

SCHEDULE 9

Regulation 64

Amendments to other instruments

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

- 1.—(1) The 2012 Order is amended in accordance with this paragraph.
- (2) In article 2(1)—
 - (a) omit the definitions of “EIA application” (“*cais AEA*”), “EIA development” (“*datblygiad AEA*”), “environmental information” (“*gwybodaeth amgylcheddol*”) and “environmental statement” (“*datganiad amgylcheddol*”);
 - (b) in the relevant places, insert—
 - (i) “any other information” (“ *unrhyw wybodaeth arall*”) has the meaning in the EIA Regulations;
 - (ii) “EIA application” (“*cais AEA*”) has the meaning in the EIA Regulations;
 - (iii) “EIA development” (“*datblygiad AEA*”) has the meaning in the EIA Regulations;
 - (iv) “EIA Regulations” (“*Rheoliadau AEA*”) means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017;
 - (v) “environmental information” (“*gwybodaeth amgylcheddol*”) has the meaning in the EIA Regulations;
 - (vi) “environmental statement” (“*datganiad amgylcheddol*”) has the meaning in the EIA Regulations;
 - (vii) “further information” (“*gwybodaeth bellach*”) has the meaning in the EIA Regulations;
 - (viii) “Schedule 1 development” (“*datblygiad Atodlen 1*”) and “Schedule 2 development” (“*datblygiad Atodlen 2*”) have the meanings in the EIA Regulations;
 - (ix) “scoping opinion” (“*barn gwmpasu*”) has the meaning in the EIA Regulations; and
 - (x) “scoping direction” (“*cyfarwyddyd cwmpasu*”) has the meaning in the EIA Regulations.
- (3) In article 10(4), after “planning permission”, insert “ other than EIA applications ”.
- (4) In article 12 ^{M1}—
 - (a) in paragraph (2), for “In” substitute “ Subject to paragraph (3A), in ”;
 - (b) omit paragraph (2)(a);
 - (c) after paragraph (3), insert—

“(3A) In the case of an EIA application, the local planning authority must publicise the application in accordance with the requirements of paragraph (7A) and, where the environmental statement is submitted with the application, by giving requisite notice—

 - (a) by site display in at least one place on or near the land to which the application relates for not less than 30 days; and
 - (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.”;
 - (d) in paragraph (4), for “paragraph (4A)” substitute “ paragraph (3A) or (4A) ”;
 - (e) in paragraph (4A), for “(2)(a) or (c)”, substitute “ (2)(c) or (3A) ”;
 - (f) in paragraph (5), after “paragraph (2),”, insert “ paragraph (3A), ”;

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, SCHEDULE 9*. (See end of Document for details)

- (g) in paragraph (6), after “or (5)(a)”, insert “, or before the period of 30 days referred to in paragraph (3A)(a), ”;
- (h) in paragraph (7), after “planning permission”, insert “ other than EIA applications ”; and
- (i) after paragraph (7) insert—

“(7A) The local planning authority must ensure it maintains a website for the purpose of publicising EIA applications and the following information must be published on the website—

- (a) the address or location of the proposed development;
- (b) a description of the proposed development;
- (c) the fact that the development is subject to an environmental impact assessment procedure;
- (d) the environmental statement, any relevant scoping opinion or scoping direction and any further information or any other information;
- (e) in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998, the main reports and advice issued to the authority at the time the information is published (if any);
- (f) in accordance with the Environmental Information Regulations 2004 ^{M2}, information other than that required under any other sub-paragraph which is relevant to the decision and which only becomes available after the time the information required by this paragraph was first published;
- (g) where, when and the means by which the application and the environmental statement may be inspected;
- (h) how copies of the environmental statement may be obtained and the cost of such copies;
- (i) the date by which any representations about the application must be made, which must not be before the last day of the period of 30 days beginning with the last date on which the environmental statement is published either on the website, in accordance with paragraph (3A) or in accordance with regulation 19 of the EIA Regulations;
- (j) other details of the arrangements for public participation in the decision-making procedure including a description of the procedure for the publication of any additional information subsequently submitted by the applicant;
- (k) how representations may be made about the application;
- (l) details of the person or body responsible for taking the decision;
- (m) that, in the case of a householder application or a minor commercial application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Welsh Ministers and there will be no opportunity to make further representations.”

(5) In article 14(4)(b), for “21 days” in both places it occurs, substitute “ 30 days in the case of an EIA application or 21 days in any other case ”.

(6) In article 15A(2) ^{M3}, after “21 days” insert “, or 30 days in the case of an EIA application, in either case ”.

(7) In article 15C after “21 days” insert “, or 30 days in the case of an EIA application, in either case ”.

(8) In article 16 after “14 days” in both places where it occurs, insert “, (or 30 days in the case of an EIA application), ”.

(9) In article 18(2), for “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016”, substitute “ the EIA Regulations ”.

(10) In article 21—

- (a) in paragraph (1)(a), after “21 days”, insert “ , or, in the case of an EIA application accompanied by an environmental statement 30 days, in either case ”; and
- (b) in paragraph (1)(c), after “14 days”, insert “ , or, in the case of an EIA application accompanied by an environmental statement 30 days, in either case ”.

(11) In article 22—

- (a) in paragraph (6)(a), after “21 days” insert “ or, in the case of an EIA application accompanied by an environmental statement 30 days, in either case ”; and
- (b) in paragraph (6)(c), after “14 days” insert “ or, in the case of an EIA application accompanied by an environmental statement 30 days, in either case ”.

(12) Omit article 24(2).

(13) In article 27—

- (a) in paragraph (5)(b), for “28 days”, insert “ 30 days ”;
- (b) in paragraph (6)(b)(iii) for “28 days” insert “ 30 days ”;
- (c) in paragraph (6)(c)(iii), for “28 days” insert “30 days;”;
- (d) in paragraph (7)(a) and (c) for “28 days” substitute “30 days; and”;
- (e) in paragraph (13)(b), for “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016”, substitute “ the EIA Regulations ”.

(14) In Schedule 3, in the notice under article 12(3) of application for planning permission—

- (a) after “ARTICLE 12(3)” insert “ OR 12(3A) ”;
- (b) after “until all reasonable hours until (f)...” insert “ (fa) ” and at the end of the notice after note (f) insert as note (fa)—
 - “(fa) details of the website on which the environmental statement and any other documents may be inspected”;
- (c) after “at a charge of (h)*...” insert “ (ha) ” and at the end of the notice after note (h) insert as note (ha)—
 - “(ha) the website where any other information received from the applicant in respect of the proposed development is published”;
- (d) in note (f) for “date”, substitute— “date:
 - “(i) in the case of an EIA application, giving a period of 30 days beginning with the later of the date on which the notice is first displayed on or near the site, the date the notice is first published in a newspaper or the date the information required to be published on the website of the local planning authority pursuant to article 12(7) is so published; or
 - (ii) in any other case,”.

Marginal Citations

M1 Article 12 has been amended by articles 2 and 5(a) of [S.I. 2015/1330](#) (W. 123) and by articles 2 and 10(2) of [S.I. 2016/59](#) (W. 29).

M2 [S.I. 2004/3391](#).

M3 Article 15A(2) was inserted by articles 2 and 7 of [S.I. 2015/1330](#) (W. 123). It was further amended by articles 2 and 10(5)(b) of [S.I. 2016/59](#) (W. 29).

Developments of National Significance (Procedure) (Wales) Order 2016

- 2.—(1) The 2016 Order is amended in accordance with this paragraph.
- (2) In article 2—
- (a) in the definition of “the EIA Regulations” (“*y Rheoliadau AEA*”), for “2016”, substitute “2017”; and
- (b) in the relevant places, insert—
- (i) ““EIA development” (“*datblygiad AEA*”) has the meaning in the EIA Regulations;”;
- (ii) “ “Schedule 1 development” (“*datblygiad Atodlen 1*”) and “Schedule 2 development” (“*datblygiad Atodlen 2*”) have the meanings in the EIA Regulations;”;
- (iii) “ “scoping direction” (“*cyfarwyddyd cwmpasu*”) has the meaning in the EIA Regulations;”;
- (iv) “ “scoping opinion” (“*barn gwmpasu*”) has the meaning in the EIA Regulations;”.
- (3) In article 18—
- (a) after paragraph (3)(b), insert—
- “(ba) in the case of an application accompanied by an environmental statement—
- (i) the fact that the development is subject to an environmental impact assessment procedure;
- (ii) the environmental statement, any relevant scoping direction, and any further information or any other information;
- (iii) in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998, the main reports and advice issued to the Welsh Ministers at the time the information is published (if any);
- (iv) in accordance with the Environmental Information Regulations 2004^{M4}, information other than that required under any other sub-paragraph which is relevant to the decision and which only becomes available after the time the information required by this paragraph was first published;
- (v) how copies of the environmental statement may be obtained and the cost of such copies;
- (vi) other details of the arrangements for public participation in the decision-making procedure including a description of the procedure for the publication of any additional information subsequently submitted by the applicant;
- (vii) details of the authority responsible for taking the decision;”;
- (b) in paragraph (3)(c), after “received”, insert “ which, in the case of an application accompanied by an environmental statement, must not be before the last day of the period of 30 days beginning on the latest date on which the application has been publicised in accordance with article 18(2), (3) or 19(2) ”;
- (c) in paragraph (4), in the appropriate place, insert—
- ““further information” (“*gwybodaeth bellach*”) and “any other information” (“*unrhyw wybodaeth arall*”) have the same meanings as the EIA Regulations;”.
- (4) In article 19—
- (a) in paragraph (2), for “21 days” substitute “ 30 days, in the case of an application accompanied by an environmental statement, and 21 days in any other case ”;
- (b) in paragraph (5), for “21 days” substitute “ 21 or 30 days, as appropriate, ”.

(5) In article 22(4)(b), after “21 days” insert “, or in the case of an application accompanied by an environmental statement 30 days,”.

(6) In article 23(2)(a), for “21 days”, substitute “ 30 days, in the case of an application accompanied by an environmental statement and 21 days in any other case, in either case ”.

(7) In article 29, omit paragraphs (4) and (5).

(8) In the form in Schedule 4—

(a) after “+The application is accompanied by an Environmental Statement”, insert “ +The proposed development is likely to have significant effects in another EEA State ”;

(b) in note j)—

(i) for “21” substitute “ 30 ”; and

(ii) after “publication”, insert “, or in the case of an application which is not required to be accompanied by an environmental statement in accordance with the EIA Regulations, that period must be 21 days ”.

Marginal Citations

M4 [S.I. 2004/3391](#).

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, SCHEDULE 9.