
WELSH STATUTORY INSTRUMENTS

2016 No. 58

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

PART 9

Restrictions of Grants of Permission

New simplified planning zone schemes or enterprise zone orders

37. With effect from the commencement date—

- (a) the adoption or approval of a simplified planning zone scheme⁽¹⁾;
- (b) an order designating an enterprise zone made under section 88 of the 1990 Act; or
- (c) the approval of a modified scheme in relation to such an enterprise zone,

may not:

- (i) grant planning permission for EIA development; or
- (ii) grant planning permission for Schedule 2 development unless that grant is made subject to the prior adoption of a screening opinion or prior making of a screening direction that the particular proposed development is not EIA development.

Local development orders

38.—(1) This regulation applies in relation to Schedule 2 development for which a local planning authority propose to grant planning permission by local development order.

(2) Where this regulation applies, the local planning authority must not adopt or revise a local development order unless they have adopted a screening opinion or the Welsh Ministers have made a screening direction.

(3) Paragraph (4) and Schedule 5 apply where—

- (a) the local planning authority adopts a screening opinion; or
- (b) the Welsh Ministers make a screening direction under these Regulations,

to the effect that the development is EIA development.

(4) The local planning authority must not adopt or revise a local development order which would grant planning permission for EIA development unless—

- (a) an environmental statement has been prepared in relation to that development; and
- (b) the authority has taken the environmental information into consideration, and they state in their decision that they have done so.

(1) See the definition of “simplified planning zone” in section 336 of the 1990 Act.

Section 97 orders and section 102 orders

39.—(1) This regulation applies where a local planning authority or the Welsh Ministers propose to make or confirm a section 97 order or a section 102 order.

(2) In this regulation—

“section 97 order” (*“gorchymyn adran 97”*) means—

- (a) an order of a local planning authority under section 97(1) of the 1990 Act, or
- (b) an order of the Welsh Ministers under section 100(1) of the 1990 Act,
- (c) modifying any permission to develop land; and

“section 102 order” (*“gorchymyn adran 102”*) means an order of a local planning authority under section 102 of the 1990 Act or an order of the Welsh Ministers to like effect pursuant to section 104(1) of the 1990 Act.

(3) The local planning authority must not make and the Welsh Ministers must not make or confirm, a section 97 order or a section 102 order in relation to Schedule 2 development unless the local planning authority have adopted a screening opinion or the Welsh Ministers have made a screening direction.

(4) Paragraphs (5) and (6) and Schedule 6 apply—

- (a) to Schedule 1 development;
- (b) where either—
 - (i) the local planning authority adopts a screening opinion, or
 - (ii) the Welsh Ministers make a screening direction under these Regulations,

to the effect that the development is EIA development.

(5) The local planning authority must not make a section 97 order which permits or requires EIA development unless—

- (a) they have prepared an environmental statement in relation to that development; and
- (b) they have taken the environmental information into consideration and they state in their decision that they have done so.

(6) The Welsh Ministers must not confirm or make a section 97 order or a section 102 order which permits or requires EIA development unless—

- (a) an environmental statement has been prepared in relation to that development; and
- (b) they have taken the environmental information into consideration and they state in their decision that they have done so.