



Llywodraeth Cymru
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Information Report

List of Statutory and Non-Statutory Consultees in the Planning Application Process

September 2011

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Section 1 - Introduction

1. Following consultation, the Welsh Government is publishing this single comprehensive list of extant nationally defined references in consultation in the planning application process in Wales. The list identifies the following:
 - **Statutory consultees:** are organisations and bodies, defined by statute, who must be consulted on relevant planning applications. Key organisations (in terms of impact and volume of consultations) include the Environment Agency, Countryside Council for Wales, and particular departments of the Welsh Government. Other bodies include local highway authorities and organisations with more specific interests, such as the Coal Authority. In general, statutory consultees are defined in the Town and Country Planning (General Development Procedure) Order 1995 (As Amended).
 - **Non-statutory consultees:** are organisations and bodies, identified in national planning policy, circulars, guidance and technical advice notes, who should be consulted on relevant planning applications. These include some bodies who are also statutory consultees (for example the Environment Agency Wales and Countryside Council for Wales) and others that are not such as the Welsh Archaeological Trusts.
2. The list identifies statutory and non-statutory consultees and the following are outside the scope of the list:
 - Locally defined consultation undertaken by local planning authorities;
 - Sources of information and advice referred to in national planning policy, guidance and circulars, where the reference does not amount to a clear request for consultation in a particular circumstance;
 - Statutory consultation in relation to non planning consents such as that required by the Planning (Listed Buildings and Conservation Areas) Act 1990; and
 - Consultation required by the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (As Amended).
3. The draft list was consulted on between 11 August 2010 and 26 November 2010. By inviting comments from interested bodies and stakeholders, the consultation aimed to ensure that the list was as useful and comprehensive as possible. A separate consultation summary report is available which summarises the 43 responses made to the draft list.
4. This final list has been produced to inform a subsequent review of the statutory and non-statutory consultee process. This review forms part of the Welsh Government's Response to Recommendation 7 of the "Study to examine the planning application process in Wales". This subsequent review may lead to changes in the way consultation is undertaken in the planning application process. The updating of the list will be considered during this review.

5. For further information on the background to this list please refer to the following documents:

- Study to Examine the Planning Application Process in Wales (WAG June 2010)
(<http://wales.gov.uk/docs/desh/publications/100622researchreporten.pdf>)
- Welsh Government's Response to the Study (WAG June 2010)
(<http://wales.gov.uk/docs/desh/publications/100622wagresponseen.pdf>)
- Welsh Government Website - Closed consultation Draft List of Statutory and Non-statutory Consultees in the Planning Application Process (WAG August 2010)
 - Consultation document
 - Consultation response summary report
 - Consultation individual responses(<http://wales.gov.uk/consultations/planning/planappconsultees/;jsessionid=YTqmTSTbQph6s8jL5rN442hzQ7JSB18QF8l3ZVDwdq73hCjQLBQL!377721137?lang=en&status=closed>)
- Study to Examine the Planning Application Process in Wales – Implementation Update (WG June 2011)
(<http://wales.gov.uk/docs/desh/publications/110720ipupdateen.pdf>)

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Section 3 - List of Statutory Consultees

Notes

Note 1: A number of these bodies may also be non statutory consultees on separate matters, and in those cases, the non statutory references are also included in this section.

Note 2: All references to the GDPO refer to the Town and Country Planning (General Development Procedure) Order 1995 (SI1995/419) (As Amended) as it currently applies in Wales.

Note 3: In the case of the Welsh Government [section 19 of list] an additional coding A, B or C is included for statutory consultation references. These codes mean:

- A Functions transferred to the then Secretary of State for Wales at 1/4/65 (SOS Wales and Minister of Land and Natural Resources Order 1965 SI No. 319.)**
- B Additional functions transferred or vested in the then Secretary of State for Wales and delivered via the Welsh Office between 1965 and 30/6/99.**
- C New functions (apart from those set out in A and B) transferred or vested in either the National Assembly for Wales or the Welsh Ministers from and after 1/7/99 (NAW (Transfer of Functions Order 1999 SI 1999 No. 672- coming into force 1/7/99. (Government of Wales Act 1998 and Government of Wales Act 2006)**

1. British Waterways

STATUTORY CONSULTATION

Article 10 (1) (za) of the GDPO 1995

Development likely to affect:

- (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the British Waterways Board; 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 British Waterways Board.

NON STATUTORY CONSULTATION RECOMMENDED BY WELSH GOVERNMENT

Technical Advice Note 16: Sport, Recreation and Open Space (January 2009)

Paragraph 2.21

... British Waterways and the relevant port authorities should also be consulted as appropriate in the plan preparation and decision making process.

Paragraph 3.31

... The Environment Agency Wales, British Waterways and relevant port or harbour authority should be consulted early in plan preparation, and as appropriate when planning decisions are taken, to ensure that issues related to water resources are properly addressed.

Technical Advice Note 18: Transport (March 2007)

Paragraph 8.17

Development proposals, development plan policies, or the construction or improvement of infrastructure including roads should be assessed for any impacts on inland waterways. In particular, care should be taken to avoid severing or adversely affecting inland waterways. Local authorities should, where appropriate, consult the British Waterways Board (BWB), or other relevant navigation authority.

Minerals Planning Guidance 12 (April 1994)

Paragraph D6

List of Statutory and Non-statutory Consultees in the Planning Application Process.

... In addition, it may be prudent to consult British Waterways in respect of mined ground close to waterways since disturbance of shafts can cause problems for these. Many shafts were sunk close to canals in order to facilitate easy loading and British Waterways holds a large amount of information on such mined ground.

2. Coal Authority

STATUTORY CONSULTATION

Article 10 (1) (j) of the GDPO 1995

Development which involves the provision of a building or pipe-line in an area of coal working notified by the Coal Authority to the Local Planning Authority.

Article 16 of the GDPO 1995

Where the Coal Authority has given notice to a Mineral Planning Authority that land in its area contains coal, the Mineral Planning Authority shall not determine any application for planning permission to win or work any mineral on that land, without first notifying the Coal Authority. (The relevant responsibilities of the British Coal Corporation are now discharged by the Coal Authority).

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

Mineral Planning Guidance 12 (MPG 12) - Treatment of Disused Mine Openings and Availability of Information on Mined Ground

Paragraph 56

The British Coal Corporation has well-defined responsibilities in respect of treatments of openings of coal mines vested in the corporation and is a statutory consultee by virtue of the GDPO. It is essential that the corporation should be consulted about such openings at the earliest opportunity.

Note:

The Welsh Government has outlined new consultation procedures with the Coal Authority within a letter to all Chief Planning Officers in Wales; entitled: "The Coal Authority – Risk Based Approach to Development Management in the Coalfields" (22/10/2010).

3. Community Councils

STATUTORY CONSULTATION

Article 13 of the GDPO 1995

Local Planning Authorities determining a planning application must (if requested to do so by the council for any community or group of communities situated in their area) notify the council for any community or group of communities situated in their area of any relevant planning application within their area and any relevant alteration to that application (see Paragraph 2(1) of Schedule 1A to the Town and Country Planning Act 1990.)

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

None

4. Countryside Council for Wales (CCW)

STATUTORY CONSULTATION

Article 10 (1) (u) of the GDPO 1995

Development

- (i) in or likely to affect a Site of Special Scientific Interest (SSSI) of which notification has been given, or has effect as if given, to the local planning authority, in accordance with section 28 of the Wildlife and Countryside Act 1981 (areas of special scientific interest); or
- (ii) within an area which has been notified to the Local Planning Authority, and which is within two kilometres of a SSSI of which notification has been given or has effect as if given as aforesaid.

Article 10 (1) (zb) of the GDPO 1995

A Development -

- (i) involving the siting of new establishments; or
- (ii) consisting of modifications to existing establishments which could have significant repercussions on major-accident hazards; or
- (iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident

where it appears to the Local Planning Authority that an area of particular natural sensitivity or interest may be affected

The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490)

Technical Advice Note 5: Nature Conserving and Planning (September 2009) (TAN 5) (Includes a description of statutory consultation requirements under the Habitat Regulations).

Regulation 61 (3) and paragraph 5.3.13 of (TAN 5)

Under the provisions of the Habitats Regulations 2010, there is a statutory duty for the Local Planning Authority to consult CCW when undertaking an appropriate assessment for a new plan project. The Local Planning Authority must have regard to any representations made by CCW within such reasonable time as the authority may specify.

Regulation 75 (3) and paragraph 5.3.13 of (TAN 5)

Where development is proposed in reliance upon a planning permission granted by general development order, and that development is likely to have a significant effect on a European site in Great Britain, the development must not be begun or continued without the approval of the Local Planning Authority. On receipt of an application for approval, the Local Planning Authority must send a copy of the application to CCW and take account of any representations made by them.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

Planning Policy Wales (Edition 4, February 2011)

Paragraph 5.5.4

For all planning applications likely to result in disturbance or harm to a protected species or likely to have a significant adverse effect on sites of more than local importance, or on a designated area, local planning authorities should seek the advice of CCW and should always consult them before granting permission.

Paragraph 5.5.11

The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat. Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult CCW before granting permission.

Paragraph 5.5.15

In the case of a site recorded on the inventory of ancient woodland produced by CCW, authorities should consult with CCW and, if relevant, the Forestry Commission, before authorising potentially damaging operations.

Minerals Planning Policy Wales (December 2000)

Paragraph 28

Mineral proposals in locations known to contain protected species, or in areas where habitat type may indicate that a protected species may be resident, should be carefully considered in consultation with the Countryside Council for Wales. Interference to the detriment of a protected species will not be acceptable except where a licence to permit this has been issued.

Paragraph 84

... The Countryside Council for Wales should be consulted on proposals for peat extraction.

Minerals Technical Advice Note 1 – Aggregates (March 2004)

Paragraph 59

The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in harm to the species or its habitat. Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult the Countryside Council for Wales before granting permission.

Mineral Planning Guidance 12 - Treatment of Disused Mine Openings and Availability of Information on Mined Ground (April 1994)

Paragraph 57

Mineral Planning Authorities should consult CCW if there is any likelihood of wildlife habitats or geological sites being affected or in relation to any development which would, separately or cumulatively, have a significant impact on the visual amenity of the countryside in designated landscapes of national importance.

Technical Advice Note 5: Nature Conservation and Planning (September 2009)

Paragraph 6.2.1

The presence of a protected species is a material consideration when a Local Planning Authority is considering a development proposal that, if carried out, would be likely to result in disturbance or harm to the species or its habitat. Local Planning Authorities should consult CCW before granting planning permission.

WO Circular 10/99 – Planning Requirement in Respect of the use of Non-Mains Sewerage incorporating Septic Tanks in new Development (April 1999)

Annex A, paragraph 2 lists bodies to be consulted.

... In addition to the views of relevant sections within the local authority such as the Environmental Health Department and Building Control, the views of other key bodies listed below could also be material to assessing the suitability of sewerage and sewage disposal proposals.

- ...
- Countryside Council for Wales
- ...

Technical Advice Note 21 – Waste (November 2001)

Paragraph 6.8

Consultation must also be undertaken with statutory consultees such as the Countryside Council for Wales and Environment Agency (see Section 12) where relevant, and where known, with local community groups.

5. County Councils

STATUTORY CONSULTATION

Town and Country Planning Act 1990

Section 71 (3)

Before a Local Planning Authority grants planning permission for the use of land as a caravan site, they shall, unless they are also the authority with power to issue a site licence for that land, consult the local authority with that power.

(Note: In Wales this is only likely to be relevant to planning applications made to the three National Park Authorities i.e. Snowdonia, Pembrokeshire Coast and Brecon Beacons.)

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

None

6. Crown Estates Commissioners

STATUTORY CONSULTATION

Article 16 of the GDPO 1995

Where the Crown Estates Commissioners have given notice to a mineral planning authority that land in their area contains silver or gold, the Mineral Planning Authority shall not determine any application for planning permission to win and work any mineral on that land, without first notifying the Crown Estates Commissioners.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

None

7. Department of Energy and Climate Change (Responsibility transferred from former DTI)

STATUTORY CONSULTATION

Article 16 of the GDPO 1995

Where the Secretary of State for Trade and Industry has given notice to a Mineral Planning Authority that land in their area contains gas or oil, the Mineral Planning Authority shall not determine any application, for planning permission to win and work any mineral on that land, without first notifying the Secretary of State.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

None

8. Environment Agency

STATUTORY CONSULTATION

Article 10 (1) (k) of the GDPO 1995

Development involving or including mining operations

Article 10 (1) (p) of the GDPO 1995

Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream

Article 10 (1) (q) of the GDPO 1995

Development for the purposes of refining or storing mineral oils and their derivatives

Article 10 (1) (r) of the GDPO 1995

Development involving the use of land for the deposit of refuse or waste

Article 10 (1) (s) of the GDPO 1995

Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pump houses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling houses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto).

Article 10 (1) (t) of the GDPO 1995

Development relating to the use of the land as a cemetery

Article 10 (1) (x) of the GDPO 1995

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 Waste Regulation Authority for the purposes of this provision.

Article 10 (1) (y) of the GDPO 1995

Development for the purposes of fish farming

Article 10 (1) (zb) of the GDPO 1995

Development-

- (i) involving the siting of new establishments; or
- (ii) consisting of modifications to existing establishments which could have significant repercussions on major-accident hazards; or
- (iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

Planning Policy Wales (Edition 4, February 2011)

Paragraph 13.4.3

It is essential that the Environment Agency's advice is obtained and given due weight as a material consideration by Planning Authorities in determining individual planning applications. Planning Authorities must have good reasons for not following the advice of the Environment Agency, and these should be reported to the Environment Agency prior to planning permission being granted, enabling them to consider submitting further representations.

Technical Advice Note 15 – Development and Flood Risk (July 2004)

Section 8, paragraphs 8.1:

All types of land use change will impact on the natural hydrological cycle in one way or another and flooding is not confined to flood plains, as heavy rain falling on waterlogged ground can cause localised flooding almost anywhere. In all zones, development should not increase the risk of flooding elsewhere. Run-off from developments in these areas can, if not properly controlled, result in flooding at other locations and significantly alter the frequency and extent of floods further down the catchment. In many instances this will be determined by local knowledge and where such concerns are suspected planning authorities should consult the relevant competent authority on a case by case basis, who will determine what, if any, attenuation is to be required.

Consultation may be required with one, or more, of the following organisations with regard to surface water:

- Highway Authorities: highway surface water, for example highway culverts, roadside drains, swales.
- Land Drainage Authorities, including IDB's, Riparian owners or Environment Agency: for example agricultural run-off, ditches, streams and main rivers.
- Sewerage Undertakers: for example roofs and yard water from domestic curtilage.

Section 11, paragraph 11.6:

When a planning authority receives an application, which is within zone C, or in some cases in zone B, they should undertake appropriate internal consultation in relation to their own flood defence responsibilities as well as consulting the Environment Agency. Where appropriate, standing advice should be considered. Planning authorities should also, where relevant, consult with Internal Drainage Boards on developments within internal draining districts and outside where it would have an impact in them.

Section 11, paragraph 11.9:

Where run-off considerations are likely to be significant, planning authorities should undertake appropriate consultation. This will include appropriate internal consultation in relation to their drainage responsibilities, the Environment Agency, Internal Drainage Boards, the sewerage undertaker and, where relevant, any navigation authority. They will be able to advise on the capacity of existing drainage systems, the feasibility and desirability of using SuDS and the impact of discharges to watercourses. The ability of such systems to be adopted as part of a highway drainage or surface water drainage scheme should also be considered.

Appendix 4, Paragraph A4.8 – Local planning authorities and developers should seek advice from the Environment Agency, highways authorities and sewerage undertakers on the techniques available for sustainable drainage and their suitability for proposed development or redevelopment in specific locations.

Minerals Planning Policy Wales (December 2000)

Paragraph 30

Mineral planning authorities and the industry should take into account the need to protect the quantity and quality of surface and groundwater supplies. Changes in the water table as a result of mineral extraction or the disposal of mineral wastes must not cause unacceptable impact, or otherwise damage or adversely affect water resources or sources of water which might be an integral part of sites of high landscape value or nature conservation importance. De-watering that would lead to an offence against a protected

species would normally require a licence (paragraphs 28 and 29). Changes in the water table may also cause significant geohazards such as the shrinkage of clay soils leading to subsidence or karstic collapse in limestone areas. The impact of changes to surface and groundwater are likely to require monitoring and require remedial measures to be introduced. Mineral planning authorities must consult the Environment Agency on these complex issues and, where doubt exists, should adopt the precautionary principle in taking planning decisions on mineral development.

Paragraph 86

... The Environment Agency should be consulted regarding the control of pollution that may result from mineral extraction.

Technical Advice Note 16 – Sport, Recreation and Open Space (January 2009)

Paragraph 3.31

... The Environment Agency Wales, British Waterways and relevant port or harbour authority should be consulted early in plan preparation, and as appropriate when planning decisions are taken, to ensure that issues related to water resources are properly addressed...

Technical Advice Note 18 – Transport (March 2007)

Paragraph 8.17

Development proposals, development plan policies, or the construction or improvement of infrastructure including roads should be assessed for any impacts on inland waterways. In particular, care should be taken to avoid severing or adversely affecting inland waterways. Local authorities should, where appropriate, consult the British Waterways Board (BWB), or other relevant navigation authority. They should also consult the Environment Agency, local waterway interest groups and the Inland Waterway Association (IWA).

Technical Advice Note 21 – Waste (November 2001)

Paragraph 6.8

Consultation must also be undertaken with statutory consultees such as the Countryside Council for Wales and Environment Agency (see Section 12) where relevant, and where known, with local community groups.

Paragraph 11.5

... Local planning authorities should assess such options when proposals are submitted for planning permission in consultation with the Environment Agency, and should take into account the need for such facilities in their decision making.

Annex F7

Pollution control is the responsibility of the Environment Agency. Local planning authorities should consult the Environment Agency on pollution control issues in respect of unitary development plans or planning applications.

Minerals Technical Advice Note 1 – Aggregates (March 2004)

Paragraph 58

... If the integrity of the SSSI is dependent on groundwater, the Environment Agency must be consulted on the proposal that may have an adverse affect...

Minerals Technical Advice Note 2 – Coal (January 2009)

Paragraph 86

... If the integrity of the SSSI is dependent on groundwater, the Environment Agency must be consulted on any proposal that may have an adverse affect....

WO Circular 29/95 – General Development Order Consolidation 1995 (May 1995)

Appendix B, Table 2

The Environment Agency should be consulted in its capacity as HM Inspectorate of Pollution in relation to proposed sites within 500m (measured from the site boundary) of a process subject to integrated pollution control under Part 1 of the Environmental Protection Act 1990, or subject to the Control of Industrial Air Pollution (Registration of Works) Regulations 1989 (SI 1989/318)

WO Circular 10/99 – Planning Requirement in Respect of the use of Non-Mains Sewerage incorporating Septic Tanks in new Development (April 1999)

Annex A, paragraph 2 lists bodies to be consulted.

9. Forestry Commission Wales

STATUTORY CONSULTATION

Town and Country Planning Act 1990 Schedule 5, Part I, paragraph 4

Before imposing an aftercare condition, on mineral or waste applications, the Mineral Planning Authority shall consult the Forestry Commission where they propose that the after-care use specified in the condition shall be a use for forestry.

Where, after consultation as required above, the Mineral Planning Authority are satisfied that the use that they ought to specify is a use for forestry, they shall consult the Forestry Commission with regard to whether the steps to be taken should be specified in the aftercare condition, or in an aftercare scheme.

The Mineral Planning Authority shall also consult the Forestry Commission as to the steps to be specified in an aftercare condition which specifies a use for forestry; and before approving an aftercare scheme submitted in accordance with an aftercare condition which specifies such a use.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

Planning Policy Wales (Edition 4, February 2011)

Paragraph 5.5.15

In the case of a site recorded on the inventory of ancient woodland produced by CCW, authorities should consult with CCW and, if relevant, the Forestry Commission, before authorising potentially damaging operations.

Minerals Planning Guidance 2 (MPG 2) - Applications, Permissions and Conditions (January 1988)

Paragraph 37

The Forestry Commission should be consulted about any application for mineral development which affects land which has been dedicated under the Forestry Act 1947. The Mineral Planning Authority are required to consult the Forestry Commission before imposing an after-care condition which specifies that the restored land should be used for forestry.

Table 2 of Appendix B of WO circular 29/95 as amended by Welsh Office letter titled Addition of the Forestry Commission to the List of None Statutory Consultees Dated March 15, 1999.

Table 2 in appendix B of the circular 29/95 is amended to include the following entry:

Consultee	Criteria
In Wales, the Forestry Commission	Proposals which affect ancient semi-natural woodland or ancient replanted woodlands as recorded in the Countryside Council for Wales provisional inventory of ancient woodland

The Forestry Commission wishes to be consulted on the following categories of development:

- i) proposals where any part of the development site consists of ancient semi-natural woodland or ancient planted woodland recorded in the provisional inventory; and
- ii) proposals where any part of the development site is within 500 m of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings or extending the footprint of existing buildings.

Where the Local Planning Authority is unclear whether to consult on a particular proposal, it should seek the advice of the Forestry Commission.

....

10. Health and Safety Executive

STATUTORY CONSULTATION

Article 10 (1) (d) of the GDPO 1995

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 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.

Article 10 (1) (zb) of the GDPO 1995

Development-

- (i) involving the siting of new establishments; or
- (ii) consisting of modifications to existing establishments which could have significant repercussions on major-accident hazards; or
- (iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

WO Circular 22/87 – Development of Contaminated Land (August 1987)

Paragraph 16

Development of contaminated land it is recommended that the Local Planning Authority should obtain advice from experts in other local authority departments, (e.g. Environmental Health, Waste disposal, Land Reclamation, Building Control, Surveying and Engineering) and consult with the Health and

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Safety Executive, when considering an application to develop contaminated or potentially contaminated land.

Note:

Consultation with the Health and Safety Executive is initially undertaken through the online PAHDI system.

11. Local Highway Authority

STATUTORY CONSULTATION

Article 10 (1) (f) of the GDPO 1995

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

Article 10 (1) (g) of the GDPO 1995

Development likely to prejudice the improvement or construction of a classified road or proposed highway

Article 10 (1) (h) of the GDPO 1995

Development involving –

- (i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or
- (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.

Article 10 (1) (i) of the GDPO 1995

Development which consists of or includes the laying out or construction of a new street

(Note: Also set out in Annex E of Technical Advice Note 18: Transport, 2007)

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

Technical Advice Note 15: Development and Flood Risk (July 2004)

Appendix 4, Paragraph A4.8 – Local planning authorities and developers should seek advice from the Environment Agency, highways authorities and sewerage undertakers on the techniques available for sustainable drainage and their suitability for proposed development or redevelopment in specific locations.

Minerals Planning Guidance 2 (MPG 2) – Applications, permissions and conditions (January 1988)

Paragraph 32

Where the transport of minerals causes a material increase in the volume, or changing the character, of traffic entering or leaving a road or where it creates problems for road safety the relevant Highways Authority should be consulted.

Paragraph 33

Where the proposed development involves formation, laying out or alteration of any means of access to a highway which is not a trunk road and the local authority concerned and not the authority making a decision, the Local Planning Authority are required under the GDPO to consult that Local Highway Authority.

Minerals Planning Guidance 4 (MPG 4) – Review of Mineral Working Sites (September 1988)

Paragraph 6

Mineral Planning Authority should consider consulting the Highways Authority when reviewing mineral operations

WO Circular 14/92 and Technical Advice Note 7 - Outdoor Advertising Control (March 1992)

Paragraph 24

When considering applications regarding external advertisements, Local Planning Authorities should consider any public safety implications, and any effect upon the safe use and operation of any form of traffic or transport on the land, including the behaviour of vehicle drivers who will see the advertisement, possible confusion with any traffic sign or other signal and possible interference with a navigation light or aerial beacon. Local Planning Authorities should consult other relevant organisations such as the Highway Authority that have an interest.

12. Local Planning Authority

STATUTORY CONSULTATION

Article 10 (1) (a) of the GDPO 1995

If a development is likely to affect the land in the area of another Local Planning Authority then the Local Planning Authority shall consult the relevant Local Planning Authority.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

None

13. Ministry of Defence

STATUTORY CONSULTATION

The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Directions 2002 (NAW Circular 1/2003)

Annex 1, Paragraph 4 Direction Requirements

... a Local Planning Authority, before granting permission for the development of land forming the site of or in the neighbourhood of an aerodrome, technical site or explosives storage area for which a safeguarding map has been furnished to the authority shall, to the extent specified on such a safeguarding map in relation to particular parts shown thereon, consult the Ministry of Defence. This consultation requirement relates to buildings, structures, erections and works, and to developments likely to attract birds.

Annex 1, Paragraph 7 Direction Requirements

... if a Local Planning Authority proposes to grant permission for the development of land forming the site of or in the neighbourhood of an aerodrome, technical site or explosives storage area, or to grant permission subject to conditions, contrary to the advice of the Ministry of Defence, they must notify the Ministry of Defence.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (February 2011)

Paragraph 3.4.22

In line with Civil Aviation Authority (CAA) policy (see CAP 764 below), the CAA's Directorate of Airspace Policy (DAP), the Ministry of Defence (MoD Defence Estates), and the National Air Traffic Services (NATS) should be consulted on wind turbine proposals at an early stage in the planning process.

Note: See Also Technical Advice Note 8 – Renewable Energy (July 2005) Annex C, Paragraph 2.35

14. National Air Traffic Service and Operators of Officially Safeguarded Civil Aerodromes

STATUTORY CONSULTATION

The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Directions 2002 (NAW Circular 1/2003)

Direction Requirement Annex 1, Paragraph 4

Where the safeguarding map has been certified by the Civil Aviation Authority a Local Planning Authority, before granting planning permission for the development of land forming the site of or in the neighbourhood of an aerodrome or technical site, must consult the owner and operator of the aerodrome or technical site identified on the safeguarding map. This consultation requirement relates to buildings, structures, erections and works, and to developments likely to attract birds.

Direction Requirement Annex 1, Paragraph 7

Following consultation under paragraph 4 of the Direction, a Planning Authority proposing to grant permission or to grant permission subject to conditions, contrary to the advice of the consultee, they must notify both the consultee and the Civil Aviation Authority.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

Practice Guidance - Planning Implications of Renewable and Low Carbon Energy (February 2011)

Paragraph 3.4.22

In line with Civil Aviation Authority (CAA) policy (see CAP 764 below), the CAA's Directorate of Airspace Policy (DAP), the Ministry of Defence (MoD Defence Estates), and the National Air Traffic Services (NATS) should be consulted on wind turbine proposals at an early stage in the planning process.

Note: See also Technical Advice Note 8 – Renewable Energy (July 2005) Annex C, Paragraph 2.35

15. Rail Network Operators

STATUTORY CONSULTATION

Article 10 (1) (e) of the GDPO 1995 and WO Circular 29/95 – General Development Order Consolidation 1995 (May 1995)

Any development likely to result in a material increase in the volume or a material change in the character of traffic:

- (ii) using a level crossing over a railway.

The operator of the network which includes or consists of the railway in question should be consulted

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

Planning Applications Affecting Traffic Using a Railway Level Crossing

WO Circular 29/95 – General Development Order Consolidation 1995 (May 1995)

Appendix B, paragraphs 13 to 15

The above circular provides further guidance in relation to the types of development on which Local Planning Authorities should consider consulting –

- (i) those requiring road alterations, for example, the construction of roundabouts or junctions for access to new estates, both or which can cause tail backs at crossings.
- (ii) the construction of houses, schools or leisure facilities near to crossings, which can increase the numbers of vehicles and pedestrians using the crossing; and
- (iii) the construction and location of access to industrial or similar premises near to crossing where turning traffic (particularly large slow moving vehicle) may cause tailbacks to level crossings.

Local Highways Authority should also consider carrying out the same consultations for highway schemes which, although not covered by paragraph (e) (ii) of the table in Article 10 (1) of the GDPO 1995, might affect level crossing safety. Examples are road closures or alterations to priority within 200m of the level crossing which may cause tailbacks, and the construction of a road close to and running parallel to the railway which will make modernisation of the existing crossing equipment difficult.

16. Sports Council for Wales (SCW)

STATUTORY CONSULTATION

Article 10 (1) (z) of the GDPO 1995 and Technical Advice Note 16 – Sport Recreation and Open Space (W.A.G 2009)

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.

Article 10 (2) (l) of the GDPO 1995 – Interpretation

- (l) in paragraph (z)
 - (i) “playing field” means the whole of a site which encompasses at least one playing pitch;
 - (ii) “playing pitch” means a dedicated area which together with any run-off area, is of 0.4 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.

Note- re (ii) above it is intended to amend the GDPO to reflect a threshold of 0.2 hectares.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

None

17. The Theatres Trust

STATUTORY CONSULTATION

Article 10 (1) (v) of the GDPO 1995

Development involving any land on which there is a theatre.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

None

18. Toll Road Concessionaires

STATUTORY CONSULTATION

Article 10 (1) (h) of the GDPO 1995

Development involving –

- (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.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

None

19. Welsh Government

Welsh Government –Rural Affairs Directorate

STATUTORY CONSULTATION

Town and Country Planning Act 1990

Schedule 5, paragraph 4

Secretary of State for Wales should be consulted irrespective of the size of the site or the land quality on aftercare conditions where land is to be returned to agricultural use following planning permission involving mineral working, the deposit of mineral waste or the depositing of any type of refuse or waste material.

Article 10 (1) (w) of the GDPO 1995

Secretary of State for Wales should be consulted in relation to any development which is not for agricultural purposes and is not in accordance with development plan and / or involves:

- (i) the loss of no less than 20 hectares or more of grades 1, 2 and 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or
- (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agriculture 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 hectare or more.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

Technical Advice Note 6 – Planning for Sustainable Rural Communities (July 2010), Annex B

B4. Planning authorities may wish to consult with SEED about commercial cutting or stripping of turf from agricultural land, where this is judged to be a non-agricultural activity requiring planning permission. Most turf stripping is carried out on sites below the 20 hectare threshold at which DRA must be consulted (see paragraph C2 above). The long-term agricultural potential of land may however be significantly reduced if substantial amounts of soil are removed. SEED can advise on appropriate technical conditions.

Non-statutory consultation with DRA: Planning applications for non-agricultural development

B5. There may be other planning applications with significant agricultural implications which come to the attention of DRA but which are not subject to the statutory requirements described in paragraphs C2 and C 3 above. DRA

may on occasion wish to take the initiative in commenting to the planning authority on applications of this type.

B6. In circumstances which do not require the specific consultations with DRA outlined in paragraph C2 above, it is expected that planning authorities should be able normally to determine applications for development on agricultural land in the light of evidence before them. Where they do not feel able to determine the application satisfactorily, it is open to them to seek more information or technical advice (e.g. on agricultural land quality implications) either from SEED or from other agricultural consultants. Such consultations should be confined to matters of technical detail and not relate to the merits or otherwise of the application, on which it is for the planning authority to take a view.

B7. When a planning application is submitted for hard⁴¹ development on former agricultural land grades 1, 2 or 3a, which has previously been developed for a use which would allow the land to be returned to agriculture, the planning authority should consult SEED about the proposals.
(¹ Irreversible development which will prevent the return of the land to agricultural use.)

(Note B: Additional functions transferred or vested in the then Secretary of State for Wales and delivered via the Welsh Office between 1965 and 30/6/99.)

Note: SEED refers to the Sustainability and Environmental Evidence Division of the Welsh Government and DRA refers to the Rural Affairs Directorate of the Welsh Government.

Welsh Government - Cadw

STATUTORY CONSULTATION

Article 10 (1) (n) of the GDPO 1995

Development likely to affect the site of a scheduled monument.

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

WO Circular 29/95 – General Development Order Consolidation 1995 (May 1995)

Appendix B, paragraph 6 and 7

(Historic Parks and Gardens as recorded on the register of historic parks and gardens in Wales.)

Local planning authorities are asked to consult Cadw in relation to planning applications in respect of Grade 1 and Grade 2* sites.

(Similar request is contained in **WO Circular 1/98 – Planning and the Historic Environment: Directions by the Secretary of State for Wales 1998**, paragraph 23)

(Note A: Functions transferred to the then Secretary of State for Wales at 1/4/65 (SOS Wales and Minister of Land and Natural Resources Order 1965 SI No. 319.)

Welsh Government – Highways Matters

STATUTORY CONSULTATION

Article 10 (1) (e) of the GDPO 1995

Local Planning Authorities should consult the Secretary of State for Wales where a development is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a trunk road or using a level crossing over railway.

Note: NAW Highways Directorate Letter dated 07/01/2000 – Consultation on Proposed Development Likely to Affect Traffic Using a Level Crossing over a Railway

In the above circular letter the National Assembly for Wales (*now Welsh Government*) have advised that in relation to Article 10 (1) (e) (i) of the GDPO 1995, they do not wish to be consulted about developments likely to affect level crossings on non-trunk roads unless they are within 150 metres of a trunk road. The National Assembly for Wales (*now Welsh Government*) also states any notifications to them should also be copied to the relevant Trunk Road Agency.

Article 15 of the GDPO 1995

The Secretary of State should be notified by sending him a copy of the application and any accompanying plans and drawings, of any development;

- (1) Where an application is made which consists of or includes –
 - (a) the formation or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour; or
 - (b) any development of land within 67 metres (or such other distance specified by the Secretary of State) from the middle of –
 - (i.) any highway (other than a trunk road) which the Secretary of State has provided, or is authorised to provide and which has not for the time being been transferred to any other highway authority;
 - (ii.) any highway which he proposes to improve and in respect of which notice has been given to the local planning authority;
 - (iii.) any highway to which he proposes to carry out improvements; or

- (iv.) any highway which he proposes to construct, (the route of which is shown on the development plan
- (2) An application referred to in paragraph (1) above shall not be determined unless –
 - (a) the Local Planning Authority receive a direction;
 - (b) they receive notification by or on behalf of the Secretary of State that he does not propose to give any such direction; or
 - (c) a period of 28 days (or such longer period as may be agreed) from the date the notification has elapsed.

(Note A: Functions transferred to the then Secretary of State for Wales at 1/4/65 (SOS Wales and Minister of Land and Natural Resources Order 1965 SI No. 319.)

NON STATUTORY CONSULTATION RECOMMENDED BY THE WELSH GOVERNMENT

Note: The highway authority for trunk roads and motorways in Wales is the Welsh Government; the Highway Authority for other roads is the Unitary Authority.

Technical Advice Note 18 – Transport (March 2007)

Annex E

The Welsh Assembly Government must be notified and a copy should be sent to the relevant Trunk Road Agent of any application for planning permission for development which consists of or includes;

- a) the formation, laying out or alteration of a means of access to any part of a Trunk Road which is subject to a speed limit exceeding 40mph; or
- b) any other development of land within 67m (or such other distance as may be specified) from the middle of a highway for which the Welsh Assembly Government is responsible or intend to construct or improve.

The Welsh Assembly Government is also consulted where it appears to the Local Planning Authority that the development is likely to create or attract traffic which will result in a material increase in the volume or material change in the character of traffic entering or leaving a Trunk Road or using a level crossing over a railway. Details should be sent to both Transport Wales and its relevant Trunk Road Agent; the Trunk Road Agent will then provide advice to the Welsh Assembly Government.

When assessing whether or not to consult the Welsh Assembly Government under Article 10 (1) (e) of the GDPO, Local Planning Authorities must give full consideration to the effects a development's traffic would have at the junction particularly in respect of the additional turning movements this will create. As a broad guide the Welsh Assembly Government would regard an increase in turning movements in the order of 5% as material in most cases, that is, a 5% increase of traffic using any link of the junction. Where the capacity of the junction is, or is near to being exceeded, as small percentage increase on a link would normally be material, as would any additional turning movements which in the case of, for example, heavily laden slow moving vehicles, might have serious safety implications for Trunk Road users.

Planning applications affecting traffic using a railway level crossing

WO Circular 29/95 – General Development Order Consolidation 1995 (May 1995)

Appendix B, paragraphs 13 to 15

The types of development on which Local Planning Authority should consider consulting include:

- a) those requiring road alterations, for example, the construction of roundabouts or junctions, access to new estates, both of which can cause tailbacks on the crossings;
- b) the construction of houses, schools and leisure facilities near to crossings, which can increase the numbers of vehicles and pedestrians using the crossing; and
- c) the construction and location of access to industrial or similar premises near to crossings where turning traffic (particularly large slow-moving vehicles) may cause tailbacks across level crossing.

Local Highways Authority should also consider carrying out the same consultations for highway schemes which, although not covered by paragraph (e) (ii) of the table in Article 10 (1) of the GDPO 1995, might affect level crossing safety. Examples are road closures or alterations to priority within 200m of the level crossing which may cause tailbacks, and the construction of a road close to and running parallel to the railway which will make modernisation of the existing crossing equipment difficult.

NAW Highways Directorate Letter dated 07/01/2000 – Consultation on Proposed Development Likely to Affect Traffic Using a Level Crossing over a Railway

The National Assembly for Wales (*now Welsh Government*) recommends consultation with the HM Railway Inspectorate

Note: The HM Railway Inspectorate is now part of the Office of Rail Regulation (ORR).

List of Statutory and Non-statutory Consultees in the Planning Application Process.

Section 4 - List of Non-Statutory Consultees

(Bodies or organisations, in addition to the non statutory arrangements for statutory consultees)

1. Drainage Authority

Technical Advice Note 15 – Development and Flood Risk (July 2004)

Section 8, paragraphs 8.1:

All types of land use change will impact on the natural hydrological cycle in one way or another and flooding is not confined to flood plains, as heavy rain falling on waterlogged ground can cause localised flooding almost anywhere. In all zones, development should not increase the risk of flooding elsewhere. Run-off from developments in these areas can, if not properly controlled, result in flooding at other locations and significantly alter the frequency and extent of floods further down the catchment. In many instances this will be determined by local knowledge and where such concerns are suspected planning authorities should consult the relevant competent authority on a case by case basis, who will determine what, if any, attenuation is to be required.

Consultation may be required with one, or more, of the following organisations with regard to surface water:

- Highway Authorities: highway surface water, for example highway culverts, roadside drains, swales.
- Land Drainage Authorities, including IDB's, Riparian owners or Environment Agency: for example agricultural run-off, ditches, streams and main rivers.
- Sewerage Undertakers: for example roofs and yard water from domestic curtilage.

Section 11, paragraph 11.6:

When a planning authority receives an application, which is within zone C, or in some cases in zone B, they should undertake appropriate internal consultation in relation to their own flood defence responsibilities as well as consulting the Environment Agency. Where appropriate, standing advice should be considered. Planning authorities should also, where relevant, consult with Internal Drainage Boards on developments within internal draining districts and outside where it would have an impact in them.

Section 11, paragraph 11.9:

Where run-off considerations are likely to be significant, planning authorities should undertake appropriate consultation. This will include appropriate internal consultation in relation to their drainage responsibilities, the Environment Agency, Internal Drainage Boards, the sewerage undertaker and, where relevant, any navigation authority. They will be able to advise on the capacity of existing drainage systems, the feasibility and desirability of using SuDS and the impact of discharges to watercourses. The ability of such systems to be adopted as part of a highway drainage or surface water drainage scheme should also be considered.

WO Circular 10/99 – Planning Requirement in Respect of the use of Non-Mains Sewerage incorporating Septic Tanks in new Development (April 1999)

Annex A, paragraph 2 lists bodies to be consulted.

... In addition to the views of relevant sections within the local authority such as the Environmental Health Department and Building Control, the views of other key bodies listed below could also be material to assessing the suitability of sewerage and sewage disposal proposals.

...

- Drainage Boards

...

2. Garden History Society

WO Circular 29/95 – General Development Order Consolidation 1995 (May 1995)

Appendix B, paragraph 6 and 7

(Historic Parks and Gardens as recorded on the register of historic parks and gardens in Wales.)

Local planning authorities are asked to consult the Garden History Society in relation to planning applications for all three grades of site.

(Similar request is contained in **WO Circular 1/98 – Planning and the Historic Environment: Directions by the Secretary of State for Wales 1998**, paragraph 23)

3. Local Health Boards

Minerals Technical Advice Note 2: Coal (January 2009)

Paragraph 125

When the MPA is considering coal working applications, Local Health Boards, Local Service Boards (LSB), and Environmental Health Officers (EHOs) should be consulted, to provide an opportunity for the health sector to influence coal working to improve their effects on health and well-being.

WO Circular 10/99 – Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in Development (April 1999)

Paragraph 2

When developments involve non-mains sewerage and associated sewage disposal the Local Planning Authority needs to be satisfied that the sewerage arrangements are suitable.

The Local Planning Authority is advised to consider the views of the relevant Health Authorities in deciding whether or not the sewerage arrangements are satisfactory.

Note:

Local health boards work collaboratively with Public Health Wales and the Health Protection Agency to provide a response to consultation.

4. Local Environmental Health Officers

Minerals Technical Advice Note 2: Coal (January 2009)

Paragraph 125

When the MPA is considering coal working applications, Local Health Boards, Local Service Boards (LSB), and Environmental Health Officers (EHOs) should be consulted, to provide an opportunity for the health sector to influence coal working to improve their effects on health and well-being.

WO Circular 29/95 - General Development Order Consolidation 1995 (May 1995)

Appendix B, Table 2

The Environmental Health Officer should be consulted in relation to proposals sited within 250 metres (measured from the site boundary) of a process subject to Local Authority Air Pollution Control under Part 1 of the Environmental Protection Act 1990.

5. Navigation Authorities, Inland Waterway Association and Local Waterway Interest Groups

Technical Advice Note 15 – Development and Flood Risk (July 2004)

Section 11, paragraph 11.9:

Where run-off considerations are likely to be significant, planning authorities should undertake appropriate consultation. This will include appropriate internal consultation in relation to their drainage responsibilities, the Environment Agency, Internal Drainage Boards, the sewerage undertaker and, where relevant, any navigation authority. They will be able to advise on the capacity of existing drainage systems, the feasibility and desirability of using SuDS and the impact of discharges to watercourses. The ability of such systems to be adopted as part of a highway drainage or surface water drainage scheme should also be considered.

Technical Advice Note 18 Transport (March 2007)

Paragraph 8.17

Development proposals, development plan policies, or the construction or improvement of infrastructure including roads should be assessed for any impacts on inland waterways. In particular, care should be taken to avoid severing or adversely affecting inland waterways. Local authorities should, where appropriate, consult the British Waterways Board (BWB), or other relevant navigation authority. They should also consult the Environment Agency, local waterway interest groups and the Inland Waterway Association (IWA).

6. Office of Rail Regulation

NAW Highways Directorate Letter dated 07/01/2000 – Consultation on Proposed Development Likely to Affect Traffic Using a Level Crossing over a Railway

The National Assembly for Wales (*now Welsh Government*) recommends consultation with the HM Railway Inspectorate in relation to developments on non-trunk roads which are likely to affect a level crossing

Note: The HM Railway Inspectorate is now part of the Office of Rail Regulation (ORR).

7. Police Architectural Liaison Officers (Now known as: Police Crime Prevention Design Advisors)

WO Circular 16/94 – Planning Out Crime (February 1994)

Paragraph 9

Local Planning Authorities are advised to consult the Police Architectural Liaison Officers on planning applications for those developments where there is potential to eliminate or reduce crime through the adoption of suitable measures at the design stage. This is especially important for major developments such as new housing estates, industrial estates, shopping centres, leisure complexes and car parks.

Technical Advice Note 12: Design (June 2009)

Paragraph 3.3 suggests collaboration with police architectural liaison officers:

A multi disciplined collaborative approach and a shared ambition for quality are important in delivering good design and should be evident at each stage of the design process. This is best achieved by ensuring the continuous involvement of professionals providing expert advice such as: planners; architects; urban designers; landscape architects; transport engineers; access officers; police architectural liaison officers; local civic societies and others. Engaging those who procure, promote and finance development early on in the process is essential to assist a shared commitment to design quality.

8. Royal Society for the Protection of Birds (RSPB)

Technical Advice Note 8 – Planning for Renewable Energy (July 2005)

Annex C, paragraph 2.23

When considering applications in relation to inland wind farms, Local Planning Authorities should consider the impact of the moving blades upon birds and bats. "Bird Strike" is most likely to occur if the wind turbine is situated directly in a flight path. Early consultation with the CCW and RSPB is essential and more large sites are likely to require breeding bird survey in the spring.

9. Schools and Colleges

Technical Advice Note 19 – Telecommunications (August 2002)

Paragraphs 54 and 55

This advice note sets out circumstances in which schools should be treated as non-statutory consultees in planning cases involving mobile phone base stations on or near a school or college. Before the operator submits an application for planning permission or prior approval to the Local Planning Authority the operator should discuss the proposed development with the school or college concerned.

When an application has been submitted to the Local Planning Authority for planning permission or prior approval for the installation of a mobile phone base station on or near a school or college the Local Planning Authority should also consult the school or college.

(Note: Such consultation reflects the Welsh Assembly Government “Code of Best Practice on Mobile Phone Network Development” (2003), which has been agreed by both the Welsh Local Government Association and the Mobile Operators Association.)

10. Water and Sewerage Undertakers

WO Circular 178/76 – Pipelines Act 1962 (December 1976)

Paragraph 7

In developments involving the laying of pipelines as defined in the Pipelines Act 1962, Local Planning Authorities should consult water companies through whose area a proposed pipeline would pass.

WO Circular 10/99 – Planning Requirement in Respect of the use of Non-Mains Sewerage incorporating Septic Tanks in new Development (April 1999)

Annex A, paragraph 2 lists bodies to be consulted.

Technical Advice Note 15 – Development and Flood Risk (July 2004)

Section 8, paragraph 8.1:

All types of land use change will impact on the natural hydrological cycle in one way or another and flooding is not confined to flood plains, as heavy rain falling on waterlogged ground can cause localised flooding almost anywhere. In all zones, development should not increase the risk of flooding elsewhere. Run-off from developments in these areas can, if not properly controlled, result in flooding at other locations and significantly alter the frequency and extent of floods further down the catchment. In many instances this will be determined by local knowledge and where such concerns are suspected planning authorities should consult the relevant competent authority on a case by case basis, who will determine what, if any, attenuation is to be required.

Consultation may be required with one, or more, of the following organisations with regard to surface water:

- Highway Authorities: highway surface water, for example highway culverts, roadside drains, swales.
- Land Drainage Authorities, including IDB's, Riparian owners or Environment Agency: for example agricultural run-off, ditches, streams and main rivers.
- Sewerage Undertakers: for example roofs and yard water from domestic curtilage.

Section 11, paragraph 11.9:

Where run-off considerations are likely to be significant, planning authorities should undertake appropriate consultation. This will include appropriate internal consultation in relation to their drainage responsibilities, the Environment Agency, Internal Drainage Boards, the sewerage undertaker

and, where relevant, any navigation authority. They will be able to advise on the capacity of existing drainage systems, the feasibility and desirability of using SuDS and the impact of discharges to watercourses. The ability of such systems to be adopted as part of a highway drainage or surface water drainage scheme should also be considered.

Appendix 4, Paragraph A4.8 – Local planning authorities and developers should seek advice from the Environment Agency, highways authorities and sewerage undertakers on the techniques available for sustainable drainage and their suitability for proposed development or redevelopment in specific locations.

11. Welsh Archaeological Trusts

WO Circular 60/96 – Planning and the Historic Environment: Archaeology (December 1996)

Paragraph 15

When planning applications are made without prior discussions with the Local Planning Authorities, the authorities should seek to identify those applications which have archaeological implications, and to assess their likely archaeological impact by consulting the Local Authority Archaeological Officer, National Park Archaeologist or Regional Welsh Archaeologist Trust.

Local Planning Authorities should be fully informed about the nature and importance of the archaeological site and its setting. They should therefore seek archaeological advice.

Minerals Planning Guidance 10: Provision of raw material for the cement industry (1991)

Paragraph 43

This should involve early consultation with the County Archaeological Officer or equivalent (listed in PPG 16) and in Wales with the regional archaeological Trust.