
WELSH STATUTORY INSTRUMENTS

2016 No. 55

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

PART 1

Preliminary

Title, commencement and application

1.—(1) The title of this Order is the Developments of National Significance (Procedure) (Wales) Order 2016 and it comes into force immediately after the Application of Enactments Order comes into force.

(2) This Order applies where—

- (a) an application is made to the Welsh Ministers under section 62D of the 1990 Act (developments of national significance: applications to be made to the Welsh Ministers)(**1**); or
- (b) such an application is proposed to be made.

(3) Where the land is the subject of a special development order, whether made before or after the commencement of this Order, this Order will apply to that land only to such extent and subject to such modifications as may be specified in the special development order(**2**).

Interpretation

2. In this Order—

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990;

“the 2004 Act” (“*Deddf 2004*”) means the Planning and Compulsory Purchase Act 2004;

“the 2012 Order” (“*Gorchymyn 2012*”) means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(**3**);

“the EIA Regulations” (“*y Rheoliadau AEA*”) means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016(**4**)

“the Application of Enactments Order” (“*y Gorchymyn Cymhwyso Deddfau*”) means the Developments of National Significance (Application of Enactments) (Wales) Order 2016(**5**);

“address” (“*cyfeiriad*”) has the meaning given in article 3(1)(a);

“applicant” (“*ceisydd*”) means a person who either proposes to make an application or has made such an application;

(1) Section 62D was inserted by section 19 of the 2015 Act.

(2) “Special development order” (“*gorchymyn datblygu arbennig*”) means an order under section 59(3)(b) of the 1990 Act.

(3) S.I. 2012/801 (W. 110).

(4) S.I. 2016/58 (W. 28).

(5) S.I. 2016/54 (W. 24).

“building” (“*adeilad*”) includes any structure or erection, and any part of a building, as defined in this article, but does not include plant or machinery or any structure in the nature of plant or machinery;

“community consultee” (“*ymgynghorai cymunedol*”) means—

- (a) each county or county borough councillor representing an electoral ward in which the land to which the proposed application relates is situated; and
- (b) each community council in whose area the land to which the proposed application relates is situated;

“design and access statement” (“*datganiad dylunio a mynediad*”) has the meaning given in article 14(1);

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation)(6);

“electoral ward” (“*ward etholiadol*”) means any area for which a councillor is elected to a county council or a county borough council in Wales;

“environmental statement” (“*datganiad amgylcheddol*”) has the meaning given in regulation 2(1) of the EIA Regulations;

“erection” (“*codi*”), in relation to buildings as defined in this article, includes extension, alteration or re-erection;

“local planning authority” (“*awdurdod cynllunio lleol*”), except in the case of articles 25 and 26, means the local planning authority to which, but for section 62D of the 1990 Act, the application would be made;

“mining operations” (“*gweithrediadau mwyngloddio*”) means the winning and working of minerals in, on or under land, whether by surface or underground working;

“notification of proposed development” (“*hysbysiad o ddatblygiad arfaethedig*”) has the meaning given in article 5(2);

“representation period” (“*cyfnod sylwadau*”) has the meaning given in article 4;

“screening direction” (“*cyfarwyddyd sgrinio*”) has the same meaning given in regulation 2(1) of the EIA Regulations;

“by site display” (“*drwy arddangos ar y safle*”) means by the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

“specialist consultee” (“*ymgynghorai arbenigol*”) means, in circumstances where the development(7) to which the application or proposed application relates falls within a category set out in the Table in Schedule 5, the authority, person or body mentioned in relation to that category; and

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday in Wales.

Electronic communications

3.—(1) In this Order, and in relation to the use of electronic communications for any purpose of this Order which is capable of being effected electronically—

(6) 2000 c. 7; section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).

(7) For the definition of “development” (“*datblygiad*”) see section 55 of the 1990 Act. See also regulation 56 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58) (W. 28).

- (a) the expression “address” (“*cyfeiriad*”) includes any number or address used for the purposes of such communications;
- (b) references to notices, representations or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (7) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order to give or send any statement, notice or other document to any other person (“the recipient”).

(3) The requirement is taken to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(4) In paragraph (3), “legible in all material respects” (“*darllenadwy ym mhob modd perthnasol*”) means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(5) Where the electronic communication is received by the recipient outside the recipient’s business hours, it will be taken to have been received on the next working day.

(6) A requirement in this Order that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” (“*ysgrifenedig*”) and cognate expressions are to be construed accordingly.

(7) Except where a hard copy is expressly required, a requirement in this Order to send more than one copy of a statement or other document is complied with by sending one copy only of the statement or other document in question in electronic form.

Representation period

4.—(1) Subject to paragraph (2), the “representation period” (“*cyfnod sylwadau*”) is the period of 5 weeks beginning with the day on which the Welsh Ministers give notice in accordance with article 15(2) that they accept an application.

(2) The Welsh Ministers may in any particular case give a direction which extends the representation period.