

SCHEDULE 3

Article 2(7)

Duty to consult before the grant of planning permission

1. Schedule 5 to the Procedure Order is amended as follows
2. In the Table—
 - (a) for paragraph (h) substitute—

“(h)	<ol style="list-style-type: none">(i) Development which has a direct physical impact on a scheduled monument.(ii) Development likely to be visible from a scheduled monument and which meets one of the following criteria—<ol style="list-style-type: none">a) it is within a distance of 0.5 kilometres from any point of the perimeter of a scheduled monument;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;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;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; ore) 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.(iii) Development likely to affect the site of a registered historic park or garden or its setting;(iv) Development within a registered historic landscape that requires an Environmental Impact Assessment; or	The Welsh Ministers”
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(v)	Development likely to have an impact on the outstanding universal value of a World Heritage Site	
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- (b) omit paragraph (k); and
(c) after paragraph (t) insert—

“(u)	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
(v)	Any development	The water and sewerage undertaker concerned”

3. In the definitions given under the heading “Interpretation of Table”—

- (a) for paragraph (d) substitute—

“(d) in paragraph (h)—

- (i) “scheduled monument” (“*heneb gofrestredig*”) has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Area Act 1979 (scheduled monuments)(**1**);
- (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 is not uniform, the level of the highest part of the surface adjacent to it;
- (iii) “registered historic park or garden” (“*parc hanesyddol cofrestredig neu ardd hanesyddol gofrestredig*”) and “registered historic landscape” (“*tirwedd hanesyddol gofrestredig*”) means the park, garden or landscape included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales maintained by the Welsh Ministers(**2**);
- (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(**3**);” and

- (b) after paragraph (i) insert—

“(j) in paragraph (u)—

(1) 1979 c. 46.

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

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

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- (i) “Flood Zone C1” (“*Parth Llifogydd C1*”) means an area of a floodplain which is developed and served by significant infrastructure, including flood defences⁽⁴⁾;
- (ii) “Flood Zone C2” (“*Parth Llifogydd C2*”) means an area of a floodplain without significant flood defence infrastructure;
- (iii) “emergency services development” (“*datblygiad gwasanaethau brys*”) and “highly vulnerable development” (“*datblygiad a all fod mewn perygl mawr*”) have the same meaning as set out in the Town and Country Planning (Notification) (Wales) Direction 2012⁽⁵⁾.”

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

(5) Welsh Government Circular: 07/2012.