
WELSH STATUTORY INSTRUMENTS

2017 No. 544

The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017

PART 7

Procedure after written representations, hearings, inquires or combined proceedings

CHAPTER 1

Appeals determined by appointed persons following written representations, hearings, inquiries or combined proceedings

Procedure after proceedings

47.—(1) The appointed person must make a report in writing (“the appointed person’s decision report”)—

- (a) in relation to an appeal dealt with by means of written representations, when the appointed person has considered the written representations; or
- (b) after the close of the hearing, inquiry or combined proceedings.

(2) The appointed person’s decision report must include the appointed person’s conclusions and decision on the appeal.

(3) Where an assessor has been appointed, the assessor must, after the close of the hearing, inquiry or combined proceedings make a report in writing to the appointed person in respect of the matters on which the assessor was appointed to advise.

(4) Where an assessor makes a report in accordance with paragraph (3), the appointed person’s decision report must state how far the appointed person agrees or disagrees with the assessor’s report and, where the appointed person disagrees with the assessor, the reasons for that disagreement.

(5) When making the decision, the appointed person may disregard—

- (a) in relation to an appeal, or part of an appeal dealt with by means of written representations, any written representations received outside the relevant time limits;
- (b) any written representations, evidence or any other document received after the close of the hearing or inquiry.

(6) In relation to an appeal or part of an appeal dealt with by means of written representations, if after the relevant time limits, an appointed person proposes to take into consideration any new evidence or any new matter of fact (not being a matter of Welsh Ministers’ policy) which was not included in the written representations and which the appointed person considers to be material to the decision, the appointed person must not come to a decision without first—

- (a) notifying the appellant, the local planning authority and interested persons who made written representations; and
- (b) affording those notified under subparagraph (a) an opportunity of making written representations upon the new evidence or new matter of fact.

(7) If, after the close of the hearing or inquiry, an appointed person proposes to take into consideration any new evidence or any new matter of fact (not being a matter of Welsh Ministers' policy) which was not raised at the hearing or inquiry and which the appointed person considers to be material to the decision, the appointed person must not come to a decision without first—

- (a) notifying the appellant, the local planning authority, the interested persons who made written representations and the persons who took part in the hearing or inquiry; and
- (b) affording those notified under subparagraph (a) an opportunity of making written representations upon the new evidence or new matter of fact or of asking for the re-opening of the hearing or inquiry.

(8) The appellant, the local planning authority, the interested persons who made written representations and the persons who took part in the hearing or inquiry must ensure that written representations or requests to re-open the hearing or inquiry made under paragraphs (6) and (7) are received by the Welsh Ministers within the period specified in the Welsh Ministers' notification under those paragraphs.

(9) An appointed person may, as the appointed person thinks fit, cause a hearing or inquiry to be re-opened, and must do so if asked by the appellant or the local planning authority in the circumstances mentioned in paragraph (7) and within the period specified in the Welsh Ministers notification under paragraph (7).

(10) Where a hearing or inquiry is re-opened—

- (a) the appointed person must send to the appellant, the local planning authority, the interested persons who made written representations and the persons who took part in the hearing or inquiry a written statement of the matters in respect of which further evidence is invited;
- (b) further evidence submitted following a request must not exceed 3,000 words and must be submitted in the time and manner specified by the appointed person; and
- (c) paragraphs (3) to (8) of regulation 29, regulation 30, paragraphs (3) to (8) of regulation 42 and regulation 43 apply as if the references to a hearing or an inquiry were references to a re-opened hearing or inquiry.