WELSH STATUTORY INSTRUMENTS

2016 No. 57

The Developments of National Significance (Fees) (Wales) Regulations 2016

Fee for examining an application

10.—(1) A fee must be paid to the Welsh Ministers for examining an application (an "examination fee") ("*ffi archwilio*").

(2) The examination fee is to be calculated as the aggregate of—

(a) the number of days or part of a day spent by the appointed person examining the application multiplied by—

(i) for that part of the application examined on the basis of written representations, the daily rate set out in the relevant row of column 3;

(ii) for that part of the application examined by way of hearing or inquiry, the daily rate set out in the relevant row of column 3; and

(b) any additional costs actually incurred by or on behalf of the Welsh Ministers in connection with examining the application.

(3) The costs referred to in paragraph (2)(b) include—

(a) costs incurred in the provision of a venue or other facilities in respect of a hearing or inquiry, including costs reasonably incurred in respect of a hearing or inquiry that does not take place;

(b) costs incurred in giving public notice of a hearing or inquiry;

(c) any costs attributable to the appointment of an assessor;

(d) any reasonable legal costs or other disbursements incurred or paid by or on behalf of the Welsh Ministers in connection with examining an application.

(4) The Welsh Ministers must give the applicant as soon as reasonably practicable an estimate in writing of the number of days examination of the application is likely to take.

(5) The Welsh Ministers may revise the estimate referred to in paragraph (4), at any time.

(6) The Welsh Ministers may invoice the applicant at reasonable intervals in respect of the number of actual days spent and for any actual costs incurred, in examining the application.

(7) Any fee due under this regulation must be received by the Welsh Ministers within the period of 21 days beginning with the date the relevant invoice from the Welsh Ministers is sent.

(8) If the applicant fails to pay any fee due under this regulation within the period specified in paragraph (7), the Welsh Ministers need take no further steps in relation to the application until payment has been received by the Welsh Ministers.

(9) If the applicant fails to pay any fee due under this regulation within the period of 12 weeks beginning on the expiry of the period specified in paragraph (7), the Welsh Ministers need take no further steps in relation to the application and the application is deemed to be withdrawn.

(10) A fee remains payable under this regulation where the application is withdrawn before a report is made under the 2016 Regulations.

(11) In this regulation—

(a) "assessor" ("*asesydd*") means a person appointed to sit with an appointed person at a hearing or inquiry or re-opened hearing or inquiry to assist the appointed person;

(b) a "day" ("*diwrnod*") is deemed to consist of 7.4 hours; and

(c) "examining an application" ("a*rchwilio cais*") includes examination of any secondary consents(**1**) connected to the application where the decision on those consents is to be made by the Welsh Ministers.

(**1**) For secondary consents, see section 62H of the 1990 Act. Section 62H was inserted by section 20 of the Planning (Wales) Act 2015. Secondary consents are prescribed for the purposes of section 62H by the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (S.I. 2016/53) (W.23).