
WELSH STATUTORY INSTRUMENTS

2019 No. 304

**The Electricity (Offshore Generating Stations)
(Inquiries Procedure) (Wales) Regulations 2019**

Procedure after inquiry

22.—(1) After the close of an inquiry, the lead inspector must make a report in writing to the Welsh Ministers which must include—

- (a) the lead inspector's consideration of the application or the variation application;
- (b) the consideration by any additional inspector of the matters relating to the application or the variation application which that additional inspector has been directed to consider;
- (c) the lead inspector's conclusions; and
- (d) the lead inspector's recommendations or reasons for not making any recommendation.

(2) Where an assessor has been appointed, the assessor may, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which the assessor was appointed to advise.

(3) Where an assessor makes a report in accordance with paragraph (2), the inspector must append it to the inspector's own report and must state in that report how far the inspector agrees or disagrees with the assessor's report and, where the inspector disagrees with the assessor, the reasons for that disagreement.

(4) When making their decision the Welsh Ministers may disregard any written representations, evidence or any other document received after the close of the inquiry.

(5) If, after the close of an inquiry, the Welsh Ministers—

- (a) differ from an inspector on any matter of fact mentioned in, or appearing to them to be material to, a conclusion reached by the inspector; or
- (b) take into consideration any new evidence or new matter of fact (not being a matter of Welsh Ministers' policy),

and for that reason are disposed to disagree with a recommendation made by the lead inspector, they must not come to a decision which is at variance with that recommendation without first notifying in writing the persons entitled to appear who appeared at the inquiry of their disagreement and the reasons for it; and affording them an opportunity of making written representations to them or (if the Welsh Ministers have taken into consideration any new evidence or new matter of fact, not being a matter of Welsh Ministers' policy) of asking for the re-opening of the inquiry.

(6) Those persons making written representations or requesting the inquiry to be re-opened under paragraph (5) must ensure that such representations or requests are received by the Welsh Ministers within three weeks of the date of the Welsh Ministers' notification under that paragraph.

(7) The Welsh Ministers may, as they think fit, cause an inquiry to be re-opened, and they must do so if asked by the applicant or a qualifying planning authority in the circumstances mentioned in paragraph (5) and within the period mentioned in paragraph (6).

(8) Where an inquiry is re-opened (whether by the same or a different lead inspector)—

- (a) the Welsh Ministers must send to the persons entitled to appear who appeared at the inquiry a written statement of the matters with respect to which further evidence is invited;
- (b) paragraphs (3) to (7) of regulation 15 apply in relation to the re-opened inquiry as if references in those paragraphs to an inquiry were references to the re-opened inquiry; and
- (c) paragraphs (5) and (6) of regulation 10 apply in relation to the re-opened inquiry as if references in those paragraphs to the pre-inquiry meeting were references to the re-opened inquiry.

Commencement Information

II [Reg. 22](#) in force at 1.4.2019, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Electricity (Offshore Generating Stations) (Inquiries Procedure) (Wales) Regulations 2019, Section 22.