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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1331**

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

**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.