
WELSH STATUTORY INSTRUMENTS

2017 No. 567

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

(2) These Regulations come into force on 16 May 2017.

(3) These Regulations apply in relation to Wales.

(4) In relation to an application for planning permission made to the Welsh Ministers, Parts 2 to 7 of these Regulations apply only to the extent and in the way set out in Part 7.

Interpretation

2.—(1) In these Regulations—

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990;

“the 1991 Act” (“*Deddf 1991*”) means the Planning and Compensation Act 1991(1);

“the 1995 Act” (“*Deddf 1995*”) means the Environment Act 1995(2);

“the 2012 Order” (“*Gorchymyn 2012*”) means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(3);

“the 2016 Order” (“*Gorchymyn 2016*”) means the Developments of National Significance (Procedure) (Wales) Order 2016(4);

“any other information” (“ *unrhyw wybodaeth arall*”) means any other substantive information relating to the environmental statement and provided by the applicant or the appellant as the case may be;

“any particular person” (“ *unrhyw berson penodol*”) includes any non-governmental organisation promoting environmental protection;

“by local advertisement” (“ *drwy hysbyseb leol*”), in relation to a notice, means—

(a) by publication of the notice in a newspaper circulating in the locality in which the land is situated; and

(b) by publication of the notice on the website of the relevant planning authority;

(1) 1991 c. 34.

(2) 1995 c. 25.

(3) S.I. 2012/801 (W. 110); amended by S.I. 2015/1330 (W. 123); there are other amending instruments but none is relevant.

(4) S.I. 2016/55 (W. 25).

“the consultees” (“*yr ymgynghoreion*”) means—

- (a) in respect of an application for planning permission made to the Welsh Ministers, any authority, body or person which they are required to consult, or would be required to consult if an application for planning permission were before them, by virtue of article 22 of the 2016 Order (time periods for decision) and the bodies referred to in sub-paragraph (c) if not already within this sub-paragraph;
- (b) any body which the relevant planning authority is required to consult, or would, if an application for planning permission for the development in question were before them, be required to consult by virtue of article 14 of the 2012 Order (consultations before the grant of permission) or of any direction under that article, and the bodies referred to in sub-paragraph (c) if not already within this sub-paragraph;
- (c) the following bodies—
 - (i) any principal council for the area where the land is situated, if not the relevant planning authority;
 - (ii) the Natural Resources Body for Wales⁽⁵⁾;
 - (iii) other bodies designated by statutory provision as having specific environmental responsibilities and which the relevant planning authority or the Welsh Ministers, as the case may be, consider are likely to have an interest in the application;

“the Directive” (“*y Gyfarwyddeb*”) means Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment⁽⁶⁾;

“dwellinghouse” (“*ty annedd*”) means a building or part of a building which is used as a single private dwelling and for no other purpose;

“EIA application” (“*cais AEA*”) means—

- (a) an application for planning permission for EIA development; or
- (b) a subsequent application in respect of EIA development;

“EIA development” (“*datblygiad AEA*”) means development which is either—

- (a) Schedule 1 development; or
- (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

“environmental information” (“*gwybodaeth amgylcheddol*”) means the environmental statement, including any further information and any other information, any representations made by any consultee and any representations duly made by any other person about the environmental effects of the development;

“environmental impact assessment” (“*asesiad o'r effaith amgylcheddol*”) means the process described in regulation 4⁽¹⁾;

“environmental statement” (“*datganiad amgylcheddol*”) means a statement as described in regulation 17;

“exempt development” (“*datblygiad esempt*”) means development in respect of which the Welsh Ministers have made a direction under regulation 5⁽⁴⁾;

“European site” (“*safle Ewropeaidd*”) means a site within the meaning of regulation 8(3) of the Conservation of Habitats and Species Regulations 2010⁽⁷⁾;

(5) See S.I. 2012/1903 (W. 230).

(6) O.J. No. L 26, 28.1.2012, p. 1-21. Council Directive 2011/92/EU has been amended by Council Directive 2014/52/EU, O.J. No. L 124, 25.4.2014, p. 1-18.

(7) S.I. 2010/490. There are amendments to regulation 8 which are not relevant to these Regulations.

“further information” (“*gwybodaeth bellach*”) has the meaning given in regulation 24(1);

“initiating body” (“*corff cychwyn*”) means the local planning authority or the Welsh Ministers, as appropriate, where they propose to make the section 97 order or the section 102 order;

“inspector” (“*arolygydd*”) means a person appointed by the Welsh Ministers to determine an appeal;

“the land” (“*y tir*”) means the land on which the development would be carried out or, in relation to development already carried out, has been carried out;

“local development order” (“*gorchymyn datblygu lleol*”) means a local development order made pursuant to section 61A of the 1990 Act(8);

“monitoring measure” (“*mesur monitro*”) means provision requiring the monitoring of any significant adverse effects on the environment of proposed development including any measures contained in—

- (a) a condition imposed on the grant of planning permission; or
- (b) a planning obligation;

“principal council” (“*prif gyngor*”) has the meaning given by section 270(1) (general provisions as to interpretation) of the Local Government Act 1972(9);

“register” (“*cofrestr*”) means a register kept pursuant to section 69 of the 1990 Act (registers of applications etc.)(10) and “appropriate register” (“*cofrestr briodol*”) means the register on which particulars of an application for planning permission for the relevant development have been placed or would be placed if such an application were made;

“relevant planning authority” (“*awdurdod cynllunio perthnasol*”) means the body to whom it falls, fell, or would fall, to determine an application for planning permission for the development in question, but for—

- (a) the development being a development of national significance for the purposes of section 62D of the 1990 Act(11); or
- (b) a direction under section 77 of the 1990 Act (reference of applications to Secretary of State)(12);

“Schedule 1 application” (“*cais Atodlen 1*”) and “Schedule 2 application” (“*cais Atodlen 2*”) mean an application for planning permission for Schedule 1 development and Schedule 2 development respectively;

“Schedule 1 development” (“*datblygiad Atodlen 1*”) means development, other than exempt development, of a description mentioned in Schedule 1;

“Schedule 2 development” (“*datblygiad Atodlen 2*”) means development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where—

- (a) any part of that development is to be carried out in a sensitive area; or
- (b) any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively met or exceeded in relation to that development;

“scoping direction” (“*cyfarwyddyd cwmpasu*”) has the meaning given to it by regulation 14(7);

(8) Section 61A was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 40(1); sub-section (1) was repealed by the Planning Act 2008, sections 188(1), (2), 238 and Schedule 13; sub-section (2) was amended by the Planning Act 2008, section 188(1) and (3).

(9) 1972 c. 70. “Principal council” means a council elected for a county borough.

(10) Section 69 was substituted by the Planning and Compulsory Purchase Act 2004, section 188(1) and Schedule 6, paragraphs 1 and 3; section 69 was amended by the Planning Act 2008 (c. 29), section 190(1) and (4); the Localism Act 2011 (c. 20), section 237 and Part 18 of Schedule 25. There are other amendments which are not relevant to this instrument.

(11) Section 62D was inserted by section 19 of the Planning (Wales) Act 2015 (anaw 4).

(12) Section 77 was amended by the 1991 Act, Schedule 7, paragraph 18.

“scoping opinion” (“*barn gwmpasu*”) has the meaning given to it by regulation 14(1);

“screening direction” (“*cyfarwyddyd sgrinio*”) means a direction made by the Welsh Ministers as to whether development is EIA development;

“screening opinion” (“*barn sgrinio*”) means a written opinion of the relevant planning authority as to whether development is EIA development;

“section 97 order” (“*gorchymyn adran 97*”) means—

- (a) an order of a local planning authority under section 97(1) of the 1990 Act (power to revoke or modify planning permission); or
- (b) an order of the Welsh Ministers under section 100(1) of the 1990 Act (revocation and modification of planning permission);

“section 102 order” (“*gorchymyn adran 102*”) means—

- (a) an order of a local planning authority under section 102 of the 1990 Act; or
- (b) an order of the Welsh Ministers to like effect pursuant to section 104(1) of the 1990 Act (orders requiring discontinuance of use or alteration or removal of buildings or works);

“sensitive area” (“*ardal sensitif*”) means any of the following—

- (a) land notified under section 28(1) (sites of special scientific interest) of the Wildlife and Countryside Act 1981(13);
- (b) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949(14);
- (c) a property appearing on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage(15);
- (d) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979(16);
- (e) an area of outstanding natural beauty designated as such by an order made under section 82(2) (areas of outstanding natural beauty) of the Countryside and Rights of Way Act 2000(17);
- (f) a European site;

“subsequent application” (“*cais dilynol*”) means an application for consent, agreement or approval of a matter—

- (a) required by or under a condition to which a planning permission is subject; and
- (b) which must be obtained before all or part of the development permitted by the planning permission may be begun;

“subsequent consent” (“*cydsyniad dilynol*”) means consent, agreement or approval granted pursuant to a subsequent application;

“Union legislation” (“*deddfwriaeth yr Undeb*”) means any enactment which applies in relation to Wales giving effect to an EU obligation.

(2) Subject to paragraph (3), expressions used both in these Regulations and in the 1990 Act have the same meaning for the purposes of these Regulations as they have for the purposes of the 1990 Act.

(13) 1981 c. 69. Section 28(1) was substituted by the Countryside and Rights of Way Act 2001 (c. 37), section 75(1) and Schedule 9, paragraph 1, and amended by the Natural Environment and Rural Communities Act 2006 (c. 16) section 105(1), Schedule 11, Part 1, paragraph 79, and by the Marine and Coastal Access Act 2009 (c. 23) section 148, Schedule 13, Part 2, paragraph 2(1).

(14) 1949 c. 97, see section 5(3). See section 27AA for the application of section 28 in relation to land in Wales.

(15) See Command Paper 9424 and <http://whc.unesco.org/en/list>.

(16) 1979 c. 46. See the definition in section 1(11).

(17) 2000 c. 37. Section 82(2) was amended by S.I. 2013/755.

(3) Expressions used both in these Regulations and in the Directive (whether or not also used in the 1990 Act) have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(4) In these Regulations references to the Welsh Ministers must not be construed as references to an inspector.

(5) Where a person may, or is required to, state, notify, request, confirm, inform or make representations, that person must do so in writing.

(6) Any notice or other document to be sent, served or given under these Regulations may be served or given in a manner specified in section 329 of the 1990 Act (service of notices)(18).

Prohibition on granting planning permission or subsequent consent without environmental impact assessment

3. A relevant planning authority or the Welsh Ministers or an inspector must not grant planning permission or subsequent consent for EIA development unless an environmental impact assessment has been carried out in respect of that development.

Environmental impact assessment

4.—(1) The environmental impact assessment is a process consisting of—

- (a) the preparation of an environmental statement by the person seeking or initiating planning permission;
- (b) any consultation, publication and notification required by Parts 5, 9 and where relevant, Part 12 of these Regulations, the 2012 Order or the 2016 Order in respect of EIA development; and
- (c) the steps required under regulation 25(1).

(2) The environmental impact assessment must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of proposed development on the following—

- (a) population and human health;
- (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC(19) and Directive 2009/147/EC(20);
- (c) land, soil, water, air and climate;
- (d) material assets, cultural heritage and the landscape; and
- (e) the interaction between the factors listed in sub-paragraphs (a) to (d).

(3) The effects referred to in paragraph (2) on the factors set out in that paragraph must include—

- (a) the operational effects of the proposed development, where the proposed development will have operational effects; and
- (b) the expected effects deriving from the vulnerability of the proposed development to risks of major accidents and disasters that are relevant to that development.

(18) Section 329 was amended by the Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004 (S.I. 2004/3156 (W. 273)).

(19) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and on the conservation of wild fauna and flora O.J. L 206, 22.7.1992, pp. 7–50.

(20) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds O.J. L 20, 26.1.2010, pp. 7–25.

(4) The relevant planning authority or the Welsh Ministers, as the case may be, must ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement.

PART 2

Screening

General provisions relating to screening

5.—(1) Subject to paragraphs (3) and (4), the occurrence of an event mentioned in paragraph (2) determines for the purpose of these Regulations that development is EIA development.

(2) The events referred to in paragraph (1) are—

- (a) the submission by the applicant or appellant in relation to that development of a statement referred to by the applicant or appellant as an environmental statement for the purposes of these Regulations; or
- (b) the adoption by the relevant planning authority of a screening opinion to the effect that the development is EIA development.

(3) A direction of the Welsh Ministers determines for the purpose of these Regulations whether development is or is not EIA development.

(4) The Welsh Ministers may direct that these Regulations do not apply in relation to a particular proposed development specified in the direction—

- (a) in accordance with Article 2(4) of the Directive (without prejudice to Article 7 of the Directive) where in the opinion of the Welsh Ministers the application of these Regulations would adversely affect the purpose of the development;
- (b) if the development comprises or forms part of a project having the response to civil emergencies as its sole purpose and in the opinion of the Welsh Ministers compliance with these Regulations would adversely affect those purposes.

(5) Where a direction is given under paragraph (4)(a) or (4)(b) the Welsh Ministers must send a copy of any such direction to the relevant planning authority.

(6) Where a direction is given under paragraph (4)(a) the Welsh Ministers must—

- (a) make available to the public the information considered in making the direction and the reasons for making the direction;
- (b) consider whether another form of assessment would be appropriate; and
- (c) take such steps they consider appropriate to bring the information obtained under the other form of assessment to the attention of the public.

(7) In cases where development is adopted⁽²¹⁾ under an Act of the National Assembly for Wales or a measure made under powers contained in such an Act, the Welsh Ministers may (without prejudice to Article 7 of the Directive) exempt that development from the provisions relating to public consultation in the Directive provided the objectives of the Directive are met.

(8) Where a local planning authority or the Welsh Ministers have to decide under these Regulations whether Schedule 2 development is EIA development, the authority or the Welsh Ministers must take into account in making that decision—

- (a) any information provided by the person minded to carry out development;

(21) See Article 2(5) of the Directive.

(b) the available results of other environmental assessments carried out pursuant to Union legislation other than legislation implementing the requirements of the Directive; and

(c) such of the selection criteria set out in Schedule 3 as are relevant to the development.

(9) Where a local planning authority adopt a screening opinion, or the Welsh Ministers make a screening direction—

(a) that opinion or direction must state the main reasons for the conclusion of the authority or the Welsh Ministers, as appropriate, with reference to the relevant criteria listed in Schedule 3;

(b) if it is determined that proposed development is not EIA development, that opinion or direction must state any features of the proposed development and measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(10) The authority or the Welsh Ministers, as appropriate, must send a copy of the opinion or direction to the person who proposes to carry out, or who has carried out, the development in question.

(11) The Welsh Ministers may make a screening direction either—

(a) of their own volition; or

(b) if requested to do so by any person.

(12) The Welsh Ministers may direct that particular development of a description mentioned in Column 1 of the table in Schedule 2 is EIA development in spite of the fact that neither of sub-paragraphs (a) and (b) of the definition of “Schedule 2 development” is satisfied in relation to that development.

(13) If the Welsh Ministers make a screening direction in accordance with paragraph (11), they must—

(a) take such steps as appear to be reasonable to them in the circumstances, having regard to the requirements of regulation 6(2) and (4), to obtain information about the proposed development to inform a screening direction;

(b) take into account in making that direction—

(i) the information gathered in accordance with sub-paragraph (a);

(ii) the available results of other environmental assessments carried out pursuant to Union legislation other than legislation implementing the requirements of the Directive; and

(iii) such of the selection criteria set out in Schedule 3 as are relevant to the development; and

(c) issue a screening direction within 90 days from the date on which the Welsh Ministers have obtained sufficient information to make a direction.

(14) Where the Welsh Ministers consider that due to exceptional circumstances relating to the circumstances of the proposed development that it is not practicable for them to adopt a screening direction within the period specified in paragraph (13)(c), the Welsh Ministers may extend that period by notice given to the person who made the request for a screening direction.

(15) The Welsh Ministers must state in any notice given under paragraph (14) the reasons justifying the extension and the date when the determination is expected.

(16) The Welsh Ministers must send a copy of any screening direction to the relevant planning authority.

Requests for screening opinions

6.—(1) A person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion.

(2) A request for a screening opinion in relation to an application for planning permission must be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a description of the development, including in particular—
 - (i) a description of the physical characteristics of the development and, where relevant, of demolition works;
 - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- (c) a description of the aspects of the environment likely to be significantly affected by the development;
- (d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—
 - (i) the expected residues and emissions and the production of waste, where relevant; and
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity; and
- (e) such other information or representations as the person making the request may wish to provide or make including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(3) A request for a screening opinion in relation to a subsequent application must be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;
- (c) the information described in paragraph (2)(c) and (d), but only to the extent that this relates to likely significant effects on the environment which were not previously identified; and
- (d) such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(4) The person making the request for the screening opinion must, when that person provides the information required by paragraphs (2) or (3), take into account the criteria in Schedule 3 and the available results of other environmental assessments carried out pursuant to Union legislation other than under the Directive.

(5) An authority receiving a request for a screening opinion must, if they consider that they have not been provided with sufficient information to adopt an opinion, notify the person making the request of the points on which they require additional information.

(6) An authority must adopt a screening opinion within—

- (a) 21 days; or
- (b) such longer period not exceeding 90 days as may be agreed in writing with the person making the request,

in either case, from the date on which the person making the request submits the information required under paragraph (2) or (3).

(7) An authority which adopts a screening opinion pursuant to paragraph (6) must send a copy to the person who made the request.

(8) Where an authority—

(a) fails to adopt a screening opinion pursuant to paragraph (6); or

(b) adopts an opinion to the effect that the development is EIA development;

the person who requested the opinion may request the Welsh Ministers to make a screening direction.

(9) The person may make a request pursuant to paragraph (8) even if the authority have not received additional information which they have sought under paragraph (5).

Requests for screening directions of the Welsh Ministers

7.—(1) A person who pursuant to regulation 6(8) requests the Welsh Ministers to make a screening direction (a “person making a request”) must submit with the request—

(a) a copy of the request to the relevant planning authority under regulation 6(1) and the documents which accompanied it;

(b) a copy of any notification received under regulation 6(5) and of any response sent;

(c) a copy of any screening opinion received from the authority and of any accompanying statement of reasons; and

(d) any representations that the person wishes to make.

(2) A person making a request must send to the relevant planning authority a copy of that request and the representations that person makes to the Welsh Ministers.

(3) If the Welsh Ministers consider that sufficient information to make a screening direction has not been provided, they must give notice to the person making the request.

(4) The notice must specify the points on which additional information is required.

(5) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.

(6) The Welsh Ministers must make a screening direction within—

(a) 21 days; or

(b) such longer period not exceeding 90 days as may be reasonably required,

in either case, from the date on which the person making the request submits the information required under paragraph (1).

(7) Where the Welsh Ministers consider that due to exceptional circumstances relating to the proposed development it is not practicable for them to adopt a screening direction within the period of 90 days, the Welsh Ministers may extend that period by giving notice in writing to the person who made the request for a screening direction.

(8) The Welsh Ministers must state in any notice under paragraph (7) the reasons justifying the extension and the date when the determination is expected.

(9) The Welsh Ministers must send a copy of any screening direction made pursuant to paragraph (6) to the person who made the request, the applicant (if they are not the person who made the request) and the relevant planning authority as soon as reasonably practicable.

PART 3

Procedures Concerning Applications for Planning Permission

Applications which appear to require screening opinion

8.—(1) Where it appears to the relevant planning authority that—

- (a) an application which is before them for determination is a Schedule 1 application or a Schedule 2 application;
- (b) the development in question has not been the subject of a screening opinion or screening direction; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (5) and (6) of regulation 6 apply as if the receipt or lodging of the application were a request made under regulation 6(1).

(2) Where regulation 6(4) applies by virtue of this regulation, the relevant planning authority must, where and insofar as necessary to ensure that the applicant has provided the information referred to in regulation 6(2), make a request for additional information before issuing a screening opinion.

Subsequent applications where environmental information previously provided

9.—(1) This regulation applies where it appears to the relevant planning authority that—

- (a) an application which is before them for determination—
 - (i) is a subsequent application in relation to Schedule 1 or Schedule 2 development;
 - (ii) has not itself been the subject of a screening opinion or screening direction; and
 - (iii) is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations; and
- (b) the original application was accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations.

(2) Where it appears to the relevant planning authority that the environmental information already before them is adequate to assess the significant effects of the development on the environment, they must take that information into consideration in their decision for subsequent consent.

(3) Where it appears to the relevant planning authority that the environmental information already before them is not adequate to assess the significant effects of the development on the environment, they must serve a notice seeking further information in accordance with regulation 24(1).

Subsequent applications where environmental information not previously provided

10.—(1) Where it appears to the relevant planning authority that—

- (a) an application which is before them for determination—
 - (i) is a subsequent application in relation to Schedule 1 or Schedule 2 development;
 - (ii) has not itself been the subject of a screening opinion or screening direction; and
 - (iii) is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations; and
- (b) the original application was not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (5) and (6) of regulation 6 apply as if the receipt or lodging of the application were a request made under regulation 6(1).

(2) Where paragraph (5) of regulation 6 applies by virtue of this regulation, the relevant planning authority must, where and insofar as necessary to ensure that the applicant has provided the information referred to in regulation 6(2), make a request for additional information before issuing a screening opinion and regulation 6(4) applies as if the receipt or lodging of the application were a request made under regulation 6(1).

Application made to a local planning authority without an environmental statement

11.—(1) Where an EIA application before a local planning authority for determination is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the authority must notify the applicant that the submission of an environmental statement is required.

(2) Where the relevant planning authority is 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, the relevant planning authority must notify the applicant of any such person.

(3) An authority must notify the applicant in accordance with paragraph (1)—

- (a) within 21 days beginning with the date of receipt of the application or such longer period as may be agreed in writing with the applicant; or
- (b) where the Welsh Ministers, after the expiry of that 21 days or any longer agreed period, make a screening direction to the effect that the development is EIA development, within 7 days beginning with the date the authority received a copy of that screening direction.

(4) An applicant receiving a notification pursuant to paragraph (1) may, within 21 days beginning with the date of the notification, write to the authority stating—

- (a) that the applicant accepts their view and is providing an environmental statement; or
- (b) unless the condition referred to in paragraph (5) is satisfied, that the applicant is writing to the Welsh Ministers to request a screening direction.

(5) For the purpose of paragraph (4)(b) the condition is that the Welsh Ministers have made a screening direction in respect of the development—

- (a) in the case of an application for planning permission; or
- (b) pursuant to a subsequent application,

as the case may be.

(6) If the applicant does not write to the authority in accordance with paragraph (4), the permission or subsequent consent sought is deemed to be refused at the end of the relevant 21 days, unless the condition referred to in paragraph (7) is satisfied and the deemed refusal—

- (a) is treated as a decision of the authority for the purposes of article 29(3)(c) (register of applications) of the 2012 Order; but
- (b) does not give rise to an appeal to the Welsh Ministers under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(22).

(22) Section 78 was amended by the 1991 Act, section 17(2); the Planning and Compulsory Purchase Act 2004 (c. 5), section 43(2); the Localism Act 2011 (c. 20), section 121 and Schedule 12, paragraphs 1 and 11 and section 123(1) and (3); the Planning Act 2008 (c. 29), section 196(4) and Schedule 10, paragraphs 1 and 3, section 197 and Schedule 11, paragraphs 1 and 2; the Growth and Infrastructure Act 2013 (c. 27), section 1(2) and Schedule 1, paragraphs 1 and 8; the Planning (Wales) Act 2015 (anaw 4), section 45; and by S.I. 2014/2773 (W. 280), article 3 and Schedule 1, paragraphs 1 and 3. There is another amendment which is not relevant to this instrument.

(7) For the purpose of paragraph (6) the condition is that the Welsh Ministers have made a screening direction to the effect that the development is not EIA development—

- (a) in the case of an application for planning permission; or
- (b) pursuant to a subsequent application,

as the case may be.

(8) Unless the Welsh Ministers make a screening direction that the development is not EIA development, an authority which has given a notification in accordance with paragraph (1) must determine the relevant application by refusing planning permission or subsequent consent if the applicant does not submit an environmental statement and comply with regulation 19(6).

(9) A person who requests a screening direction pursuant to paragraph (4)(b) must send to the Welsh Ministers with the request copies of—

- (a) the request to the relevant planning authority under regulation 6(1) and the documents which accompanied it;
- (b) any notification made under regulation 6(4) and any response sent by that person to the relevant planning authority;
- (c) the application;
- (d) all documents sent to the authority as part of the application;
- (e) all correspondence between the applicant and the authority relating to the proposed development;
- (f) any planning permission granted for the development; and
- (g) in the case of a subsequent application, relevant documents or information relating to the planning permission granted for the development,

and paragraphs (2) to (9) of regulation 7 apply to a request under this regulation as they apply to a request made pursuant to regulation 6(8).

Application referred to the Welsh Ministers without an environmental statement

12.—(1) Where an application has been referred to the Welsh Ministers for determination under section 77 of the 1990 Act (reference of applications to the Welsh Ministers)(**23**), and it appears to the Welsh Ministers that—

- (a) it is a Schedule 1 application or a Schedule 2 application;
- (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 was not EIA development; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (3) to (9) of regulation 7 apply as if the referral of the application were a request made by the applicant pursuant to regulation 6(8).

(2) Where regulation 7(3) applies by virtue of this regulation, the Welsh Ministers must, where necessary to ensure that the applicant has provided—

- (a) in the case of applications, the information referred to in regulation 6(2),

(23) Section 77 was amended by the 1991 Act, section 32, Schedule 7, paragraph 18; the Infrastructure Act 2015 (c. 7), section 30(1) and Schedule 4, Part 2, paragraphs 2 and 11(a); and by S.I. 2014/2773 (W. 280), article 3 and Schedule 1, paragraphs 1 and 2. There are other amendments which are not relevant to this instrument.

(b) in the case of subsequent applications, the information required by regulation 6(3), make a request for additional information before issuing a screening direction and regulation 6(4) applies as if the referral of the application were a request made by the applicant under regulation 6(1).

(3) Where the Welsh Ministers have determined that an application referred to them for determination is an EIA application but the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the Welsh Ministers must notify the applicant that the submission of an environmental statement is required and must send a copy of that notification to the relevant planning authority.

(4) 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 applicant of any such person.

(5) The Welsh Ministers must notify the applicant in accordance with paragraph (3) within 21 days beginning with the date the application was received or such longer period as may be reasonably required.

(6) An applicant who receives a notification under paragraph (3) 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 applicant does not write in accordance with paragraph (6), the Welsh Ministers do not have a duty to deal with the application and at the end of the 21 days they must inform the applicant that no further action is being taken on the application.

(8) Where—

- (a) a notification has been given under paragraph (3), and
- (b) the applicant does not submit an environmental statement which complies with regulation 19(6),

the Welsh Ministers must determine the relevant application by refusing planning permission or subsequent consent.

Appeal to the Welsh Ministers without an environmental statement

13.—(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 a Schedule 1 application or a Schedule 2 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) to (9) of regulation 7 apply as if the appeal were a request made by the appellant pursuant to regulation 6(8).

(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) to (9) of regulation 7 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 6(8).

(4) Where regulation 7(3) applies by virtue of paragraph (1) or (3), the Welsh Ministers must, where necessary to ensure that the applicant has provided, in the case of—

- (a) applications, the information referred to in regulation 6(2); and
- (b) subsequent applications, the information referred to in regulation 6(3),

make a request for additional information before issuing a screening direction and regulation 6(4) applies as if the referral of the application were a request made by the applicant under regulation 6(8).

(5) 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.

(6) 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.

(7) An appellant who receives a notification under paragraph (5), may within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(8) If the appellant does not confirm in accordance with paragraph (7), 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.

(9) Where—

- (a) a notification has been given under paragraph (5), and
- (b) the appellant does not submit an environmental statement and comply with regulation 19(6),

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

PART 4

Preparation of Environmental Statements

Scoping opinions

14.—(1) A person who is minded to make an EIA application may ask the relevant planning authority to state their opinion as to the scope and level of detail of the information to be provided in the environmental statement (“scoping opinion”).

(2) A request under paragraph (1) must include—

- (a) in relation to an application for planning permission—
 - (i) a plan sufficient to identify the land;
 - (ii) a brief description of the nature and purpose of the development including its location and technical capacity;
 - (iii) its likely significant effects on the environment; and
 - (iv) such other information or representations as the person making the request may wish to provide or make;
- (b) in relation to a subsequent application—
 - (i) a plan sufficient to identify the land;

- (ii) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;
- (iii) a description of the likely significant effects on the environment which were not identified at the time planning permission was granted; and
- (iv) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request under paragraph (1) must, if they consider that they have not been provided with sufficient information to adopt a scoping opinion, notify the person who made the request of the points on which they require additional information.

(4) An authority must not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted the consultees, but must, subject to paragraph (5), within 8 weeks beginning with the date of receipt of that request or such longer period as may be agreed in writing with the person who made the request, adopt a scoping opinion and send a copy to the person who made the request.

(5) Where a person has, at the same time as making a request for a screening opinion under regulation 6(1), asked the authority for an opinion under paragraph (1) above, and the authority have adopted a screening opinion to the effect that the development is EIA development, the authority must, within 8 weeks beginning with the date on which that screening opinion was adopted or such longer period as may be agreed in writing with the person who made the request, adopt a scoping opinion and send a copy to the person who made the request.

(6) Before adopting a scoping opinion the authority must take into account—

- (a) any information provided by the applicant about the proposed development;
- (b) the specific characteristics of the particular development;
- (c) the specific characteristics of development of the type concerned; and
- (d) the environmental features likely to be significantly affected by the development.

(7) Where an authority fail to adopt a scoping opinion within the relevant period mentioned in paragraph (4) or (5), the person who requested the opinion may ask the Welsh Ministers under regulation 15(1) to make a direction as to the information to be provided in the environmental statement (a “scoping direction”).

(8) Paragraph (7) applies even if the authority has not received additional information which they have sought under paragraph (3).

(9) Nothing prevents an authority which have adopted a scoping opinion from requiring the person who made the request to provide additional information.

(10) “Additional information” (“*gwybodaeth ychwanegol*”) in paragraph (9) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations in connection with an application for planning permission or a subsequent application for the same development.

Scoping directions

15.—(1) A request made under this paragraph pursuant to regulation 14(7) must include—

- (a) a copy of the request to the relevant planning authority under regulation 14(1);
- (b) a copy of any relevant notification under regulation 14(3) and of any response;
- (c) a copy of any relevant screening opinion received by the person making the request and of the accompanying statement of reasons; and
- (d) any representations that the person making the request wishes to make.

(2) A person making a request must send to the relevant planning authority a copy of that request, but that copy need not include the matters mentioned in paragraph (1)(a) to (c).

(3) If the Welsh Ministers consider that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Welsh Ministers must give notice to the person making the request.

(4) The notice must set out any points on which additional information is required.

(5) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.

(6) The Welsh Ministers must—

- (a) consult the consultees before making a scoping direction in response to a request under paragraph (1), and
- (b) make a direction and send a copy to the person making the request and to the relevant planning authority, within 5 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required.

(7) Before making a scoping direction the Welsh Ministers must take into account the matters specified in regulation 14(6).

(8) Nothing prevents the Welsh Ministers, (after they have made a scoping direction) nor the relevant planning authority from requiring the person making the request to provide additional information.

(9) “Additional information” (“*gwybodaeth ychwanegol*”) in paragraph (8) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations in connection with an application for planning permission or a subsequent application for the same development.

Procedure to facilitate preparation of environmental statements

16.—(1) Any person who intends to submit an environmental statement to the relevant planning authority or the Welsh Ministers under these Regulations may give notice to that authority or the Welsh Ministers under this paragraph.

(2) A notice under paragraph (1) must include the information necessary to identify the land and the nature and purpose of the development, and must indicate the main environmental consequences to which the person giving the notice proposes to refer in the environmental statement.

(3) The recipient of—

- (a) such notice as is mentioned in paragraph (1); or
- (b) a statement or confirmation made pursuant to regulation 11(4)(a), 12(6) or 13(7),

must—

- (i) notify the consultees of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultees by paragraph (4) to make information available to that person; and
- (ii) inform the person who intends to submit an environmental statement of the names and addresses of the consultees so notified.

(4) Subject to paragraph (5), the relevant planning authority and any consultee notified in accordance with paragraph (3) must, if requested by the person who intends to submit an environmental statement, enter into consultation with that person to determine whether the authority or consultee has in its possession any information which that person considers, or they consider, relevant to the preparation of the environmental statement. If they have, the authority or consultee must make that information available to that person.

(5) A relevant planning authority or consultee which receives a request for information under paragraph (4) must treat it as a request for information under regulation 5(1) of the Environmental Information Regulations 2004(24).

PART 5

Publicity and Procedures on Submission of Environmental Statements

Environmental statements

17.—(1) An EIA application must be accompanied by an environmental statement for the purposes of these Regulations but this is subject to paragraph (2).

(2) Where regulation 9(1) and (2) apply, paragraph (1) does not apply.

(3) An environmental statement is a statement which includes at least—

- (a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development;
- (b) a description of the likely significant effects of the proposed development on the environment;
- (c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- (d) a description of the reasonable alternatives studied by the applicant or appellant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the significant effects of the development on the environment;
- (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and
- (f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

(4) An environmental statement must—

- (a) be prepared by persons who in the opinion of the relevant planning authority or the Welsh Ministers, as appropriate, have sufficient expertise to ensure the completeness and quality of the statement;
- (b) contain a statement by or on behalf of the applicant or appellant describing the expertise of the person who prepared the environmental statement;
- (c) where a scoping opinion or direction has been issued in accordance with regulation 14 or 15, be based on the most recent scoping opinion or direction issued (so far as the proposed development remains materially the same as the proposed development which was the subject of that opinion or direction);
- (d) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and
- (e) take into account other relevant environmental assessments required under Union legislation or any other provision of domestic legislation, with a view to avoiding duplication of assessment.

Procedure where an environmental statement is submitted to a local planning authority

18.—(1) An applicant who submits an environmental statement to the relevant planning authority must submit it in electronic and paper format unless otherwise agreed in writing.

(2) If at the same time as it makes an EIA application the applicant serves a copy of the statement on any other body, the applicant must—

- (a) serve with the statement a copy of the application and any plan submitted with the application (unless these have already been provided to the body in question);
- (b) inform the body that representations may be made to the relevant planning authority; and
- (c) inform the authority of the name of every body so served and of the date of service.

(3) When a relevant planning authority receive an environmental statement, the authority must—

- (a) send to the Welsh Ministers, within 14 days of receipt of the statement, one electronic copy of the statement, a copy of the relevant application and of any documents submitted with the application;
- (b) inform the applicant of the number of copies required to enable the authority to comply with sub-paragraph (c);
- (c) forward to any consultee which has not received a copy direct from the applicant, a copy of the statement and inform any such consultee that they may make representations;
- (d) where the authority are aware of any particular person who is or is likely to be affected by, or has an interest in, the application and who is unlikely to become aware of it by means of electronic publication or site notice or by local advertisement, send a notice to such person containing the details set out in regulation 19(2)(b) to (k) and the name and address of the authority.

(4) The applicant must send the copies required for the purposes of paragraph (3)(c) to the relevant planning authority.

(5) Where an applicant submits an environmental statement to the authority in accordance with paragraph (1), the provisions of article 12 of and Schedule 3 to the 2012 Order (publicity for applications for planning permission) apply to a subsequent application as they apply to a planning application falling within article 12(2) of the 2012 Order as if the reference in the notice in Schedule 3 to the 2012 Order to “planning permission to” read “consent, agreement or approval to”.

(6) The relevant planning authority must not determine the application until the expiry of 30 days from the last date on which a copy of the statement was served in accordance with this regulation.

Publicity where an environmental statement is submitted after the planning application

19.—(1) Where an application for planning permission or a subsequent application has been made without an environmental statement and the applicant proposes to submit such a statement, the applicant must, before submitting it, comply with paragraphs (2) to (5).

(2) The applicant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the applicant’s name, that an application is being made for planning permission or subsequent consent and the name and address of the relevant planning authority;
- (b) the date on which the application was made and, if it be the case, that it has been referred to the Welsh Ministers for determination or is the subject of an appeal to the Welsh Ministers;
- (c) the address or location and the nature of the proposed development;
- (d) that—

- (i) a copy of the application, any accompanying plan and other documents, and a copy of the environmental statement, and
 - (ii) in the case of a subsequent application, a copy of the planning permission in respect of which that application has been made and supporting documents,may be inspected by members of the public at all reasonable hours;
 - (e) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they are available for inspection (being a date not less than 30 days later than the date on which the notice is published);
 - (f) details of a website maintained by or on behalf of the relevant planning authority on which the environmental statement and other documents may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);
 - (g) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;
 - (h) that copies may be obtained there so long as stocks last;
 - (i) if a charge is to be made for a copy, the amount of the charge;
 - (j) that any person wishing to make representations about the application should make them, before the later of the dates stated in accordance with sub-paragraph (e) or (f), to the relevant planning authority or (in the case of an application referred to the Welsh Ministers or an appeal) to the Welsh Ministers; and
 - (k) in the case of an application referred to the Welsh Ministers or an appeal, the address, including an electronic address, to which representations should be sent.
- (3) An applicant who is notified under regulation 11(2), 12(4) or 13(6) of such a person as mentioned in any of those regulations must serve a notice on every such person; and the notice must contain the information specified in paragraph (2).
- (4) The applicant must, where it has the right to, or can reasonably acquire the right to, post on the land a notice containing the information specified in paragraph (2).
- (5) The notice mentioned in paragraph (4) must—
- (a) be left in position for not less than 7 days in the 28 days immediately preceding the date of the submission of the statement; and
 - (b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.
- (6) The environmental statement, when submitted, must be accompanied by—
- (a) a copy of the notice mentioned in paragraph (2) certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate; and
 - (b) a certificate by or on behalf of the applicant which states either—
 - (i) that a notice was posted on the land in compliance with this regulation and when this was done, and that the notice was left in position for not less than 7 days in the 28 days immediately preceding the date of the submission of the statement, or that, without any fault or intention on the applicant's part, it was removed, obscured or defaced before 7 days had elapsed and the applicant took reasonable steps for its protection or replacement, specifying the steps taken; or
 - (ii) that the applicant was unable to comply with paragraphs (4) and (5) because the applicant did not have the necessary rights to do so; that any reasonable steps available to acquire those rights have been taken but unsuccessfully, specifying the steps taken.

(7) Where an applicant indicates that the applicant proposes to provide a statement in the circumstances mentioned in paragraph (1), the relevant planning authority, the Welsh Ministers or the inspector, as the case may be, must (unless disposed to refuse the permission or subsequent consent sought) suspend consideration of the application or appeal until receipt of the statement and the other documents mentioned in paragraph (6); and must not determine the application or appeal during the period of 30 days beginning with the last date on which the statement and the other documents so mentioned are published in accordance with this regulation.

(8) Where it is proposed to submit an environmental statement in connection with an appeal, this regulation applies as if references to the applicant were references to the appellant.

Provision of copies of environmental statements and further information for the Welsh Ministers on referral or appeal

20.—(1) Where an applicant for planning permission or subsequent consent has submitted an environmental statement, or further information, to the relevant planning authority in connection with that application and—

- (a) the application is referred to the Welsh Ministers under section 77 of the 1990 Act (reference of applications to Secretary of State); or
- (b) the applicant appeals under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions),

the applicant must supply the Welsh Ministers with the statement and, where relevant, the further information unless, in the case of a referred application, the authority have already done so.

(2) The statement and the further information supplied in accordance with paragraph (1) must be in electronic and paper format unless otherwise agreed in writing.

Procedure where an environmental statement is submitted to the Welsh Ministers

21.—(1) This regulation applies where an applicant or appellant submits an environmental statement to the Welsh Ministers, in relation to an EIA application which is—

- (a) before the Welsh Ministers or an inspector for determination; or
- (b) the subject of an appeal to the Welsh Ministers.

(2) The applicant or appellant must submit the environmental statement in electronic and paper format to the Welsh Ministers and to the relevant planning authority, unless otherwise agreed in writing.

(3) An applicant or appellant who submits an environmental statement to the Welsh Ministers may provide a copy of it to any other body, and if so must—

- (a) comply with sub-paragraphs (a) and (b) of regulation 18(2) as if the reference in regulation 18(2)(b) to the relevant planning authority were a reference to the Welsh Ministers; and
- (b) inform the Welsh Ministers of the matters mentioned in regulation 18(2)(c).

(4) The Welsh Ministers must comply with regulation 18(3) (except sub-paragraph (a) of that regulation) and the applicant or appellant must comply with regulation 18(4) as if—

- (a) references in those provisions to the relevant planning authority were references to the Welsh Ministers; and,
- (b) in the case of an appeal, references to the applicant were references to the appellant,

and the Welsh Ministers or the inspector must comply with regulation 18(6) as if it referred to the Welsh Ministers or the inspector instead of the relevant planning authority.

Availability of copies of environmental statements

22. An applicant or appellant who submits an environmental statement in connection with an application or appeal, must ensure that a reasonable number of copies of the statement are available at the address named in the notices published or posted pursuant to article 12 of the 2012 Order or regulation 19(2)(g) as the address at which such copies may be obtained.

Charges for copies of environmental statements

23. A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of a statement made available in accordance with regulation 22.

Further information and evidence in respect of environmental statements

24.—(1) If a relevant planning authority, the Welsh Ministers or inspector dealing with an application or appeal in relation to which the applicant or appellant has submitted an environmental statement, are of the opinion that, in order to satisfy the requirements of regulation 17(3) it is necessary for the statement to be supplemented with additional information which is directly relevant to reaching a reasoned conclusion on the likely significant effects of the development described in the application, the relevant planning authority, the Welsh Ministers or inspector must notify the applicant or appellant accordingly and the applicant or appellant must provide that additional information in paper and electronic format, unless otherwise agreed in writing; and such additional information is referred to in these Regulations as “further information” (“*gwybodaeth bellach*”).

(2) Paragraphs (3) to (9) apply in relation to further information and any other information except in so far as—

- (a) the further information and any other information is provided for the purposes of an inquiry or hearing held under the 1990 Act; and
- (b) the request for the further information made pursuant to paragraph (1) stated that it was to be provided for such purposes.

(3) The recipient of further information or any other information must publish by local advertisement a notice stating—

- (a) the name of the applicant for planning permission or subsequent consent, or the appellant (as the case may be), and the name and address of the relevant planning authority;
- (b) the date on which the application was made and, if it is the case, that it has been referred to the Welsh Ministers for determination or is the subject of an appeal to the Welsh Ministers;
- (c) in the case of a subsequent application, sufficient information to enable the planning permission for the development to be identified;
- (d) the address or location and the nature of the proposed development;
- (e) that further information or any other information is available in relation to an environmental statement which has already been provided;
- (f) that a copy of the further information or any other information and of any environmental statement which relates to any planning permission or subsequent application may be inspected by members of the public at all reasonable hours;
- (g) an address in the locality in which the land is situated at which the further information or any other information may be inspected and the latest date on which it will be available for inspection (being a date not less than 30 days later than the date on which the notice is published);
- (h) details of a website maintained by or on behalf of the relevant planning authority on which the further information or any other information may be inspected, and the latest date on

which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);

- (i) an address in the locality in which the land is situated (whether or not the same as that given pursuant to sub-paragraphs (g) and (h)) at which copies of the further information or any other information may be obtained;
 - (j) that copies may be obtained there so long as stocks last;
 - (k) if a charge is to be made for a copy, the amount of the charge;
 - (l) that any person wishing to make representations about the further information or any other information should make them, before the date stated in accordance with sub-paragraph (g), to the relevant planning authority, the Welsh Ministers or the inspector (as the case may be); and
 - (m) the address to which representations should be sent.
- (4) The recipient of the further information or any other information must send a copy of it to each person to whom, in accordance with these Regulations, the statement to which it relates was sent.
- (5) Where the recipient of the further information or any other information is the relevant planning authority they must send to the Welsh Ministers one copy of the further information.
- (6) The recipient of the further information may by notice require the applicant or appellant to provide such number of copies of the further information or any other information as is specified in the notice (being the number required for the purposes of paragraph (4) or (5)).
- (7) Where information is requested under paragraph (1) or any other information is provided, the relevant planning authority, the Welsh Ministers or the inspector, as the case may be,—
- (a) must suspend determination of the application or appeal; and
 - (b) must not determine it before the expiry of 30 days after the latest of—
 - (i) the date on which the further information or any other information was sent to all persons to whom the statement to which it relates was sent;
 - (ii) the date that notice of it was published in a local newspaper; or
 - (iii) the date that notice of it was published on the website.
- (8) The applicant or appellant who provides further information or any other information, in accordance with paragraph (1) must—
- (a) ensure that a reasonable number of copies of the information are available at the address named in the notice published pursuant to paragraph (3)(i) as the address at which such copies may be obtained; and
 - (b) take any reasonable steps required by the authority to ensure that copies of the further information or other information are made available for access on the website referred to in the notice published pursuant to paragraph (3).
- (9) A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of the further information or any other information, made available in accordance with paragraph (8)(a).
- (10) The relevant planning authority or the Welsh Ministers or an inspector may require an applicant or appellant to produce such evidence as they may reasonably call for to verify any information in the environmental statement.

Consideration of whether planning permission should be granted

25.—(1) When determining an application or appeal in relation to which an environmental statement has been submitted the relevant planning authority or the Welsh Ministers, as the case may be, must—

- (a) examine the environmental information;
 - (b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;
 - (c) integrate that conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and
 - (d) if planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.
- (2) The reasoned conclusion referred to in paragraph (1) must be up to date when the determination is made; and that conclusion must be taken to be up to date if in the opinion of the relevant planning authority or the Welsh Ministers, as the case may be, it addresses the significant effects that are likely to arise as a result of the development proposed.
- (3) When considering whether to impose a monitoring measure under paragraph (1)(d), the relevant planning authority or the Welsh Ministers, as appropriate, must—
- (a) if monitoring is considered to be appropriate, consider whether to make provision for potential remedial action;
 - (b) take steps to ensure that the type of parameters to be monitored and the duration of the monitoring are proportionate to the nature, location and size of the proposed development and the significance of its effects on the environment; and
 - (c) consider, in order to avoid duplication of monitoring, whether monitoring arrangements required under Union legislation (other than legislation implementing the requirements of the Directive) or other legislation applicable in Wales are more appropriate than imposing monitoring measures.
- (4) In cases where no statutory timescale is in place the determination of the relevant planning authority or the Welsh Ministers, the case may be, must be made within a reasonable period of time, taking into account the nature and complexity of the proposed development, from the date on which the relevant planning authority or the Welsh Ministers have been provided with the environmental information.

PART 6

Coordination of assessments

26.—(1) Where in relation to EIA development there is, in addition to the requirement for an environmental impact assessment to be carried out, also a requirement to carry out a Habitats Regulations Assessment, the relevant planning authority (or the Welsh Ministers, as the case may be) must where appropriate ensure that the Habitats Regulations Assessment and the environmental impact assessment are co-ordinated.

(2) In this regulation, a “Habitats Regulations Assessment” (“*Asesiad Rheoliadau Cynefinoedd*”) means an assessment under regulation 61 of the Conservation of Habitats and Species Regulations 2010.

PART 7

Availability of Directions etc. and Notification of Decisions

Availability of opinions, directions etc. for inspection

27.—(1) Where particulars of a planning application or a subsequent application are placed on Part 1 of the register, the relevant planning authority must take steps to secure that there is also placed on that Part a copy of any—

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;
- (d) scoping direction;
- (e) notification given under regulation 11(1), 12(3) or 13(5);
- (f) direction under regulation 5(4) or (5);
- (g) environmental statement, including any further information and any other information;
- (h) statement of reasons accompanying any of the above.

(2) Where the relevant planning authority—

- (a) adopt a screening opinion or scoping opinion; or
- (b) receive a request under regulation 14(1) or 15(1), or a copy of a screening direction, scoping direction, or direction under regulation 5(4) before an application is made for planning permission or subsequent consent for the development in question,

the authority must take steps to secure that a copy of the opinion, request, or direction and any accompanying statement of reasons are made available for public inspection at all reasonable hours at the place where the appropriate register (or relevant part of that register) is kept.

(3) Copies of the documents referred to in paragraph (2) must remain so available for a period of two years from the date on which they are placed on the register.

Information to accompany decisions

28.—(1) Where an EIA application or appeal in relation to which an environmental statement has been submitted is determined by a relevant planning authority or the Welsh Ministers, as the case may be, the person making that determination must provide to the applicant or appellants the information specified in paragraph (2).

(2) The information is—

- (a) information regarding the right to challenge the validity of the decision and the procedures for doing so; and
- (b) if the decision is to grant planning permission or subsequent consent—
 - (i) the reasoned conclusion of the relevant planning authority or the Welsh Ministers, as the case may be, on the significant effects of the development on the environment, taking into account the results of the examination referred to in regulation 25(1)(a) and (b);
 - (ii) any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment;
 - (iii) a description of any features of the development and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment; and

- (iv) any monitoring measures considered appropriate by the authority or the Welsh Ministers, as the case may be; or
- (c) if the decision is to refuse planning permission or subsequent consent, the main reasons for the refusal.

Duties to inform the public and the Welsh Ministers of final decisions

29.—(1) Where an EIA application is determined by a local planning authority, the authority must promptly—

- (a) inform the Welsh Ministers of the decision by electronic means;
- (b) inform the consultees of the decision;
- (c) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and
- (d) make available for public inspection at the place where the appropriate register (or relevant part of that register) is kept, a statement containing—
 - (i) details of the matters referred to in regulation 28(2);
 - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - (iii) a summary of the results of the consultations undertaken and information gathered, in respect of the application and how those results, in particular how the comments received from an EEA State pursuant to consultation under regulation 56, have been incorporated or otherwise addressed.

(2) Where an EIA application is determined by the Welsh Ministers or an inspector, the Welsh Ministers must—

- (a) notify the relevant planning authority of the decision; and
- (b) provide the authority with such a statement as is mentioned in paragraph (1)(c).

(3) The relevant planning authority must, as soon as reasonably practicable after receipt of a notification under paragraph (2)(a), comply with sub-paragraphs (b) to (d) of paragraph (1) in relation to the decision so notified as if it were a decision of the authority.

PART 8

Applications for planning permission made to the Welsh Ministers

Application of Parts 2 to 7

30.—(1) This Part applies where an application for planning permission is made to the Welsh Ministers and so that “application” (“*cais*”) in this Part means an application for planning permission so made.

(2) Parts 2 to 7 apply subject to the exceptions in the following paragraph and the modifications and supplementary provisions in this Part.

(3) Regulations 6, 7(1), 7(2), 8 to 15, 20, and 22 do not apply.

Requests for screening directions of the Welsh Ministers

31.—(1) A person who is minded to make an application may request the Welsh Ministers to adopt a screening direction.

- (2) A request for a screening direction in relation to an application must be accompanied by—
- (a) a plan sufficient to identify the land;
 - (b) a description of the development, including in particular—
 - (i) a description of the physical characteristics of the whole development and, where relevant, of demolition works;
 - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
 - (c) a description of the aspects of the environment likely to be significantly affected by the development;
 - (d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—
 - (i) the expected residues and emissions and the production of waste, where relevant; and
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity;
 - (e) a statement that the request is made in relation to a development of national significance for the purposes of section 62D of the 1990 Act; and
 - (f) such other information or representations as the person making the request may wish to provide or make including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(3) The person making the request for the screening opinion must take into account the criteria in Schedule 3 and the available results of other environmental assessments carried out pursuant to Union legislation other than under the Directive when that person provides the information required by paragraph (2).

(4) A person making a request pursuant to paragraph (1) must send to the relevant planning authority a copy of that request and the documents which accompany that request.

(5) Paragraphs (3) to (9) of regulation 7 apply as if the references to making a request under regulation 6(8) were references to making a request under regulation 31(1).

Applications made without an environmental statement

32.—(1) Where an application is made and it appears to the Welsh Ministers that—

- (a) it is an EIA application;
- and
- (b) it is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

the Welsh Ministers must notify the applicant that the submission of an environmental statement is required and send a copy of that notification to the relevant planning authority.

(2) The Welsh Ministers must notify the applicant in accordance with paragraph (1) within 28 days, beginning with the date on which the Welsh Ministers are in receipt of an application, or such longer period as the Welsh Ministers may determine.

(3) An applicant who receives a notification under paragraph (1) may, within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(4) 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, the Welsh Ministers must notify the applicant of any such person.

(5) If the applicant does not confirm in accordance with paragraph (3), the Welsh Ministers are under no duty to deal with the application and, at the end of the 21 day period, they must inform the applicant that no further action is being taken on the application.

(6) Where—

- (a) a notification has been given under paragraph (1); and
- (b) the applicant does not submit an environmental statement and comply with regulation 19 (publicity where an environmental statement is submitted after the planning application),

the Welsh Ministers must determine the application only by refusing planning permission.

Scoping directions

33.—(1) A person who is minded to make an application for planning permission may ask the Welsh Ministers to make a scoping direction.

(2) A request under paragraph (1) must include—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development including its location and technical capacity;
- (c) its likely significant effects on the environment;
- (d) a statement that the request is made in relation to a development of national significance for the purposes of section 62D of the 1990 Act; and
- (e) such other information or representations as the person making the request may wish to provide or make.

(3) A person making a request pursuant to paragraph (1) must send to the relevant planning authority a copy of that request and the documents which accompany that request.

(4) If the Welsh Ministers consider that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Welsh Ministers must give notice to the person making the request.

(5) The notice must set out any points on which additional information is required.

(6) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.

(7) The Welsh Ministers must—

- (a) consult the consultees before making a scoping direction in response to a request under paragraph (1), and
- (b) make a direction and send a copy to the person who made the request and to the relevant planning authority, within 8 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required.

(8) Before making a scoping direction the Welsh Ministers must take into account—

- (a) any information provided by the applicant about the proposed development;
- (b) the specific characteristics of the particular development;
- (c) the specific characteristics of development of the type concerned; and
- (d) the environmental features likely to be significantly affected by the development.

(9) Nothing prevents the Welsh Ministers, (after they have made a scoping direction) from requiring the person who made the request to provide additional information about the likely significant effects of the proposed development.

(10) “Additional information” (“*gwybodaeth ychwanegol*”) in paragraph (9) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations.

Procedure to facilitate preparation of environmental statements

34. Regulation 16 applies as if—

(a) paragraph (3) reads—

“(3) The recipient of—

(a) such notice as is mentioned in paragraph (1); or

(b) a statement made pursuant to regulation 11(4)(a), 12(6), 13(7) or 32(3),
must—

(i) notify the consultees of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultees by paragraph (4) to make information available to that person; and

(ii) inform the person who intends to submit an environmental statement of the names and addresses of the consultees so notified.”; and

(b) the references in paragraphs (4) and (5) to the “relevant planning authority” and “authority” were to the Welsh Ministers.

Publicity where an environmental statement is submitted after the planning application

35. Regulation 19 applies as if paragraphs (2) and (3) read—

“(2) The applicant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

(a) the applicant’s name, that an application is being made to the Welsh Ministers for planning permission and the address of the Welsh Ministers;

(b) the date on which the application was made;

(c) the address or location and the nature of the proposed development;

(d) that a copy of the application, any accompanying plan and other documents, and a copy of the environmental statement may be inspected by members of the public at all reasonable hours;

(e) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they are available for inspection (being a date not less than 30 days later than the date on which the notice is published);

(f) details of a website maintained by or on behalf of the Welsh Ministers on which the environmental statement and other documents may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);

(g) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;

- (h) that copies may be obtained there so long as stocks last;
- (i) if a charge is to be made for a copy, the amount of the charge;
- (j) that any person wishing to make representations about the application must make them, before the date named in accordance with sub-paragraph (e) or (f), whichever is the latest, to the Welsh Ministers; and
- (k) the address to which representations should be sent.

(3) An applicant who is notified under regulation 32(4) of such a person as mentioned in that regulation, must serve a notice on every such person; and the notice must contain the information specified in paragraph (2), except that the date noted as the latest date on which the documents will be available for inspection must not be less than 21 days later than the date on which the notice is first served.”

Availability of copies of environmental statements

36. An applicant who submits an environmental statement in connection with an application, must ensure that a reasonable number of copies of the statement are available at the address named in the notices published or served pursuant to article 18(2) of the 2016 Order as the address at which such copies may be obtained.

Availability of directions etc. for inspection

37. Regulation 27 applies as if paragraph (1)(e) reads “notification given under regulation 32(2) (applications made without environmental statement);”.

PART 9

Restrictions of Grants of Permission

New simplified planning zone schemes or enterprise zone orders

38. No—

- (a) adoption or approval of a simplified planning zone scheme⁽²⁵⁾;
- (b) an order designating an enterprise zone made under section 88 of the 1990 Act; or
- (c) the approval of a modified scheme in relation to such an enterprise zone,

may—

- (i) grant planning permission for EIA development; or
- (ii) grant planning permission for Schedule 2 development unless that grant is made subject to the prior adoption of a screening opinion or prior making of a screening direction that the particular proposed development is not EIA development.

Local development orders

39.—(1) This regulation applies in relation to Schedule 2 development for which a local planning authority propose to grant planning permission by local development order.

(2) Where this regulation applies—

⁽²⁵⁾ See the definition of “simplified planning zone” in section 336 of the 1990 Act.

- (a) the local planning authority must not adopt or revise a local development order unless they have either requested and adopted a screening opinion or the Welsh Ministers have made a screening direction;
- (b) regulation 7(1) applies as if the words “pursuant to regulation 6(8)” were omitted;
- (c) regulations 6(2) to (9), 7 and 8 apply as if references to—
 - (i) an application for planning permission, are to a proposal for a local development order;
 - (ii) a relevant planning authority, are to the local planning authority to whom it would fall to adopt or revise the local development order;
 - (iii) the applicant, are to the authority; and
 - (iv) a Schedule 2 application are to a proposal for a local development order to grant planning permission for Schedule 2 development.
- (3) Paragraph (4) and Schedule 5 apply where—
 - (a) the local planning authority adopts a screening opinion; or
 - (b) the Welsh Ministers make a screening direction,
 to the effect that the development concerned is EIA development.

(4) The local planning authority must not adopt or revise a local development order which grants planning permission for Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location unless an environmental impact assessment has been carried out in respect of that development.

Section 97 orders and section 102 orders

40.—(1) This regulation applies where a local planning authority or the Welsh Ministers propose to make or confirm a section 97 order modifying any permission to develop land or a section 102 order granting planning permission.

(2) The local planning authority must not make and the Welsh Ministers must not make or confirm a section 97 order or a section 102 order in relation to Schedule 2 development unless the authority have requested and adopted a screening opinion or the Welsh Ministers have made a screening direction.

- (3) Where this regulation applies—
 - (a) regulation 6(4) does not apply;
 - (b) regulation 7(1) applies as if the words “pursuant to regulation 6(8)” were omitted;
 - (c) regulations 6(2), (4), (5) to (9) and 7(1), (3) to (9) apply as if references to—
 - (i) an application for planning permission, are to a proposal for a section 97 or a section 102 order;
 - (ii) a relevant planning authority, are to the body to whom it falls to make the section 97 or section 102 order;
 - (iii) the applicant are to the initiating body; and
 - (iv) a Schedule 1 or a Schedule 2 application are to a proposal of a section 97 order or a section 102 order which would grant or modify planning permission for Schedule 1 development or Schedule 2 development respectively.
- (4) Paragraphs (5) and (6) and Schedule 6 apply in either case—
 - (a) to Schedule 1 development;
 - (b) where either—

- (i) the local planning authority adopts a screening opinion, or
- (ii) the Welsh Ministers make a screening direction under these Regulations,

to the effect that the development is EIA development.

(5) The local planning authority must not make a section 97 order which permits or requires EIA development unless an environmental impact assessment has been carried out in relation to that development.

(6) The Welsh Ministers must not confirm or make a section 97 order or a section 102 order which permits or requires EIA development unless an environmental impact assessment has been carried out in relation to that development.

Action under section 141 of the 1990 Act

41.—(1) This regulation and Schedule 7 apply in relation to the exercise of functions by the Welsh Ministers under section 141(2) or (3) of the 1990 Act⁽²⁶⁾.

(2) Where the Welsh Ministers receive a purchase notice under section 139(4) of the 1990 Act, the Welsh Ministers must not modify planning permission for EIA development or direct that, if an application for planning permission for EIA development is made, it must be granted unless an environmental impact assessment has been carried out in respect of that development.

PART 10

Unauthorised Development

Interpretation of this Part

42. In this Part—

“enforcement functions” (“*swyddogaethau gorfodi*”) means—

- (a) the issue of an enforcement notice under section 172 of the 1990 Act (issue of enforcement notice)⁽²⁷⁾;
- (b) the issue of a planning contravention notice under section 171C of the 1990 Act (power to require information about activities on land)⁽²⁸⁾;
- (c) the issue of a temporary stop notice under section 171E of the 1990 Act (temporary stop notice)⁽²⁹⁾;
- (d) the issue of a stop notice under section 183 of the 1990 Act (stop notices)⁽³⁰⁾;
- (e) the service of a breach of condition notice under section 187A of the 1990 Act (enforcement of conditions)⁽³¹⁾; and
- (f) an application to the court for an injunction under section 187B of the 1990 Act (injunctions restraining breaches of planning control)⁽³²⁾;

⁽²⁶⁾ Section 141 of the 1990 Act enables Welsh Ministers to take certain action in relation to planning permission instead of confirming a purchase notice submitted to them pursuant to section 140 of the 1990 Act. A purchase notice may be served on a council pursuant to section 137 of the 1990 Act.

⁽²⁷⁾ Section 172 was substituted by section 5 of the 1991 Act.

⁽²⁸⁾ Section 171C was inserted by section 1 of the 1991 Act and amended by article 5(a) of S.I. 2004/3156 (W. 273).

⁽²⁹⁾ Section 171E was inserted by section 52 of the Planning and Compulsory Purchase Act 2004 (c. 5).

⁽³⁰⁾ Section 183 was substituted by section 9 of the 1991 Act.

⁽³¹⁾ Section 187A was inserted by section 2 of the 1991 Act. There is a further amendment which is not relevant to Wales.

⁽³²⁾ Section 187B was inserted by section 3 of the 1991 Act.

“ground (a) appeal” (“*apêl sail (a)*”) means an appeal brought under section 174(2)(a) of the 1990 Act (appeal against enforcement notice)(33); and

“unauthorised EIA development” (“*datblygiad AEA anawdurdodedig*”) means EIA development which is the subject of an enforcement notice under section 172 of the 1990 Act (issue of enforcement notice).

Duty to ensure objectives of the Directive are met

43. Relevant planning authorities, in the exercise of their enforcement functions, must have regard to the need to secure compliance with the requirements and objectives of the Directive.

Prohibition on the grant of planning permission for unauthorised EIA development

44. The Welsh Ministers or an inspector must not grant planning permission or subsequent consent under section 177(1) of the 1990 Act (grant or modification of planning permission on appeals against enforcement notices)(34) in respect of unauthorised EIA development unless an environmental impact assessment has been carried out in respect of that development.

Screening opinions

45.—(1) Where it appears to the local planning authority by whom or on whose behalf an enforcement notice is to be issued that the matters constituting the breach of planning control comprise or include Schedule 1 development or Schedule 2 development they must, before the enforcement notice is issued—

- (a) take such steps as appear to be reasonable to them in the circumstances, having regard to the requirements of regulation 6(2) and (4), to obtain information about unauthorised development to inform a screening opinion; and
- (b) adopt a screening opinion.

(2) Where it appears to such local planning authority that the matters constituting the breach of planning control comprise or include EIA development they must serve with a copy of the enforcement notice a notice (“regulation 45 notice”) which must—

- (a) include the screening opinion required by paragraph (1); and
- (b) require a person who gives notice of an appeal under section 174 of the 1990 Act to submit to the Welsh Ministers with the notice two copies of an environmental statement relating to that EIA development.

(3) The local planning authority by whom a regulation 45 notice has been served must send a copy of it to—

- (a) the Welsh Ministers;
- (b) the consultees; and
- (c) any particular person of whom the authority is aware, who is likely to be affected by, or has an interest in, the regulation 45 notice.

(33) Section 174 was amended by sections 6, 32 and 84 of, and paragraph 22 of Part 1 to Schedule 19 to the 1991 Act, S.I. 2004/3156 (W. 273), section 63 of, and paragraphs 2 and 5 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24) and by section 46 of the Planning (Wales) Act 2015 (anaw 4). There are other amendments which are not relevant to Wales. See also section 177(5) which was amended by paragraph 24 of Schedule 7 to the 1991 Act.

(34) Section 177 was amended by sections 6(3) and 32 of, and paragraph 24 of Schedule 7 to, the 1991 Act and by section 123(1), (6) of the Localism Act 2011 (c. 20) and by section 44(1) and (3) of the Planning (Wales) Act 2015. There is another amendment which is not relevant to this instrument.

(4) Where a local planning authority provide the Welsh Ministers with a copy of a regulation 45 notice they must include with it a list of the other persons to whom a copy of the notice has been or is to be sent.

Screening directions

46.—(1) Any person on whom a regulation 45 notice is served may, within 21 days beginning with the date the notice is served, apply to the Welsh Ministers for a screening direction.

(2) An application for a screening direction must be accompanied by—

- (a) a copy of the regulation 45 notice;
- (b) a copy of the enforcement notice which it accompanied; and
- (c) the information required under, and representations made in accordance with, regulation 6(2), which must be prepared by the applicant in compliance with regulation 6(4).

(3) At the same time as applying to the Welsh Ministers, the applicant must send to the authority by whom the regulation 45 notice was served, a copy of the application and of the information and any representations provided or made in accordance with paragraph (2)(c).

(4) If the Welsh Ministers consider that the information provided in accordance with paragraph (2) is insufficient to make a direction, they must notify the applicant and the authority of the matters in respect of which additional information is required; and the information so requested must be provided by the applicant within such reasonable period as may be specified in the notice.

(5) Regulation 7(6) to (8) applies to a direction sought pursuant to paragraph (1).

(6) The Welsh Ministers must send a copy of the direction to the applicant.

(7) Where the Welsh Ministers direct that the matters which are alleged to constitute the breach of planning control do not comprise or include EIA development, they must send a copy of the direction to every person to whom a copy of the regulation 45 notice was sent.

Provision of information

47.—(1) The relevant planning authority and any person, other than the Welsh Ministers, to whom a copy of the regulation 45 notice has been sent (“the regulation 45 consultee”) must, if requested by the person on whom the regulation 45 notice was served, enter into consultation with that person to determine whether the regulation 45 consultee has in their possession any information which that person or the regulation 45 consultee considers relevant to the preparation of an environmental statement and if they have, the regulation 45 consultee must make any such information available to that person.

(2) Regulation 16(5) applies to information under paragraph (1) as it applies to any information falling within regulation 16(4).

Appeal to the Welsh Ministers without a screening opinion or screening direction

48.—(1) Where on consideration of an appeal under section 174 of the 1990 Act it appears to the Welsh Ministers that the matters alleged to constitute the breach of planning control comprise or include Schedule 1 development or Schedule 2 development, they must, before any notice is served pursuant to regulation 49, make a screening direction.

(2) Where an inspector is dealing with an appeal under section 174 of the 1990 Act and a question arises as to whether the matters alleged to constitute the breach of planning control comprise or include Schedule 1 development or Schedule 2 development, the inspector must refer that question to the Welsh Ministers.

(3) Before receiving a screening direction the inspector may not determine the application which is deemed to have been made by virtue of the appeal under section 174 of the 1990 Act (“the deemed application”) except to refuse that application.

(4) Where a question is referred under paragraph (2), the Welsh Ministers must make a screening direction within 21 days beginning with the date on which the question was referred or such longer period as may be reasonably required, not exceeding 90 days from the date on which the person making the request submits the information required under regulation 46(2)(c).

(5) Where the Welsh Ministers consider that due to exceptional circumstances relating to the proposed development it is not practicable for them to adopt a screening direction within the period of 90 days beginning with the date of the request, the Welsh Ministers may extend that period by giving notice in writing to the person who made the request.

(6) The Welsh Ministers must state in any notice under paragraph (5) the reasons justifying the extension and the date when the determination is expected.

(7) The Welsh Ministers must send a copy of any screening direction made pursuant to paragraph (4) to the inspector.

(8) If the Welsh Ministers consider that sufficient information to make a screening direction has not been provided, they must give notice to the applicant and the authority by whom the regulation 45 notice was served, of the matters in respect of which additional information is required, and the information so requested must be provided by the applicant within such reasonable period as may be specified in the notice.

(9) If an appellant to whom notice has been given under paragraph (8) fails to comply with the requirements of that notice, the appeal in so far as it is a ground (a) appeal, lapses at the end of the period specified in the notice.

Appeal to the Welsh Ministers without an environmental statement

49.—(1) The procedure in paragraph (2) applies where—

- (a) the Welsh Ministers or an inspector are considering an appeal under section 174 of the 1990 Act;
- (b) the matters which are alleged to constitute the breach of planning control comprise or include unauthorised EIA development; and
- (c) the documents submitted for the purposes of the appeal do not include a statement referred to by the appellant as an environmental statement for the purposes of these Regulations.

(2) The procedure is—

- (a) the Welsh Ministers must, within the period of 21 days beginning with the day on which the appeal is received, or such longer period as may be reasonably required, notify the appellant of the requirements of sub-paragraph (c); but this is subject to sub-paragraph (b);
- (b) notice need not be given under sub-paragraph (a) where the appellant has submitted an environmental statement to the Welsh Ministers for the purposes of an appeal under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) which—
 - (i) relates to the development to which the appeal under section 174 of the 1990 Act relates; and
 - (ii) is to be determined at the same time as the appeal under section 174 of the 1990 Act; and that statement, any further information, any other information and the representations (if any) made in relation to it must be treated as the environmental information for the purpose of regulation 41;

- (c) the appellant must, within the period specified in the notice or such longer period as the Welsh Ministers may allow, submit to the Welsh Ministers two copies of an environmental statement relating to the unauthorised EIA development in question;
- (d) the Welsh Ministers must send to the relevant planning authority a copy of any notice sent to the appellant under sub-paragraph (a);
- (e) if an appellant to whom notice has been given under sub-paragraph (a) fails to comply with the requirements of sub-paragraph (c), the ground (a) appeal lapses at the end of the period allowed;
- (f) as soon as reasonably practicable after the occurrence of the lapse described in sub-paragraph (e), the Welsh Ministers must notify the appellant and the relevant planning authority that the ground (a) appeal has lapsed.

Procedure where an environmental statement is submitted to the Welsh Ministers

50. Where the Welsh Ministers receive (otherwise than as mentioned in regulation 49(2)(b)) an environmental statement in connection with an enforcement appeal, they must—

- (a) send a copy of that statement to the relevant planning authority, advise the authority that the statement will be taken into consideration in determining the ground (a) appeal, and inform them that they may make representations;
- (b) notify the persons to whom a copy of the relevant regulation 45 notice was sent that the statement will be taken into consideration in determining the ground (a) appeal, and inform them that they may make representations and that, if they wish to receive a copy of the statement or any part of it, they must notify the Welsh Ministers of their requirements within 7 days of the receipt of the Welsh Ministers' notice; and
- (c) respond to requirements notified in accordance with paragraph (b) by providing a copy of the statement or of the part requested (as the case may be).

Further information and evidence respecting environmental statements

51. Regulation 24(1) and (10) apply to statements provided in accordance with this Part with the following modifications—

- (a) where the Welsh Ministers or an inspector notify the appellant under regulation 24(1), the appellant must provide the further information within such period as the Welsh Ministers or the inspector may specify in the notice or such longer period as the Welsh Ministers or the inspector may allow;
- (b) if an appellant to whom a notice has been given under paragraph (a) fails to provide the further information within the period specified or allowed, the the ground (a) appeal lapses at the end of that period.

Publicity for environmental statements or further information

52.—(1) Where an authority receive a copy of a statement by virtue of regulation 50(a) or any further information or other information, they must publish by local advertisement a notice stating—

- (a) the name of the appellant and that the enforcement notice has been appealed to the Welsh Ministers;
- (b) the address or location of the land to which the notice relates and the nature of the development;
- (c) sufficient information to enable any planning permission for the development to be identified;

- (d) that a copy of the statement, further information or any other information and of any planning permission may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which the statement or further information or any other information may be inspected, and the latest date on which it will be available for inspection (being a date not less than 30 days later than the date on which the notice is published);
- (f) details of a website maintained by or on behalf of the relevant planning authority on which the environmental statement and other documents may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);
- (g) that any person wishing to make representations about any matter dealt with in the statement or further information or any other information should make them, before the latest date stated in accordance with sub-paragraph (e) or (f), to the Welsh Ministers; and
- (h) the address to which any such representations should be sent.

(2) The authority must, as soon as practicable after publication of a notice in accordance with paragraph (1), send to the Welsh Ministers a copy of the notice certified by or on behalf of the authority as having been published by local advertisement on a date specified in the certificate.

(3) The relevant planning authority must make the environmental statement available for inspection on a website maintained by or on its behalf.

(4) Neither the Welsh Ministers receiving a certificate under paragraph (2) nor an inspector may determine the ground (a) appeal in respect of the development to which the certificate relates until the expiry of 30 days from the date stated in the published notice as the last date on which the statement or further information was available for inspection.

Public inspection of documents

53.—(1) The relevant planning authority must make available for public inspection at all reasonable hours at the place where the appropriate register (or relevant part of that register) is kept, a copy of—

- (a) every regulation 45 notice given by the authority;
- (b) every notice received by the authority under regulation 49(2)(d); and
- (c) every statement and all further information received by the authority under regulation 50(a);

and copies of those documents must remain so available for a period of 2 years or until they are entered in Part 2 of the register in accordance with paragraph (2), whichever is the sooner.

(2) Where particulars of any planning permission granted by the Welsh Ministers or an inspector under section 177 of the 1990 Act are entered in Part 2 of the register⁽³⁵⁾, the relevant planning authority must take steps to secure that that Part also contains a copy of any of the documents referred to in paragraph (1) as are relevant to the development for which planning permission has been granted.

(3) The provisions of paragraphs (2) and (3) of regulation 29 apply to a grant of planning permission under section 177 of the 1990 Act as they apply to an application for and grant of planning permission under Part 3 of the 1990 Act.

Significant transboundary effects

54. Regulation 56 applies to unauthorised EIA development as if—

⁽³⁵⁾ See section 177(8) of the 1990 Act.

- (a) regulation 56(1)(a) read—
 - “(a) on consideration of an appeal under section 174 of the 1990 Act the Welsh Ministers are of the opinion that the matters which are alleged to constitute the breach of planning control comprise or include EIA development and that the development has or is likely to have significant effects on the environment in another EEA State; or”;
- (b) in regulation 56(3)(a), “a copy of the application concerned” read “a description of the development concerned”;
- (c) in regulation 56(6) “application” read “appeal”.

PART 11

ROMP Applications

General application of the Regulations to ROMP applications

55.—(1) In this regulation and in Schedule 8—

“the General Regulations” (“*y Rheoliadau Cyffredinol*”) means the Town and Country Planning General Regulations 1992(36);

“relevant mineral planning authority” (“*awdurdod cynllunio mwynau perthnasol*”) means the body to whom it falls, fell, or would, but for a direction under—

- (a) paragraph 7 of Schedule 2 to the 1991 Act;
- (b) paragraph 13 of Schedule 13 to the 1995 Act; or
- (c) paragraph 8 of Schedule 14 to the 1995 Act,

fall to determine the ROMP application in question;

“ROMP” (“*ROMP*”) means review of old mineral permission;

“ROMP application” (“*cais ROMP*”) means an application to a relevant mineral planning authority to determine the conditions to which a planning permission is to be subject under—

- (a) paragraph 2(2) of Schedule 2 to the 1991 Act (registration of old mining permissions);
- (b) paragraph 9(1) of Schedule 13 to the 1995 Act (review of old mineral planning permissions); or
- (c) paragraph 6(1) of Schedule 14 to the 1995 Act (periodic review of mineral planning permissions)(37);

“ROMP development” (“*datblygiad ROMP*”) means development which has yet to be carried out and which is authorised by a planning permission in respect of which a ROMP application has been or is to be made;

“ROMP subsequent application” (“*cais dilynol ROMP*”) means an application for approval of a matter where the approval—

- (a) is required by or under a condition to which a planning permission is subject following determination of a ROMP application; and
- (b) must be obtained before all or part of the minerals development permitted by the planning permission may be begun or continued;

(36) S.I. 1992/1492. Relevant amending instruments are S.I. 1992/1892 and S.I. 1997/3006.

(37) Paragraph 6 was amended by S.I. 2004/3156 (W. 273). There is another amendment which is not relevant to these Regulations.

“ROMP subsequent consent” (“*cydsyniad dilynol ROMP*”) means consent granted pursuant to a ROMP subsequent application; and

“undetermined ROMP application” (“*cais ROMP amhenderfynedig*”) has the same meaning as in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009⁽³⁸⁾.

(2) Subject to paragraph (3) and to the modifications and additions set out in Schedule 8, these Regulations apply to—

- (a) a ROMP application as they apply to an application for planning permission;
- (b) a ROMP subsequent application as they apply to a subsequent application;
- (c) ROMP development as they apply to development in respect of which an application for planning permission is, has been, or is to be made;
- (d) a relevant mineral planning authority as they apply to a relevant planning authority;
- (e) a person making a ROMP application as they apply to an applicant for planning permission;
- (f) a person making a ROMP subsequent application as they apply to a person making a subsequent application;
- (g) the determination of a ROMP application as they apply to the granting of a planning permission; and
- (h) the granting of ROMP subsequent consent as they apply to the granting of subsequent consent.

(3) These Regulations do not apply to—

- (a) any undetermined ROMP application to which the Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 apply;
- (b) to any appeal in relation to such an application.

PART 12

Development with Significant Transboundary Effects

Development in Wales likely to have significant effects in another EEA State

56.—(1) Where—

- (a) it comes to the attention of the Welsh Ministers that development proposed to be carried out in Wales is the subject of an EIA application and is likely to have significant effects on the environment in another EEA State; or
- (b) another EEA State likely to be significantly affected by such development so requests,

the Welsh Ministers must—

- (i) send to the EEA State as soon as possible and no later than the date of publication in the London Gazette referred to in sub-paragraph (ii), the particulars mentioned in paragraph (2) and, if relevant, the information referred to in paragraph (3);
- (ii) publish in a notice in the London Gazette the information in paragraph (2) and, if relevant, the information referred to in paragraph (3) and an address where additional information is available; and

⁽³⁸⁾ S.I. 2009/3342 (W. 293).

(iii) give the EEA State a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide.

(2) The particulars referred to in paragraph (1)(b)(i) are—

- (a) a description of the development, together with any available information on its possible significant effect on the environment in another EEA State; and
- (b) information on the nature of the decision which may be taken.

(3) Where an EEA State indicates, in accordance with paragraph (1)(b)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Welsh Ministers must as soon as possible send to that EEA State—

- (a) a copy of the application concerned;
- (b) details of the authority responsible for deciding the application;
- (c) a copy of any planning permission relating to the development;
- (d) a copy of any environmental statement in respect of the development; and
- (e) relevant information regarding the procedure under these Regulations,

but only to the extent that such information has not been provided to the EEA State earlier in accordance with paragraph (1)(b)(i).

(4) The Welsh Ministers must also ensure that the EEA state concerned is given an opportunity, before planning permission for the development is granted, to forward to the Welsh Ministers, within a reasonable time, the opinions of its public and of the authorities likely to be concerned by the project by reason of their specific environmental responsibilities on the information supplied.

(5) The Welsh Ministers must in accordance with Article 7(4) of the Directive—

- (a) enter into consultations with the EEA State concerned regarding, inter alia, the potential significant effects of the development on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and
- (b) determine in agreement with the other EEA State a reasonable period of time for the duration of the consultation period.

(6) Where an EEA State has been consulted in accordance with paragraph (5), on the determination of the application concerned the Welsh Ministers must inform the EEA State of the decision and must forward to it a copy of the information referred to in regulation 28.

Projects in another EEA State likely to have significant transboundary effects

57.—(1) Where the Welsh Ministers receive from another EEA State, pursuant to Article 7(1) or (2) of the Directive, information which that EEA State has gathered from the developer of a proposed project in that EEA State, which is likely to have significant effects on the environment in Wales, they must, in accordance with Article 7(4) of the Directive—

- (a) enter into consultations with that EEA State regarding the potential significant effects of the proposed project on the environment in Wales and the measures envisaged to reduce or eliminate such effects; and
- (b) determine in agreement with that EEA State a reasonable period, before development consent for the project is granted, during which members of the public in Wales may submit to the competent authority in that EEA State representations pursuant to Article 7(3)(b) of the Directive.

(2) The Welsh Ministers must also—

- (a) arrange for the information referred to in paragraph (1) to be made available, within a reasonable time and for a time period of no less than 30 days, both to the authorities

in Wales which are likely to be concerned by the project by reason of their specific environmental responsibilities, and to the public concerned in Wales;

- (b) ensure that those authorities and the public concerned are given an opportunity, before development consent for the project is granted, to forward to the competent authority in the relevant EEA State, within a reasonable time, their opinion on the information supplied; and
- (c) make available to the public concerned any information received from the competent authority of the relevant EEA State in order to comply with Article 9(2) of the Directive.

PART 13

Miscellaneous

Objectivity and bias

58.—(1) Where a local planning authority or the Welsh Ministers have a duty under these Regulations, they must perform that duty in an objective manner and so as not to find themselves in a situation giving rise to a conflict of interest.

(2) Where a local planning authority, or the Welsh Ministers are acting as a developer and that authority or the Welsh Ministers, as the case may be, are also responsible for determining their own proposal, that authority or the Welsh Ministers, as the case may be, must make appropriate administrative arrangements to ensure that there is a functional separation between those persons who seek or require permission for development and the persons responsible for determining that proposal.

Application to the High Court

59. For the purposes of Part 12 of the 1990 Act (validity of certain decisions), the reference in section 288(1)(b)(**39**) to action of the Welsh Ministers not being within the powers of the 1990 Act is to be taken to extend to a grant of planning permission or subsequent consent not being permitted by reason of regulations 3 or 44.

Hazardous waste and material change of use

60. A change in the use of land or buildings to a use for a purpose mentioned in paragraph 9 of Schedule 1 involves a material change in the use of that land or those buildings for the purposes of section 55(1) of the 1990 Act (meaning of “development” and “new development”).

Extension of the period for an authority’s decision on a planning application

61.—(1) For the purposes of section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions), in determining the time which has elapsed without the relevant planning authority giving notice to the applicant of their decision, where—

- (a) the authority have notified an applicant in accordance with regulation 11(1) that the submission of an environmental statement is required; and
- (b) the Welsh Ministers have given a screening direction in relation to the development in question,

no account is to be taken of any period before the issue of the direction.

(39) Section 288(1)(b) was amended by the [Planning \(Wales\) Act 2015 \(anaw 4\)](#), section 27 and Schedule 4, paragraph 16.

(2) Where it falls to an authority to determine an EIA application, articles 22 (time periods for decisions) and 23 (applications made under planning condition) of the 2012 Order have effect as if—

- (a) each of the references in articles 22(2)(a) and 23 to a period of 8 weeks is a reference to a period of 16 weeks; and
- (b) the reference in article 22(2)(aa)(40) to the period of 12 weeks is a reference to the period of 20 weeks.

Extension of the power to provide in a development order for the giving of directions as respects the manner in which planning applications are dealt with

62. Provisions included in a development order by virtue of section 60 of the 1990 Act (permission granted by development order)(41) which enable the Welsh Ministers to give directions, must enable them to direct that development which is both of a description mentioned in Column 1 of the table in Schedule 2, and of a class described in the direction is EIA development for the purposes of these Regulations.

Application to the Crown

63.—(1) These Regulations apply to the Crown with the following modifications.

(2) In relation to an application made to the Welsh Ministers other than an application under section 62D of the 1990 Act (developments of national significance: applications for planning permission), regulation 12 (application referred to the Welsh Ministers without an environmental statement) is to be read as if—

- (a) in paragraph (1)—
 - (i) before “referred” in the first place it occurs, it read “made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application)(42) or”; and
 - (ii) before “referral” it read “making or the”;
- (b) in paragraph (2), before “referral”, it read “making or the”; and
- (c) in paragraph (3), before “referred” in the first place it occurs, it read “made under section 293A of the 1990 Act or”.

Amendment of other instruments

64. The instruments in Schedule 9 are amended to the extent set out in that Schedule.

Revocation, saving and transitional provisions

65.—(1) The 2016 Regulations are revoked, but this is subject to paragraphs (2) to (8).

(2) Where the condition in paragraph (3) applies the 2016 Regulations continue to have effect in respect of the following—

- (a) an application for planning permission;
- (b) a ROMP application to which the 2016 Regulations apply;

(40) Sub-paragraph (aa) of article 22(2) was inserted by article 11(b) of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59 (W. 29)).

(41) There are amendments to section 60 which are not relevant to these Regulations.

(42) Section 293A was inserted by section 82(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) (the “2004 Act”) and has been amended by section 16 and Schedule 2, paragraphs 8 and 9 and section 27 and paragraphs 1 and 17(1) to (3) of Schedule 4 to the Planning (Wales) Act 2015. Section 118(3) of the 2004 Act provides that a reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) to an enactment amended by the 2004 Act must be taken as a reference to the enactment as so amended.

- (c) an appeal in relation to an application within sub-paragraph (a) or (b);
 - (d) a matter in relation to which a local planning authority have issued an enforcement notice under section 172 of the 1990 Act.
- (3) For the purposes of paragraph (2), the condition is that before 16 May 2017 the applicant or appellant (as the case may be) has—
- (a) requested a scoping opinion or a scoping direction; or
 - (b) submitted an environmental statement,
- in respect of the development to which the application or appeal relates.
- (4) Where the condition in paragraph (5) applies the 2016 Regulations continue to have effect in respect of the following—
- (a) a proposed local development order;
 - (b) a proposed section 97 or a section 102 order.
- (5) For the purposes of paragraph (4), the condition is that before 16 May 2017 the local planning authority, the initiating body or the applicant (as the case may be) has—
- (a) requested a scoping opinion or a scoping direction; or
 - (b) prepared an environmental statement,
- in respect of the development to which the proposed order relates.
- (6) The 2016 Regulations continue to have effect in respect of proposed action under section 141 of the 1990 Act where before 16 May 2017 the applicant, as defined in paragraph 3 of Schedule 7, has—
- (a) requested a scoping opinion or a scoping direction; or
 - (b) submitted an environmental statement,
- in respect of the development to which the proposed action relates.
- (7) Parts 1 and 2 of the 2016 Regulations continue to have effect in respect of—
- (a) requests for a screening opinion or screening direction;
 - (b) screening opinions adopted by the relevant planning authority; and
 - (c) screening directions made by the Welsh Ministers,
- where, before 16 May 2017, such requests were made, or the local planning authority or the Welsh Ministers (as the case may be) initiated the making or adoption of screening opinions or screening directions.
- (8) The 2016 Regulations continue to have effect for the purposes of the Town and Country Planning (Undetermined Reviews of Old Mineral Permissions)(Wales) Regulations 2009(43).
- (9) Accordingly, these Regulations (other than this regulation) do not apply in respect of development to which the 2016 Regulations continue to have effect by virtue of any of paragraphs (2) to (8).
- (10) In this regulation—
- “2016 Regulations” (“*Rheoliadau 2016*”) means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016(44);
- “environmental statement” (“*datganiad amgylcheddol*”), scoping direction” (“*cyfarwyddyd cwmpasu*”) and “scoping opinion” (“*barn gwmpasu*”) have the meanings in regulation 2 of the 2016 Regulations; and

(43) S.I. 2009/3342 (W. 293) as amended by S.I. 2003/755 (W. 90) and S.I. 2016/58 (W. 28) see for ROMP applications made before 15 November 2000.

(44) S.I. 2016/58 (W. 28).

“ROMP” (“*ROMP*”) and “ROMP application” (“*cais ROMP*”) have the same meaning as in regulation 55(1).

Consequential amendments

66. The instruments in Schedule 10 are amended to the extent shown in that Schedule.

20 April 2017

Lesley Griffiths
Cabinet Secretary for Environment and Rural
Affairs, one of the Welsh Ministers