

THE TOWN AND COUNTRY PLANNING (NOTIFICATION) (COAL AND PETROLEUM) (WALES) DIRECTION 2018

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

Commencement

1. This Direction comes into force on 5 December 2018.

Interpretation

2. In this Direction—

“coal” (“*glo*”) and “coal mine” (“*glofa*”) have the meanings given in section 65(1) of the Coal Industry Act 1994(2);

“coal and petroleum development” (“*datblygiad glo a phetrolewm*”) means development involving—

- (a) in relation to coal—

- (i) searching for coal and boring for it,

- (ii) winning, working and getting it (whether underground or in the course of opencast operations),

- (iii) bringing underground coal to the surface, treating coal and rendering it saleable,

- (iv) treating coal in the strata for the purpose of winning any product of coal and winning, working or getting any product of coal resulting from such treatment, and

- (v) depositing spoil from any activities carried on in the course of any of the above operations and draining coal mines;

- (b) in relation to petroleum, searching and boring for and getting petroleum;

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation)(3);

“petroleum” (“*petrolewm*”) has the meaning given in section 1 of the Petroleum Act 1998(4);

Application

3. This Direction applies to any application for planning permission made to a local planning authority—

- (a) relating to land in Wales;

(1) S.I. 2012/801 (W. 110).

(2) 1994 c. 21.

(3) 2000 c. 7. Section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

(4) 1998 c. 17.

- (b) made on or after 5 December 2018;
- (c) for development which is coal and petroleum development; and
- (d) which the local planning authority does not propose to refuse.

Notification to the Welsh Ministers

4. Where a local planning authority does not propose to refuse an application for coal and petroleum 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;
- (e) any screening opinion issued under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017(1); and
- (f) any appropriate assessments carried out under the Conservation of Habitats and Species Regulations 2017(2).

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 coal and petroleum development.

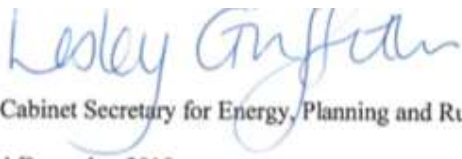
(1) S.I. 2017/567 (W. 136).

(2) S.I. 2017/1012.

Cancellation

8. The following Directions are cancelled save that they continue to apply in relation to any application for planning permission relating to land in Wales made before 5 December 2018 —

- (a) the Town and Country Planning (Notification) (Unconventional Oil and Gas) (Wales) Direction 2015;
- (b) the Town and Country Planning (Notification) (Underground Coal Gasification) (Wales) Direction 2016.



Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers

4 December 2018