



Planning (Wales) Act 2015

2015 anaw 4

PART 7 **E+W**

ENFORCEMENT, APPEALS ETC

Appeals etc: costs and procedure

49 Costs on applications, appeals and references **E+W**

In TCPA 1990, after section 322B insert—

“322C Costs: Wales

- (1) This section applies in relation to any application, appeal or reference under this Act to the Welsh Ministers (whether it is considered at an inquiry or hearing or on the basis of written representations).
- (2) The costs incurred by the Welsh Ministers in relation to the application, appeal or reference (or so much of them as the Welsh Ministers may direct) are to be paid by the applicant, appellant or person making the reference, or such local planning authority or other party to the application, appeal or reference, as the Welsh Ministers may direct.
- (3) Costs incurred by the Welsh Ministers in relation to an application, appeal or reference include the entire administrative cost incurred in connection with it so that, in particular, there shall be treated as costs incurred by the Welsh Ministers such reasonable sum as the Welsh Ministers may determine in respect of general staff costs and overheads of the Welsh Government.
- (4) The costs to which subsection (2) applies include costs in respect of an inquiry or hearing that does not in the event take place and costs incurred in reviewing planning obligations (within the meaning of section 106).
- (5) The Welsh Ministers may by regulations prescribe a standard daily amount for cases involving an inquiry or hearing of any description or cases of any

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description considered on the basis of representations in writing; and where an inquiry or hearing of that description takes place or a case of that description is considered on the basis of representations in writing, the costs incurred by the Welsh Ministers are to be taken to be—

- (a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which a prescribed person is engaged in dealing with the case;
- (b) costs actually incurred in connection with dealing with the case on travelling or subsistence allowances or the provision of accommodation or other facilities;
- (c) any costs attributable to the appointment of prescribed persons to assist in dealing with the case;
- (d) any legal costs or disbursements incurred or made by or on behalf of the Welsh Ministers in connection with the case.

- (6) The Welsh Ministers may make orders as to the costs of the applicant or appellant or any other party to the application, appeal or reference, and as to the person or persons by whom the costs are to be paid.”

Commencement Information

11 S. 49 partly in force; s. 49 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

12 S. 49 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 2(b) (with art. 16)

50 Procedure for certain proceedings **E+W**

In TCPA 1990, after section 323 insert—

“323A Procedure for certain proceedings: Wales

- (1) The Welsh Ministers may by regulations prescribe the procedure to be followed in connection with—
 - (a) an inquiry or hearing held or to be held by or on behalf of the Welsh Ministers under or by virtue of any provision of this Act;
 - (b) proceedings on an application, appeal or reference that, under or by virtue of any provision of this Act, is to be considered by or on behalf of the Welsh Ministers on the basis of representations in writing.
- (2) The regulations may include provision—
 - (a) about the procedure to be followed in connection with matters preparatory or subsequent to an inquiry or hearing or to the making of representations in writing;
 - (b) about the conduct of proceedings.
- (3) The regulations may include provision about the procedure to be followed—
 - (a) where steps have been taken with a view to the holding of an inquiry or hearing which does not take place,
 - (b) where steps have been taken with a view to the determination of any matter by a person appointed by the Welsh Ministers and the proceedings are the subject of a direction that the matter must instead be determined by the Welsh Ministers, or

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(c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,
and may provide that such steps are to be treated as compliance, in whole or in part, with the requirements of the regulations.

(4) The regulations may—

- (a) provide for a time limit within which any party to the proceedings must submit representations in writing and any supporting documents,
- (b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Welsh Ministers to give directions setting the time limit in a particular case or class of case,
- (c) enable the Welsh Ministers to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit, and
- (d) enable the Welsh Ministers, after giving the parties written notice of their intention to do so, to proceed to a decision even though no written representations were made within the time limit, if it appears to them that they have sufficient material before them to enable them to reach a decision on the merits of the case.

(5) The regulations may also make provision as to the circumstances in which—

- (a) a direction under section 322C(2) may be given;
- (b) an order for costs under section 322C(4) may be made.

(6) The Welsh Ministers may by regulations provide that in prescribed circumstances a matter may not be raised in proceedings on an appeal made under or by virtue of this Act to the Welsh Ministers unless it has been previously raised before a prescribed time or it is shown that it could not have been raised before that time.”

Commencement Information

- I3** S. 50 partly in force; s. 50 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I4** S. 50 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 3(c)
- I5** S. 50 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(c)

51 Costs and procedure on appeals etc: further amendments **E+W**

For further amendments relating to costs and procedure on appeals etc, see Schedule 5.

Commencement Information

- I6** S. 51 partly in force; s. 51 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I7** S. 51 in force at 1.3.2016 for specified purposes by S.I. 2016/52, art. 4
- I8** S. 51 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(d)

Changes to legislation:

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