

SCHEDULE 3

Regulation 14

REVIEW OF DECISIONS AND CONSENTS

1. The National Assembly must as soon as reasonably practicable make an appropriate assessment of the implications for the European site of the project permitted by the decision or consent in view of that site's conservation objectives for the purpose of determining whether the project will adversely affect the integrity of the site.

2. For the purposes of the assessment the National Assembly:—

- (a) may require any person interested in the relevant land to supply it with such information as it may reasonably think necessary;
- (b) must consult the Countryside Council for Wales and have regard to any representations made by them within such reasonable time as it may specify; and
- (c) may, if it considers appropriate, consult members of the public.

3. Unless, following the assessment, the National Assembly is satisfied that the project permitted by the decision or consent will not adversely affect the integrity of the European site, and paragraph (7) of regulation 13 does not apply, it must, in the case of a decision, revoke that decision and, in the case of a consent, either revoke that consent or make such modifications to the consent as shall appear to it to be necessary to ensure that the project will not adversely affect the integrity of the European site and it shall notify its decision to all persons who appear to it to have an interest in the relevant land.

4. Subject to paragraph 5 below, a revocation or modification of a decision or a consent in pursuance of which works have been commenced or completed shall not affect so much of those works as have already been carried out.

5. If, where a project which is subject to a decision made under paragraph 3 above has commenced, it appears to the National Assembly to be necessary to safeguard the integrity of the European site, it may by notice require the person responsible for carrying out such works or any person interested in the relevant land to carry out such works of reinstatement as may be reasonable in the circumstances and any person who carries out works in compliance with such a requirement shall be entitled, on making a claim in accordance with paragraph 8 below, to recover from the National Assembly compensation in respect of any expenses reasonably incurred by them in that behalf.

6. Regulation 15 shall apply to a decision made in accordance with paragraph 3 above and to a notice served in accordance with paragraph 5 above.

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

8. A claim for compensation payable under paragraph 5 or 7 above shall be submitted to the National Assembly within 6 weeks of notification of the decision in respect of which compensation is payable and shall be accompanied by such evidence as the National Assembly may reasonably require.

9. Any dispute as to the amount of compensation payable under paragraphs 5 or 7 above may be referred to the Lands Tribunal⁽¹⁾ within 6 years of the date of notification of the decision in respect of which compensation is payable.

(1) See section 1 of the Lands Tribunal Act 1949 (c. 42).

Status: *This is the original version (as it was originally made).*