

SL(5)018 – Town and Country Planning (Environmental Impact Assessment) (Wales) (Amendment) Regulations 2016

Background and purpose

A person applying for planning permission (and some related matters) may appeal to Welsh Ministers if the planning authority does not determine the application within the prescribed period.

The period is eight weeks unless an application is amended before the authority makes a determination. If an application is amended before the authority makes 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 longer.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (“the 2016 Regulations”) increased the period for determining an application from eight weeks to sixteen weeks where an application relates to a development that requires an environmental impact assessment (“EIA”).

These regulations make a consequential amendment to regulation 57(2) of the 2016 Regulations. They change the period after which an applicant can appeal if an application requiring an EIA is amended but not determined, which becomes four weeks from the date the amendment was received by the authority or 20 weeks from the date the original application requiring an EIA was received, whichever is longer.

Procedure

Negative

Technical scrutiny

No reporting points are noted under Standing Order 21.2 with regard to this instrument.



Merits scrutiny

The following reporting point is noted under Standing Order 21.2 with regard to this instrument.

As the regulations are made under section 2(2) of the European Communities Act, the Government had a choice of procedures to adopt. The negative procedure was chosen for the reasons noted in paragraphs 2.1–2.2 of the Explanatory Memorandum. As this is a consequential amendment, this was deemed an appropriate choice. [Standing Order 21.3(ii) – that it gives rise to issues of public policy likely to be of interest to the Assembly.]

Committee consideration

The Committee considered the instrument at its meeting on 17 October 2016. The Committee reports to the Assembly in line with the reporting point above.

Legal Advisers

Constitutional and Legislative Affairs Committee

October 2016

