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WELSH STATUTORY INSTRUMENTS

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**2016 No. 58**

**The Town and Country Planning (Environmental  
Impact Assessment) (Wales) Regulations 2016**

**PART 2**

**Screening**

**General provisions relating to screening**

4.—(1) Subject to paragraphs (3) and (4), the occurrence of an event mentioned in paragraph (2) determines for the purpose of these Regulations that development is EIA development.

(2) The events referred to in paragraph (1) are—

- (a) the submission by the applicant or appellant in relation to that development of a statement referred to by the applicant or appellant as an environmental statement for the purposes of these Regulations; or
- (b) the adoption by the relevant planning authority of a screening opinion to the effect that the development is EIA development.

(3) A direction of the Welsh Ministers determines for the purpose of these Regulations whether development is or is not EIA development.

(4) The Welsh Ministers may direct that these Regulations do not apply in relation to a particular proposed development specified in the direction in accordance with Article 2(4) of the Directive (but without prejudice to Article 7 of the Directive).

(5) Where a direction is given under paragraph (4) the Welsh Ministers must—

- (a) send a copy of any such direction to the relevant planning authority;
- (b) make available to the public the information considered in making the direction and the reasons for making the direction;
- (c) consider whether another form of assessment would be appropriate; and
- (d) take such steps they consider appropriate to bring the information obtained under the other form of assessment to the attention of the public.

(6) Where a local planning authority or the Welsh Ministers have to decide under these Regulations whether Schedule 2 development is EIA development, the authority or the Welsh Ministers must take into account in making that decision such of the selection criteria set out in Schedule 3 as are relevant to the development.

(7) Where a local planning authority adopt a screening opinion, or the Welsh Ministers make a screening direction—

- (a) that opinion or direction must be accompanied by a statement giving clearly and precisely the full reasons for that conclusion; and

- (b) the authority or the Welsh Ministers, as the case may be, must send a copy of the opinion or direction and a copy of the statement required by sub-paragraph (a) to the person who proposes to carry out, or who has carried out, the development in question.
- (8) The Welsh Ministers may make a screening direction either—
  - (a) of their own volition; or
  - (b) if requested to do so by any person.
- (9) The Welsh Ministers may direct that particular development of a description mentioned in Column 1 of the table in Schedule 2 is EIA development in spite of the fact that none of the conditions contained in sub-paragraphs (a) and (b) of the definition of “Schedule 2 development” is satisfied in relation to that development.
- (10) The Welsh Ministers must send a copy of any screening direction and a copy of the statement required by paragraph (7)(a) to the relevant planning authority.

### **Requests for screening opinions**

- 5.—(1) A person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion.
- (2) A request for a screening opinion in relation to an application for planning permission must be accompanied by—
  - (a) a plan sufficient to identify the land;
  - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
  - (c) such other information or representations as the person making the request may wish to provide or make.
- (3) A request for a screening opinion in relation to a subsequent application must be accompanied by—
  - (a) a plan sufficient to identify the land;
  - (b) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;
  - (c) a description of the likely effects on the environment which were not identified at the time that the planning permission was granted; and
  - (d) such other information or representations as the person making the request may wish to provide or make.
- (4) An authority receiving a request for a screening opinion must, if they consider that they have not been provided with sufficient information to adopt an opinion, notify the person making the request of the points on which they require additional information.
- (5) An authority must adopt a screening opinion within 21 days beginning with the date of receipt of a request made pursuant to paragraph (1) or such longer period as may be agreed in writing with the person making the request.
- (6) An authority which adopts a screening opinion pursuant to paragraph (5) must send a copy to the person who made the request.
- (7) Where an authority—
  - (a) fails to adopt a screening opinion pursuant to paragraph (5); or
  - (b) adopts an opinion to the effect that the development is EIA development;
 the person who requested the opinion may request the Welsh Ministers to make a screening direction.

(8) The person may make a request pursuant to paragraph (7) even if the authority have not received additional information which they have sought under paragraph (4).

### **Requests for screening directions of the Welsh Ministers**

6.—(1) A person who pursuant to regulation 5(7) requests the Welsh Ministers to make a screening direction (a “person making a request”) must submit with the request—

- (a) a copy of the request to the relevant planning authority under regulation 5(1) and the documents which accompanied it;
- (b) a copy of any notification received under regulation 5(4) and of any response sent;
- (c) a copy of any screening opinion received from the authority and of any accompanying statement of reasons; and
- (d) any representations that the person wishes to make.

(2) A person making a request must send to the relevant planning authority a copy of that request and the representations that person makes to the Welsh Ministers.

(3) If the Welsh Ministers consider that sufficient information to make a screening direction has not been provided, they must give notice to the person making the request.

(4) The notice must specify the points on which additional information is required.

(5) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.

(6) The Welsh Ministers must make a screening direction within 21 days beginning with the date of receipt of a request pursuant to regulation 5(7) or such longer period as may be reasonably required.

(7) The Welsh Ministers must send a copy of any screening direction made pursuant to paragraph (6) to the person who made the request as soon as reasonably practicable.