
WELSH STATUTORY INSTRUMENTS

2016 No. 55

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

PART 2

Pre-application

Publicity before applying for planning permission

- 8.—(1) The applicant must publicise the proposed application by—
- (a) giving requisite notice—
 - (i) by site display in at least one place on or near the land to which the proposed application relates for not less than 42 days;
 - (ii) in writing to any owner or occupier of any land adjoining the land to which the proposed application relates: and
 - (iii) by publication of the notice in a newspaper circulating in the locality in which the land to which the proposed application relates is situated; and
 - (b) publishing the following information on a website maintained by the applicant, for not less than 42 days beginning with each day on which each of the notices referred to in subparagraph (a) or article 9(2) are given—
 - (i) the draft application form published by the Welsh Ministers under article 12(1)(a) (or a form substantially to the like effect), including the particulars specified in or referred to in the form;
 - (ii) a plan which identifies the land to which the proposed application relates;
 - (iii) any other plans, drawings and information necessary to describe the development which is the subject of the proposed application;
 - (iv) a copy of the notice required by article 6 which has not lapsed under paragraph (3) of that article;
 - (v) the design and access statement required by article 14;
 - (vi) subject to article 12(3), the particulars or evidence required by the Welsh Ministers under section 62(3) of the 1990 Act (applications for planning permission)^{M1};
 - (vii) where applicable, a statement referred to as the environmental statement for the proposed development;^{F1}...
 - (viii) a written statement about any secondary consent^{M2} connected with the proposed application^{M3} in respect of which the applicant considers a decision on that consent is to be made or should be made by the Welsh Ministers, together with the draft application form and documents associated with such consents [^{F2}; and]
 - [^{F3}(ix) in the case of development within regulation 3(1)(ab) of the Criteria Regulations, a written statement about the length of the proposed line and its nominal voltage.]

(2) The applicant must have complied with paragraph (1) before an application is submitted.

(3) Any plans or drawings required to be provided by paragraph (1)(b)(ii) or (iii) must be drawn to a scale identified by the applicant and, in the case of plans, must show the direction of north.

(4) Where the notice referred to in paragraph (1)(a)(i) is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 42 days has elapsed, the applicant will be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps to protect the notice and, if need be, replace it.

(5) In this article, “requisite notice” (“*hysbysiad gofynnol*”) means notice in the appropriate form set out in Schedule 1 or in a form substantially to the like effect.

Textual Amendments

- F1** Word in art. 8(1)(b)(vii) omitted (1.4.2019) by virtue of [The Developments of National Significance \(Procedure\) \(Wales\) \(Amendment\) Order 2019 \(S.I. 2019/290\)](#), arts. 1(1), **2(3)(a)** (with art. 1(2))
- F2** Word in art. 8(1)(b)(viii) inserted (1.4.2019) by [The Developments of National Significance \(Procedure\) \(Wales\) \(Amendment\) Order 2019 \(S.I. 2019/290\)](#), arts. 1(1), **2(3)(b)** (with art. 1(2))
- F3** Art. 8(1)(b)(ix) inserted (1.4.2019) by [The Developments of National Significance \(Procedure\) \(Wales\) \(Amendment\) Order 2019 \(S.I. 2019/290\)](#), arts. 1(1), **2(3)(c)** (with art. 1(2))

Marginal Citations

- M1** Section 62(3) was applied with modifications by article 3(1) of the Application of Enactments Order.
- M2** For the definition of “secondary consent” (“*cydsyniad eilaidd*”) see section 62H of the 1990 Act. Section 62H was inserted by section 20 of the 2015 Act. Secondary consents are prescribed for the purposes of section 62H(1) by the Specified Criteria and Prescribed Secondary Consents Regulations.
- M3** See section 62F(6) of the 1990 Act. Section 62F was inserted by section 20 of the 2015 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Developments of National Significance (Procedure) (Wales) Order 2016, Section 8.