
WELSH STATUTORY INSTRUMENTS

2017 No. 567

**The Town and Country Planning (Environmental
Impact Assessment) (Wales) Regulations 2017**

PART 7

Availability of Directions etc. and Notification of Decisions

Availability of opinions, directions etc. for inspection

27.—(1) Where particulars of a planning application or a subsequent application are placed on Part 1 of the register, the relevant planning authority must take steps to secure that there is also placed on that Part a copy of any—

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;
- (d) scoping direction;
- (e) notification given under regulation 11(1), 12(3) or 13(5);
- (f) direction under regulation 5(4) or (5);
- (g) environmental statement, including any further information and any other information;
- (h) statement of reasons accompanying any of the above.

(2) Where the relevant planning authority—

- (a) adopt a screening opinion or scoping opinion; or
- (b) receive a request under regulation 14(1) or 15(1), or a copy of a screening direction, scoping direction, or direction under regulation 5(4) before an application is made for planning permission or subsequent consent for the development in question,

the authority must take steps to secure that a copy of the opinion, request, or direction and any accompanying statement of reasons are made available for public inspection at all reasonable hours at the place where the appropriate register (or relevant part of that register) is kept.

(3) Copies of the documents referred to in paragraph (2) must remain so available for a period of two years from the date on which they are placed on the register.

Information to accompany decisions

28.—(1) Where an EIA application or appeal in relation to which an environmental statement has been submitted is determined by a relevant planning authority or the Welsh Ministers, as the case may be, the person making that determination must provide to the applicant or appellant the information specified in paragraph (2).

(2) The information is—

- (a) information regarding the right to challenge the validity of the decision and the procedures for doing so; and
- (b) if the decision is to grant planning permission or subsequent consent—
 - (i) the reasoned conclusion of the relevant planning authority or the Welsh Ministers, as the case may be, on the significant effects of the development on the environment, taking into account the results of the examination referred to in regulation 25(1)(a) and (b);
 - (ii) any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment;
 - (iii) a description of any features of the development and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment; and
 - (iv) any monitoring measures considered appropriate by the authority or the Welsh Ministers, as the case may be; or
- (c) if the decision is to refuse planning permission or subsequent consent, the main reasons for the refusal.

Duties to inform the public and the Welsh Ministers of final decisions

29.—(1) Where an EIA application is determined by a local planning authority, the authority must promptly—

- (a) inform the Welsh Ministers of the decision by electronic means;
- (b) inform the consultees of the decision;
- (c) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and
- (d) make available for public inspection at the place where the appropriate register (or relevant part of that register) is kept, a statement containing—
 - (i) details of the matters referred to in regulation 28(2);
 - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - (iii) a summary of the results of the consultations undertaken and information gathered, in respect of the application and how those results, in particular how the comments received from an EEA State pursuant to consultation under regulation 56, have been incorporated or otherwise addressed.

(2) Where an EIA application is determined by the Welsh Ministers or an inspector, the Welsh Ministers must—

- (a) notify the relevant planning authority of the decision; and
- (b) provide the authority with such a statement as is mentioned in paragraph (1)(c).

(3) The relevant planning authority must, as soon as reasonably practicable after receipt of a notification under paragraph (2)(a), comply with sub-paragraphs (b) to (d) of paragraph (1) in relation to the decision so notified as if it were a decision of the authority.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, PART 7.