
WELSH STATUTORY INSTRUMENTS

2016 No. 55

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

PART 4

Consultations before the grant of permission

Duty to respond to consultation

23.—(1) The requirement to consult in article 22(1) and (2) is prescribed for the purposes of section 54(2)(b) of the 2004 Act (duty to respond to consultation).

(2) For the purposes of section 54(4)(a) of the 2004 Act the period prescribed is—

(a) 21 days, beginning with the earlier of—

(i) the day on which notice referred to in article 22(4)(a) is given; or

(ii) the date of service of a copy of the application on the specialist consultee; or

(b) such other period as may be agreed in writing between the specialist consultee and the Welsh Ministers.

(3) For the purposes of this article and pursuant to section 54(5)(c) of the 2004 Act, a substantive response is one which—

(a) where no consultation for the purposes of section 61Z of the 1990 Act has taken place, or the specialist consultee has failed to give a response in accordance with article 10—

(i) states that the specialist consultee has no comment to make;

(ii) states that the specialist consultee has no objection to the proposed development and refers the Welsh Ministers to current standing advice by the specialist consultee on the subject of the consultation;

(iii) advises the Welsh Ministers of any concerns identified in relation to the proposed development and how those concerns can be addressed by the applicant;

(iv) advises that the specialist consultee objects to the proposed development and sets out the reasons for the objection; or

(b) where consultation for the purposes of section 61Z of the 1990 Act has taken place and the specialist consultee has given a response in accordance with article 10—

(i) states that the specialist consultee has no further comment to make in respect of the proposed development and confirms that any comments made under article 10 remain relevant;

(ii) advises the Welsh Ministers of any new concerns identified in relation to the proposed development, why the concerns were not identified in the response given in accordance with article 10 and—

(aa) how concerns can be addressed by the applicant; or

(bb) that the specialist consultee objects to the proposed development and sets out the reasons for the objection.