
WELSH STATUTORY INSTRUMENTS

2016 No. 56

The Developments of National
Significance (Wales) Regulations 2016

PART 11

Secondary consents

Application of this Part

40.—(1) This Part applies where a decision in relation to a secondary consent is to be made by the Welsh Ministers—

- (a) by virtue of section 62F(2) of the 1990 Act; or
- (b) under any other enactment where the Welsh Ministers consider that the secondary consent is connected to an application under section 62D of the 1990 Act.

(2) For the purposes of this Part references to the 2016 Order are references to the 2016 Order as at the date these Regulations come into force.

Application of and modification of primary legislation

41. Where the 2016 Order is applied by a Schedule to these Regulations either with or without modifications, in addition to any modifications in that Schedule, the Order is read as if—

- (a) in article 5 after paragraph (1) there is inserted—

“(1A) An applicant must notify the Welsh Ministers and the relevant person⁽¹⁾ of all the secondary consents⁽²⁾ the applicant intends to apply for and whether the applicant intends to apply to the Welsh Ministers or the relevant person.”;

- (b) after article 12(7) there is inserted—

“(7A) Where the Welsh Ministers receive an application for a secondary consent they must as soon as practicable notify the relevant person of its receipt.”;

- (c) after article 12 there is inserted—

“**12A.** On the day on which the applicant makes an application the applicant must submit to the Welsh Ministers applications for all secondary consents that the applicant wishes the Welsh Ministers to determine.”;

- (d) in article 18(1) after “An application” there is inserted “and an application for a secondary consent”;

- (e) in article 18 after paragraph (3) there is inserted—

“(3A) The Welsh Ministers must notify the community council for the area in which the land to which the application for a secondary consent relates is situated.”;

(1) See section 62G(2) of the 1990 Act for the meaning of “relevant person”.

(2) See section 62H of the 1990 Act for the meaning of “secondary consent”.

- (f) in article 22 after paragraph (5) there is inserted—
 - “(6) For the purposes of this article the relevant person is a specialist consultee.”;
- (g) article 24 is omitted;
- (h) in article 27—
 - (i) in paragraph (1) after “Subject to the following provisions of this article, an application” there is inserted “and an application for a secondary consent”;
 - (ii) in paragraph (2) after “a particular application” there is inserted “and an application for a secondary consent”.

Control of works affecting scheduled monuments

42. Schedule 2 applies where the secondary consent is a consent under section 2(3) of the Ancient Monuments and Archaeological Areas Act 1979 (control of works affecting scheduled monuments)(3).

Placing rails, beams etc. over highways

43. Schedule 3 applies where the secondary consent is a consent under section 178(1) of the Highways Act 1980 (restriction on placing rails, beams etc. over highways)(4).

Listed building consent

44. Schedule 4 applies where the secondary consent is a consent under section 8(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (authorisation of works: listed building consent)(5).

Control of demolition in a conservation areas

45. Schedule 5 applies where the secondary consent is a consent under section 74(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (control of demolition in conservation areas)(6).

Hazardous substances consent

46. Schedule 6 applies where the secondary consent is a consent under—
- (a) section 4(1) of the Planning (Hazardous Substances) Act 1990(7) (requirement of hazardous substances consent);
 - (b) section 13(1) of that Act (application for hazardous substances consent without condition attached to previous consent); and
 - (c) section 17(1) of that Act (revocation of hazardous substances consent on change of control of land).

(3) 1979 c. 46.

(4) 1980 c. 66.

(5) 1990 c. 9.

(6) Section 74(1) was amended by section 63 of, and paragraphs 7, 12(1) and (2) of Schedule 17 to, the Enterprise and Regulatory Reform Act 2013 (c. 24).

(7) 1990 c. 10.

Planning permission

47. Schedule 7 applies where the secondary consent is planning permission under section 57(1) of the 1990 Act (planning permission required for development).

Highways affected by development

48. Schedule 8 applies where the secondary consent is—

- (a) an order under section 247(1) of the 1990 Act (highways affected by development: orders by Secretary of State) and the Welsh Ministers are satisfied that an order should be made under that section;
- (b) an order under section 248(2) of the 1990 Act (highways crossing or entering route of proposed new highway, etc.) and it appears to the Welsh Ministers that an order under that section is expedient in the interests of users of the main highway (as defined in section 248(1)) or to facilitate the movement of traffic on the main highway;
- (c) an order extinguishing a public right of way under section 251(1) of the 1990 Act (extinguishment of public rights of way over land held for planning purposes).

Deregistration and exchange of common land

49. Schedule 9 applies where the secondary consent is a consent under section 16(1) of the Commons Act 2006 (deregistration and exchange: applications)(8).

Works on common land

50. Schedule 10 applies where the secondary consent is a consent under section 38(1) of the Commons Act 2006 (prohibition on works without consent).