
WELSH STATUTORY INSTRUMENTS

2017 No. 567

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

PART 9

Restrictions of Grants of Permission

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.

Changes to legislation: *There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, Section 40. (See end of Document for details)*

(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.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, Section 40.