
WELSH STATUTORY INSTRUMENTS

2016 No. 58

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

[^{F1}PART 2

Screening

[^{F1}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 [^{F2}in exceptional circumstances, without prejudice to regulations 56 and 57].

(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.]

Textual Amendments

- F1** Regulations revoked (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), **regs. 1(2), 65(1)** (subject to savings and transitional provisions in **regs. 63, 65(2)-(10)**) (as amended (1.4.2019) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/299\)](#)), **reg. 2(2)**
- F2** Words in **reg. 4(4)** substituted (31.12.2020) by [The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/245\)](#), **regs. 1(2)(3), 4(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (revoked), Section 4.