

SCHEDULE 2

Article 5(3)

Consultation before the grant of permission

“SCHEDULE 4

Articles 14 and 15

Consultations Before the Grant of Permission

TABLE

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(a)	Development likely to affect land in the area of another local planning authority	The local planning authority concerned
(b)	Development, in relation to which an application for planning permission has been made to the Welsh Ministers under section 293A of the 1990 Act ⁽¹⁾ (urgent Crown development: application), where that development is likely to affect land in the area of a community council	The community council
(c)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive
(d)	Development within an area which has been notified to the local planning authority by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of—	The Office for Nuclear Regulation

⁽¹⁾ Section 293A was inserted by section 82(1) of the Planning and Compulsory Purchase Act 2004 (c. 5).

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<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
	<p>(i) residential accommodation;</p> <p>(ii) more than 250 square metres of retail floor space;</p> <p>(iii) more than 500 square metres of office floor space; or</p> <p>(iv) more than 750 square metres of floor space to be used for an industrial process,</p> <p>or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area</p>	
(e)	<p>Development likely to result in a material increase in the volume or a material change in the character of traffic—</p> <p>(i) entering or leaving a trunk road; or</p> <p>(ii) using a level crossing over a railway</p>	<p>The Welsh Ministers</p> <p>The operator of the network which includes or consists of the railway in question, and the Welsh Ministers</p>
(f)	<p>Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway</p>	<p>The local highway authority concerned</p>
(g)	<p>Development likely to prejudice the improvement or construction of a classified road or proposed highway</p>	<p>The local highway authority concerned</p>
(h)	<p>Development involving—</p> <p>(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or</p> <p>(ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force</p>	<p>The local highway authority concerned</p> <p>The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire</p>
(i)	<p>Development which consists of or includes the laying out or construction of a new street</p>	<p>The local highway authority</p>
(j)	<p>Development, other than householder development, within an area which has been notified for the purpose of this provision to the local planning authority by the Coal Authority because of the presence of land instability risks from coal mining</p>	<p>The Coal Authority</p>

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(k)	Development involving or including mining operations	The Natural Resources Body for Wales
(l)	<p>(i) Development which has a direct physical impact on a scheduled monument.</p> <p>(ii) Development likely to be visible from a scheduled monument and which meets one of the following criteria--</p> <p>a) it is within a distance of 0.5 kilometres from any point of the perimeter of a scheduled monument;</p> <p>b) it is within a distance of 1 kilometre from the perimeter of a scheduled monument and is 15 metres or more in height, or has an area of 0.2 hectares or more;</p> <p>c) it is within a distance of 2 kilometres from the perimeter of a scheduled monument and is 50 metres or more in height, or has an area of 0.5 hectares or more;</p> <p>d) it is within a distance of 3 kilometres from the perimeter of a scheduled monument and is 75 metres or more in height, or has an area of 1 hectare or more; or</p> <p>e) it is within a distance of 5 kilometres from the perimeter of a scheduled monument and is 100 metres or more in height, or has an area of 1 hectare or more.</p> <p>(iii) Development likely to affect the site of a registered historic park or garden or its setting;</p> <p>(iv) Development within a registered historic landscape that requires an Environmental Impact Assessment; or</p> <p>(v) Development likely to have an impact on the outstanding universal value of a World Heritage Site</p>	The Welsh Ministers
(m)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The Natural Resources Body for Wales
(n)	Development for the purpose of refining or storing mineral oils and their derivatives	The Natural Resources Body for Wales
(o)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or	The Natural Resources Body for Wales

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	sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	
(p)	Development relating to the use of land as a cemetery	The Natural Resources Body for Wales The water and sewerage undertaker concerned
(q)	Development— (i) in or likely to affect a site of special scientific interest; or (ii) within an area which has been notified to the local planning authority by the Natural Resources Body for Wales and which is within two kilometres, of a site of special scientific interest, of which notification has been given, or has effect as if given, to the local planning authority by the Natural Resources Body for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest) as applied in Wales by section 27AA of that Act ⁽²⁾	The Natural Resources Body for Wales
(r)	Development involving – (i) any land on which there is a theatre; (ii) residential development (excluding householder development) within 50 metres of a theatre (not falling within paragraph (i)); or (iii) a proposed theatre.	The Theatres Trust
(s)	Development which is not for agricultural purposes, is not in accordance with the provisions of a development plan and involves— (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or	The Welsh Ministers

(2) 1981 (c. 69). Section 28 was substituted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c. 37). Section 27AA was inserted by section 105 of, and paragraph 78 of Part 1 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16), and amended by article 4(1) of, and paragraphs 169 and 172 of Part 1 of Schedule 2 to, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)).

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<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
	(ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	
(t)	Development within 250 metres of land which— (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the Natural Resources Body for Wales for the purposes of this provision	The Natural Resources Body for Wales
(u)	Development which— (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been: (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface	The Sports Council for Wales ⁽³⁾
(v)	Development likely to affect— (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal & River Trust; or (ii) any canal feeder channel, watercourse, let off or culvert, which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal & River Trust	The Canal & River Trust
(w)	Development— (i) involving the siting of new establishments;	The control of major accident hazards competent authority, and in relation to development falling within paragraph (iii),

⁽³⁾ The Sports Council for Wales is known as Sports Wales.

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	(ii) consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18/EU(4); or (iii) which is new, including transport routes, locations of public use and residential areas in the vicinity of existing establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident	any person who is, according to the register held by the hazardous substances authority under regulation 22 of the Planning (Hazardous Substances) (Wales) Regulations 2015(5), the person who is in control of the land on which any existing establishment in question is located
(x)	Development – (i) on land designated as Flood Zone C2; (ii) involving or including emergency services development or highly vulnerable development on land designated as Flood Zone C1 or on land that has been notified to the local planning authority by the Natural Resources Body for Wales for the purpose of this provision.	The Natural Resources Body for Wales
(y)	Development— (i) involving new residential development (including single units); and (ii) which is major development not falling within paragraph (i).	The water and sewerage undertaker concerned

Interpretation of Table

In the above Table—

- (a) in paragraphs (c)(iv) and (d)(iv), “industrial process” (“*proses ddiwydiannol*”) means a process for or incidental to any of the following purposes—
- (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
 - (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
 - (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this sub-paragraph, “mine” (“*mwynglawdd*”) means any site on which mining operations are carried out);
- (b) in paragraphs (c) and (d) “relevant nuclear site” (“*safle niwclear perthnasol*”) means a site which is—
- (i) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013)(6);

(4) O.J. L 197, 24.7.2012, p 1.

(5) S.I. 2015/1597 (W. 196).

(6) 2013 c. 32.

- (ii) an authorised defence site (within the meaning given by regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998⁽⁷⁾); or
- (iii) a new nuclear build site (within the meaning given by regulation 2A(1) of those Regulations)⁽⁸⁾.]
- (c) in paragraph (e), “network” (“*rhwydwaith*”) and “operator” (“*gweithredwr*”) have the same meaning as in section 83(1) of the Railways Act 1993 (the provision of railway services)⁽⁹⁾;
- (d) in paragraphs (f) and (g), “classified road” (“*ffordd ddosbarthiadol*”) means a highway or proposed highway which—
 - (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)⁽¹⁰⁾; or
 - (ii) is classified for the purposes of any enactment by the Welsh Ministers by virtue of section 12(3) of that Act;
- (e) in paragraph (h), “concessionaire” (“*consesiynydd*”), “road subject to a concession” (“*ffordd sy’n ddarostyngedig i gonsesiwn*”) and “toll order” (“*gorchymyn tollau*”) have the same meaning as in Part I of the New Roads and Street Works Act 1991 (new roads in England and Wales)⁽¹¹⁾;
- (f) in paragraph (i), “street” (“*stryd*”) has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and “new street” (“*stryd newydd*”) includes a continuation of an existing street;
- (g) in paragraph (j), “householder development” (“*datblygiad gan ddeiliad tŷ*”) means—
 - (i) the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or
 - (ii) a change of use to enlarge the curtilage of a dwellinghouse,for any purpose incidental to the enjoyment of the dwellinghouse but does not include—
 - (aa) any other change of use,
 - (bb) the erection of a dwellinghouse, or
 - (cc) a change to the number of dwellings in a building;
- (h) in paragraph (l)—
 - (i) “scheduled monument” (“*heneb gofrestredig*”) has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)⁽¹²⁾;
 - (ii) reference to the height of development is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” (“*lefel y ddaear*”) means the level of the surface of the ground immediately adjacent to the development in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it;

(7) S.I. 1998/494. The definition of “authorised defence site” was inserted by Article 6(2) of, and paragraphs 70 and 72(a) of Schedule 3 to, the Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469).

(8) Regulation 2A was inserted by article 6(2) of and paragraphs 70 and 73 of, Schedule 3 to that Order.

(9) 1993 c. 43. There are amendments to section 83(1) not relevant to this Order.

(10) 1980 c. 66.

(11) 1991 c. 22; see section 26, to which there are amendments not relevant to this Order.

(12) 1979 c. 46.

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- (iii) “registered historic park or garden” (“*parc hanesyddol cofrestredig neu ardal hanesyddol gofrestredig*”) and “registered historic landscape” (“*tirwedd hanesyddol gofrestredig*”) means the park, garden or landscape is included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales maintained by the Welsh Ministers⁽¹³⁾;
- (iv) “World Heritage Site” (“*Safle Treftadaeth y Byd*”) means land appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention for the Protection of the World Cultural and Natural Heritage adopted at Paris on 16th November 1972 ⁽¹⁴⁾;
- (i) in paragraph (o)—
 - (i) “slurry” (“*slyri*”) means animal faeces and urine (whether or not water has been added for handling), and
 - (ii) “caravan” (“*carafán*”) has the same meaning as in section 29(1) of the Caravan Sites and Control of Development Act 1960 (caravan sites)⁽¹⁵⁾;
- (j) in paragraph (q), “site of special scientific interest” (“*safle o ddiddordeb gwyddonol arbennig*”) means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest) applies;
- (k) in paragraph (r), “theatre” (“*theatr*”) has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)⁽¹⁶⁾ and “householder development” (“*datblygiad gan ddeiliad ty*”) has the same meaning as in paragraph (j);
- (l) in paragraph (u)—
 - (i) “playing field” (“*maes chwarae*”) means the whole of a site which encompasses at least one playing pitch;
 - (ii) “playing pitch” (“*llain chwarae*”) means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo;
- (m) in paragraph (w)—
 - (i) expressions appearing both in that paragraph and in Directive 2012/18/EU have the same meaning as in that Directive; and
 - (ii) “control of major accident hazards competent authority” (“*awdurdod cymwys rheoli peryglon damweiniau mawr*”) means—
 - (aa) in relation to a relevant nuclear site, the Office of Nuclear Regulation and the Natural Resources Body for Wales, acting jointly;
 - (bb) otherwise, the Health and Safety Executive and the Natural Resources Body for Wales acting jointly; and
- (n) in paragraph (x)—

“Flood Zone C2” (“*Parth Llifogydd C2*”) means an area of a floodplain without significant flood defence infrastructure ;

“Flood Zone C1” (“*Parth Llifogydd C1*”) means an area of the floodplain which is developed and served by significant infrastructure, including flood defences;⁽¹⁷⁾ and

⁽¹³⁾ See <http://cadw.gov.wales/historicenvironment/protection/historiclandscapes/?lang=en>

⁽¹⁴⁾ See <http://whc.unesco.org/en/list>

⁽¹⁵⁾ 1960 c. 62. There are amendments to section 29(1) not relevant to this Order.

⁽¹⁶⁾ 1976 c. 27.

⁽¹⁷⁾ Maps showing flood zones are available from the Welsh Government on <http://data.wales.gov.uk/apps/floodmapping/>.

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“emergency services development” (“*datblygiad gwasanaethau brys*”) and “highly vulnerable development” (“*datblygiad a all fod mewn pergyll mawr*”) have the same meaning as set out in The Town and Country Planning (Notification) (Wales) Direction 2012(18).”