
WELSH STATUTORY INSTRUMENTS

2009 No. 3342

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

PART 6

Publicity for, and Availability of, Directions, Opinions, Notifications etc. and Notification of Decisions

Publicity for opinions, directions, notifications etc.

Publicity to be undertaken by relevant mineral planning authorities

46.—(1) A relevant mineral planning authority must take such steps as it considers most likely to bring to the attention of persons likely to be interested in an undetermined ROMP application, any information of the kind specified in paragraph (4)(a) to (g) or (k) to (l) within 14 days of the date on which any such information is sent to the authority by the Welsh Ministers.

(2) A relevant mineral planning authority must take such steps as it considers most likely to bring to the attention of persons likely to be interested in an undetermined ROMP application, any information of the kind specified in paragraph (4)(h) to (j) or (m) to (v) within 14 days of the date on which any such information is sent or given by the authority.

(3) Paragraphs (1) and (2) do not require a relevant mineral planning authority to post a site notice.

(4) The information referred to in paragraphs (1) and (2) is—

- (a) any direction made under regulation 5, a copy of which is sent to the relevant mineral planning authority pursuant to regulation 5(5);
- (b) any written notification given to the relevant mineral planning authority under regulation 5(7);
- (c) any direction given under regulation 6;
- (d) any written notification given by the Welsh Ministers under regulation 11(3), a copy of which is sent to a relevant mineral planning authority under regulation 11(5);
- (e) any screening direction made by the Welsh Ministers which relates to an undetermined ROMP application which is before the relevant mineral planning authority for determination, a copy of which is sent to the authority pursuant to regulation 9(2)(a) or 9(4)(b);
- (f) any written statement of reasons sent to the authority pursuant to regulation 9(4)(b);
- (g) any written notification which accompanies a copy of a screening direction sent to the authority pursuant to regulation 11(12);
- (h) any written notification given by the authority under regulation 12(2);

- (i) any scoping opinion adopted by the authority, a copy of which is sent to an applicant pursuant to regulation 12(7);
- (j) the written notification required by regulation 12(7)(b) to accompany a copy of any scoping opinion sent pursuant to regulation 12(7)(a);
- (k) any written notification given by the Welsh Ministers under regulation 13(4), a copy of which is sent to the authority pursuant to regulation 13(6);
- (l) any scoping direction made by the Welsh Ministers, a copy of which is sent to the authority pursuant to regulation 13(12);
- (m) any written notification given by the authority under regulation 12(10);
- (n) any written notification given by the authority under regulation 18(6);
- (o) any written notification given by the authority under regulation 18(15);
- (p) any written notification given by the authority pursuant to regulation 18(21);
- (q) any written notification given by the authority under regulation 26(1);
- (r) the written notification required by regulation 26(3) to accompany any written notification given under regulation 26(1);
- (s) any written notification given by the authority under regulation 27(1) or (2);
- (t) the written notification required by regulation 27(3) to accompany any written notification given under regulation 27(1) or (2);
- (u) any written notification given by the authority under regulation 28(5);
- (v) any written notification given by the authority under regulation 28(8).

Publicity to be undertaken by the Welsh Ministers

(5) The Welsh Ministers must take such steps as they consider most likely to bring to the attention of persons likely to be interested in an undetermined ROMP application, any information of the kind specified in paragraph (7) as soon as reasonably practicable following the date on which any such information is sent or given by the Welsh Ministers.

(6) Paragraph (5) does not require the Welsh Ministers to post a site notice.

(7) The information referred to in paragraph (5) is–

- (a) any direction made by the Welsh Ministers under regulation 5;
- (b) any decision notified to a relevant mineral planning authority under regulation 5(7);
- (c) any direction given under regulation 6;
- (d) any written notification given by the Welsh Ministers under regulation 11(3);
- (e) any screening direction made by the Welsh Ministers, a copy of which is sent to an applicant or appellant pursuant to regulation 9(2)(a), 9(4)(b) or 11(12)(a);
- (f) in respect of any screening direction mentioned in sub-paragraph (e), the written statement of reasons required by regulation 9(4)(a) to accompany it;
- (g) in respect of any screening direction made under regulation 11, any notification required by regulation 11(12)(b) to accompany it
- (h) any written notification given under regulation 13(4);
- (i) any scoping direction a copy of which is sent to an applicant or appellant pursuant to regulation 13(12);

- (j) the written notification required by regulation 13(13) to accompany a copy of any scoping direction sent pursuant to regulation 13(12);
- (k) any written notification given under regulation 14(5);
- (l) any scoping direction, a copy of which is sent to an applicant or appellant under regulation 14(13)(a);
- (m) any written notification, a copy of which is sent to an applicant or appellant under regulation 14(13)(b);
- (n) any written notification given under regulation 15(5);
- (o) any scoping direction, a copy of which is sent to an applicant under regulation 15(13);
- (p) the written notification required by regulation 15(13) to accompany a copy of a scoping direction sent to an applicant under that regulation;
- (q) any written notification given by the Welsh Ministers under regulation 18(6);
- (r) any written notification given by the Welsh Ministers under regulation 18(15);
- (s) any written notification given by the Welsh Ministers pursuant to regulation 18(21);
- (t) any written notification given by the Welsh Ministers under regulation 26(1);
- (u) the written notification required by regulation 26(3) to accompany any written notification given under regulation 26(1);
- (v) any written notification given by the Welsh Ministers under regulation 27(1) or (2);
- (w) the written notification required by regulation 27(3) to accompany any written notification given under regulation 27(1) or (2);
- (x) any written notification given by the Welsh Ministers under regulation 28(5);
- (y) any written notification given by the Welsh Ministers under regulation 28(8).

Site notice publicity to be undertaken by applicants, appellants and operators

(8) This paragraph applies to any applicant or appellant to whom a copy of a screening direction is sent pursuant to regulation 9(2)(a), 9(4)(b) or 11(12)(a), or to whom written notification is given pursuant to any provision mentioned in paragraph (4) or (7).

(9) An applicant or appellant to whom paragraph (8) applies 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 copy of–

- (a) any screening direction mentioned in that paragraph;
- (b) any written notification given to the applicant or appellant pursuant to any provision mentioned in paragraph (4) or (7);

within 14 days of the date on which such notification is given.

(10) Where a copy of a written notification posted on the land in accordance with paragraph (9) (b) is of the kind mentioned in paragraph (4)(j) or (m), or paragraph (7)(j), (m) or (p), the copy of that notification which is posted on the land must be accompanied by a notice stating an address in the locality in which the land is situated, at which a copy of the associated scoping opinion or direction can be inspected at all reasonable hours.

(11) This paragraph applies to any operator to whom written notification is given under or pursuant to–

- (a) regulation 11(3);
- (b) regulation 12(2);

- (c) regulation 13(4);
- (d) regulation 14(5);
- (e) regulation 15(5);
- (f) regulation 18(6);
- (g) regulation 26(1);
- (h) regulation 27(2);
- (i) regulation 28(5);
- (j) regulation 28(8).

(12) An operator to which paragraph (11) applies must, unless the operator has not, and was not reasonably able to acquire, such rights as would enable the operator to do so, post on the land a copy of any such written notification as is referred to in that paragraph within 14 days of the date on which the notification is given.

(13) A copy of a direction or written notification posted on the land in accordance with paragraph (9), and any notification posted on the land in accordance with paragraph (10) or (12), must—

- (a) be left in position for not less than fourteen days; 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.

Availability of opinions, directions, etc. for inspection

47.—(1) Section 69 (register of applications, etc.), and any provisions of the Order made by virtue of that section, has effect with any necessary amendments as if references to applications for planning permission included undetermined ROMP applications under paragraph 9(1) of Schedule 13 to the 1995 Act and paragraph 6(1) of Schedule 14 to the 1995 Act.

(2) Where the relevant mineral planning authority is not the authority required to keep the register, the relevant mineral planning authority must provide the authority required to keep it with such information and documents as that authority requires to comply with—

- (a) section 69 as applied by paragraph (1); and
- (b) regulation 48.

Information to be placed on the register

48.—(1) Where particulars of an undetermined ROMP application are placed on Part I of the register, the relevant mineral planning authority must take steps to secure that there is also placed on that Part an information of the following kind which relates to the undetermined ROMP application in question—

- (a) any screening direction;
- (b) any scoping opinion;
- (c) any scoping direction;
- (d) any written notification referred to in regulation 46(4) or (7);
- (e) any environmental statement which is the subject of written notification given under regulation 18(21);
- (f) any further information or evidence which is the subject of a written notification given under regulation 28(8);
- (g) any other relevant information published in accordance with regulation 37;

- (h) any statement of reasons accompanying any of the above;
- (i) particulars of any suspension of minerals development;
- (j) the date (if any) on which any suspension of minerals development ended;
- (k) particulars of any order made under Schedule 9 to the Act pursuant to regulation 51.

Duties to inform the public and the Welsh Ministers of final decisions

49.—(1) Where an EIA application is determined by a relevant mineral planning authority, the authority must—

- (a) in writing, inform the Welsh Ministers and the consultation bodies of the decision;
- (b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and
- (c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing—
 - (i) the content of the decision and any conditions attached thereto;
 - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

(2) Where an EIA application is determined by the Welsh Ministers the Welsh Ministers must—

- (a) notify the relevant mineral planning authority and the consultation bodies of the decision; and
- (b) provide the authority with such a statement as is mentioned in paragraph (1)(c).

(3) The relevant mineral planning authority must, as soon as reasonably practicable following receipt of a notification given under paragraph (2), comply with sub-paragraphs (b) and (c) of paragraph (1) in relation to the decision so notified as if it were a decision of the authority.

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, PART 6 .