
WELSH STATUTORY INSTRUMENTS

2009 No. 3342

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

PART 4

Further Information, Evidence and Other Information etc.

CHAPTER 7

Other Relevant Information: Consultation and Public Participation

Other relevant information: publicity requirements

37.—(1) The recipient must publish in a local newspaper circulating in the locality in which the land is situated, a notice stating—

- (a) the name of the person who has applied for or who has appealed in relation to the determination of the conditions to which the planning permission is to be subject, the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made and the name and address of the relevant mineral planning authority;
- (b) the date on which the application was made and, if it be the case, that it has been referred to the Welsh Ministers for determination or is the subject of an appeal to them;
- (c) the address or location and the nature of the proposed development;
- (d) that a copy of the application and of any plan and other documents submitted with it may be inspected by members of the public at all reasonable hours;
- (e) if an environmental statement has been the subject of written notification under regulation 18(21), that a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
- (f) if further information or evidence has been the subject of written notification given under regulation 28(8), that a copy of that information or evidence may be inspected by members of the public at all reasonable hours;
- (g) if other relevant information has previously been published in accordance with regulation 37, that a copy of that other relevant information may be inspected by members of the public at all reasonable hours;
- (h) that other relevant information is available in connection with an EIA application;
- (i) that a copy of that other relevant information may be inspected by members of the public at all reasonable hours;
- (j) an address in the locality in which the land is situated at which that other relevant information may be inspected and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);

- (k) an address in the locality in which the land is situated at which copies of the application, any environmental statement, any further information or evidence of the kind referred to in sub-paragraph (f), or any other relevant information of the kind mentioned in sub-paragraph (g) may be inspected;
- (l) an address (whether or not the same as that given pursuant to sub-paragraph (j)) in the locality in which the land is situated at which copies of that other relevant information may be obtained;
- (m) that copies may be obtained there so long as stocks last;
- (n) if a charge is to be made for a copy, the amount of the charge;
- (o) that any person wishing to make representations about the other relevant information should make them in writing to the relevant mineral planning authority or the Welsh Ministers (as the case may be), before the expiration of 21 days from the date of the notice; and
- (p) the address to which representations must be sent.

(2) Where the recipient is aware of any particular person who is or is likely to be affected by, or have an interest in the application, the recipient must serve on every such person a notice; and the notice must contain the information specified in paragraph (1), except that the date specified as the latest date on which the documents will be available for inspection must not be less than 21 days later than the date on which the notice is first served.

(3) The recipient must, unless it has not, and was not reasonably able to acquire, such rights as would enable it to do so post, or arrange to have posted, on the land a notice containing the information specified in paragraph (1), except that the date specified as the latest date on which the documents will be available for inspection must be not less than 21 days later than the date on which the notice is first posted.

(4) The notice mentioned in paragraph (3) must—

- (a) be left in position for not less than 14 days; and
- (b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

Procedure following publication under regulation 37

38.—(1) An applicant or appellant notified pursuant to regulation 36(5)(b) must, within seven days of the date of that notification, provide to the relevant mineral planning authority or the Welsh Ministers (as the case may be), such number of copies of the other relevant information as are specified in the notice given under that regulation.

(2) A relevant mineral planning authority must, within 14 days of the date of publishing a notice under regulation 37—

- (a) send to the Welsh Ministers, two copies of the other relevant information to which the notice relates;
- (b) send to each of the consultation bodies a copy of the other relevant information; and
- (c) give written notification to each consultation body stating that any representation it wishes to make in response to the consultation regarding the other relevant information must be made in writing to the relevant mineral planning authority within 21 days of the date of the notice (or such longer period as may be agreed between the relevant mineral planning authority and the consultation body).

(3) The Welsh Ministers must, as soon as reasonably practicable following the date of publishing a notice under regulation 37—

- (a) send to each of the consultation bodies a copy of the other relevant information;

- (b) give written notification to each consultation body stating that any representation it wishes to make in response to the consultation regarding the other relevant information must be made in writing to the Welsh Ministers within 21 days of the date of the notice (or such longer period as may be agreed between the Welsh Ministers and the consultation body); and
 - (c) send to the relevant mineral planning authority a copy of the other relevant information.
- (4) Where other relevant information is published in accordance with regulation 37, the relevant mineral planning authority or the Welsh Ministers (as the case may be), must not determine the application or appeal until the expiry of the period of 21 days after the latest of the following dates—
- (a) the date on which notice of the other relevant information was published in a local newspaper pursuant to regulation 37(1);
 - (b) the date (if any) on which notice of the other relevant information was served pursuant to regulation 37(2);
 - (c) the date on which notice of the other relevant information was posted on the land pursuant to regulation 37(3);
 - (d) the date on which the other relevant information was sent to the consultation bodies pursuant to this regulation.

Availability of copies of other relevant information

39.—(1) An applicant or appellant who receives written notification pursuant to regulation 36(5) (b) must ensure that a reasonable number of copies of the other relevant information which is the subject of the notification, are available at the address named in the notice published pursuant to regulation 37(1) as the address at which such copies may be obtained.

(2) If a relevant mineral planning authority or the Welsh Ministers publish other relevant information of the type mentioned in regulation 36(1)(b) or (c), or other relevant information to which regulation 36(2) applies, the authority or, as the case may be, the Welsh Ministers, must ensure that a reasonable number of copies of that other relevant information are available at the address named in the notice published pursuant to regulation 37(1) as the address at which such copies may be obtained.

Provision of copies of other relevant information for the Welsh Ministers on referral or appeal

40. Where an EIA application is referred or appealed to the Welsh Ministers on or after the date on which these Regulations come into force, the Welsh Ministers may by notice in writing, require the applicant to provide such number of copies of any other relevant information of the type mentioned in regulation 36(1)(a) as they consider necessary, within such period as is specified in the notice.

Charges for copies of other relevant information

41. A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of other relevant information made available in accordance with regulation 39(1).