

# THE TOWN AND COUNTRY PLANNING (NOTIFICATION) (UNCONVENTIONAL OIL AND GAS) (WALES) DIRECTION 2015

The Welsh Ministers, in exercise of the powers conferred by articles 18(1) and 22(5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012<sup>(1)</sup>, give the following Direction.

## Commencement

1. This Direction comes into force on 16 February 2015.

## Interpretation

2. In this Direction—

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation)<sup>(2)</sup>;

“unconventional oil and gas development” (“*datblygiad olew a nwy anghonfensiynol*”) means development involving the onshore exploration, appraisal or production of coal bed methane or shale oil or gas using unconventional extraction techniques, including hydraulic fracturing (but does not include the making of exploratory boreholes which do not involve the carrying out of such unconventional extraction techniques).

## Application

3. This Direction applies to any application for planning permission—

- (a) relating to land in Wales;
- (b) made on or after 16 February 2015;
- (c) for development which is unconventional oil and gas development;
- (d) which the local planning authority does not propose to refuse.

## Notification to the Welsh Ministers

4. Where a local planning authority do not propose to refuse an application for unconventional oil and gas development, the authority must notify the Welsh Ministers.

5. Where a local planning authority is required to notify the Welsh Ministers, they must as soon as practicable send to the Welsh Ministers by means of electronic communication or otherwise a copy of—

- (a) the application (including copies of any accompanying plans and drawings and any appropriate flood risk, transport, noise or other assessment) and supporting information;
- (b) the requisite notice;
- (c) any representations made to the authority in respect of the application (including any views expressed by a government department, another local planning authority or other consultee);
- (d) any report on the application prepared by an officer of the authority;

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(1) S.I. 2012/801.

(2) 2000 c.7. Section 15(1) was amended by section 406(1) of and paragraph 158 of Schedule 17 to the Communications Act 2003 (c.21).

- (e) any screening opinion issued under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999<sup>(1)</sup>;
- (f) any appropriate assessments carried out under the Conservation of Habitats and Species Regulations 2010<sup>(2)</sup>.

**Relevant period before a local planning authority may grant planning permission**

6. Subject to paragraph 7, where a local planning authority are required to notify the Welsh Ministers, the authority must not grant planning permission on the application until the expiry of the period of 21 days beginning with the date which the Welsh Ministers tell the authority in writing is the date upon which they received the information specified in paragraph 5.

7. The local planning authority may proceed to determine the application if before the expiry of the period referred to in paragraph 6, the Welsh Ministers notify the authority that—

- (a) the Welsh Ministers do not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application; or
- (b) the Welsh Ministers do not consider the development to be unconventional oil and gas development.

*Carl Sargeant*

Minister for Natural Resources, one of the Welsh Ministers

13<sup>th</sup> February 2015

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(1) S.I. 1999/293, to which there are amendments.

(2) S.I. 2010/490, to which there are amendments.