

When to consult Environment Agency Wales

This guidance sets out what types of planning consultations the Environment Agency wishes to be consulted on in Wales. It is based on the General Development Procedure Order 1995 and current Welsh Government planning policy.

Inclusion on this list does not mean that a bespoke response will be provided to each of the consultation categories.

The guidance does not alter or amend any existing local ways of working established between Environment Agency Wales Planning Liaison teams and individual Local Planning Authorities.

Pre-application and planning application consultations -

Category	Description
Cemeteries	Development relating to using land as a cemetery, including extensions.
Energy generation schemes	Non-domestic development including, but should not be limited to: <ul style="list-style-type: none"> Hydropower, or On and off shore wind farms, or Coal bed methane extractions.
Environmental Impact Assessment (EIA) ¹	Development requiring an EIA, including scoping opinions and the environmental statement.
Intensive animal farming or care	Development of intensive animal facilities (such as pig, poultry, cattle, catteries or kennels).
Fish farm	Development for the purpose of fish farming and fisheries.
Flood risk	Development located in Flood Zones C1 & C2 as defined by the Development Advice Maps.
Groundwater protection	Development involving groundworks and/or non-main foul or surface water disposal within Source Protection Zones, Nitrate Vulnerable Zones or defined water protection zones.
Hazardous waste/Control of major accident hazard Regulations (COMAH) sites	Development: <ul style="list-style-type: none"> of new establishments, or modifications to existing establishments which could have

	<p>significant repercussions on major accident hazards, or</p> <ul style="list-style-type: none"> • within 250 metres, where the siting or development would increase the risk or consequences of a major accident.
Land contamination	Development on potentially contaminated ² land which may pollute controlled waters ³ .
Land of 1 hectare or more	Any development on land of 1 hectare or more.
Licensed landfill	Development within 250 metres of land which is, or has been, used to deposit refuse or waste (excluding historic landfills, unless the proposal is on top of a landfill).
Mineral extraction	Development involving mineral and mining operations and restoration schemes.
Oil and fuels	Development for the purpose of extracting, refining or storing non-domestic mineral oils and their by-product.
Refuse or waste	Development involving the use of land for the deposit, storage, transfer, processing and/or treatment of refuse or waste.
Sewage, slurry, trade effluent or sludge	Development for the retention, treatment or disposal of sewage, trade waste, slurry or sludge (excluding construction of single private treatment sewage plants, septic tanks and cesspools where less than 10 people will normally reside or where the system discharges to a soakaway).
Works affecting a watercourse	<p>Development involving:</p> <ul style="list-style-type: none"> • carrying out of works or operations in the bed of or on the banks of a river or stream, including a discharge to a watercourse, or • on, under or adjacent to any flood bank, sea defence or other flow control structure, or • culverting or control of flow of any river or stream, including piping, or • within 20 metres of a Main River⁴.
Discharge/Variations of Conditions	Only consultations where the Environment Agency has requested the condition be attached to the planning permission.

Planning Appeals	Only appeals related to an Environment Agency objection or recommended conditions.
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Strategic Consultations -

Category	Description
Local Development Plans (LDP)	Including, but should not be limited to: <ul style="list-style-type: none"> Plan preparation timetable. Pre-deposit 'preferred options'. Deposit LDP proposals. Candidate housing and other LDP development sites. Screening tool consultations. Supplementary Planning Guidance.
Environmental evidence documents	Including, but should not be limited to: <ul style="list-style-type: none"> Strategic Flood Consequence Assessments. Green Infrastructure studies. Water Cycle Strategies.
Strategic Environmental Assessment (SEA)/Sustainability Assessment (SA) of LDP	SEA/SA of LDP, including screening, scoping, draft and final report and post adoption statement.
Other strategic planning allocations	Including, but should not be limited to: <ul style="list-style-type: none"> environmental evidence documents. design briefs.

Endnotes -

¹ - The Environment Agency is a statutory consultee on scoping opinions and EIA consultations as defined in the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011.

² - See <http://www.environment-agency.gov.uk/research/planning/33708.aspx>.

³ - Controlled waters are rivers, streams, estuaries, canals, lakes, ponds, ditches, groundwater and coastal waters.

⁴ - See provided local list of Main Rivers.

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