
WELSH STATUTORY INSTRUMENTS

2016 No. 58

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

PART 3

Procedures Concerning Applications for Planning Permission

Application referred to the Welsh Ministers without an environmental statement

11.—(1) Where an application has been referred to the Welsh Ministers for determination under section 77 of the 1990 Act (reference of applications to the Welsh Ministers)⁽¹⁾, and it appears to the Welsh Ministers that—

- (a) it is an EIA application;
- (b) the development in question—
 - (i) has not been the subject of a screening opinion or screening direction; or
 - (ii) in the case of a subsequent application, was the subject of a screening opinion or direction before planning permission was granted to the effect that it was not EIA development; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 6 apply as if the referral of the application were a request made by the applicant pursuant to regulation 5(7).

(2) Where an application has been referred to the Welsh Ministers for determination, and it appears to the Welsh Ministers that—

- (a) it is an EIA application,
- (b) paragraph (1)(b) does not apply; and
- (c) the application 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 must send a copy of that notification to the relevant planning authority.

(3) The Welsh Ministers must notify the applicant in accordance with paragraph (2) within 21 days beginning with the date the application was received or such longer period as may be reasonably required.

(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, they must notify the applicant of any such person.

⁽¹⁾ Section 77 was amended by the 1991 Act, section 32, Schedule 7, paragraph 18; the Infrastructure Act 2015 (c. 7), section 30(1) and Schedule 4, Part 2, paragraphs 2 and 11(a); and by S.I. 2014/2773 (W. 280), article 3 and Schedule 1, paragraphs 1 and 2. There are other amendments which are not relevant to this instrument.

(5) An applicant who receives a notification under paragraph (2) may, within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(6) If the applicant does not write in accordance with paragraph (5), the Welsh Ministers do not have a duty to deal with the application and at the end of the 21 days they must inform the applicant that no further action is being taken on the application.

(7) Where—

(a) a notification has been given under paragraph (2), and

(b) the applicant does not submit an environmental statement which complies with regulation 17(6),

the Welsh Ministers must determine the relevant application only by refusing planning permission or subsequent consent.