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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 (revoked)**

**PART 7**

**Development By a Local Planning Authority**

**Modifications where application by a local planning authority**

**25.** Where the relevant planning authority is also (or would be) the applicant (whether alone or jointly with any other person), these Regulations apply to an EIA application (or proposed application) subject to the following modifications—

- (a) subject to regulation 26(1) and (2), regulations 5 and 6 do not apply;
- (b) regulation 7 applies as if the reference to regulation 5(4) and (5) were omitted;
- (c) regulation 10 does not apply;
- (d) regulations 13 and 14 do not apply;
- (e) paragraphs (1) to (3) of regulation 15 do not apply, and regulation 15(4) applies to any consultee from whom the relevant planning authority requests assistance as it applies to a consultee notified in accordance with regulation 15(3);
- (f) except for the purposes of regulation 19(3) and (4), regulation 16 applies as if—
  - (i) paragraph (1) read—

“(1) When a relevant planning authority making an EIA application lodge a statement, referred to as an “environmental statement”, they must—

    - (a) provide to each consultee a copy of—
      - (i) that statement;
      - (ii) the relevant application and any plan submitted with it; and
      - (iii) in the case of a subsequent application, the planning permission granted for the development in respect of which the subsequent application has been made and any documents or information relating to the application;
    - (b) inform each consultee that representations may be made to the relevant planning authority; and
    - (c) send to the Welsh Ministers within 14 days of lodging the statement—
      - (i) one copy of the statement;
      - (ii) a copy of the relevant application and of any documents submitted with the application; and
      - (iii) in the case of a subsequent application, the planning permission granted for the development in respect of which the subsequent

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application has been made and any documents or information relating to the application.”; and

- (ii) paragraphs (2) and (3) were omitted;
  - (iii) in regulation 16(5), the words “Where an applicant submits an environmental statement to the authority in accordance with paragraph (1),”, were omitted; and
  - (iv) in regulation 16(6) “served” read “lodged”;
- (g) regulation 19 applies as if paragraph (2) were omitted.

### Screening opinions and directions

**26.**—(1) An authority which is minded to make a planning application or a subsequent application in relation to which the authority would be the relevant planning authority, may adopt a screening opinion or request the Welsh Ministers to make a screening direction, and paragraphs (3) and (4) of regulation 6 apply to such a request as they apply to a request made pursuant to regulation 5(7).

(2) A relevant planning authority who propose to carry out development which they consider may be—

- (a) development of a description specified in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 <sup>M1</sup> other than development of a description specified in article 3(12) of that Order; or
- (b) development for which permission would be granted but for regulation 37 (new simplified planning zone schemes or enterprise zone orders),

may adopt a screening opinion or request the Welsh Ministers to make a screening direction.

(3) Paragraphs (3) and (4) of regulation 6 apply to such a request as they apply to a request made pursuant to regulation 5(7).

(4) A request under paragraph (1) or (2) must be accompanied by—

- (a) in the case of a planning application, the documents described in regulation 5(2);
- (b) in the case of a subsequent application, the documents described in regulation 5(3).

(5) An authority making a request under paragraph (1) or (2) must send to the Welsh Ministers any additional information which is requested to enable the Welsh Ministers to make a direction.

#### Marginal Citations

**M1** S.I. 1995/418, to which there are amendments not relevant to these Regulations.

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