

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7 Enforcement Appeals etc

Section 49 – Costs on applications, appeals and references

178. This section inserts section 322C into the TCPA 1990. Section 322C replaces a number of existing provisions relating to the costs of planning applications and appeals that are considered by the Welsh Ministers, in particular provisions contained in sections 320, 322 and 322A of the TCPA 1990 and paragraph 6 of Schedule 6. Those provisions apply section 250(4) and (5) of the Local Government Act 1972, which relates to the costs of local inquiries, to planning proceedings for certain purposes. Section 250(4) and (5) deals with the powers of Ministers to require the parties to the proceedings to pay the Ministers' costs, and to require one party to pay the costs incurred by another party.
179. Section 322C brings all costs provisions relating to planning procedures into one place and applies whether matters proceed by way of written representations, hearing or inquiry. The section allows the Welsh Ministers to recover the entire administrative costs they incur, including general staff costs and overheads. The section also allows the Welsh Ministers to prescribe a standard daily amount.
180. This is a standalone provision for costs to be awarded following an application, appeal or reference to the Welsh Ministers. Subsection (2) enables the Welsh Ministers to direct that their own costs are recovered from the local planning authority or party to an appeal. Subsection (3) allows the Welsh Ministers to recover administrative costs incurred. Subsection (4) allows the Welsh Ministers to recover costs in respect of an inquiry or hearing that does not take place and costs incurred in reviewing planning obligations. Subsection (5) allows the Welsh Ministers, by regulations, to prescribe a standard daily amount for costs. Subsection (6) enables the Welsh Ministers may make orders for costs. This means that one party can be ordered to pay another party's costs.