
WELSH STATUTORY INSTRUMENTS

2016 No. 59

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016

Amendments relating to validation

13.—(1) In article 8—

(a) in paragraph (1) for sub-paragraph (a) substitute—

“(a) an application which complies with the requirements of article 5;”

(b) for paragraph (3) substitute—

“(3) Where the local planning authority consider that any fee required to be paid in respect of the application has not been paid (save for where a cheque is dishonoured and paragraphs (2)(c) and (3)(g) of article 22 apply) they must, as soon as reasonably practicable, serve a notice on the applicant stating that the application is invalid. The notice must inform the applicant of the amount of the fee required to be paid and how the fee can be paid.”

(c) after paragraph (3) insert—

“(3A) Where the local planning authority consider that section 62ZA(2) of the 1990 Act applies to the application they must, as soon as reasonably practicable, serve a notice on the applicant stating that the application is invalid. The notice given in accordance with section 62ZA(2) of the 1990 Act must inform the applicant of—

(a) the right of appeal to the Welsh Ministers under section 62ZB of the 1990 Act, and

(b) the time limit in article 24C(2) within which the applicant must give notice of appeal.”

(2) In article 22 in paragraph (3) for sub-paragraph (a) substitute—

“(a) an application which complies with the requirements of article 5;”

(3) In article 23—

(a) for “Where an application” substitute “Where a valid application”;

(b) omit “an application for approval of reserved matters or”;

(c) the provision in article 23 as amended by sub-paragraphs (a) and (b) becomes paragraph (1) of the article; and

(d) after that paragraph insert—

“(2) For the purpose of calculating the periods referred to in paragraph (1) where any fee required in respect of an application has been paid by a cheque which is subsequently dishonoured, the period between the date when the local planning authority sent the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied that they have received the full amount of the fee must be disregarded.

(3) In this article “valid application” (“*cais dilys*”) means an application which consists of—

- (a) an application which includes the information and is accompanied by the documents or other materials required to comply with the terms of the planning permission in question;
- (b) an application which complies with the requirements of article 4 where applicable; and
- (c) any fee required to be paid in respect of the application and, for this purpose, lodging a cheque for the amount of the fee is to be taken as payment,

and a valid application must be taken to have been received when the application and such of the information, documents or other materials referred to above as are required to be included in or to accompany the application and any fee required have been lodged with the local planning authority.

(4) Where the local planning authority consider that any fee required to be paid in respect of the application has not been paid (save for where a cheque is dishonoured and paragraphs (2) and (3)(c) apply) they must, as soon as reasonably practicable, serve a notice on the applicant stating that the application is invalid. The notice must inform the applicant of the amount of the fee required to be paid and how the fee can be paid.

(5) Where the local planning authority consider that section 62ZA(4) of the 1990 Act applies to the application they must, as soon as reasonably practicable, serve a notice on the applicant stating that the application is invalid. The notice given in accordance with section 62ZA(4) of the 1990 Act must inform the applicant of—

- (a) the right of appeal to the Welsh Ministers under section 62ZB of the 1990 Act, and
- (b) the time limit in article 24C(2) within which the applicant must give notice of appeal.”

(4) In Part 5, before article 25 insert—

“Appeals against notice of non-validation

24C.—(1) An applicant who wishes to appeal to the Welsh Ministers under section 62ZB of the 1990 Act must give notice of appeal to the Welsh Ministers by—

- (a) serving on the Welsh Ministers, within the time limit specified in paragraph (2), a form obtained from the Welsh Ministers together with the documents referred to in paragraph (3); and
- (b) serving on the local planning authority, as soon as reasonably practicable, a copy of the form and the documents that are served on the Welsh Ministers.

(2) The time limit mentioned in paragraph (1)(a) is two weeks from the date of the service of the notice pursuant to article 8(3A) or 23(5) stating that the application is invalid or such longer period as the Welsh Ministers may at any time allow.

(3) For the purposes of paragraph (1)(a) the documents are—

- (a) in the case of an application for planning permission—
 - (i) a copy of the notice served pursuant to article 8(3A) stating that the application is invalid;
 - (ii) a copy of the application made to the local planning authority which has occasioned the appeal; and
 - (iii) a copy of the forms, documents, plans, drawings, statements, declarations, certificates, particulars or evidence mentioned in articles 5 and 8(1) which were

- given to the authority in connection with the application before the date of the notice served pursuant to article 8(3A) stating that the application is invalid.
- (b) in the case of an application made under article 23—
- (i) a copy of the notice served pursuant to article 23(5) stating that the application is invalid;
 - (ii) a copy of the application made to the local planning authority which has occasioned the appeal;
 - (iii) a copy of the notice of the decision to grant planning permission, if any, pursuant to which the application is made; and
 - (iv) a copy of the forms, documents, plans, drawings, statements, declarations, certificates, particulars or evidence (including such of them that are mentioned in article 4(1) where applicable) which were given to the authority in connection with the application before the date of the notice served pursuant to article 23(5) stating that the application is invalid.
- (c) Where sub-paragraph (b)(iii) applies and a revised version of the notice of the decision has been issued by the authority in accordance with section 71ZA(5) of the 1990 Act and article 24A, sub-paragraph (b)(iii) is to be read as referring to the revised version of the notice.
- (4) The Welsh Ministers may refuse to accept a notice of appeal from an applicant if the form and documents required under paragraph (1)(a) are not served on the Welsh Ministers within the time limit specified in paragraph (2).
- (5) The Welsh Ministers may provide, or arrange for the provision of, a website for use for such purposes as the Welsh Ministers think fit which—
- (a) relate to appeals under section 62ZB of the 1990 Act and this article, and
 - (b) are capable of being carried out electronically.
- (6) Where a person gives notice of appeal to the Welsh Ministers using electronic communications, the provisions of article 32 apply.”
- (5) In the heading to article 25, after “Notice of appeal” insert “under section 78 of the 1990 Act”.
- (6) In the heading to article 26, after “Appeals” insert “under section 78 of the 1990 Act”.
- (7) In the heading to article 26A(1), after “Appeal made” insert “under section 78 of the 1990 Act”.