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WELSH STATUTORY INSTRUMENTS

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**2016 No. 58**

**The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (revoked)**

**[<sup>F1</sup>PART 3**

**Procedures Concerning Applications for Planning Permission**

**[<sup>F1</sup>Appeal to the Welsh Ministers without an environmental statement**

**12.**—(1) Where, on consideration of an appeal under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) it appears to the Welsh Ministers that—

- (a) the relevant application is an EIA application; and
- (b) the development in question—
  - (i) has not been the subject of a screening opinion or screening direction; or
  - (ii) in the case of a subsequent application, was the subject of a screening opinion or direction before planning permission was granted to the effect that it is not EIA development; and
- (c) the relevant application is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 6 apply as if the appeal were a request made by the appellant pursuant to regulation 5(7).

(2) Where an inspector is dealing with an appeal and a question arises as to whether the relevant application is an EIA application and it appears to the inspector that it may be such an application, the inspector must refer that question to the Welsh Ministers and must not determine the appeal before a screening direction is made, except by refusing planning permission or subsequent consent.

(3) Paragraphs (3) and (4) of regulation 6 apply to a question referred under paragraph (2) as if the referral of that question were a request made by the appellant pursuant to regulation 5(7).

(4) Where it appears to the Welsh Ministers that the relevant application is an EIA application and is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations, they must notify the appellant that the submission of an environmental statement is required and must send a copy of that notification to the relevant planning authority.

(5) Where the Welsh Ministers are aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, they must notify the appellant of any such person.

(6) An appellant who receives a notification under paragraph (4), may within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(7) If the appellant does not write in accordance with paragraph (6), the Welsh Ministers have or, where relevant, the inspector has, no duty to deal with the appeal; and at the end of the 21 days

the Welsh Ministers, or the inspector, must inform the appellant that no further action is being taken on the appeal.

(8) Where—

- (a) a notification has been given under paragraph (4), and
- (b) the appellant does not submit an environmental statement and comply with regulation 17(6),

the Welsh Ministers or, where relevant, the inspector must determine the appeal only by refusing planning permission or subsequent consent.]

**F1** Regulations revoked (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), [regs. 1\(2\), 65\(1\)](#) (subject to savings and transitional provisions in [regs. 63, 65\(2\)-\(10\)](#)) (as amended (1.4.2019) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/299\)](#)), [reg. 2\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (revoked), Section 12.