
WELSH STATUTORY INSTRUMENTS

2017 No. 567

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

PART 13

Miscellaneous

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;
- (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⁽¹⁾.

(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⁽²⁾;

“environmental statement” (“*datganiad amgylcheddol*”), scoping direction” (“*cyfarwyddyd cwmpasu*”) and “scoping opinion” (“*barn gwmpasu*”) have the meanings in regulation 2 of the 2016 Regulations; and

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

(1) 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.

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