

## SCHEDULE 4

Regulation 20

### Review of decisions and consents

1. As soon as is reasonably practicable, the Welsh Ministers must make an appropriate assessment of the implications of the project for the European site in view of the site's conservation objectives, in order to determine whether the project permitted by the decision or consent will adversely affect the integrity of the site.

#### Commencement Information

**I1** Sch. 4 para. 1 in force at 16.5.2017, see [reg. 1\(3\)](#)

2. For the purposes of the assessment, the Welsh Ministers may—
- (a) require any person interested in the relevant land to supply them with such information as they reasonably consider necessary; and
  - (b) consult the public, if they consider it necessary.

#### Commencement Information

**I2** Sch. 4 para. 2 in force at 16.5.2017, see [reg. 1\(3\)](#)

3. Unless, following the assessment, the Welsh Ministers are satisfied that the project permitted by the decision or consent will not adversely affect the integrity of the European site, and regulation 16(4) does not apply, the Welsh Ministers must—

- (a) in the case of a decision, revoke the decision; and
- (b) in the case of a consent, either—
  - (i) revoke the consent; or
  - (ii) make such modifications to the consent as they consider necessary to ensure that the project will not adversely affect the integrity of the European site,and the Welsh Ministers must notify all persons who appear to them to have an interest in the relevant land of their decision (their “further decision”).

#### Commencement Information

**I3** Sch. 4 para. 3 in force at 16.5.2017, see [reg. 1\(3\)](#)

4. A further decision does not affect any works that have already been carried out in relation to a decision or consent, subject to paragraph 5.

#### Commencement Information

**I4** Sch. 4 para. 4 in force at 16.5.2017, see [reg. 1\(3\)](#)

- 5.—(1) If—
- (a) a project which is subject to a further decision has commenced; and
  - (b) it appears to the Welsh Ministers to be necessary to safeguard the integrity of the European site,

the Welsh Ministers may by notice require the person responsible for carrying out such works, or any person with an interest in the relevant land, to carry out such works of reinstatement as may be reasonable in the circumstances.

(2) A notice under sub-paragraph (1) must state the period during which the works must be carried out.

(3) A person who carries out such reinstatement works is entitled, on making a claim in accordance with paragraph 8, to recover from the Welsh Ministers compensation in respect of any expenses reasonably incurred in carrying out those works.

**Commencement Information**

**I5** Sch. 4 para. 5 in force at 16.5.2017, see [reg. 1\(3\)](#)

6. Regulation 30 applies to—
- (a) a further decision made under paragraph 3; and
  - (b) a notice served under paragraph 5.

**Commencement Information**

**I6** Sch. 4 para. 6 in force at 16.5.2017, see [reg. 1\(3\)](#)

7. If, following a further decision under paragraph 3, a person has incurred expenditure in carrying out work which is rendered abortive by the further decision, or has otherwise sustained loss or damage which is directly attributable to the further decision, that person is entitled to be paid compensation on submitting a claim in accordance with paragraph 8.

**Commencement Information**

**I7** Sch. 4 para. 7 in force at 16.5.2017, see [reg. 1\(3\)](#)

8. A claim for compensation payable under paragraph 5(3) or 7 must be—
- (a) submitted to the Welsh Ministers within 6 weeks of the date of the notification of the further decision; and
  - (b) accompanied by such evidence as the Welsh Ministers may reasonably require.

**Commencement Information**

**I8** Sch. 4 para. 8 in force at 16.5.2017, see [reg. 1\(3\)](#)

9. A dispute as to the amount of compensation payable under paragraphs 5(3) and 7 may be referred to the Lands Tribunal within 6 years of the date of the notification of the further decision in respect of which compensation is payable.

**Commencement Information**

**I9** Sch. 4 para. 9 in force at 16.5.2017, see [reg. 1\(3\)](#)

10. Nothing in this Schedule affects anything done in pursuance of a decision or consent before the date the site became a European site.

**Changes to legislation:** There are currently no known outstanding effects for the The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017, SCHEDULE 4. (See end of Document for details)

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**Commencement Information**

**I10** Sch. 4 para. 10 in force at 16.5.2017, see [reg. 1\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017, SCHEDULE 4.