

## SCHEDULE 1

### Selection criteria for screening

#### Characteristics of development

1. The characteristics of development must be considered having regard, in particular, to—
  - (a) the size of the development;
  - (b) the cumulation with other development;
  - (c) the use of natural resources;
  - (d) the production of waste;
  - (e) pollution and nuisances;
  - (f) the risk of accidents, having regard in particular to substances or technologies used.

#### Location of development

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—
  - (a) the existing land use;
  - (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
  - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
    - (i) wetlands;
    - (ii) coastal zones;
    - (iii) mountain and forest areas;
    - (iv) nature reserves and parks;
    - (v) areas classified or protected under Member States' legislation [<sup>F1</sup>or the legislation of any part of the UK]; areas designated [<sup>F2</sup>under EU-derived domestic legislation which transposed] Council Directive 79/409/EEC<sup>M1</sup> on the conservation of wild birds <sup>M2</sup>[<sup>F3</sup>or Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds] and Council Directive 92/43/EEC<sup>M3</sup> on the conservation of natural habitats and of wild fauna and flora <sup>M4</sup>;
    - (vi) areas in which the environmental quality standards laid down in [<sup>F4</sup>retained EU law] have already been exceeded;
    - (vii) densely populated areas;
    - (viii) landscapes of historical, cultural or archaeological significance.

#### Textual Amendments

- F1** Words in Sch. 1 para. 2(c)(v) inserted (31.12.2020) by The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/245), regs. 1(2)(3), 3(4)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 1 para. 2(c)(v) substituted (31.12.2020) by The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/245), regs. 1(2)(3), 3(4)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)

*Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009. (See end of Document for details)*

- F3** Words in Sch. 1 para. 2(c)(v) inserted (7.3.2019) by [The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/245\)](#), regs. 1(2)(3), **3(4)(a)(iii)**
- F4** Words in Sch. 1 para. 2(c)(vi) substituted (31.12.2020) by [The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/245\)](#), regs. 1(2)(3), **3(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### **Marginal Citations**

- M1** O.J. No. L103, 25.4.79, p.1.
- M2** The Wild Birds Directive was last amended by Council Directive 2008/102/EC, O.J. No. L323, 3.12.2008, p.31.
- M3** O.J. No. L206, 27.7.92, p.7.
- M4** The Habitats Directive was last amended by Council Directive 2006/105/EC of 20 November 2006 adapting Directives 79/409/EEC, 92/43/EEC, 97/68/EC, 2001/80/EC and 2001/81/EC in the field of environment, by reason of the accession of Bulgaria and Romania (O.J. No. L363, 20.12.2006, p. 368; and see O.J. L80, 21.3.2007, p. 15, for the Corrigendum amending the original title).

### **Characteristics of the potential impact**

3. The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to—

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;
- (e) the duration, frequency and reversibility of the impact.

## SCHEDULE 2

### Information for inclusion in environmental statements

## **PART 1**

1. Description of the development, including in particular—

- (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
- (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.

2. A detailed working programme or programmes in accordance with which the applicant or appellant proposes to carry out the development including, in particular, details of the direction and depth of working.

**3.** An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the applicant's or appellant's choice or choices, taking into account the environmental effects.

**4.** A description of the aspects of the environment likely to be significantly affected by the development including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.

**5.** A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from—

- (a) the existence of the development;
- (b) the use of natural resources;
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,

and the description by the applicant of the forecasting methods used to assess the effects on the environment.

**6.** A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

**7.** A non-technical summary of the information provided under paragraphs 1 to 6 of this Part.

**8.** An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant or appellant in compiling the required information.

## **PART 2**

**9.** A description of the development comprising information on the site, design and size of the development.

**10.** A detailed working programme in accordance with which the applicant proposes to carry out the development including, in particular, details of the direction and depth of working.

**11.** A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.

**12.** The data required to identify and assess the main effects which the development is likely to have on the environment.

**13.** An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the applicant's or appellant's choice, taking into account the environmental effects.

**14.** A non-technical summary of the information provided under paragraphs 9 to 13 of this Part.

## **SCHEDULE 3**

### **Notifications**

**1.** Words in parenthesis in this Schedule are not part of the Regulations.

*Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009. (See end of Document for details)*

### **Notifications under regulation 11 (screening directions of the Welsh Ministers)**

2. The matters referred to in regulation 11(3) are—
  - (a) the date by which the screening information must be provided (being the date on which the relevant period for the purposes of regulation 11(8) ends);
  - (b) the effect of regulation 11(9) (suspension);
  - (c) the effect of regulation 50 (duration of suspension);
  - (d) the effect of regulation 51 (prohibition);
  - (e) the duty imposed on the applicant, appellant or, as the case may be, on the operator, by regulation 46 (publicity by site notice);
  - (f) the right to challenge the notification and the time period for doing so.
3. The matters referred to in regulation 11(12)(b) are—
  - (a) the effect of the Welsh Ministers' direction being that the undetermined ROMP application in question cannot be determined without consideration of the environmental information;
  - (b) that a draft environmental statement will be required in due course;
  - (c) that the relevant mineral planning authority is now required to adopt a scoping opinion under regulation 12 or, as the case may be, that the Welsh Ministers are now required to make a scoping direction under regulation 14;
  - (d) the effect of regulation 12(5) or, as the case may be, 14(11) (suspension) in the event that any scoping information required is not submitted within the relevant period;
  - (e) the effect of regulation 50 (duration of suspension);
  - (f) the effect of regulation 51 (prohibition);
  - (g) where the written notification relates to an EIA application which is before a relevant mineral planning authority for determination, the effect of regulation 12(1) (period within which notification of scoping opinion to be given);
  - (h) the right conferred by regulation 12(8) (right to request scoping direction);
  - (i) the duty imposed on the applicant or appellant by regulation 46 (publicity);
  - (j) the right to challenge the screening direction and the time period for doing so.

### **Notifications under regulation 12 (scoping opinions of the relevant mineral planning authority)**

4. The matters referred to in regulation 12(2) are—
  - (a) the date by which the scoping information must be provided (being the date on which the relevant period for the purposes of regulation 12(4) ends);
  - (b) the effect of regulation 12(5) (suspension);
  - (c) the effect of regulation 50 (duration of suspension);
  - (d) the effect of regulation 51 (prohibition);
  - (e) the effect of regulation 12(6) (consultation prior to adoption of scoping opinion);
  - (f) the right conferred by regulation 12(8) (right to request scoping direction);
  - (g) the effect of regulation 12(9) (adoption of scoping opinion does not preclude right to require further information or evidence);
  - (h) the duty imposed on the applicant or, as the case may be, the operator, by regulation 46 (publicity);
  - (i) the right to challenge the notification and the time period for doing so.

5. The matters referred to in regulation 12(7)(b) are—
  - (a) the date by which the draft environmental statement must be submitted (being the date on which the relevant period for the purposes of regulation 17(2) ends);
  - (b) that the draft environmental statement must include all of the information specified in the scoping opinion;
  - (c) the effect of regulation 17(8) (suspension);
  - (d) the effect of regulation 50 (duration of suspension);
  - (e) the effect of regulation 51 (prohibition);
  - (f) the effect of regulation 16 (procedure to facilitate preparation of environmental statements);
  - (g) the effect of regulation 12(9) (adoption of scoping opinion does not preclude right to require further information or evidence);
  - (h) the effect of regulation 18 (draft environmental statement: pre-consultation checks);
  - (i) the duty imposed on the applicant by regulation 46 (publicity);
  - (j) the right to challenge the scoping opinion and the time period for doing so.
6. The matters referred to in regulation 12(10) are—
  - (a) the date by which the draft environmental statement must be submitted (being the date on which the relevant period for the purposes of regulation 17(2) ends);
  - (b) that the draft environmental statement must include all of the information specified in the scoping direction;
  - (c) the effect of regulation 17(8) (suspension);
  - (d) the effect of regulation 50 (duration of suspension);
  - (e) the effect of regulation 51 (prohibition);
  - (f) the effect of regulation 16 (procedure to facilitate preparation of environmental statements);
  - (g) the effect of regulation 13(14) (making of a scoping direction does not preclude right to require further information or evidence);
  - (h) the effect of regulation 18 (draft environmental statement: pre-consultation checks);
  - (i) the duty imposed on the applicant by regulation 46 (publicity).

**Notifications under regulation 13 (scoping directions of the Welsh Ministers requested under regulation 12(8))**

7. The matters referred to in regulation 13(4) are—
  - (a) the date by which the scoping information must be provided (being the date on which the relevant period for the purposes of regulation 13(9) ends);
  - (b) the effect of regulation 13(10) (suspension);
  - (c) the effect of regulation 50 (duration of suspension);
  - (d) the effect of regulation 51 (prohibition);
  - (e) the effect of regulation 13(11) (consultation prior to adoption of scoping opinion);
  - (f) the effect of regulation 13(14) (adoption of scoping opinion does not preclude right to require further information or evidence);
  - (g) the duty imposed on the applicant or, as the case may be, the operator, by regulation 46 (publicity).

- (h) the right to challenge the notification and the time period for doing so.

**Notifications under regulation 14 (scoping directions of the Welsh Ministers)**

8. The matters referred to in regulation 14(5) are—
  - (a) the date by which the scoping information must be provided (being the date on which the relevant period for the purposes of regulation 14(10) ends);
  - (b) the effect of regulation 14(11) (suspension);
  - (c) the effect of regulation 50 (duration of suspension);
  - (d) the effect of regulation 51 (prohibition);
  - (e) the effect of regulation 14(12) (consultation prior to making scoping direction);
  - (f) the effect of regulation 14(15) (making of scoping direction does not preclude right to require further information or evidence);
  - (g) the duty imposed on the applicant or, as the case may be, the operator, by regulation 46 (publicity).
  - (h) the right to challenge the notification and the time period for doing so.
9. The matters referred to in regulation 14(13)(b) are—
  - (a) the date by which the draft environmental statement must be submitted (being the date on which the relevant period for the purposes of regulation 17(3) ends);
  - (b) that the environmental statement must include all of the information specified in the scoping direction;
  - (c) the effect of regulation 17(8) (suspension);
  - (d) the effect of regulation 50 (duration of suspension);
  - (e) the effect of regulation 51 (prohibition);
  - (f) the effect of regulation 16 (procedure to facilitate preparation of environmental statements);
  - (g) the effect of regulation 14(15) (making of scoping direction does not preclude right to require further information or evidence);
  - (h) the effect of regulation 18 (draft environmental statement: pre-consultation checks);
  - (i) the duty imposed on the applicant or appellant by regulation 46 (publicity).
  - (j) the right to challenge the scoping direction and the time period for doing so.

**Notifications under regulation 15 (substitute scoping directions)**

10. The matters referred to in regulation 15(5) are—
  - (a) the date by which the scoping information must be provided (being the date on which the relevant period for the purposes of regulation 15(10) ends);
  - (b) the effect of regulation 15(11) (suspension);
  - (c) the effect of regulation 50 (duration of suspension);
  - (d) the effect of regulation 51 (prohibition);
  - (e) the Welsh Ministers' duties under regulation 15(12) (consultation prior to making scoping direction);
  - (f) the effect of regulation 15(15) (making of scoping direction does not preclude right to require further information or evidence);

(g) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity).

(h) the right to challenge the notification and the time period for doing so.

**11.** The matters referred to in regulation 15(13) are—

(a) the date by which the draft environmental statement must be submitted (being the date on which the relevant period for the purposes of regulation 17(4) ends);

(b) that the environmental statement must include all of the information specified in the scoping direction;

(c) the effect of regulation 17(8) (suspension);

(d) the effect of regulation 50 (duration of suspension);

(e) the effect of regulation 51 (prohibition);

(f) the effect of regulation 16 (procedure to facilitate preparation of environmental statements);

(g) the effect of regulation 15(15) (making of scoping direction does not preclude right to require further information or evidence);

(h) the effect of regulation 18 (draft environmental statement: pre-consultation checks);

(i) the duty imposed on the applicant or appellant by regulation 46 (publicity).

(j) the right to challenge the scoping direction and the time period for doing so.

**Notifications under regulation 18 (draft environmental statement: pre-consultation checks)**

**12.** The matters referred to in regulation 18(6)(b) are—

(a) the date by which the specified information must be provided (being the date on which the relevant period for the purposes of regulation 18(8) or, as the case may be, regulation 18(9), ends);

(b) the effect of regulation 18(10) (suspension);

(c) the effect of regulation 50 (duration of suspension);

(d) the effect of regulation 51 (prohibition);

(e) the effect of regulation 18(12) to (24) (requirement to consider form of environmental statement);

(f) the effect of regulation 18(25) (instruction to publish does not preclude right to require further information or evidence);

(g) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity).

(h) the right to challenge the notification and the time period for doing so

**13.** The matters referred to in regulation 18(15) are—

(a) the date by which the further draft environmental statement must be submitted (being the date on which the relevant period for the purposes of regulation 18(16) ends);

(b) the effect of regulation 18(17) (suspension);

(c) the effect of regulation 50 (duration of suspension);

(d) the effect of regulation 51 (prohibition);

(e) the effect of regulation 18(19) to (24);

(f) the effect of regulation 18(25) (instruction to publish does not preclude right to require further information or evidence);

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- (g) the duty imposed on the applicant or appellant by regulation 46 (publicity).
- (h) the right to challenge the notification and the time period for doing so.

**14.** The matters referred to in regulation 18(24)(d) are—

- (a) the effect of regulation 19(1) (duty to comply with regulation 21);
- (b) the date by which the documentary evidence required by regulation 21 must be submitted (being the date on which the relevant period for the purposes of regulation 19(1) ends);
- (c) the effect of regulation 19(2) (suspension);
- (d) the effect of regulation 50 (duration of suspension);
- (e) the effect of regulation 51 (prohibition);
- (f) the requirements of regulation 20 (environmental statements: publicity requirements);
- (g) the requirements of regulation 21 (requirement to submit documentary evidence of publication);
- (h) the requirement imposed by regulation 22(1) (provision of copies of environmental statement);
- (i) the requirement imposed by regulation 23 (availability of copies of environmental statements);
- (j) the right conferred by regulation 25 (charges for copies of environmental statements);
- (k) where the notification relates to an EIA application which is before a relevant mineral planning authority for determination, the effect of regulation 24 (provision of copies of environmental statements for the Welsh Ministers on referral or appeal);
- (l) the effect of regulation 18(25) (instruction to publish does not preclude right to require further information or evidence);
- (m) the effect of regulation 32(4) (prohibition on determination during consultation period);
- (n) the duty imposed on the applicant or appellant by regulation 46 (publicity);
- (o) the right to challenge the notification and the time period for doing so.

**Notifications under regulation 26 (further information)**

**15.** The matters referred to in regulation 26(3) are—

- (a) the date by which the further information must be provided (being the date on which the relevant period for the purposes of regulation 26(4) ends);
- (b) the effect of regulation 26(5) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the effect of regulation 28 (further information and evidence: pre-consultation checks);
- (f) the effect of regulation 26(6) (notification does not preclude requirement to submit further information or evidence);
- (g) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity);
- (h) the right to challenge the notification and the time period for doing so.

**Notifications under regulation 27 (evidence)**

**16.** The matters referred to in regulation 27(3) are—



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- (a) the date by which the evidence must be provided (being the date on which the relevant period for the purposes of regulation 27(4) ends);
- (b) the effect of regulation 27(5) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the effect of regulation 28 (further information and evidence: pre-consultation checks);
- (f) the effect of regulation 27(6) (notification does not preclude requirement to submit further information or evidence);
- (g) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity);
- (h) the right to challenge the notification and the time period for doing so.

**Notifications under regulation 28 (further information and evidence: pre-consultation checks)**

**17.** The matters referred to in regulation 28(5)(b) are—

- (a) the date by which the further information or evidence must be re-submitted (being the date on which the relevant period for the purposes of regulation 28(6) ends);
- (b) the effect of regulation 28(7) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the effect of regulation 28(8) to (12);
- (f) the effect of regulation 28(13) (notification does not preclude requirement to submit further information or evidence);
- (g) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity);
- (h) the right to challenge the notification and the time period for doing so.

**18.** The matters referred to in regulation 28(8)(d) are—

- (a) the date by which the documentary evidence of publication must be provided (being the date on which the relevant period for the purposes of regulation 29(1) ends);
- (b) the effect of regulation 29(2) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the requirements of regulation 30 (further information or evidence: publicity requirements);
- (f) the requirements of regulation 31 (documentary evidence of publication);
- (g) the effect of regulation 32(1) (provision of consultation copies to relevant mineral planning authority or the Welsh Ministers);
- (h) the effect of regulation 33 (reasonable number of copies of further information or evidence to be made available to the public);
- (i) the right conferred by regulation 35 (charges for copies of further information or evidence);
- (j) the effect of regulation 34 (provision of copies of further information and evidence for the Welsh Ministers on referral or appeal);
- (k) the effect of regulation 32(4) (prohibition on determination during consultation period);

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- (l) the effect of regulation 28(13) (written notification given under regulation 28 does not preclude right to require further information or evidence);
- (m) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity);
- (n) the right to challenge the notification and the time period for doing so.

**Changes to legislation:**

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