
WELSH STATUTORY INSTRUMENTS

2015 No. 1331 (W. 124)

TOWN AND COUNTRY PLANNING, WALES

**The Town and Country Planning (Referrals and Appeals)
(Written Representations Procedure) (Wales) Regulations 2015**

<i>Made</i>	- - - -	<i>20 May 2015</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>22 May 2015</i>
<i>Coming into force</i>	- -	<i>22 June 2015</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 323 and 333 of the Town and Country Planning Act 1990(1) and sections 89(1) and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(2) and now vested in them(3) make the following Regulations:

Title and commencement

1. The title of these Regulations is the Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2015 and they come into force on 22 June 2015.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Town and Country Planning Act 1990;

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- (1) 1990 c. 8; Section 323 was amended by section 18(1) of, and paragraph 26 of Schedule 3 to, the Tribunals and Inquiries Act 1992 (c. 53), and section 196(4) of, and paragraph 12(3) of Schedule 10 to, the Planning Act 2008 (c. 29). Section 323(1B) was inserted by S.I. 2014/2773 (W. 280). See section 336 of the Act for the meaning of “prescribed”. Section 333 was amended by section 118(1) of, and paragraphs 1 and 14 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5). Other amendments to sections 323 and 333 are not relevant to these Regulations.
- (2) 1990 c. 9; Section 89(1) applies the regulation-making provisions contained in section 323 of the Act to the Listed Buildings Act. Section 89(1ZB) was inserted by S.I. 2014/2773 (W. 280). See section 91(1) of the Listed Buildings Act for the meaning of “prescribed” and “the Principal Act”. Section 93 was amended by section 118(1) of, and paragraphs 19 and 26 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5). Other amendments to sections 89 and 93 are not relevant to these Regulations.
- (3) The functions of the Secretary of State under sections 323 and 333 of the Act and sections 89, 91 and 93 of the Listed Buildings Act were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

“advertisement application” (“*cais hysbyseb*”) means an application for express consent to display an advertisement made under Part 3 of the Town and Country Planning (Control of Advertisements) Regulations 1992(4);

“advertisement consent appeal” (“*apêl caniatâd hysbyseb*”) means an appeal under section 78(1) of the Act (as applied by regulations made under section 220 of the Act) in relation to an advertisement application, except an appeal against the grant of any consent which is granted subject to conditions;

“appeal” (“*apêl*”) means, in relation to—

- (a) section 77 of the Act(5) or section 12 or 19 of the Listed Buildings Act(6), the determination of an application which has been referred to the Welsh Ministers, but does not include an application which is deemed to have been referred to the Welsh Ministers by virtue of regulation 9(3) of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(7); and
- (b) section 78 or 208 of the Act(8) or section 20 of the Listed Buildings Act(9), an appeal made under that section;

“appellant” (“*apelydd*”) means, in the case of—

- (a) an application referred to the Welsh Ministers under section 77 of the Act or section 12 or 19 of the Listed Buildings Act, the person who made that application to the local planning authority;
- (b) an appeal under section 78 of the Act or section 20 of the Listed Buildings Act, the person whose application was refused, granted subject to conditions or not determined, by the local planning authority; and
- (c) an appeal under section 208 of the Act, the person on whom a notice has been served under section 207(1) of that Act;

“application” (“*cais*”) means, in relation to—

- (a) section 77 of the Act or section 12 or 19 of the Listed Buildings Act, the application which has been referred to the Welsh Ministers;
- (b) section 78 of the Act or section 20 of the Listed Buildings Act, the application which is the subject of the appeal; and
- (c) section 208 of the Act, the notice served by the local planning authority under section 207(1) of that Act;

“document” (“*dogfen*”) includes a photograph, map or plan;

“dwellinghouse” (“*tŷ annedd*”) does not include a building containing one or more flats, or a flat contained within such a building;

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000(10);

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- (4) [S.I. 1992/666](#); Regulation 9 was substituted by [S.I. 2012/791 \(W. 106\)](#). Other amendments are not relevant to these Regulations.
 - (5) Section 77(6A) was inserted by [S.I. 2014/2773 \(W. 280\)](#). Other amendments are not relevant to these Regulations.
 - (6) Section 12(4B) was inserted by [S.I. 2014/2773 \(W. 280\)](#). Other amendments are not relevant to these Regulations.
 - (7) [S.I. 2012/793 \(W. 108\)](#).
 - (8) Section 78 was amended by section 197 of, and paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008 (c. 29) and by [S.I. 2014/2773 \(W. 280\)](#). Section 208(2)(a) and (b) was substituted for section 208(2) and (3) by section 23(3) of the Planning and Compensation Act 1991 (c. 34), section 208(4) to (4C) was substituted by section 197 of, and paragraphs 1 and 4(1) and (2) of Schedule 11 to, the Planning Act 2008 (c. 29) and section 208(5B) was inserted by [S.I. 2014/2773 \(W. 280\)](#). Other amendments to sections 78 and 208 are not relevant to these Regulations.
 - (9) Section 20 was amended by [S.I. 2014/2773 \(W. 280\)](#). Other amendments are not relevant to these Regulations.
 - (10) [2000 c. 7](#); Section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).

“householder appeal” (“*apêl deiliad ty*”) means an appeal under section 78(1)(a) of the Act in relation to a householder application but does not include—

- (a) an appeal against the grant of any planning permission which is granted subject to conditions; or
- (b) an appeal which is accompanied by an appeal under section 174 of the Act or under section 20 of the Listed Buildings Act;

“householder application” (“*cais deiliad ty*”) means an application for—

- (a) planning permission for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or
- (b) change of use to enlarge the curtilage of a dwelling house,

for any purpose incidental to the enjoyment of the dwellinghouse but does not include—

- (i) any other application for change of use,
- (ii) an application for erection of a dwellinghouse, or
- (iii) an application to change the number of dwellings in a building;

“the Listed Buildings Act” (“*y Ddeddf Adeiladau Rhestredig*”) means the Planning (Listed Buildings and Conservation Areas) Act 1990;

“local planning authority” (“*awdurdod cynllunio lleol*”) means, in relation to—

- (a) an application under section 77 of the Act or section 12 or 19 of the Listed Buildings Act, the body which would have dealt with the application had it not been referred to the Welsh Ministers;
- (b) an appeal under section 78 of the Act or section 20 of the Listed Buildings Act, the body which was responsible for determining the application occasioning the appeal; and
- (c) an appeal under section 208 of the Act, the body which served the notice under section 207(1) of that Act;

“minor commercial appeal” (“*apêl fasnachol fach*”) means an appeal under section 78(1)(a) of the Act in relation to a minor commercial application but does not include—

- (a) an appeal against the grant of any planning permission which is granted subject to conditions; or
- (b) an appeal which is accompanied by an appeal under section 174 of the Act or under section 20 of the Listed Buildings Act;

“minor commercial application” (“*cais masnachol bach*”) means an application for planning permission for the enlargement, improvement or other alteration of an existing building of no more than 250 square metres gross external floor space at ground floor level, or part of that building, currently in use for any of the purposes set out in the Schedule to these Regulations which is an application for—

- (a) the change of use from any of the purposes set out at paragraph 1 in the Schedule to these Regulations to any of the purposes set out in either paragraph 2 or paragraph 3 of that Schedule;
- (b) the change of use from any of the purposes set out at paragraph 2 in the Schedule to these Regulations to any of the purposes set out in paragraph 3 of the Schedule; or
- (c) the carrying out of building or other operations to a shop front;

“questionnaire” (“*holiadur*”) means a document in the form supplied by the Welsh Ministers to a local planning authority for the purpose of proceedings under these Regulations, and for this purpose a form is taken to be supplied where the Welsh Ministers have published it on a website and have notified the local planning authority of—

- (a) publication of the form on the website;
- (b) the address of the website; and
- (c) the place on the website where the form may be accessed and how it may be accessed;

“relevant notice” (“*hysbysiad perthnasol*”) means, in relation to an—

- (a) application referred to the Welsh Ministers under section 77 of the Act or section 12 or 19 of the Listed Buildings Act, the application which has been referred to the Welsh Ministers; and
- (b) appeal brought under section 78 or 208 of the Act or section 20 of the Listed Buildings Act a notice of appeal under section 78 or 208 of the Act or section 21 of the Listed Buildings Act(11);

“starting date” (“*dyddiad dechrau*”) means the date of the written notification of receipt of appeal under regulation 4 or 12 as the case may be;

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday; and

“written representations” (“*sylwadau ysgrifenedig*”) includes supporting documents.

(2) In these Regulations references to—

- (a) section 78 of the Act include references to that section as applied to applications for tree preservation orders made under that Act;
- (b) section 12, 19 or 20 of the Listed Buildings Act include references to those sections as applied by section 74(3) of that Act(12).

(3) In relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

- (a) the expression “address” (“*cyfeiriad*”) includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation is not fulfilled unless the person on whom it is imposed provides a postal address;
- (b) references to notices, representations or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(4) Paragraphs (5) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any statement, notice or other document to any other person (“the recipient”).

(5) The requirement is taken to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(6) In paragraph (5), “legible in all material respects” (“*darllenadwy ym mhob modd perthnasol*”) means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(7) Where the electronic communication is received by the recipient outside the recipient’s business hours, it is taken to have been received on the next working day.

(11) Section 21(8) to (11) were added by section 197 of, and paragraph 5 of Schedule 11 to, the Planning Act 2008 (c. 29).

(12) Section 74(3) was amended by S.I. 2014/2773 (W. 280). Other amendments are not relevant to these Regulations.

(8) A requirement in these Regulations that any document must be in writing is fulfilled where that document meets the criteria in paragraph (5), and “written” (“*ysgrifenedig*”) and cognate expressions are to be construed accordingly.

Application of the Regulations

3.—(1) These Regulations apply in relation to Wales.

(2) Part 1 of these Regulations only applies where—

- (a) a householder, advertisement consent or minor commercial appeal is made in relation to an application which is made after these Regulations come into force; and
- (b) the Welsh Ministers have determined under section 319B of the Act (determination of procedure of certain proceedings: Wales)(**13**) that it is a matter which is to be determined on the basis of representations in writing.

(3) Part 2 of these Regulations only applies where—

- (a) an appeal which is not a householder, advertisement consent or minor commercial appeal is made in relation to an application which is made after these Regulations come into force; and
- (b) the Welsh Ministers have determined under section 319B of the Act or section 88E of the Listed Buildings Act (determination of procedure of certain proceedings: Wales)(**14**) that it is a matter which is to be determined on the basis of representations in writing.

(4) Where the Welsh Ministers vary a determination under section 319B(4) of the Act or under section 88E(4) of the Listed Buildings Act so that an appeal proceeding at a local inquiry or at a hearing is to continue on the basis of representations in writing, in accordance with Part 1 or Part 2 of these Regulations, as the case may be, these Regulations apply in relation to the proceedings to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to those proceedings.

(5) Where the Welsh Ministers vary a determination under section 319B(4) of the Act or under section 88E(4) of the Listed Buildings Act so that an appeal proceeding on the basis of representations in writing is to continue at a local inquiry or at a hearing, these Regulations will cease to apply.

PART 1

Procedure for Householder, Advertisement Consent and Minor Commercial Appeals

Notification of receipt of appeal

4. The Welsh Ministers must, as soon as practicable after a determination has been made under section 319B of the Act, advise the appellant and the local planning authority in writing—

- (a) of the starting date;
- (b) of the reference number allocated to the appeal;
- (c) that the appeal will follow the procedures set out in Part 1 of these Regulations; and
- (d) of the address to which written communications to the Welsh Ministers about the appeal are to be sent.

(13) Section 319B was inserted by [S.I. 2014/2773 \(W. 280\)](#).

(14) Section 88E was inserted by [S.I. 2014/2773 \(W. 280\)](#).

Questionnaire

5. The local planning authority must send to the Welsh Ministers, and copy to the appellant, so as to be received within 5 working days of the starting date—

- (a) a completed questionnaire; and
- (b) a copy of each of the documents referred to in it.

Notice to interested parties

6.—(1) The local planning authority must give written notice of the appeal within 5 working days of the starting date to—

- (a) any person notified or consulted in accordance with the Act or a development order about the application; and
 - (b) any other person who made representations to the local planning authority about that application.
- (2) A notice under paragraph (1) must—
- (a) state the name of the appellant and the address of the site to which the appeal relates;
 - (b) describe the development to which the application relates;
 - (c) set out the matters notified to the appellant and the local planning authority under regulation 4; and
 - (d) state that any representations made to the local planning authority in relation to the application, before it was determined, will be sent to the Welsh Ministers and the appellant by the local planning authority and will be considered by the Welsh Ministers when determining the appeal unless they are withdrawn in writing within 4 weeks of the starting date.

Representations

7.—(1) The relevant notice and the documents accompanying it comprise the appellant's representations in relation to the appeal.

(2) The completed questionnaire and documents sent with it comprise the local planning authority's representations in relation to the appeal.

(3) The Welsh Ministers must, as soon as practicable after receipt, send a copy of the representations made by the local planning authority to the appellant and must send a copy of the representations made by the appellant to the local planning authority.

Further information

8.—(1) The Welsh Ministers may in writing require the appellant, local planning authority and other interested persons, to provide such further information relevant to the appeal as may be specified.

(2) Such information must be provided in writing within such period as the Welsh Ministers may specify.

(3) The Welsh Ministers may disregard any further information unless that information has been provided pursuant to paragraph (1).

Transfer of appeal from Part 1

9.—(1) At any time before an appeal is determined, the Welsh Ministers may determine that the procedures set out in this Part are no longer suitable for that appeal.

(2) Where such a determination is made the Welsh Ministers must notify the appellant and the local planning authority in writing that—

- (a) the appeal is to be transferred from the procedures set out in Part 1 of these Regulations; and
- (b) the appeal will proceed in accordance with Part 2 of these Regulations to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to those proceedings.

Decision on householder, advertisement consent and minor commercial appeals under Part 1

10.—(1) The Welsh Ministers may, after giving the appellant and the local planning authority written notice of the intention to do so, proceed to a decision on an appeal taking into account only those representations which have been sent within the relevant time limits, where it appears that there is sufficient material to enable a decision to be reached.

(2) In paragraph (1) “relevant time limits” (“*terfynau amser perthnasol*”) means the time limits prescribed by these Regulations, or where the Welsh Ministers have exercised the power under regulation 19, any later time limit.

Notification of decision on householder, advertisement consent and minor commercial appeals under Part 1

11. The Welsh Ministers must notify the decision on an appeal, and their reasons for reaching that decision, in writing to—

- (a) the appellant;
- (b) the local planning authority;
- (c) any interested person who has asked to be notified of the decision; and
- (d) any other person who has asked to be notified of the decision whom the Welsh Ministers consider it reasonable to notify.

PART 2

Procedure for Other Appeals

Notification of receipt of appeal

12. The Welsh Ministers must, as soon as practicable after a determination has been made under section 319B of the Act or section 88E of the Listed Buildings Act, advise the appellant and the local planning authority in writing—

- (a) of the starting date;
- (b) of the reference number allocated to the appeal;
- (c) that the appeal will follow the procedures set out in Part 2 of these Regulations; and
- (d) of the address to which written communications to the Welsh Ministers about the appeal are to be sent.

Questionnaire

13. The local planning authority must send to the Welsh Ministers, and copy to the appellant, so as to be received within 2 weeks of the starting date—

- (a) a completed questionnaire; and
- (b) a copy of each of the documents referred to in it.

Notice to interested persons

14.—(1) The local planning authority must give written notice of the appeal, so as to be received within 2 weeks of the starting date, to—

- (a) any person notified or consulted in accordance with the Act, the Listed Buildings Act or a development order, as the case may be, about the application; and
 - (b) any other person who made representations to the local planning authority about that application.
- (2) A notice under paragraph (1) must—
- (a) state the name of the appellant and the address of the site to which the appeal relates;
 - (b) describe the development to which the application relates;
 - (c) set out the matters notified to the appellant and local planning authority under regulation 12;
 - (d) state that copies of any representations made by any person mentioned in paragraph (1) will be sent to the Welsh Ministers and the appellant;
 - (e) state that any such representations will be considered by the Welsh Ministers when determining the appeal unless any person mentioned in paragraph (1) withdraws them within 6 weeks of the starting date; and
 - (f) state that further written representations may be sent to the Welsh Ministers so as to be received within 6 weeks of the starting date.

Representations

15.—(1) The relevant notice, and the documents accompanying it, will be deemed to comprise the appellant's representations in relation to the appeal.

(2) The local planning authority may elect to treat the questionnaire, and the documents sent with it, as its representations in relation to the appeal and, where they do so, they must notify the Welsh Ministers and the appellant accordingly when they send to the Welsh Ministers, and copy to the appellant, the questionnaire in accordance with regulation 13.

(3) Where the local planning authority does not elect as described in paragraph (2), they must ensure that 2 copies of any further written representations are received by the Welsh Ministers within 6 weeks of the starting date.

(4) An appellant who wishes to make any further representations to those in paragraph (1) must send 2 copies of those further representations to the Welsh Ministers so as to be received within 6 weeks of the starting date.

(5) The Welsh Ministers must, as soon as practicable after receipt, send to the appellant a copy of any representations sent to them by the local planning authority and must send to the local planning authority a copy of any representations sent to them by the appellant.

(6) The appellant and the local planning authority must send to the Welsh Ministers 2 copies of any written comments they have on each other's representations so as to be received within 9 weeks of the starting date and the Welsh Ministers must, as soon as practicable after receipt, send a copy of those further comments to the other party.

(7) The Welsh Ministers may disregard further information from the appellant and the local planning authority which is not received within 9 weeks of the starting date unless that further information has been requested by them.

(8) Where a party to which this regulation applies elects to use electronic communications for submitting, sending, copying, or sending a copy of any representations, questionnaire or other document, this regulation has effect subject to the following modifications—

- (a) where the party so electing is the local planning authority, the words “2 copies of” in paragraphs (3) and (6) are omitted;
- (b) where the party so electing is the appellant, the words “2 copies of” in paragraphs (4) and (6) are omitted.

Interested persons’ representations

16.—(1) A person who has been notified under regulation 14(1), and who wishes to send representations to the Welsh Ministers, may do so provided they are received by the Welsh Ministers within 6 weeks of the starting date.

(2) The Welsh Ministers must—

- (a) send to the appellant and the local planning authority, as soon as practicable after receipt, a copy of any representations received by the Welsh Ministers from any other person in relation to the appeal; and
- (b) specify a period of not less than 2 weeks within which any written comments on the representations must be received by the Welsh Ministers.

(3) The Welsh Ministers may disregard comments made by the local planning authority under paragraph (2)(b) if the authority has failed to give the notice required by regulation 14.

Decision on appeal

17.—(1) The Welsh Ministers may proceed to a decision on an appeal taking into account only such written representations as have been received within the relevant time limits.

(2) The Welsh Ministers may, after giving the appellant and the local planning authority written notice of its intention to do so, proceed to a decision on an appeal notwithstanding that no written representations have been made within the relevant time limits if it appears to the Welsh Ministers that they have sufficient material before them to enable them to reach a decision on the merits of the case.

(3) In this regulation, “relevant time limits” (*“terfynau amser perthnasol”*) means the time limits prescribed by these Regulations or where the Welsh Ministers have exercised the power under regulation 19, any later time limit.

Notification of decision

18. The Welsh Ministers must notify the decision on an appeal, and their reasons for reaching that decision, in writing to—

- (a) the appellant;
- (b) the local planning authority;
- (c) any interested person who has asked to be notified of the decision; and
- (d) any other person who has asked to be notified of the decision whom the Welsh Ministers consider it reasonable to notify.

PART 3

Miscellaneous

Allowing further time

19. The Welsh Ministers may in a particular case give directions which extend the time limits prescribed by these Regulations.

Transmission of documents

20. Notices or documents required or authorised to be sent or supplied under these Regulations may be sent or supplied by—

- (a) post; or
- (b) using electronic communications to transmit the notice or document (as the case may be) to a person at such address as may for the time being be specified by that person for such purpose.

Withdrawal of consent to use electronic communications

21. Where a person is no longer willing to accept the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically, the person must give notice in writing—

- (a) withdrawing any address notified to the Welsh Ministers or to a local planning authority for that purpose, or
- (b) revoking any agreement entered into with the Welsh Ministers or with a local planning authority for that purpose,

and such withdrawal or revocation is final and takes effect on a date specified by the person in the notice but not less than 1 week after the date on which the notice is given.

Revocation, transitional and saving provisions

22.—(1) Subject to paragraph (2), the Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2003⁽¹⁵⁾ (“the 2003 Regulations”) are revoked.

(2) Subject to paragraph (3), an appeal, including a householder appeal, advertisement consent appeal or a minor commercial appeal, will be determined under the 2003 Regulations where the appeal is—

- (a) to be considered on the basis of representations in writing; and
- (b) made in relation to an application, including a householder application, advertisement consent application or a minor commercial application, which was made before these Regulations come into force.

(3) Where a decision of the Welsh Ministers on an appeal to which the 2003 Regulations applied is subsequently quashed in proceedings before any court, the decision will be re-determined in accordance with Part 2 of these Regulations.

⁽¹⁵⁾ S.I. 2003/390 (W. 52).

20 May 2015

Carl Sargeant
Minister for Natural Resources, one of the Welsh
Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 2(1)

Minor Commercial Development Uses

Shops

1. Use for all or any of the following purposes—
 - (a) for the retail sale of goods other than hot food,
 - (b) as a post office,
 - (c) for the sale of tickets or as a travel agency,
 - (d) for the sale of sandwiches or other cold food for consumption off the premises,
 - (e) for hairdressing,
 - (f) for the direction of funerals,
 - (g) for the display of goods for sale,
 - (h) for the hiring out of domestic or personal goods or articles,
 - (i) for the washing or cleaning of clothes or fabrics on the premises,
 - (j) for the reception of goods to be washed, cleaned or repaired,

where the sale, display or service is to visiting members of the public.

Financial and professional services

2. Use for the provision of—
 - (a) financial services,
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area,

where the services are provided principally to visiting members of the public.

Food and drink

3. Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations lay down the procedure and time limits in connection with the determination of certain prescribed applications that are referred to the Welsh Ministers and appeals (regulation 2) where the matters are to be considered on the basis of written representations.

They revoke and replace, with some changes, the Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2003 (“the 2003 Regulations”), subject to transitional and saving provisions.

The main changes made by the Regulations are the introduction of a new, expedited procedure in Part 1 of the Regulations. This applies where the Welsh Ministers have determined under section 319B of the Town and Country Planning Act 1990 (“the Act”) that a householder, advertisement consent or minor commercial appeal is to be dealt with on the basis of representations in writing.

Section 319B of the Act and section 88E of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) were inserted by the Town and Country Planning (Determination of Procedure) (Wales) Order 2014.

The Welsh Ministers have the power under section 319B of the Act and section 88E of the Listed Buildings Act to determine the procedure to be used to determine certain applications referred to the Welsh Ministers or appeals made under the Act and the Listed Buildings Act.

The procedure adopted may be at a local inquiry, at a hearing or on the basis of representations in writing.

Where Part 1 of the Regulations applies, the main changes to the procedure are—

- (a) that the local planning authority must send a completed questionnaire, and associated documents, within 5 working days of the starting date (regulation 5);
- (b) interested parties are notified of the appeal and are given the opportunity to withdraw any representations they made in relation to the application, but they are not given the opportunity to make any further representations in relation to the appeal (regulation 6);
- (c) the appellant and local planning authority are not given an opportunity to comment on each others representations (regulation 7); and,
- (d) the Welsh Ministers may proceed to a decision on an appeal taking into account only those representations which were submitted within the relevant time limits, where it appears that there is sufficient material to enable a decision to be reached and after giving written notice of the intention to do so (regulation 10).

The Welsh Ministers may, where appropriate transfer an appeal from Part 1 procedures and continue to deal with it under Part 2 (regulation 9). If it is determined that the appeal should no longer proceed on the basis of representations in writing, the Welsh Ministers may make a subsequent determination under section 319B(4) of the Act or section 88E(4) of the Listed Buildings Act to vary the original determination as to procedure so that the appeal is considered at a local inquiry or at a hearing (regulation 3).

There are minor changes to the 2003 Regulations, which are now replaced by Part 2 of the Regulations.

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.wales.gov.uk.