
WELSH STATUTORY INSTRUMENTS

2016 No. 55

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

PART 3

Applications

Applications: general requirements

12.—(1) An application must consist of —

- (a) the application form published by the Welsh Ministers (or a form substantially to the like effect), including the particulars specified or referred to in the form;
- (b) except in the case of an application made pursuant to section 73 of the 1990 Act (determination of applications to develop land without compliance with conditions previously attached)(1)—
 - (i) a plan which identifies the land to which the application relates;
 - (ii) any other plans, drawings and information necessary to describe the development which is the subject of the application;
 - (iii) a copy of the notice required by article 6 which has not lapsed under paragraph (3) of that article;
 - (iv) a design and access statement in accordance with article 14;
 - (v) the certificate required by article 17;
 - (vi) the pre-application consultation report required by article 11;
 - (vii) the particulars or evidence required by the Welsh Ministers under section 62(3) of the 1990 Act;
 - (viii) where applicable, an environmental statement;
 - (ix) a written statement about secondary consents connected with the proposed application in respect of which the applicant considers a decision is to be made or should be made by the Welsh Ministers; and
 - (x) a written statement about the status of discussions between the applicant and the local planning authority in respect of obligations under section 106 of the 1990 Act (planning obligations)(2).

(1) Section 73 was amended by sections 42(2), 51(3), 120 of, and Schedule 9 to, the 2004 Act and section 35(7) of the 2015 Act and was applied with modifications by article 3(1) of the Application of Enactments Order. Applications made pursuant to section 73 which are to be treated as nationally significant development in accordance with section 62D(6) of the 1990 Act, are those of a description specified in regulation 51 of the Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56) (W. 26).

(2) Section 106 was substituted by section 12(1) of the 1991 Act and amended by section 174(2) of the 2008 Act and section 7 of, paragraph 3 of Schedule 2 to, the Growth and Infrastructure Act 2013 (c. 27).

- (2) Any plans or drawings required to be provided by paragraph (1)(b)(i) or (1)(b)(ii) must be drawn to a scale identified by the applicant and, in the case of plans, must show the direction of north.
- (3) Paragraph (1)(b)(vii) only applies if—
- (a) before the application is made the Welsh Ministers publish a list of requirements on their website; and
 - (b) the particulars or evidence that the Welsh Ministers require to be included in the application fall within that list.
- (4) An application for development which includes mining operations or the use of land for mineral-working deposits(3) must consist of—
- (a) the application form published by the Welsh Ministers (or a form substantially to the like effect), including the particulars specified or referred to in the form; and
 - (b) except in the case of an application made pursuant to section 73 of the 1990 Act, the documents referred to in paragraph (1)(b).
- (5) Where an application is made by electronic communications, the applicant must on the same day as making the application deposit one hard copy of the application with—
- (a) the Welsh Ministers; and
 - (b) the local planning authority.
- (6) The applicant must, as soon as reasonably practicable, confirm their compliance with the requirement in paragraph (5)(b) to the Welsh Ministers in writing.
- (7) Where the Welsh Ministers receive an application, they must as soon as practicable notify the local planning authority of its receipt.
- (8) An application must be accompanied by any fee payable in respect of—
- (a) the initial administration of the application; and
 - (b) any local impact report required under section 62I(2) of the 1990 Act.

(3) For the definition of “mineral-working deposit” see section 336 of the 1990 Act.