
WELSH STATUTORY INSTRUMENTS

2016 No. 58

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (revoked)

[^{F1}PART 5

Publicity and Procedures on Submission of Environmental Statements

[^{F1}Publicity where an environmental statement is submitted after the planning application

17.—(1) Where an application for planning permission or a subsequent application has been made without an environmental statement and the applicant proposes to submit such a statement, the applicant must, before submitting it, comply with paragraphs (2) to (5).

(2) The applicant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the applicant's name, that an application is being made for planning permission or subsequent consent and the name and address of the relevant 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 the Welsh Ministers;
- (c) the address or location and the nature of the proposed development;
- (d) that—
 - (i) a copy of the application, any accompanying plan and other documents, and a copy of the environmental statement, and
 - (ii) in the case of a subsequent application, a copy of the planning permission in respect of which that application has been made and supporting documents,may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they are available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;
- (g) that copies may be obtained there so long as stocks last;
- (h) if a charge is to be made for a copy, the amount of the charge;
- (i) that any person wishing to make representations about the application should make them, before the date stated in accordance with sub-paragraph (e), to the relevant planning authority or (in the case of an application referred to the Welsh Ministers or an appeal) to the Welsh Ministers; and
- (j) in the case of an application referred to the Welsh Ministers or an appeal, the address, including an electronic address, to which representations should be sent.

(3) An applicant who is notified under regulation 10(2), 11(4) or 12(5) of such a person as mentioned in any of those paragraphs must serve a notice on every such person; and the notice must contain the information specified in paragraph (2), except that the date stated as the latest date on which the documents are available for inspection must not be less than 21 days later than the date on which the notice is first served.

(4) The applicant must, where it has the right to, or can reasonably acquire the right to, post on the land a notice containing the information specified in paragraph (2), except that the date stated 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.

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

- (a) be left in position for not less than 7 days in the 28 days immediately preceding the date of the submission of the statement; 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.

(6) The statement, when submitted, must be accompanied by—

- (a) a copy of the notice mentioned in paragraph (2) certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate; and
- (b) a certificate by or on behalf of the applicant which states either—
 - (i) that a notice was posted on the land in compliance with this regulation and when this was done, and that the notice was left in position for not less than 7 days in the 28 days immediately preceding the date of the submission of the statement, or that, without any fault or intention on the applicant's part, it was removed, obscured or defaced before 7 days had elapsed and the applicant took reasonable steps for its protection or replacement, specifying the steps taken; or
 - (ii) that the applicant was unable to comply with paragraphs (4) and (5) because the applicant did not have the necessary rights to do so; that any reasonable steps available to acquire those rights have been taken but unsuccessfully, specifying the steps taken.

(7) Where an applicant indicates that the applicant proposes to provide a statement in the circumstances mentioned in paragraph (1), the relevant planning authority, the Welsh Ministers or the inspector, as the case may be, must (unless disposed to refuse the permission or subsequent consent sought) suspend consideration of the application or appeal until receipt of the statement and the other documents mentioned in paragraph (6); and must not determine the application or appeal during the period of 21 days beginning with the date of receipt of the statement and the other documents so mentioned.

(8) If any person—

- (a) issues a certificate which purports to comply with the requirements of paragraph (6)(b), or
- (b) recklessly issues a certificate which purports to comply with those requirements

and which contains a statement which that person knows to be false or misleading in a material particular, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) Where it is proposed to submit an environmental statement in connection with an appeal, this regulation applies as if references to the applicant were references to the appellants.]

Textual Amendments

- F1** Regulations revoked (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), **regs. 1(2), 65(1)** (subject to savings and transitional provisions in [regs. 63, 65\(2\)-\(10\)](#))

Status:

Point in time view as at 17/12/2018.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (revoked), Section 17.