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WELSH STATUTORY INSTRUMENTS

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**2017 No. 544**

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

**PART 7**

**Procedure after written representations, hearings, inquiries or combined proceedings**

**CHAPTER 2**

**Appeals determined by the Welsh Ministers following written  
representations, hearings, inquiries or combined proceedings**

**Procedure after proceedings**

- 48.**—(1) The appointed person must make a report in writing to the Welsh Ministers—
- (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 report must include the appointed person's conclusions and recommendations (or the appointed person's reasons for not making any recommendations).
- (3) Where an assessor has been appointed, the assessor must, after the close of the 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 must append it to the appointed person's own report and must state in that report 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 their decision the Welsh Ministers 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) Paragraph (7) applies in relation to an appeal or part of an appeal dealt with by means of written representations, if the Welsh Ministers are disposed to disagree with a recommendation made by the appointed person because they—
- (a) differ from the appointed person on any matter of fact mentioned in, or appearing to them to be material to, a conclusion reached by the appointed person; or
  - (b) propose to take into consideration any new evidence or any new matter of fact (not being a matter of Welsh Ministers' policy).
- (7) The Welsh Ministers must not come to a decision which is at variance with the recommendation made by the appointed person without first—

- (a) notifying the appellant, the local planning authority and the 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.
- (8) Paragraph (9) applies if, after the close of the hearing or inquiry, the Welsh Ministers are disposed to disagree with a recommendation made by the appointed person because they—
- (a) differ from the appointed person on any matter of fact mentioned in, or appearing to them to be material to, a conclusion reached by the appointed person; or
  - (b) propose to take into consideration any new evidence or new matter of fact (not being a matter of Welsh Ministers' policy).
- (9) The Welsh Ministers must not come to a decision which is at variance with the recommendation made by the appointed person 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 of their disagreement and the reasons for it; and
  - (b) affording them an opportunity of making written representations upon the new evidence or new matter of fact to the Welsh Ministers or of asking for the re-opening of the hearing or inquiry.
- (10) 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 (7) and (9) are received by the Welsh Ministers within the period specified in the Welsh Ministers' notification under those paragraphs.
- (11) The Welsh Ministers may, as they think fit, cause a hearing or inquiry to be re-opened, and they must do so if asked by the appellant or the local planning authority in the circumstances mentioned in paragraph (9) and within the period specified in the Welsh Ministers' notification under paragraph (9).
- (12) Where a hearing or inquiry is re-opened (whether by the same or a different appointed person)—
- (a) the Welsh Ministers 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 Welsh Ministers; and
  - (c) paragraphs (3) to (8) of regulation 29, regulation 30, paragraphs (3) to (8) of regulation 42 and regulation 43 apply as if references to a hearing or an inquiry were references to a re-opened hearing or inquiry.