

SCHEDULE 4

Article 14 and 15

Consultations before the grant of permission

TABLE

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(a)	Development likely to affect land in the area of another local planning authority	The local planning authority concerned
(b)	Development, in relation to which an application for planning permission has been made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application) ⁽¹⁾ , where that development is likely to affect land in the area of a community council	The community council
(c)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive

⁽¹⁾ Section 293A was inserted by section 82(1) of the 2004 Act.

Status: This is the original version (as it was originally made).

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(d)	Development likely to result in a material increase in the volume or a material change in the character of traffic— (i) entering or leaving a trunk road; or (ii) using a level crossing over a railway	The Welsh Ministers The operator of the network which includes or consists of the railway in question and the Welsh Ministers
(e)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(f)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(g)	Development involving— (i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or (ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force	The local highway authority concerned The local highway authority concerned The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire
(h)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(i)	Development which involves the provision of a building or pipe-line in an area of coal working notified by the Coal Authority to the local planning authority	The Coal Authority
(j)	Development involving or including mining operations	The Environment Agency
(k)	Development likely to affect the site of a scheduled monument	The Welsh Ministers

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(l)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The Environment Agency
(m)	Development for the purpose of refining or storing mineral oils and their derivatives	The Environment Agency
(n)	Development involving the use of land for the deposit of refuse or waste	The Environment Agency
(o)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The Environment Agency
(p)	Development relating to the use of land as a cemetery	The Environment Agency
(q)	Development— (i) in or likely to affect a site of special scientific interest; or (ii) within an area which has been notified to the local planning authority by the Countryside Council for Wales, and which is within two kilometres, of a site of special scientific interest, of which notification has been given, or has effect as if given, to the local planning authority by the Countryside Council for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest)(2)	The Countryside Council for Wales

(2) 1981 (c. 69); section 28 was substituted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c. 37).

Status: This is the original version (as it was originally made).

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(r)	Development involving any land on which there is a theatre	The Theatres Trust
(s)	Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves— (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	The Welsh Ministers
(t)	Development within 250 metres of land which— (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the Environment Agency for the purposes of this provision	The Environment Agency
(u)	Development for the purposes of fish farming	The Environment Agency
(v)	Development which— (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been:	The Sports Council for Wales.

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
	<ul style="list-style-type: none"> (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface 	
(w)	<p>Development likely to affect—</p> <ul style="list-style-type: none"> (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the British Waterways Board⁽³⁾; or (ii) any canal feeder channel, watercourse, let off or culvert, <p>which is within an area which has been notified for the purposes of this provision to the local planning authority by the British Waterways Board</p>	The British Waterways Board
(x)	<p>Development—</p> <ul style="list-style-type: none"> (i) involving the siting of new establishments; or (ii) consisting of modifications to existing establishments which could have significant repercussions on major accident hazards; or (iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, 	The Health and Safety Executive and the Environment Agency, and, where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected, the Countryside Council for Wales

⁽³⁾ See sections 1 and 10 of the Transport Act 1962 (c. 46).

Status: This is the original version (as it was originally made).

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
	where the siting or development is such as to increase the risk or consequences of a major accident.	

Interpretation of Table

In the above Table—

- (a) in paragraph (c)(iv), “industrial process” (“*proses ddiwydiannol*”) means a process for or incidental to any of the following purposes—
- (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
 - (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
 - (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this sub-paragraph, “mine” (“*mwynglawdd*”) means any site on which mining operations are carried out);
- (b) in paragraph (d)(ii), “network” (“*rhwydwaith*”) and “operator” (“*gweithredwr*”) have the same meaning as in Part I of the Railways Act 1993 (the provision of railway services)⁽⁴⁾;
- (c) in paragraphs (e) and (f), “classified road” (“*ffordd ddosbarthiadol*”) means a highway or proposed highway which—
- (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)⁽⁵⁾; or
 - (ii) is classified for the purposes of any enactment by the Welsh Ministers by virtue of section 12(3) of that Act;
- (d) in paragraph (g), “concessionaire” (“*consesiynydd*”), “road subject to a concession” (“*ffordd sy'n ddarostyngedig i gonsesiwn*”) and “toll order” (“*gorchymyn tollau*”) have the same meaning as in Part I of the New Roads and Street Works Act 1991 (new roads in England and Wales)⁽⁶⁾;
- (e) in paragraph (h), “street” (“*stryd*”) has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and “new street” (“*stryd newydd*”) includes a continuation of an existing street;
- (f) in paragraph (k), “scheduled monument” (“*heneb gofrestredig*”) has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)⁽⁷⁾;
- (g) in paragraph (o), “slurry” (“*slyri*”) means animal faeces and urine (whether or not water has been added for handling), and “caravan” (“*carafân*”) has the same meaning as for the purposes of Part I of the Caravan Sites and Control of Development Act 1960 (caravan sites)⁽⁸⁾;

⁽⁴⁾ 1993 c. 43; see section 83.

⁽⁵⁾ 1980 c. 66.

⁽⁶⁾ 1991 c. 22.

⁽⁷⁾ 1979 c. 46.

⁽⁸⁾ 1960 c. 62.

- (h) in paragraph (q), “site of special scientific interest” (“*safle o ddiddordeb gwyddonol arbennig*”) means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest) applies;
- (i) in paragraph (r), “theatre” (“*theatr*”) has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)(**9**);
- (j) in paragraph (v)—
 - (i) “playing field” (“*maes chwarae*”) means the whole of a site which encompasses at least one playing pitch;
 - (ii) “playing pitch” (“*llain chwarae*”) means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo; and
- (k) the expressions used in paragraph (x) have the same meaning as in Council Directive [96/82/EC](#) on the control of major accident hazards involving dangerous substances(**10**) as amended by Council Directive [2003/105/EC](#)(**11**).

(9) [1976 c. 27](#).

(10) [OJNo. L10, 14.01.1997, p.3](#).

(11) [OJ No. L.345, 03.12.2003, p.97](#).