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WELSH STATUTORY INSTRUMENTS

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**2017 No. 567**

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

**PART 8**

Applications for planning permission made to the Welsh Ministers

**Application of Parts 2 to 7**

**30.**—(1) This Part applies where an application for planning permission is made to the Welsh Ministers and so that “application” (“*cais*”) in this Part means an application for planning permission so made.

(2) Parts 2 to 7 apply subject to the exceptions in the following paragraph and the modifications and supplementary provisions in this Part.

(3) Regulations 6, 7(1), 7(2), 8 to 15, 20, and 22 do not apply.

**Requests for screening directions of the Welsh Ministers**

**31.**—(1) A person who is minded to make an application may request the Welsh Ministers to adopt a screening direction.

(2) A request for a screening direction in relation to an application must be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a description of the development, including in particular—
  - (i) a description of the physical characteristics of the whole development and, where relevant, of demolition works;
  - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- (c) a description of the aspects of the environment likely to be significantly affected by the development;
- (d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—
  - (i) the expected residues and emissions and the production of waste, where relevant; and
  - (ii) the use of natural resources, in particular soil, land, water and biodiversity;
- (e) a statement that the request is made in relation to a development of national significance for the purposes of section 62D of the 1990 Act; and
- (f) such other information or representations as the person making the request may wish to provide or make including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(3) The person making the request for the screening opinion must take into account the criteria in Schedule 3 and the available results of other environmental assessments carried out pursuant to [F1[F2assimilated] law (other than an enactment which implemented the Directive)] when that person provides the information required by paragraph (2).

(4) A person making a request pursuant to paragraph (1) must send to the relevant planning authority a copy of that request and the documents which accompany that request.

(5) Paragraphs (3) to (9) of regulation 7 apply as if the references to making a request under regulation 6(8) were references to making a request under regulation 31(1).

#### Textual Amendments

- F1** Words in [reg. 31\(3\)](#) 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), **6(8)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in [reg. 31\(3\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Wales\) Regulations 2023 \(S.I. 2023/1332\)](#), regs. 1(2), **19(6)**

#### Applications made without an environmental statement

**32.**—(1) Where an application is made and it appears to the Welsh Ministers that—

- (a) it is an EIA application; and
- (b) it 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 send a copy of that notification to the relevant planning authority.

(2) The Welsh Ministers must notify the applicant in accordance with paragraph (1) within 28 days, beginning with the date on which the Welsh Ministers are in receipt of an application, or such longer period as the Welsh Ministers may determine.

(3) An applicant who receives a notification under paragraph (1) may, within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(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, the Welsh Ministers must notify the applicant of any such person.

(5) If the applicant does not confirm in accordance with paragraph (3), the Welsh Ministers are under no duty to deal with the application and, at the end of the 21 day period, they must inform the applicant that no further action is being taken on the application.

(6) Where—

- (a) a notification has been given under paragraph (1); and
- (b) the applicant does not submit an environmental statement and comply with regulation 19 (publicity where an environmental statement is submitted after the planning application),

the Welsh Ministers must determine the application only by refusing planning permission.

#### Scoping directions

**33.**—(1) A person who is minded to make an application for planning permission may ask the Welsh Ministers to make a scoping direction.

- (2) A request 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 including its location and technical capacity;
  - (c) its likely significant effects on the environment;
  - (d) a statement that the request is made in relation to a development of national significance for the purposes of section 62D of the 1990 Act; and
  - (e) such other information or representations as the person making the request may wish to provide or make.
- (3) A person making a request pursuant to paragraph (1) must send to the relevant planning authority a copy of that request and the documents which accompany that request.
- (4) If the Welsh Ministers consider that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Welsh Ministers must give notice to the person making the request.
- (5) The notice must set out any points on which additional information is required.
- (6) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.
- (7) The Welsh Ministers must—
- (a) consult the consultees before making a scoping direction in response to a request under paragraph (1), and
  - (b) make a direction and send a copy to the person who made the request and to the relevant planning authority, within 8 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required.
- (8) Before making a scoping direction the Welsh Ministers must take into account—
- (a) any information provided by the applicant about the proposed development;
  - (b) the specific characteristics of the particular development;
  - (c) the specific characteristics of development of the type concerned; and
  - (d) the environmental features likely to be significantly affected by the development.
- (9) Nothing prevents the Welsh Ministers, (after they have made a scoping direction) from requiring the person who made the request to provide additional information about the likely significant effects of the proposed development.
- (10) “Additional information” (“*gwybodaeth ychwanegol*”) in paragraph (9) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations.

### **Procedure to facilitate preparation of environmental statements**

**34.** Regulation 16 applies as if—

(a) paragraph (3) reads—

“(3) The recipient of—

(a) such notice as is mentioned in paragraph (1); or

(b) a statement made pursuant to regulation 11(4)(a), 12(6), 13(7) or 32(3), must—

(i) notify the consultees of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the

- consultees by paragraph (4) to make information available to that person; and
- (ii) inform the person who intends to submit an environmental statement of the names and addresses of the consultees so notified.”; and
- (b) the references in paragraphs (4) and (5) to the “relevant planning authority” and “authority” were to the Welsh Ministers.

### **Publicity where an environmental statement is submitted after the planning application**

**35.** Regulation 19 applies as if paragraphs (2) and (3) read—

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

- (a) the applicant's name, that an application is being made to the Welsh Ministers for planning permission and the address of the Welsh Ministers;
- (b) the date on which the application was made;
- (c) the address or location and the nature of the proposed development;
- (d) that a copy of the application, any accompanying plan and other documents, and a copy of the environmental statement 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 those documents may be inspected, and the latest date on which they are available for inspection (being a date not less than 30 days later than the date on which the notice is published);
- (f) details of a website maintained by or on behalf of the Welsh Ministers on which the environmental statement and other documents may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);
- (g) 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 statement may be obtained;
- (h) that copies may be obtained there so long as stocks last;
- (i) if a charge is to be made for a copy, the amount of the charge;
- (j) that any person wishing to make representations about the application must make them, before the date named in accordance with sub-paragraph (e) or (f), whichever is the latest, to the Welsh Ministers; and
- (k) the address to which representations should be sent.

(3) An applicant who is notified under regulation 32(4) of such a person as mentioned in that regulation, must serve a notice on every such person; and the notice must contain the information specified in paragraph (2), except that the date noted as the latest date on which the documents will be available for inspection must not be less than 21 days later than the date on which the notice is first served.”

### **Availability of copies of environmental statements**

**36.** An applicant who submits an environmental statement in connection with an application, must ensure that a reasonable number of copies of the statement are available at the address named in the notices published or served pursuant to article 18(2) of the 2016 Order as the address at which such copies may be obtained.

### **Availability of directions etc. for inspection**

**37.** Regulation 27 applies as if paragraph (1)(e) reads “notification given under regulation 32(2) (applications made without environmental statement);”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, PART 8.