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WELSH STATUTORY INSTRUMENTS

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**2017 No. 544**

**The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017**

**PART 4**

**Written Representations**

**Application of Part 4**

**21.**—(1) This Part applies where—

- (a) notice of appeal has been received; and
- (b) the Welsh Ministers determine that the appeal is to be considered on the basis of written representations, a hearing, an inquiry or combined proceedings; or
- (c) the appeal has been transferred from Part 3.

(2) This Part also applies where—

- (a) the Welsh Ministers have made a determination that all or part of the appeal is to be considered on the basis of a hearing or inquiry, and
- (b) they subsequently vary that determination such that the appeal or parts of the appeal is or are to be considered on the basis of written representations,

to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to the appeal.

**Representations**

**22.**—(1) The appellant's representations in relation to the appeal (other than a referred application) will be deemed to comprise the notice of appeal, its accompanying documents (where applicable) and the full statement of case.

(2) The appellant's representations in relation to a referred application will be deemed to comprise the application, its supporting documents and, if the appellant so elects, a full statement of case.

(3) In relation to appeals, other than referred applications and enforcement appeals, the local planning authority may—

- (a) elect to treat the questionnaire, and the documents accompanying it, as their 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 16; or
- (b) submit a full statement of case to the Welsh Ministers which, together with the questionnaire and its accompanying documents, will be deemed to comprise the local planning authority's representations in relation to the appeal.

(4) In relation to a referred application, the local planning authority may elect to submit a full statement of case to the Welsh Ministers.

(5) In relation to enforcement appeals and discontinuance notices, the local planning authority must submit a full statement of case to the Welsh Ministers which, together with the questionnaire and its accompanying documents (where applicable), will be deemed to comprise the local planning authority's representations in relation to the appeal.

(6) The local planning authority must send two copies of their full statement of case under paragraphs (3)(b), (4) and (5) to the Welsh Ministers so as to be received within 4 weeks of the starting date.

(7) The Welsh Ministers must send a copy of the local planning authority's full statement of case—

- (a) to the appellant; and
- (b) in the case of an enforcement appeal, to any person on whom a copy of the enforcement notice has been served.

### **Interested persons' representations**

**23.**—(1) A person who has been notified under regulation 17 may send representations to the Welsh Ministers so as to be received by the Welsh Ministers within 4 weeks of the starting date.

(2) Interested persons must send three copies of any representations they make to the Welsh Ministers so as to be received within 4 weeks of the starting date.

(3) The Welsh Ministers must send a copy of any representations received from interested persons to the appellant and the local planning authority.

### **Further representations**

**24.**—(1) The appellant, the local planning authority, and interested persons may send written comments on each other's representations to the Welsh Ministers so as to be received within the representation period.

(2) The appellant and the local planning authority must send two copies of any representations they make to the Welsh Ministers so as to be received within the representation period.

(3) Interested persons must send three copies of the any representations they make to the Welsh Ministers so as to be received within the representation period.

(4) The Welsh Ministers must send a copy of the written comments of each party to the other parties.

### **Written representations inappropriate**

**25.**—(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 the appeal will proceed in accordance with Part 5 of these Regulations or by means of combined proceedings, to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to those proceedings.