
WELSH STATUTORY INSTRUMENTS

2017 No. 565

**The Environmental Impact Assessment
(Agriculture) (Wales) Regulations 2017**

PART 5

Appeals

Appeal proceedings

31.—(1) If the Welsh Ministers are satisfied that a submitted appeal complies with the requirements of regulation 30 in all material particulars, they must proceed to determine the appeal.

(2) Before determining the appeal the Welsh Ministers must, allowing such time as is reasonable—

- (a) invite the appellant and any interested parties to submit representations and supporting documents in relation to the appeal;
- (b) send to the interested parties a copy of any representations and supporting documents submitted by the appellant;
- (c) send to the appellant a copy of any representations and supporting documents submitted by the interested parties;
- (d) allow the appellant and the interested parties an opportunity to submit comments on each other's representations and supporting documents to the appointed person.

(3) The Welsh Ministers may at any time request further information from the appellant or the interested parties.

(4) The Welsh Ministers may disregard any representations, comments or documents which have been submitted other than in accordance with the provisions of these Regulations.

(5) If an oral hearing or local inquiry is to be held, the Welsh Ministers must—

- (a) give the appellant and interested parties 6 weeks' notice of the date, time and place fixed for the hearing or local inquiry and the name of the person appointed to conduct the hearing or local inquiry (or, as applicable, to determine the appeal); and
- (b) give such notice as they think fit to inform the public not less than 21 days before the date fixed for the hearing or local inquiry.

(6) At an oral hearing or local inquiry the appellant has the right to appear, and the Welsh Ministers may permit an interested party to appear.

(7) On determining an appeal, the Welsh Ministers—

- (a) may affirm, vary or revoke a relevant notice;
- (b) may uphold or reverse a relevant decision or any part of it;
- (c) must notify the appellant and any other party to the appeal.

(8) An appeal may be withdrawn by the appellant at any time before it is determined.

(9) Withdrawal of an appeal is to be effected by the appellant giving notice in writing to the Welsh Ministers.

(10) If an appeal is withdrawn, the Welsh Ministers cease to be under a duty to consider and determine it.

(11) Subsections (2) to (5) of section 250 of the Local Government Act 1972⁽¹⁾ (local inquiries, evidence and costs) apply in relation to hearings or local inquiries held in accordance with regulation 33 as they apply to local inquiries under that section, but as if the references to the Minister were references to the Welsh Ministers and with the omission of references to a local authority.

(12) Section 322C of the Town and Country Planning Act 1990⁽²⁾ (Costs: Wales) applies in relation to an oral hearing or local inquiry under regulation 30 as it applies to a hearing or local inquiry referred to in that section.

Commencement Information

II Reg. 31 in force at 16.5.2017, see [reg. 1\(3\)](#)

(1) 1972 c. 70 .

(2) 1990 c. 8. As amended by section 49 of the [Planning \(Wales\) Act 2015](#) (anaw 4).

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017, Section 31.