

## SCHEDULE 1 **E+W**

Regulation 38

Modifications where national security direction given

### Interpretation **E+W**

1. Regulation 2 is read as if in the appropriate places there is inserted—

““appointed representative” (“*cynrychiolydd penodedig*”) means a person appointed under section 321(5) or (6) of the 1990 Act;”;

““closed evidence” (“*tystiolaeth gaeedig*”) means evidence which is subject to a security direction;”;

““security direction” (“*cyfarwyddyd diogelwch*”) means a direction given by the Welsh Ministers or the Secretary of State under section 321(3) of the 1990 Act (matters related to national security);”.

#### Commencement Information

**I1** Sch. 1 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

### Further information **E+W**

2. Regulation 15 is read as if after paragraph (7) there is inserted—

“(7A) Paragraph (7) does not apply where the representations and written responses received by the Welsh Ministers (“further representations”) include or refer to closed evidence.

(7B) Where further representations includes or refers to closed evidence—

- (a) the Welsh Ministers must, as soon as practicable after receipt, send the further representations to the applicant and any appointed representative; and
- (b) must make the further representations (other than the closed evidence) available in such manner as the Welsh Ministers think appropriate as soon as practicable.”

#### Commencement Information

**I2** Sch. 1 para. 2 in force at 1.3.2016, see [reg. 1\(2\)](#)

### Site inspections **E+W**

3. Regulation 16 is read as if—

(a) at the end of paragraph (2) there is inserted “and they must so notify any appointed representative”;

(b) after paragraph (2) there is inserted—

“(2A) Where an inspection of a site involves the inspection of closed evidence, the Welsh Ministers may inspect the land in the company of the applicant and any appointed representative.”

**Status:** Point in time view as at 01/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016. (See end of Document for details)

#### Commencement Information

**I3** Sch. 1 para. 3 in force at 1.3.2016, see [reg. 1\(2\)](#)

#### Pre-inquiry meetings **E+W**

4. Regulation 31(1) is read as if after sub-paragraph (b) there is inserted—  
“(ba) any appointed representative”.

#### Commencement Information

**I4** Sch. 1 para. 4 in force at 1.3.2016, see [reg. 1\(2\)](#)

#### Date and place of inquiry **E+W**

5. Regulation 32(5) is read as if after “applicant” in both places there is inserted “, any appointed representative”.

#### Commencement Information

**I5** Sch. 1 para. 5 in force at 1.3.2016, see [reg. 1\(2\)](#)

#### Absence, adjournment, etc. **E+W**

6. Regulation 25 (as applied to inquiries by regulation 30(3)) is read as if after “applicant” there is inserted “, any appointed representative”.

#### Commencement Information

**I6** Sch. 1 para. 6 in force at 1.3.2016, see [reg. 1\(2\)](#)

#### Procedure at inquiry **E+W**

7. Regulation 33 is read as if—
- in paragraph (2) after “local planning authority” there is inserted “, any appointed representative”;
  - in paragraph (4) after “local planning authority” there is inserted “, any appointed representative”;
  - in paragraph (6) after “applicant” there is inserted “, any appointed representative”;
  - at the end of paragraph (12) there is inserted “subject to paragraph (12A)”;
  - after paragraph (12) there is inserted—
 

“(12A) Where any written representation or other document (“further information”) contains closed evidence, the appointed person must—

    - disclose the further information to the applicant and any appointed representative;
    - disclose the further information other than any closed evidence to the local planning authority and every person who takes part in the inquiry.”

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 1.3.2016, see **reg. 1(2)**

**Procedure after inquiry** **E+W**

8. Regulation 28 (as it applies to inquiries by regulation 30(3)) is read as if—
- (a) after paragraph (2) there is inserted—
    - “(2A) Where closed evidence was considered at the inquiry—
      - (a) the appointed person and assessor, where one has been appointed, must set out in a separate part (“the closed part”) of their reports any description of that evidence together with any conclusions or recommendations in relation to that evidence; and
      - (b) where an assessor has been appointed, the appointed person must append the closed part of the assessor’s report to the closed part of the appointed person’s report and must state in the closed part of that report the level of agreement or disagreement with the closed part of the assessor’s report and, where there is disagreement with the assessor, the reasons for that disagreement.”;
  - (c) after paragraph (5) there is inserted—
    - “(5A) Where the Welsh Ministers differ from the appointed person on any matter of fact mentioned in, or appearing to them to be material to, a conclusion reached by the appointed person in relation to a matter in respect of which closed evidence has been given, the notification referred to in paragraph (5) must include the reasons for the Welsh Ministers’ disagreement unless—
      - (a) the notification is addressed to a person who is neither the appointed representative nor any person specified, or of a description specified, in the security direction; and
      - (b) inclusion of the reasons would disclose any part of the closed evidence.”;
  - (d) in paragraph (8) after “applicant” there is inserted “, the appointed representative”.

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 1.3.2016, see **reg. 1(2)**

**Procedure following quashing of decision** **E+W**

9. Regulation 37 is read as if—
- (a) at the beginning of sub-paragraph (a) of paragraph (1) there is inserted “subject to paragraph (1A),”; and
  - (b) after paragraph (1) there is inserted—
    - “(1A) Where the matters referred to in paragraph (1)(a) will involve consideration of closed evidence, the Welsh Ministers must only send the written statement to—
      - (a) any appointed representative; and
      - (b) a person specified, or of any description specified, in the security direction.”

**Status:** Point in time view as at 01/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016. (See end of Document for details)

#### Commencement Information

**I9** Sch. 1 para. 9 in force at 1.3.2016, see [reg. 1\(2\)](#)

#### Closed evidence not to be disclosed **E+W**

**10.** Part 10 is read as if after regulation [39](#) there is inserted—

##### “Closed evidence not to be disclosed

**39A.** Nothing in these Regulations is to be taken so as to require or permit closed evidence to be disclosed to a person other than—

- (a) the Welsh Ministers;
- (b) the appointed representative; or
- (c) a person specified, or of any description specified, in the security direction.”

#### Commencement Information

**I10** Sch. 1 para. 10 in force at 1.3.2016, see [reg. 1\(2\)](#)

## SCHEDULE 2 **E+W**

Regulation 42

### Control of works affecting scheduled monuments

**1.—(1)** The 2016 Order applies with the following modifications.

(2) Article 15 (acceptance of applications) is to be read as if in the case of a consent under section 2 of the 1979 Act (control of works affecting scheduled monuments), the application is accompanied by—

- (a) one or more of the certificates listed in paragraph 2 of Schedule 1 to that Act<sup>(1)</sup> signed by or on behalf of the applicant; and
- (b) the items listed in regulation 2(2) of the Ancient Monuments (Application for Scheduled Monument Consent) Regulations 1981<sup>(2)</sup>.

#### Commencement Information

**I11** Sch. 2 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

**2.—(1)** The provisions of these Regulations apply in relation to the grant of consent under section 2(3) of the 1979 Act subject to the following modification.

(2) In regulation 2 the definition of “appointed person” is read as “means the person appointed by the Welsh Ministers under paragraph 3(2)(b) of Part 1 of Schedule 1 to the 1979 Act”.

<sup>(1)</sup> There are amendments to Schedule 1 not relevant to these Regulations.

<sup>(2)</sup> [S.I.1981/1301](#). The Ancient Monuments (Applications for Scheduled Monument Consent) (Welsh Forms and Particulars) Regulations 2001 ([S.I. 2001/1438](#)) ([W. 100](#)) prescribe the Welsh version of the relevant forms.

**Commencement Information**

**I12** Sch. 2 para. 2 in force at 1.3.2016, see [reg. 1\(2\)](#)

SCHEDULE 3 **E+W**

Regulation 43

Placing rails, beams etc. over highways Modifications to primary legislation

**1.** Section 178 of the Highways Act 1980 (restriction on placing rails, beams etc. over highways) is read as if—

- (a) in subsection (1) reference to the highway authority for the highway and the highway authority are references to the Welsh Ministers;
- (b) subsections (2) and (3) are omitted.

**Commencement Information**

**I13** Sch. 3 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

SCHEDULE 4 **E+W**

Regulation 44

Listed building consent

PART 1 **E+W**

Modifications to primary legislation

**1.—(1)** The Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(3)</sup> (“the Listed Buildings Act”) (“*y Ddeddf Adeiladau Rhestredig*”) applies with the following modifications.

- (2) Section 10 (making of applications for listed building consent) is read as if—
  - (a) for subsection (1) there were substituted “An application for listed building consent must be made to and dealt with by the Welsh Ministers”;
  - (b) in subsection (2)(c) “the Welsh Ministers” is substituted for “the authority”.
- (3) Section 62 (validity of certain orders and decisions), is read as if—
  - (a) in subsection (2) the following is inserted after paragraph (a)—
    - “(aza) any decision on an application for listed building consent where that decision is made by the Welsh Ministers by virtue of section 62F(2) of the principal Act.”;
  - (b) in subsections (1) and (3) “the Welsh Ministers” is substituted for “the Secretary of State” in relation to decisions within subsection (2)(aza).

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(3) 1990 c. 9.

*Status: Point in time view as at 01/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016. (See end of Document for details)*

### Commencement Information

**114** Sch. 4 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

## PART 2 **E+W**

### Modifications to secondary legislation

2.—(1) The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(4) apply with the following modifications.

(2) Regulation 3 (applications for listed building consent or for conservation area consent) is read as if—

- (a) in paragraph (1)(a) for “to a local planning authority” there is substituted “to the Welsh Ministers”;
- (b) in paragraph (1)(c)(ii) and (iii) for “the local planning authority” there is substituted “the Welsh Ministers”;
- (c) paragraph (3) and Part 1 of Schedule 1 are omitted;
- (d) in paragraph (4) “after sending an acknowledgement as required by paragraph (3),” is omitted and for “the local planning authority” there is substituted “the Welsh Ministers”;
- (e) for paragraph (5) there is substituted—
  - “(5) Where a valid application has been received by the Welsh Ministers, the time within which the Welsh Ministers must give notice to the applicant of their decision is the determination period as described in section 62L of the principal Act.”;
- (f) in paragraph (6) “or reference to the Welsh Ministers” is omitted and for “the local planning authority decide to grant” there is substituted “the Welsh Ministers decide to grant”;
- (g) paragraph (7) is omitted.

(3) Regulation 6(1) is read as if for “Any application to a local planning authority for listed building consent” there is substituted “Any application for listed building consent where the decision on that consent is to be made by the Welsh Ministers in accordance with section 62F of the principal Act”.

(4) Regulation 7 (certificate to accompany applications and appeals) is read as if —

- (a) in paragraph (1) for “A local planning authority” there is substituted “The Welsh Ministers and “or 4” is omitted;
- (b) in paragraph (3)—
  - (i) “or 4” is omitted;
  - (ii) for “the local planning authority” there is substituted “the Welsh Ministers”;
  - (iii) for sub-paragraph (a) there is substituted—
    - “(a) must determine the application before the end of the determination period as provided for in section 62L of the 1990 Act”;
  - (iv) in sub-paragraph (b) for “that period” there is substituted “the representation period as provided for in article 4 of the Developments of National Significance (Procedure) (Wales) Order 2016”.

(4) S.I. 2012/793 (W. 108).

- (5) Regulations 8 and 9 do not apply.
- (6) Regulation 10 (advertisement of applications) is read as if—
  - (a) paragraph (1) is omitted; and
  - (b) for paragraph (2) there is substituted—

“The time within which the Welsh Ministers must give notice to the applicant of their decision is the determination period as described in section 62L of the principal Act”
- (7) Regulations 11, 12 and 12A are omitted.

**Commencement Information**

**I15** Sch. 4 para. 2 in force at 1.3.2016, see [reg. 1\(2\)](#)

**3.—(1)** The 2016 Order applies with the following modifications.

(2) Article 15 (acceptance of applications) is to be read as if in the case of a consent under section 8 of the Listed Building Act, the application is accompanied by those items listed in regulations 3(1), 3(2) and 6 (design and access statements) of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012.

(3) Article 18 (publicity of applications for planning permission: Welsh Ministers) is to be read as if it does not apply in relation to any application for—

- (a) listed building consent to carry out works affecting only the interior of a building which when last notified to the local planning authority by the Welsh Ministers as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building; or
- (b) the variation or discharge of conditions attached to a listed building consent in respect of the interior of such a Grade II (unstarred) listed building.

**Commencement Information**

**I16** Sch. 4 para. 3 in force at 1.3.2016, see [reg. 1\(2\)](#)

SCHEDULE 5 **E+W**

Regulation 45

Demolition in conservation areas

PART 1 **E+W**

Modifications to primary legislation

**1.** Section 74(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) (control of demolition in conservation areas) is read as if in paragraph (a) “and” is omitted and after that paragraph there is inserted—

- “(aa) in relation to applications where the decision on the consent is to be made by the Welsh Ministers by virtue of section 62F(2) of the principal Act (developments of national significance: meaning of secondary consents), the Welsh Ministers; and”.

*Status: Point in time view as at 01/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016. (See end of Document for details)*

### Commencement Information

**I17** Sch. 5 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

## PART 2 **E+W**

### Modifications to secondary legislation

2.—(1) The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012<sup>(5)</sup>, in relation to the grant of consent under section 74(2) of the Listed Buildings Act, apply subject to the following modifications.

(2) Regulation 3 (applications for listed building consent or for conservation area consent) is read as if—

- (a) in paragraph (1)(a) for “to a local planning authority” there is substituted “to the Welsh Ministers”;
- (b) in paragraph (1)(c)(ii) and (iii) for “the local planning authority” there is substituted “the Welsh Ministers”;
- (c) paragraph (3) and Part 1 of Schedule 1 are omitted;
- (d) in paragraph (4) for “the local planning authority” there is substituted “the Welsh Ministers”;
- (e) for paragraph (5) there is substituted—
  - “(5) Where a valid application under paragraph (1) has been received by the Welsh Ministers, the Welsh Ministers must give notice to the applicant of their decision before the end of the determination period as described in section 62L of the principal Act.”;
- (f) in paragraph (6) “or reference to the Welsh Ministers” is omitted and for “the local planning authority decide to grant listed building consent or” there is substituted “the Welsh Ministers decide to grant”;
- (g) paragraph (7) is omitted.

(3) Regulation 6(1) is read as if for “Any application to a local planning authority for listed building consent” there is substituted “Any application for conservation area consent where the decision on that consent is to be made by the Welsh Ministers in accordance with section 62F of the principal Act”.

(4) Regulation 7 (certificate to accompany applications and appeals) is read as if—

- (a) in paragraph (1) for “A local planning authority” there is substituted “The Welsh Ministers” and “or 4” is omitted;
- (b) in paragraph (3)—
  - (i) “or 4” is omitted;
  - (ii) for “the local planning authority” there is substituted “the Welsh Ministers”;
  - (iii) for sub-paragraph (a) there is substituted—
    - “(a) must determine the application before the end of the determination period as provided for in section 62L of the principal Act”;

<sup>(5)</sup> S.I. 2012/793 (W. 108).



(iv) in sub-paragraph (b) for “that period” there is substituted “the representation period as provided for in article 4 of the Developments of National Significance (Procedure) (Wales) Order 2016”.

(5) Regulations 8 (use of electronic communications) and 9 (applications by local planning authorities) do not apply.

(6) Regulation 10 (advertisement of applications) is read as if—

(a) paragraph (1) is omitted; and

(b) for paragraph (2) there is substituted—

“The time within which the Welsh Ministers must give notice to the applicant of their decision is the determination period as described in section 62L of the principal Act”.

(7) Regulations 11 (advertisement of applications for urgent works relating to Crown development), 12 (appeals) and 12A (appeal made: functions of the local planning authority) do not apply.

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**Commencement Information**

**I18** Sch. 5 para. 2 in force at 1.3.2016, see [reg. 1\(2\)](#)

**3.—**(1) The 2016 Order applies with the following modifications.

(2) Article 15 (acceptance of applications) is to be read as if in the case of a consent under section 74 of the Listed Buildings Act, the application is accompanied by those items listed in regulation 3(1) and (2) of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012.

(3) Article 18 (publicity for applications for planning permission: Welsh Ministers) does not apply in relation to any application for—

(a) listed building consent to carry out works affecting only the interior of a building which when last notified to the local planning authority by the Welsh Ministers as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building; or

(b) the variation or discharge of conditions attached to a listed building consent in respect of the interior of such a Grade II (unstarred) listed building.

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**Commencement Information**

**I19** Sch. 5 para. 3 in force at 1.3.2016, see [reg. 1\(2\)](#)

**Status:** Point in time view as at 01/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016. (See end of Document for details)

## SCHEDULE 6 E+W

Regulation 46

### Hazardous substances consent

## PART 1 E+W

### Modifications to primary legislation

1.—(1) The Planning (Hazardous Substances) Act 1990 (“the Hazardous Substances Act”) applies with the following modifications.

(2) Sections 9 (determination of applications for hazardous substances consent) and 10 (power to impose conditions on grant of hazardous substances consent) are read as if references to the hazardous substances authority are references to the Welsh Ministers.

#### Commencement Information

**I20** Sch. 6 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

## PART 2 E+W

### Modifications to secondary legislation

2.—(1) The Planning (Hazardous Substances) (Wales) Regulations 2015<sup>(6)</sup> in relation to the grant of consent under sections 4(1), 13 and 17 of the Hazardous Substances Act, apply subject to the following modifications.

(2) Regulation 5(1)(a) is read as if for “the hazardous substances authority” there is substituted “the Welsh Ministers”.

(3) Regulation 6 (publication of notices of applications) is read as if for “the hazardous substances authority” in each place where it occurs there is substituted “the Welsh Ministers”.

(4) Regulation 7(1) is read as if for “the hazardous substances authority” there is substituted “the Welsh Ministers”.

(5) Regulation 8 (inspection of applications) is read as if there is substituted—  
“Following receipt of an application under regulation 5, the Welsh Ministers must ensure that a copy of the application is available for inspection at the offices of the relevant person during the period allowed for making representations pursuant to regulation 6(1).”

(6) Regulation 9 (receipt of applications by hazardous substances authority) is read as if for “the hazardous substances authority” in each place where it occurs there is substituted “the Welsh Ministers”.

(7) Regulation 10 (consultation before the grant of hazardous substances consent) is read as if—

- (a) in paragraph (1) for “the hazardous substances authority” and “the authority” there is substituted “the Welsh Ministers”;
- (b) for paragraph (1)(b) there is substituted “the relevant person.”;

<sup>(6)</sup> S.I. 2015/1597(W. 196).

- (c) for paragraph (1)(j) there is substituted “where it appears to the Welsh Ministers that land in the area of any county or county borough council other than the relevant person may be affected, that council;”;
  - (d) in paragraph (1)(m) “where that authority is not also the hazardous substances authority” is omitted;
  - (e) in paragraphs (2) and (3) for “the hazardous substances authority” and “the authority” there is substituted “the Welsh Ministers”;
  - (f) in paragraph (4) for “a hazardous substances authority” and “the authority” there is substituted “the Welsh Ministers”.
- (8) Regulation 11 (determination of applications for hazardous substances consent) is read as if—
- (a) in paragraph (1) for “A hazardous substances authority” there is substituted “The Welsh Ministers” and references to regulations 6(1) and 10(3) are to those regulations as modified by sub-paragraphs (3) and (7) above;
  - (b) in paragraph (2) for “the hazardous substances authority” there is substituted “the Welsh Ministers”;
  - (c) for paragraph (3) there is substituted—  
“(3) The Welsh Ministers must give the applicant written notice of their decision within the determination period as described in section 62L of the 1990 Act.”;
  - (d) paragraph (4) is omitted;
  - (e) in paragraph (5) for “a hazardous substances authority” there is substituted “the Welsh Ministers” and paragraph (5)(b) and the word “and” preceding it, are omitted;
  - (f) paragraph (6) is read as if for “The hazardous substances authority” there is substituted “The Welsh Ministers” and for sub-paragraph (c) there is substituted—  
“(c) the relevant person concerned”;
  - (g) in paragraph (7) for “The hazardous substances authority must make available” there is substituted “The Welsh Ministers must make available”.
- (9) Regulation 22 (consents register) is read as if after paragraph (2) there is inserted—  
“(2A) The Welsh Ministers must notify the hazardous substances authority of all matters in relation to a secondary consent that must be contained on the register.”

**Commencement Information**

**I21** Sch. 6 para. 2 in force at 1.3.2016, see **reg. 1(2)**

**3.** Regulations 15 to 33 of these Regulations in their application to the grant of consent under sections 4(1), 13 and 17 of the Hazardous Substances Act, are read as if for “local planning authority” wherever it appears there is substituted “hazardous substances authority”.

**Commencement Information**

**I22** Sch. 6 para. 3 in force at 1.3.2016, see **reg. 1(2)**

**Status:** Point in time view as at 01/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016. (See end of Document for details)

## SCHEDULE 7 E+W

Regulation 47

### Planning permission

## PART 1 E+W

### Modifications to primary legislation

**1.**—(1) The following provisions of the 1990 Act apply with modifications so that references to local planning authorities are treated as references to the Welsh Ministers—

- (a) section 62(1);
- (b) section 62(3);
- (c) section 65(5);
- (d) section 70(1);
- (e) section 70(2)(7);
- (f) section 70A(1)(8);
- (g) section 70A(2);
- (h) section 71(1)(9);
- (i) section 71(2);
- (j) section 72(1);
- (k) section 73(2);
- (l) section 73A(1)(10); and
- (m) section 327A(2)(11).

(2) Where any other provision of the 1990 Act refers to a provision modified by these Regulations, the reference is to be read in relation to an application under section 62D of that Act as a reference to the provision as modified.

#### Commencement Information

**I23** Sch. 7 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

## PART 2 E+W

### Modifications to secondary legislation

**2.**—(1) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012(12) applies with the following modifications.

(2) Articles 1 to 23, 25 to 28 and 31 to 33 do not apply.

(7) There are amendments to section 70(2) not relevant to these Regulations.

(8) Section 70A was inserted by section 17 of the Planning and Compensation Act 1991 (c. 34). There are amendments to section 70A not relevant to these Regulations.

(9) Section 71(1) and (2) were substituted by section 16(2) of the Planning and Compensation Act 1991.

(10) Section 73A was inserted by section 32 of, and paragraph 16 of Schedule 7 to, that Act.

(11) Section 327A was inserted by section 42(5) of the Planning and Compulsory Purchase Act 2004 (c. 5).

(12) S.I. 2012/801 (W. 110). There are amendments to that Order not relevant to this Schedule.

**Commencement Information**

**I24** Sch. 7 para. 2 in force at 1.3.2016, see [reg. 1\(2\)](#)

3.—(1) The 2016 Order applies with the following modifications.

(2) Article 29 (written notice of decision relating to an application) and article 30 (revised notice of decision to grant planning permission) do not apply.

**Commencement Information**

**I25** Sch. 7 para. 3 in force at 1.3.2016, see [reg. 1\(2\)](#)

SCHEDULE 8 **E+W**

Regulation 48

Highways affected by development

*Modifications to secondary legislation*

1.—(1) The following provisions of these Regulations, in relation to orders under sections 247(1), 248(2) and 251(1) of the 1990 Act, apply with the following modifications.

(2) For the purpose of regulations 17, 20 and 30, Parts 6, 7 and 8 also apply where the Welsh Ministers have determined not to hold a hearing or inquiry before making an order under section 247, 248 or 251 of the 1990 Act.

(3) The report of the appointed person under regulations 18 (report) and 28 (procedure and report after a hearing) must include, in addition to the appointed person's conclusions and recommendations in relation to the application, a recommendation in relation to an order under section 247, 248 or 251 of the 1990 Act.

(4) Regulation 18(2)(a) is read as if for “persons who submitted written representations” there is substituted “persons who made objections to the making of an order under section 247, 248 or 251 of the 1990 Act”.

(5) Regulation 21(4) is read as if for reference to “the application” there is substituted “proposed order under section 247, 248 or 251 of the 1990 Act”.

(6) Notice under regulation 22(7) must contain in addition those matters listed in section 252(1) of the 1990 Act.

(7) Regulation 28 is read as if—

- (a) in paragraph (3) for “written representations or other document” there is substituted “any objection to the making of an order under section 247, 248 or 251 of the 1990 Act”;
- (b) in paragraph (5)(a) for “submitted written representations” there is substituted “made objections to the making of an order under section 247, 248 or 251 of the 1990 Act”;
- (c) in paragraph (8)(a) for “submitting written representations” there is substituted “making objections to the making of an order under section 247, 248 or 251 of the 1990 Act”.

**Status:** Point in time view as at 01/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016. (See end of Document for details)

#### Commencement Information

**I26** Sch. 8 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

## SCHEDULE 9 **E+W**

Regulation 49

### Deregistration and exchange of common land

#### *Modifications to secondary legislation*

**1.—(1)** The Deregistration and Exchange of Common Land and Greens (Procedure) (Wales) Regulations 2012(**13**) in relation to consent requested under section 16(1) of the Commons Act 2006, apply with the following modifications.

(2) The definition of “inspector” (“*arolygydd*”) in regulation 2(2) is read as if sub-paragraph (b) and the word “or” preceding it, are omitted.

(3) Regulations 4 to 9 do not apply.

(4) Regulation 10(1) is read as if for “to the determining authority by the date specified in the notice of application” there is substituted “to the Welsh Ministers before the expiry of the representation period”.

(5) Regulation 10(3) to (6) does not apply.

(6) Regulations 11 to 18 do not apply.

#### Commencement Information

**I27** Sch. 9 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

**2.—(1)** The 2016 Order applies with the following modifications.

(2) Article 2 (interpretation) is read as if the following are inserted at each appropriate place—

““register” (“*cofrestr*”) means a register of common land or a register of town or village greens;”;

““release land” (“*tir a ryddheir*”) has the meaning in section 16(1) of the Commons Act 2006;”;

and  
““replacement land” (“*tir cyfnewid*”) has the meaning in section 16(3) of the Commons Act 2006;”.

(3) Article 12 (applications: general requirements) is read as if the application must be accompanied by—

(a) an Ordnance Map, at a scale of not less than 1:2,500 if available, and in any case not less than 1:10,000, showing—

(i) the boundary of the release land marked in red;

(ii) if the release land constitutes part of the land in a larger register unit, the boundary of the land in that register unit marked in dark green; and

(iii) the boundary of any replacement land marked in light green; and

- (b) a copy of the entry in the register which relates to the release land or land including it.
- (4) Article 18 (publicity for applications for planning permission: Welsh Ministers) is read as if the requisite notice includes—
- (a) the name of the applicant;
  - (b) the name of the common land or town or village green affected by the proposal;
  - (c) the location and area in square metres of the release land;
  - (d) whether the application includes a proposal for land to be registered as replacement land and, if so, the location and area in square metres of the replacement land;
  - (e) a brief statement of the reason for the application.
- (5) Article 18(2)(b) is read as if the requisite notice must be sent to—
- (a) any person (other than the applicant) occupying the release land;
  - (b) the occupier of any property shown in the register as being property to which rights of common over the release land are attached and whom the applicant believes to be exercising those rights or likely to be affected by the application;
  - (c) any other person known to the applicant to be entitled to exercise rights of common over the release land and whom the applicant believes to be exercising those rights or likely to be affected by the application; and
  - (d) the community council or councils (if any) for the area in which the release land and the replacement land are situated.
- (6) Article 18(3) is read as if the information to be published on a website maintained by the Welsh Ministers must include the matters listed in sub-paragraph (4)(a) to (e).
- (7) Article 19(2) is read as if there is substituted:
- “(2) The local planning authority must give notice by site display, in a form supplied to them by the Welsh Ministers, for not less than 21 days at the principal places of entry to (or, if there are no such places, at a conspicuous place on the boundary of)—
- (i) the release land; and
  - (ii) the replacement land (if any).”
- (8) Article 29 (written notice of decision relating to an application) is read as if the Welsh Ministers must also—
- (a) send their order under section 17 of the Commons Act 2006 to the commons registration authority for the area in which the release land and the replacement land (if any) are situated; and
  - (b) send a copy of the order to the applicant.

**Commencement Information**

**128** Sch. 9 para. 2 in force at 1.3.2016, see **reg. 1(2)**

**3.—(1)** The following provisions of these Regulations in relation to consent requested under section 16(1) of the Commons Act 2006, apply with the following modifications.

(2) Regulation 2 (interpretation) is read as if—

- (a) reference to an “appointed person” (“*person penodedig*”) is to the person appointed by the Welsh Ministers under regulation 3 of the Deregistration and Exchange of Common Land and Greens (Procedure) (Wales) Regulations 2012 to exercise all or any of their

**Status:** Point in time view as at 01/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016. (See end of Document for details)

functions in relation to applications under section 16 of the Commons Act 2006 generally or in relation to the application;

(b) there is inserted at the appropriate place—

““release land” (“*tir a ryddheir*”) has the meaning in section 16(1) of the Commons Act 2006;” and

““replacement land” (“*tir cyfnewid*”) has the meaning in section 16(3) of the Commons Act 2006;”.

(3) Regulation 16(1) (site inspections) is read as if for “land to which the application relates” there is substituted “release land and any replacement land”.

(4) For the purpose of regulation 22 (public notice of hearing) the notice posted or published pursuant to paragraphs (1) and (2) of that regulation must include—

(a) the location of the release land; and

(b) a statement as to whether it is proposed that any land be registered as replacement land and, if so, the location of the replacement land.

#### Commencement Information

**I29** Sch. 9 para. 3 in force at 1.3.2016, see [reg. 1\(2\)](#)

## SCHEDULE 10 E+W

Regulation 50

### Restricted works on common land

#### *Modifications to secondary legislation*

**1.—**(1) The Works on Common Land, etc. (Procedure) (Wales) Regulations 2012(**14**) in relation to applications under section 38(1) of the Commons Act 2006, apply with the following modifications.

(2) In regulation 2(2) the definition of “the determining authority” (“*yr awdurdod sy’n penderfynu*”) is read as if sub-paragraph (b) and the word “or” preceding it, are omitted.

(3) Regulations 4 to 9 do not apply.

(4) Regulation 10(1) is read as if for “to the determining authority by the date specified in the notice of application” there is substituted “to the Welsh Ministers before the expiry of the representation period.”

(5) Regulation 10(3) to (6) does not apply.

(6) Regulations 11 to 18 do not apply.

#### Commencement Information

**I30** Sch. 10 para. 1 in force at 1.3.2016, see [reg. 1\(2\)](#)

**2.—**(1) The 2016 Order applies with the following modifications.



- (2) Article 2 (interpretation) is read as if at the appropriate place there is inserted—  
““common land” (“*tir comin*”) means land of a type specified in section 38(5)(a) and (b) of the Commons Act 2006;”.
- (3) Article 12 (applications: general requirements) is read as if the application must be accompanied by—
- (a) a map showing the common land on which the works are proposed to be carried out, with—
    - (i) the boundary of the common land marked in green; and
    - (ii) the site of the proposed works marked in red;
  - (b) (if appropriate) a plan or drawing of the proposed works; and
  - (c) if the land is registered common land, a copy of the relevant entry in the register of common land kept by the relevant commons registration authority under section 1 of the Commons Act 2006.
- (4) Article 18 (publicity for applications for planning permission: Welsh Minsters) is read as if the requisite notice includes—
- (a) the name of the applicant;
  - (b) the name of the common land affected by the proposed works;
  - (c) a description of the proposed works, and their location.
- (5) Article 18(2)(b) is read as if the requisite notice must be sent to—
- (a) the owner of the land on which the works are proposed (if the owner is not the applicant);
  - (b) any other person occupying the land;
  - (c) if the land is registered common land, the occupier of any property shown in the register of common land as being property to which rights of common over the land are attached and who the applicant believes to be exercising those rights or likely to be affected by the application;
  - (d) any other person known to the applicant to be entitled to exercise rights of common over the land and who the applicant believes to be exercising those rights or likely to be affected by the application;
  - (e) the community council (if any) for the area in which the works are proposed.
- (6) Article 18(3) is read as if the information to be published on a website maintained by the Welsh Ministers must include the matters listed in sub-paragraph (4)(a) to (c).
- (7) Article 19(2) is read as if there is substituted—  
“(2) The local planning authority must give notice by site display, in a form supplied to them by the Welsh Ministers, for not less than 21 days at the principal places of entry to (or, if there are no such places, at a conspicuous place on the boundary of) the common land on which the works are proposed.”
- (8) Article 29(3) is read as if there is substituted—  
“(3) The decision must state, with reasons, whether consent to the proposed works is—
  - (a) granted as sought in the application;
  - (b) granted only in part, or subject to modifications or conditions; or
  - (c) refused.”

**Commencement Information**

**I31** Sch. 10 para. 2 in force at 1.3.2016, see [reg. 1\(2\)](#)

**Status:** Point in time view as at 01/03/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016. (See end of Document for details)

3. In regulation 2 of these Regulations in their application to consent requested under section 38(1) of the Commons Act 2006, reference to an “appointed person” (“*person penodedig*”) is to the person appointed by the Welsh Ministers under regulation 3 of the Works on Common Land, etc. (Procedure) (Wales) Regulations 2012.

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**Commencement Information**

**I32** Sch. 10 para. 3 in force at 1.3.2016, see reg. 1(2)

**Status:**

Point in time view as at 01/03/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016.