
WELSH STATUTORY INSTRUMENTS

2009 No. 3342

The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009

PART 1

General

Extension of time periods within which steps must be taken by mineral planning authorities

- 5.—(1) Where a relevant mineral planning authority—
- (a) is required to take any step within a period specified under, or agreed in accordance with, these Regulations (“the specified period”); and
 - (b) reasonably concludes that it will be unable to take the step within the specified period,
- the relevant mineral planning authority may make a written request to the Welsh Ministers to make a direction under this regulation.
- (2) A request made under paragraph (1) must—
- (a) identify the step which the authority is required to take;
 - (b) state the date by which the authority is required to take the step in question;
 - (c) be accompanied by a written statement of the authority's reasons for concluding that it will be unable to take the step in question within the specified period;
 - (d) state a date by which the authority proposes to take the step in question;
 - (e) be accompanied by a written statement of the authority's reasons for concluding that it will be able to take the step in question by the date stated pursuant to sub-paragraph (d); and
 - (f) be accompanied either by written confirmation that the relevant mineral planning authority has complied with paragraph (3), or by the authority's written explanation as to why it was unable, or why it was not possible, to comply with that paragraph.
- (3) Before submitting a request under paragraph (1) a relevant mineral planning authority must notify the applicant in writing—
- (a) of its intention to submit a request to the Welsh Ministers under paragraph (1);
 - (b) of the matters set out in paragraph (2) (other than the matter referred to in paragraph (2)(f));
 - (c) that the applicant may submit representations to the Welsh Ministers within 14 days of the date of the notification; and
 - (d) the effect of paragraph (10).
- (4) The Welsh Ministers may make a direction under this regulation specifying an alternative period within which the step in question is to be taken if, having considered a request made pursuant to paragraph (1), any representations made by the applicant and such other matters as they consider relevant, the Welsh Ministers are satisfied that—

- (a) the relevant mineral planning authority cannot reasonably be required to take the step in question within the specified period; and
 - (b) the authority's request under paragraph (1) did not arise as a result of any fault or intention of the authority.
- (5) The Welsh Ministers must, as soon as reasonably practicable following the making of a direction under paragraph (4), send to the relevant mineral planning authority and to the applicant, a copy of that direction.
- (6) If the Welsh Ministers are not satisfied as to both of the matters mentioned in paragraph (4) (a) and (b) they must decline to make a direction under this regulation.
- (7) The Welsh Ministers must, as soon as reasonably practicable following the taking of a decision pursuant to paragraph (6), give written notification to the relevant mineral planning authority of that decision and of the reasons for it.
- (8) The Welsh Ministers must send a copy of any notification given pursuant to paragraph (7) to the applicant.
- (9) A direction made under this regulation may specify such alternative period as the Welsh Ministers consider appropriate.
- (10) Upon receipt by the Welsh Ministers of a duly made request under paragraph (1), the specified period within which the step identified pursuant to paragraph (2)(a) is to be taken, is extended until—
- (a) where the Welsh Ministers make a direction specifying an alternative period, the date on which that alternative period expires; or
 - (b) where the Welsh Ministers decline to make a direction under this regulation, the date falling 14 days after the latest of the following dates—
 - (i) the date on which the specified period ends;
 - (ii) the date on which written notification is given pursuant to paragraph (7);
 - (iii) the date on which any copy of a written notification is sent to the applicant pursuant to paragraph (8).
- (11) A direction made under this regulation may be amended or revoked by a further direction.
- (12) The Welsh Ministers must notify the mineral planning authority and the applicant of any direction, or decision to decline to make a direction, made under this regulation.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009, Section 5.