

SCHEDULE 5

Regulation 38(3)

Local Development Orders

1. In a case to which this Schedule has effect, these Regulations apply, subject to the following modifications.

2. Regulations 3, 5 to 12, 18 and 19 do not apply.

3. In regulation 4—

(a) paragraph (2)(a) does not apply;

(b) in paragraph (2)(b), (5) and (10), for “relevant” read “local”;

(c) read as if paragraph (7)(b) were omitted.

4. Regulation 13 is to be read as if it provided—

“(1) Where a proposed local development order is EIA development, the local planning authority must state its opinion as to the information to be provided in the environmental statement (“a scoping opinion”).

(2) A scoping opinion 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; and

(c) such other information or representations as the local planning authority may wish to provide or make.

(3) An authority must not adopt a scoping opinion until they have consulted the consultees.

(4) Before adopting a screening opinion the authority must take into account—

(a) the specific characteristics of the particular development;

(b) the specific characteristics of development of the type concerned; and

(c) the environmental features likely to be affected by the development.”

5. Regulation 15 is to be read as if it provided—

“15.—(1) A local planning authority which intends to prepare an environmental statement may enquire of a consultee whether the consultee has any information which the consultee or the local planning authority considers relevant to the preparation of the environmental statement.

(2) If the consultee has such information they must treat the enquiry by the local planning authority as a request for information by the local planning authority under regulation 5(1) of the Environmental Information Regulations 2004^{M1}.”

6. Regulation 16 is to be read as if it provided—

“16.—(1) Where a statement, referred to as an “environmental statement”, has been prepared in relation to EIA development for which a local planning authority proposes to grant planning permission by a local development order, the local planning authority must—

(a) send a copy of the statement to the consultees and inform them that they may make representations; and

(b) notify any particular person of whom the authority are aware, who is likely to be affected by, or has an interest in, the application, who is unlikely to become aware

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of it by means of electronic publication, a site notice or by local advertisement, of an address in the locality in which the land is situated where a copy of the statement may be obtained and the address to which representations may be sent.

(2) The local planning authority must not make the local development order until the expiry of 21 days from the last date on which a copy of the statement was served in accordance with this regulation.”

7. Regulation 17 is to be read as if—

- (a) paragraph (1) were omitted;
- (b) paragraph (2) read—

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

- (a) the name and address of the local planning authority;
- (b) the address or location and the nature of the development referred to in the proposed local development order;
- (c) that a copy of the draft local development order and of any plan or other documents accompanying it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
- (d) 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 will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (e) an address (whether or not the same as that given under sub-paragraph (d)) in the locality in which the land is situated at which copies of the statement may be obtained;
- (f) that copies may be obtained there so long as stocks last;
- (g) if a charge is to be made for a copy, the amount of the charge; and
- (h) that any person wishing to make representations about the local development order should make them before the date specified in accordance with sub-paragraph (d), to the local planning authority.”;

- (c) paragraph (3) were omitted;
- (d) in paragraph (4), “applicant” read “local planning authority”; and
- (e) paragraphs (6) to (9) were omitted.

8. Regulation 20 is to be read as if it provided—

“**20.** The local planning authority must ensure that a reasonable number of copies of the statement referred to as the environmental statement prepared in relation to EIA development for which the authority propose to grant planning permission by a local development order are available at—

- (a) their principal office during normal office hours; and
- (b) at such other places within their area as they consider appropriate.”

9. Regulation 22 is to be read as if—

- (a) paragraph (1) read—

“(1) Where an environmental statement has been prepared and the local planning authority is of the opinion that the statement should contain additional information in order to be an environmental statement, the local planning authority must ensure that additional

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information is provided and such information provided is referred to in these Regulations as “further information” (“*gwybodaeth bellach*”);

(b) paragraph (3) read—

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

- (a) the name and address of the local planning authority;
- (b) the address or location and the nature of the development referred to in the proposed local development order;
- (c) that further information is available in relation to an environmental statement which has already been provided;
- (d) that a copy of the further information 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 the further information may be inspected, and the latest date on which it will be 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 further information 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 further information should make them before the date specified in accordance with sub-paragraph (e), to the local planning authority;
- (j) the address to which representations should be sent.”;

(c) paragraph (4) read—

“(4) The local planning authority must send a copy of the further information and any other information to each person to whom, in accordance with the Regulations, the statement to which it relates was sent and to the Welsh Ministers.”;

(d) paragraphs (5) and (6) were omitted;

(e) paragraph (7) read—

“(7) Where information is provided under paragraph (1) the local planning authority must not make the local development order before the expiry of 21 days after the date on which the further information was sent to all persons to whom the statement to which it relates was sent or the expiry of 21 days after the date that notice of it was published in a local newspaper, whichever is the later.”;

(f) in paragraph (8)—

- (i) instead of “The applicant or appellant” it read “The local planning authority”; and
- (ii) after “number of copies of the” it read “further information or other”.

10. Regulation 23 is to be read as if paragraphs (1) and (2) read—

“(1) Where particulars of a draft local development order are placed on Part 3 of the register, the local planning authority must take steps to secure that there is also placed on that Part a copy of any relevant—

- (a) screening opinion;
- (b) screening direction;

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- (c) scoping opinion;
- (d) direction under regulation 4(4);
- (e) the statement referred to as the environmental statement including any further information;
- (f) statement of reasons accompanying any of the above.

(2) Where the relevant planning authority adopt a screening opinion or scoping opinion, or receive a copy of a screening direction before a local development order is made, the local planning authority must take steps to secure that a copy of the opinion or direction and any accompanying statement of reasons is made available for public inspection at all reasonable hours at the place where the appropriate register (or relevant section of that register) is kept.”

11. Regulation 24 is to be read as if—

- (a) in paragraph (1) for “Where an EIA application is determined by a local planning authority” it read “Where a local planning authority adopt a local development order granting permission for development which constitutes EIA development”; and
- (b) paragraphs (2) and (3) were omitted.

12. Regulation 53 is to be read as if—

- (a) in paragraph (1) sub-paragraph (a) read—
 - “(a) it comes to the attention of the Welsh Ministers that EIA development proposed to be carried out in Wales for which a local planning authority propose to grant planning permission by a local development order is likely to have significant effects on the environment in another EEA State; or”; and
- (b) in paragraphs (3) and (6), instead of “application” it read “proposed local development order”.

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