (a) by serving the notice on every such person whom the applicant knows to be such a person and whose name and address is known to the applicant;
- (b) by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated; and
- (c) by site display in at least one place in every community within which there is situated any part of the land to which the application relates, leaving the notice in position for not less than 7 days in the period of 21 days immediately preceding the making of the application to the Welsh Ministers.

(3) The notice required by paragraph (2)(c) must (in addition to any other matters required to be contained in it) state the address of the website where a copy of the application, and of all plans and other documents submitted with it, will be published.

(4) Where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 7 days referred to in paragraph (2)(c) has elapsed, the applicant will be treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps to protect the notice and, if need be, replace it.

(5) The date prescribed for the purposes of section 65(2) of the 1990 Act (notice etc of applications for planning permission), and the “prescribed date” (“*dyddiad rhagnodedig*”) for the purposes of this article, is the day 21 days before the date of the application.

(6) The applications prescribed for the purposes of paragraph (c) of the definition of “owner” (“*perchennog*”) in section 65(8) of the 1990 Act are minerals applications, and the minerals prescribed for the purposes of that paragraph are any minerals other than oil, gas, coal, gold or silver.

(7) In this article—

“minerals application” (“*cais mwynau*”) means an application for development consisting of the winning and working of minerals;

“requisite notice” (“*hysbysiad gofynnol*”) means notice in the appropriate form set out in Schedule 3 (or in a form substantially to the like effect), but will not include notice served using electronic communications; and

“tenant” (“*tenant*”) means an agricultural tenant as defined in section 65(8) of the 1990 Act, of land any part of which is comprised in the land to which an application relates.