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WELSH STATUTORY INSTRUMENTS

2016 No. 58 (W. 28)

TOWN AND COUNTRY PLANNING, WALES

[^{F1}The Town and Country Planning (Environmental
Impact Assessment) (Wales) Regulations 2016

*Made - - - - 27 January 2016
Laid before the National
Assembly for Wales 1 February 2016
Coming into force 1 March 2016 except for
regulation 38, Schedule 5 and Schedule 9,
paragraph 8(3) which come into force in accordance
with regulation 1*

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) (WALES) REGULATIONS 2016**

PART 1

General

1. Title, commencement and application
2. Interpretation
3. Prohibition on granting planning permission or subsequent consent without consideration of environmental information

PART 2

Screening

4. General provisions relating to screening
5. Requests for screening opinions
6. Requests for screening directions of the Welsh Ministers

PART 3

Procedures Concerning Applications for Planning Permission

7. Applications which appear to require screening opinion
8. Subsequent applications where environmental information previously provided

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9. Subsequent applications where environmental information not previously provided
10. Application made to a local planning authority without an environmental statement
11. Application referred to the Welsh Ministers without an environmental statement
12. Appeal to the Welsh Ministers without an environmental statement

PART 4

Preparation of Environmental Statements

13. Scoping opinions
14. Scoping directions
15. Procedure to facilitate preparation of environmental statements

PART 5

Publicity and Procedures on Submission of Environmental Statements

16. Procedure where an environmental statement is submitted to a local planning authority
17. Publicity where an environmental statement is submitted after the planning application
18. Provision of copies of environmental statements and further information for the Welsh Ministers on referral or appeal
19. Procedure where an environmental statement is submitted to the Welsh Ministers
20. Availability of copies of environmental statements
21. Charges for copies of environmental statements
22. Further information and evidence in respect of environmental statements

PART 6

Availability of Directions etc. and Notification of Decisions

23. Availability of opinions, directions etc. for inspection
24. Duties to inform the public and the Welsh Ministers of final decisions

PART 7

Development By a Local Planning Authority

25. Modifications where application by a local planning authority
26. Screening opinions and directions

PART 8

Applications for planning permission made to the Welsh Ministers

27. Application of Parts 2 to 7
28. Requests for screening directions of the Welsh Ministers
29. Applications made without an environmental statement
30. Scoping directions
31. Procedure to facilitate preparation of environmental statements

32. Procedure where an environmental statement is submitted to the Welsh Ministers
33. Publicity where an environmental statement is submitted after the planning application
34. Availability of copies of environmental statements
35. Availability of directions etc. for inspection
36. Duties to inform the public of final decisions

PART 9

Restrictions of Grants of Permission

37. New simplified planning zone schemes or enterprise zone orders
38. Local development orders
39. Section 97 orders and section 102 orders

PART 10

Unauthorised Development

40. Interpretation
41. Prohibition on the grant of planning permission for unauthorised EIA development
42. Screening opinions
43. Screening directions
44. Provision of information
45. Appeal to the Welsh Ministers without a screening opinion or screening direction
46. Appeal to the Welsh Ministers without an environmental statement
47. Procedure where an environmental statement is submitted to the Welsh Ministers
48. Further information and evidence respecting environmental statements
49. Publicity for environmental statements or further information
50. Public inspection of documents
51. Significant transboundary effects

PART 11

ROMP Applications

52. General application of the Regulations to ROMP applications

PART 12

Development with Significant Transboundary Effects

53. Development in Wales likely to have significant effects in another EEA State
54. Projects in another EEA State likely to have significant transboundary effects

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55. Application to the High Court
56. Hazardous waste and material change of use

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- 57. Extension of the period for an authority's decision on a planning application
 - 58. 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
 - 59. Application to the Crown
 - 60. Revocation of statutory instruments and transitional provisions
 - 61. Consequential amendments
- Signature

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- SCHEDULE 1 Descriptions of development for the purposes of the definition of "Schedule 1 development"
- Interpretation
- Descriptions of development
- SCHEDULE 2 Descriptions of development and applicable thresholds and criteria for the purposes of the definition of "Schedule 2 development"
- 1. In the table below— "area of the works" ("arwynebedd gwaith")...
 - 2. The table below sets out the descriptions of development and...
- SCHEDULE 3 Selection criteria for screening Schedule 2 development
- 1. Characteristics of development
 - 2. Location of development
 - 3. Characteristics of the potential impact
- SCHEDULE 4 Information for inclusion in environmental statements
- PART 1
- 1. Description of the development, including in particular—
 - 2. An outline of the main alternatives studied by the applicant...
 - 3. A description of the aspects of the environment likely to...
 - 4. A description of the likely significant effects of the development...
 - 5. A description of the measures envisaged to prevent, reduce and...
 - 6. A non-technical summary of the information provided under paragraphs 1...
 - 7. An indication of any difficulties (technical deficiencies or lack of...
- PART 2
- 8. A description of the development comprising information on the site,...
 - 9. A description of the measures envisaged in order to avoid,...
 - 10. The data required to identify and assess the main effects...
 - 11. An outline of the main alternatives studied by the applicant...
 - 12. A non-technical summary of the information provided under paragraphs 8...
- SCHEDULE 5 Local Development Orders
- 1. In a case to which this Schedule has effect, these...
 - 2. Regulations 3, 5 to 12, 18 and 19 do not...
 - 3. In regulation 4— (a) paragraph (2)(a) does not apply;
 - 4. Regulation 13 is to be read as if it provided—...
 - 5. Regulation 15 is to be read as if it provided—...
 - 6. Regulation 16 is to be read as if it provided—...
 - 7. Regulation 17 is to be read as if—

8. Regulation 20 is to be read as if it provided—...
 9. Regulation 22 is to be read as if—
 10. Regulation 23 is to be read as if paragraphs (1)...
 11. Regulation 24 is to be read as if—
 12. Regulation 53 is to be read as if—
- SCHEDULE
6
Section 97 and 102 Orders under the 1990 Act
1. In this Schedule “initiating body” (“corff cychwyn”) means the local...
 2. In a case to which this Schedule has effect, these...
 3. Regulations 3, 5 to 12 and 19 do not apply....
 4. In regulation 4— (a) paragraph (2)(a) does not apply;
 5. Regulation 13 is to be read as if it provided—...
 6. Regulation 14 is to be read as if—
 7. Regulation 15 is to be read as if it provided—...
 8. Regulation 16 is to be read as if it provided—...
 9. Regulation 17 is to be read as if—
 10. Regulation 18 is to be read as if it provided—...
 11. Regulation 20 is to be read as if it provided—...
 12. Regulation 22 must be read as if—
 13. Regulation 23 is to be read as if paragraphs (1)...
 14. Regulation 24 is to be read as if it provided—...
 15. Regulation 53 is to be read as if—
- SCHEDULE
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ROMP Applications
1. Modification of provisions on prohibition of granting planning permission or subsequent consent
 2. Modification of provisions on application to local planning authority without an environmental statement
 3. Disapplication of Regulations and modifications of provisions on application referred to or appealed to the Welsh Ministers without an environmental statement
 4. Substitution of references to section 78 of the 1990 Act right of appeal and modification of provisions on appeal to the Welsh Ministers without an environmental statement
 5. Modification of provisions on preparation, publicity and procedures on submission of environmental statements
 6. Modification of provisions on application to the High Court and giving of directions
 7. Suspension of minerals development
 8. Determination of conditions and right of appeal on non-determination
 9. ROMP application by a mineral planning authority
 10. ROMP applications: duty to make a prohibition order after two years suspension of permission
- SCHEDULE
8
Statutory instruments revoked
- SCHEDULE
9
Consequential amendments
1. The Town and Country Planning (General Permitted Development) Order 1995
 2. The Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999

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3. The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999
4. The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006
5. The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007
6. The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) 2009
7. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011
8. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012
Explanatory Note

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