
WELSH STATUTORY INSTRUMENTS

2017 No. 567

**The Town and Country Planning (Environmental
Impact Assessment) (Wales) Regulations 2017**

PART 10

Unauthorised Development

Appeal to the Welsh Ministers without an environmental statement

49.—(1) The procedure in paragraph (2) applies where—

- (a) the Welsh Ministers or an inspector are considering an appeal under section 174 of the 1990 Act;
- (b) the matters which are alleged to constitute the breach of planning control comprise or include unauthorised EIA development; and
- (c) the documents submitted for the purposes of the appeal do not include a statement referred to by the appellant as an environmental statement for the purposes of these Regulations.

(2) The procedure is—

- (a) the Welsh Ministers must, within the period of 21 days beginning with the day on which the appeal is received, or such longer period as may be reasonably required, notify the appellant of the requirements of sub-paragraph (c); but this is subject to sub-paragraph (b);
- (b) notice need not be given under sub-paragraph (a) where the appellant has submitted an environmental statement to the Welsh Ministers for the purposes of an appeal under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) which—
 - (i) relates to the development to which the appeal under section 174 of the 1990 Act relates; and
 - (ii) is to be determined at the same time as the appeal under section 174 of the 1990 Act; and that statement, any further information, any other information and the representations (if any) made in relation to it must be treated as the environmental information for the purpose of regulation 41;
- (c) the appellant must, within the period specified in the notice or such longer period as the Welsh Ministers may allow, submit to the Welsh Ministers two copies of an environmental statement relating to the unauthorised EIA development in question;
- (d) the Welsh Ministers must send to the relevant planning authority a copy of any notice sent to the appellant under sub-paragraph (a);
- (e) if an appellant to whom notice has been given under sub-paragraph (a) fails to comply with the requirements of sub-paragraph (c), the ground (a) appeal lapses at the end of the period allowed;

- (f) as soon as reasonably practicable after the occurrence of the lapse described in subparagraph (e), the Welsh Ministers must notify the appellant and the relevant planning authority that the ground (a) appeal has lapsed.