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WELSH STATUTORY INSTRUMENTS

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**2009 No. 3342**

**The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009**

**PART 4**

Further Information, Evidence and Other Information etc.

CHAPTER 6

Other Information etc.

**Reports, advice and any other information**

- 36.**—(1) This paragraph applies to information of the following kind—
- (a) any other information;
  - (b) any report in connection with an EIA application or appeal which is issued to a relevant mineral planning authority or the Welsh Ministers on or after the date on which these Regulations come into force; and
  - (c) any advice in connection with an EIA application or appeal which is provided to a relevant mineral planning authority or the Welsh Ministers on or after the date on which these Regulations come into force.
- (2) This paragraph applies to information of the following kind—
- (a) any report in connection with an EIA application or appeal which was issued to a relevant mineral planning authority or the Welsh Ministers before the date on which these Regulations come into force; and
  - (b) any advice in connection with an EIA application or appeal which was provided to a relevant mineral planning authority or the Welsh Ministers before the date on which these Regulations come into force.
- (3) Paragraph (1) does not apply to any information of the type mentioned in paragraph (1)(b) or (c)—
- (a) to which the Environmental Information Regulations 2004 apply, where the person holding it would be entitled to withhold it in response to a request made in accordance with those Regulations; or
  - (b) which in any other case would be exempt information if a request for its disclosure were made in accordance with the Freedom of Information Act 2000.
- (4) Paragraph (2) does not apply to any information of the type mentioned there—
- (a) to which the Environmental Information Regulations 2004 apply, where the person holding it would be entitled to withhold it in response to a request made in accordance with those Regulations; or

(b) which in any other case would be exempt information if a request for its disclosure were made in accordance with the Freedom of Information Act 2000.

(5) Where a relevant mineral planning authority or the Welsh Ministers (“the recipient”) receives or holds any information to which paragraph (1) or (2) applies and the recipient is of the opinion that that information relates to the main effects of the EIA development in question, or is of material relevance to the determination of conditions to which the planning permission is to be subject (“other relevant information”), the recipient must—

- (a) publish that other relevant information in accordance with regulation 37; and
- (b) if the other relevant information is information of the kind mentioned in paragraph (1)(a), notify the applicant or appellant in writing of—
  - (i) the number of copies of the other relevant information required for the purposes of the duty imposed on the authority or, as the case may be, the Welsh Ministers, by regulation 38;
  - (ii) the duty imposed by regulation 39(1); and
  - (iii) the right conferred by regulation 41.

(6) Where the recipient is a relevant mineral planning authority, and the other relevant information is information to which paragraph (1) applies, the recipient must comply with paragraph (5) within 14 days of receipt of the other relevant information.

But this is subject to paragraph (10).

(7) Where the recipient is a relevant mineral planning authority, and the other relevant information is information to which paragraph (2) applies, the recipient must comply with paragraph (5) within 3 weeks of the date on which the authority gives written notification pursuant to regulation 18(21).

(8) Where the recipient is the Welsh Ministers, and the other relevant information is information to which paragraph (1) applies, the recipient must comply with paragraph (5) as soon as reasonably practicable following receipt of the other relevant information.

But this is subject to paragraph (11).

(9) Where the recipient is the Welsh Ministers, and the other relevant information is information to which paragraph (2) applies, the recipient must comply with paragraph (5) as soon as reasonably practicable following the date on which the Welsh Ministers give written notification pursuant to regulation 18(21).

(10) Where the recipient is a relevant mineral planning authority and other relevant information is received by it in connection with an EIA application in respect of which written notification pursuant to regulation 18(21) has yet to be given, the recipient need not comply with paragraph (5) within 14 days of receipt of the other relevant information in question, but must comply with that paragraph within 14 days of the date on which written notification is given pursuant to regulation 18(21).

(11) Where the recipient is the Welsh Ministers and other relevant information is received by it in connection with an EIA application in respect of which written notification pursuant to regulation 18(21) has yet to be given, the recipient need not comply with paragraph (8) as soon as reasonably practicable following receipt of the other relevant information in question, but must comply with that paragraph as soon as reasonably practicable following the date on which the Welsh Ministers give written notification pursuant to regulation 18(21).

(12) Where information to which paragraph (2) applies is held by a relevant mineral planning authority in connection with an EIA application—

- (a) which is referred to the Welsh Ministers on or after the date on which these Regulations come into force; and
- (b) in respect of which written notification pursuant to regulation 18(21) has yet to be given,

the relevant mineral planning authority must, within 14 days of the date on which the application is so referred, provide that information to the Welsh Ministers.

(13) The receipt of information by the Welsh Ministers pursuant to paragraph (12) does not require that information to be treated as information to which paragraph (1) applies.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009, Section 36.