
WELSH STATUTORY INSTRUMENTS

2017 No. 567

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

PART 9

Restrictions of Grants of Permission

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—

- (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.