
WELSH STATUTORY INSTRUMENTS

2016 No. 58

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

PART 8

Applications for planning permission made to the Welsh Ministers

Application of Parts 2 to 7

27.—(1) This Part applies where an application for planning permission is made to the Welsh Ministers and so that “application” (“*cais*”) in this Part means an application for planning permission so made.

(2) Parts 2 to 7 apply, subject to the exceptions in the following paragraph and the modifications and supplementary provisions in this Part.

(3) Regulations 5, 6(1), 6(2), 7 to 14(1), 16, 17(9), 18, 20, 24, 25 and 26 do not apply.

Requests for screening directions of the Welsh Ministers

28.—(1) A person who is minded to make an application may request the Welsh Ministers to adopt a screening direction.

(2) A request for a screening direction in relation to an application 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;
- (c) a statement that the request is made in relation to a development of national significance for the purposes of section 62D of the 1990 Act; and
- (d) such other information or representations as the person making the request may wish to provide or make.

(3) A person making a request pursuant to paragraph (1) must send to the relevant planning authority a copy of that request and the documents which accompany that request.

(4) Paragraphs (3) to (7) of regulation 6 apply as if the references to making a request under regulation 5(7) were references to making a request under regulation 28(1).

Applications made without an environmental statement

29.—(1) Where an application is made and it appears to the Welsh Ministers that—

- (a) it is an EIA application; and
- (b) it is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

the Welsh Ministers must notify the applicant that the submission of an environmental statement is required and send a copy of that notification to the relevant planning authority.

(2) The Welsh Ministers must notify the applicant in accordance with paragraph (1) within 28 days, beginning with the date on which the Welsh Ministers are in receipt of an application, or such longer period as the Welsh Ministers may determine.

(3) An applicant who receives a notification under paragraph (1) may, within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(4) Where the Welsh Ministers are aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, the Welsh Ministers must notify the applicant of any such person.

(5) If the applicant does not confirm in accordance with paragraph (4), the Welsh Ministers are under no duty to deal with the application and, at the end of the 21 day period, they must inform the applicant that no further action is being taken on the application.

(6) Where—

(a) a notification has been given under paragraph (1); and

(b) the applicant does not submit an environmental statement and comply with regulation 17 (publicity where an environmental statement is submitted after the planning application),

the Welsh Ministers must determine the application only by refusing planning permission.

Scoping directions

30.—(1) A person who is minded to make an application for planning permission may ask the Welsh Ministers to provide scoping directions.

(2) A request under paragraph (1) must include—

(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;

(c) a statement that the request is made in relation to a development of national significance for the purposes of section 62D of the 1990 Act; and

(d) such other information or representations as the person making the request may wish to provide or make.

(3) A person making a request pursuant to paragraph (1) must send to the relevant planning authority a copy of that request and the documents which accompany that request.

(4) If the Welsh Ministers consider that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Welsh Ministers must give notice to the person making the request.

(5) The notice must set out any points on which additional information is required.

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

(7) The Welsh Ministers must—

(a) consult the person making the request and the consultees before making a scoping direction in response to a request under paragraph (1), and

- (b) make a direction and send a copy to the person who made the request and to the relevant planning authority, within 5 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required.
- (8) Before making a scoping direction the Welsh Ministers must take into account the matters specified in regulation 13(6).
- (9) Nothing prevents the Welsh Ministers, (after they have made a scoping direction) or the relevant planning authority from requiring the person who made the request to provide additional information.
- (10) “Additional information” (“*gwybodaeth ychwanegol*”) in paragraph (9) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations.

Procedure to facilitate preparation of environmental statements

31. Regulation 15 applies as if—

(a) paragraph (3) reads—

“(3) The recipient of—

(a) such notice as is mentioned in paragraph (1); or

(b) a statement made pursuant to regulation 10(4)(a), 11(5), 12(6) or 29(3)

must—

(i) notify the consultees of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultees by paragraph (4) to make information available to that person; and

(ii) inform the person who intends to submit an environmental statement of the names and addresses of the consultees so notified.”; and

(b) the references in paragraphs (4) and (5) to the “relevant planning authority” and “authority” were to the Welsh Ministers.

Procedure where an environmental statement is submitted to the Welsh Ministers

32. Regulation 19 applies as if paragraph (2) reads “The applicant must submit one copy of the environmental statement to the Welsh Ministers and one copy to the relevant planning authority.”

Publicity where an environmental statement is submitted after the planning application

33. Regulation 17 applies as if paragraphs (2) and (3) read—

“(2) The applicant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

(a) the applicant’s name, that an application is being made to the Welsh Ministers for planning permission and the address of the Welsh Ministers;

(b) the date on which the application was made;

(c) the address or location and the nature of the proposed development;

(d) that a copy of the application, any accompanying plan and other documents, and a copy of the environmental statement may be inspected by members of the public at all reasonable hours;

(e) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they are available for inspection

(being a date not less than 21 days later than the date on which the notice is published);

- (f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;
- (g) that copies may be obtained there so long as stocks last;
- (h) if a charge is to be made for a copy, the amount of the charge;
- (i) that any person wishing to make representations about the application must make them, before the date named in accordance with sub-paragraph (e), to the Welsh Ministers; and
- (j) the address to which representations should be sent.

(3) An applicant who is notified under regulation 29(4) (applications without environmental statement) of such a person as mentioned in any of those paragraphs must serve a notice on every such person; and the notice must contain the information specified in paragraph (2), except that the date noted as the latest date on which the documents will be available for inspection must not be less than 21 days later than the date on which the notice is first served.”

Availability of copies of environmental statements

34. An applicant who submits an environmental statement in connection with an application, must ensure that a reasonable number of copies of the statement are available at the address named in the notices published or served pursuant to article 18(2) of the 2016 Order as the address at which such copies may be obtained.

Availability of directions etc. for inspection

35. Regulation 23 applies as if paragraph (1)(e) reads “notification given under regulation 29(2) (applications made without environmental statement);”.

Duties to inform the public of final decisions

36.—(1) Where an EIA application is determined by the Welsh Ministers or an inspector, the Welsh Ministers must—

- (a) notify the relevant planning authority of the decision; and
- (b) provide the authority with a statement containing—
 - (i) the content of the decision and any conditions attached to it;
 - (ii) the main reasons and considerations on which the decision is based, including, if relevant, information about the participation of the public;
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

(2) The relevant planning authority must, as soon as reasonably practicable after receipt of a notification under paragraph (1)(a)—

- (a) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and

- (b) make the statement the authority received pursuant to paragraph (1)(b), available for public inspection at the place where the appropriate register (or relevant section of that register) is kept.