



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

Parc Cathays / Cathays Park
Caerdydd / Cardiff
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Eich cyf / Your ref
Ein cyf / Our ref A--PAA-12-02-094

Dyddiad /Date 16 July 2001

Dear

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)(ENGLAND AND WALES) REGULATIONS 1999
SCHEDULE 2 DEVELOPMENT: PROJECT CATEGORY 10(b) "URBAN DEVELOPMENT PROJECTS"**

The purpose of this letter is to clarify the situation regarding the need to screen proposed housing development for Environmental Impact Assessment (EIA). It also serves to remind Planning Authorities of the broad scope of the EIA Directive and consequently the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (the EIA Regulations), which implement the Directive, in so far as it applies to development under the Town and Country Planning Act 1990.

I must stress at the outset that we are able only to form a view on what projects fall within the descriptions of development for the purposes of the definition of Schedule 1 or 2 Development. Only a Court can provide a ruling.

Although housing development is not included as a specific project category in either Schedule 1 or 2 to the EIA Regulations, there is a reference to "dwellings" at A.19 in Annex A to Welsh Office Circular 11/99 "Environmental Impact Assessment". This annex provides indicative thresholds and criteria for identification of Schedule 2 developments requiring EIA.

In view of the purposive nature of the EIA Directive - to subject projects to EIA, if they are likely to have a significant environmental effect - and the ruling of the European Court of Justice that the EIA Directive has a broad scope and wide range, the Assembly has taken the view that housing development falls within the description of the project category "urban development projects", at paragraph 10(b) of Schedule 2 to the EIA Regulations.

Accordingly, we expect local planning authorities to adopt a screening opinion in respect of all housing developments over 0.5 hectares, in both urban and rural areas. In areas designated as "sensitive areas" - as defined in Regulation 2(1) of the EIA Regulations - where the exclusive thresholds do not apply, all housing developments must be screened for EIA.



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The projects listed in the project category at paragraph 10(b) of Schedule 2 are in no way exhaustive. When considering whether a proposed development should be screened for EIA, the ruling of the European Court of Justice on the scope and range of the EIA Directive should be borne in mind. If in doubt about whether a particular development proposed could reasonably come within the description of the project category "urban development", or indeed any other project category, you should seek your own legal advice.

All local authority screening and scoping opinions and Assembly directions and the associated documents must be made available for public inspection, in accordance with Regulation 20.

For purposes of clarity, a screening opinion is a written statement of the opinion of the relevant planning authority as to whether the development requires EIA to be undertaken. A scoping opinion is a written statement of the opinion of the relevant planning authority as to the information to be provided in the environmental statement. Screening and scoping directions are made by the National Assembly for Wales.

I would be grateful if you could bring this letter to the attention of all of your development control staff, who have responsibility for screening proposed development for EIA, and the Chairman and Members of the Planning Committee.

I am sending a copy of this letter to Ms Victoria Winkler of the Welsh Local Government Association.

A copy of this letter has been placed on the Internet.

Yours sincerely,

Ms Kay Powell
Head of Planning Division