
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2016 No. 971 (W. 240)

**TOWN AND COUNTRY
PLANNING, WALES**

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 78 of the Town and Country Planning Act 1990 (“the 1990 Act”), a person applying for planning permission, or for any consent, agreement or approval required by a condition or limitation attached to a planning permission, may appeal to the Welsh Ministers if the relevant local planning authority do not determine the application within the prescribed period.

The period is prescribed in article 22(2) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The period is eight weeks unless an application is amended before the authority make a determination. If an application is amended before the authority make a determination, the period is either four weeks from the date the amendment is received by the authority or twelve weeks from the date the original application was received, whichever is the longer.

Regulation 57(2) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (“the 2016 Regulations”) increases the period of eight weeks in article 22(2)(a) to sixteen weeks where an application relates to development which requires an environmental impact assessment (“EIA”).

Regulation 2 of these Regulations substitutes regulation 57(2) of the 2016 Regulations. The period prescribed in article 22(2) after which an applicant can appeal if an application which requires an EIA is amended but not determined, becomes four weeks from the date the amendment is received by the

authority or twenty weeks from the date the original application which requires an EIA was received, whichever is the longer.

Regulation 3 contains a transitional provision.

No impact, or minimal impact, on the public, private, or voluntary sectors is foreseen. As a result, it was not considered necessary to carry out a regulatory impact assessment.

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Made 29 September 2016

*Laid before the National Assembly
for Wales* 7 October 2016

Coming into force 7 November 2016

The Welsh Ministers being designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, insofar as it concerns town and country planning(2) and in exercise of the powers conferred by that section and section 71A of the Town and Country Planning Act 1990(3) make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Environmental Impact Assessment) (Wales) (Amendment) Regulations 2016.

(1) 1972 c. 68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(2) S.I. 2007/1679. See article 4.

(3) 1990 c. 8. Section 71A was inserted by section 15 of the Planning and Compensation Act 1991 (c. 34). The functions of the Secretary of State under that Act were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2).

(2) These Regulations come into force on 7 November 2016.

(3) These Regulations apply in relation to Wales.

Amendment to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016

2. For regulation 57(2) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016⁽¹⁾ substitute—

“(2) Where it falls to an authority to determine an EIA application, articles 22 (time periods for decisions) and 23 (applications made under planning condition) of the 2012 Order⁽²⁾ have effect as if—

- (a) each of the references in articles 22(2)(a) and 23 to a period of 8 weeks is a reference to a period of 16 weeks; and
- (b) the reference in article 22(2)(aa)⁽³⁾ to the period of 12 weeks is a reference to the period of 20 weeks.”

Transitional provision

3. These Regulations do not apply to applications in relation to which amendments are received by the authority on or before the date these Regulations come into force.

Lesley Griffiths

Cabinet Secretary for Environment and Rural Affairs,
one of the Welsh Ministers
29 September 2016

(1) S.I. 2016/58 (W. 28).
(2) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801 (W. 110)).
(3) Sub-paragraph (aa) of article 22(2) was inserted by article 11(b) of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59 (W. 29)).