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WELSH STATUTORY INSTRUMENTS

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**2014 No. 2773**

**The Town and Country Planning (Determination  
of Procedure) (Wales) Order 2014**

**Title and commencement**

1.—(1) The title of this Order is The Town and Country Planning (Determination of Procedure) (Wales) Order 2014.

(2) This Order comes into force 28 days after the day on which it is made.

**Commencement Information**

II Art. 1 in force at 11.11.2014, see [art. 1\(2\)](#)

**Determination of procedure**

2.—(1) After section 319A of the Town and Country Planning 1990 Act<sup>(1)</sup> (the title of which becomes “Determination of procedure for certain proceedings: England”) insert—

**“Determination of procedure for certain proceedings: Wales**

**319B.**—(1) The Welsh Ministers must make a determination as to the procedure by which proceedings to which this section applies are to be considered.

(2) A determination under subsection (1) must provide for the proceedings to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—

- (a) at a local inquiry;
- (b) at a hearing;
- (c) on the basis of representations in writing.

(3) The Welsh Ministers must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.

(4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.

(5) The Welsh Ministers must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).

(6) The Welsh Ministers must publish the criteria which are to be applied in making determinations under subsection (1).

(7) This section applies to—

- (a) an application referred to the Welsh Ministers under section 77;
- (b) an appeal to the Welsh Ministers under section 78;

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(1) 1990 c. 8. Section 319A was inserted by section 196(1) of the 2008 Act. It was amended by the Growth and Infrastructure Act 2013 (c. 27). Section 196(1) has not been fully commenced.

- (c) an appeal to the Welsh Ministers under section 174;
- (d) an appeal to the Welsh Ministers under section 195; and
- (e) an appeal to the Welsh Ministers under section 208.

(8) But this section does not apply to proceedings if they are referred to a Planning Inquiry Commission under section 101; and on proceedings being so referred, any determination made in relation to the proceedings under subsection (1) ceases to have effect.

(9) The Welsh Ministers may by order amend subsection (7) to—

- (a) add proceedings to, or remove proceedings from, the list of proceedings to which this section applies, or
- (b) otherwise modify the descriptions of proceedings to which this section applies.

(10) An order under subsection (9) may—

- (a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;
- (b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

(11) No order may be made under subsection (9) unless a draft of the instrument containing the order has been laid before and approved by resolution of the National Assembly for Wales.”

(2) After section 88D of the Planning (Listed Buildings and Conservation Areas) Act 1990(2) (the title of which becomes “Determination of procedure for certain proceedings: England”) insert—

**“Determination of procedure for certain proceedings: Wales**

**88E.**—(1) The Welsh Ministers must make a determination as to the procedure by which proceedings to which this section applies are to be considered.

(2) A determination under subsection (1) must provide for the proceedings to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—

- (a) at a local inquiry;
- (b) at a hearing;
- (c) on the basis of representations in writing.

(3) The Welsh Ministers must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.

(4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.

(5) The Welsh Ministers must notify the appellant or applicant (as the case may be) and the local planning authority of any determination made under subsection (1).

(6) The Welsh Ministers must publish the criteria which are to be applied in making determinations under subsection (1).

(7) This section applies to—

- (a) an application referred to the Welsh Ministers under section 12;
- (b) an appeal to the Welsh Ministers under section 20;
- (c) an appeal to the Welsh Ministers under section 39.

(8) The Welsh Ministers may by order amend subsection (7) to—

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(2) 1990 c. 9. Section 88D was inserted by section 196(2) of the 2008 Act. Section 196(2) has not been fully commenced.

- (a) add proceedings under this Act to, or remove proceedings under this Act from, the list of proceedings to which this section applies; or
  - (b) otherwise modify the descriptions of proceedings under this Act to which this section applies.
- (9) An order under subsection (8) may—
- (a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;
  - (b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.
- (10) No order may be made under subsection (8) unless a draft of the instrument containing the order has been laid before and approved by resolution of the National Assembly for Wales.”
- (3) After section 21A of the Planning (Hazardous Substances) Act 1990(3) insert—

**“Determination by the Welsh Ministers of procedure for certain proceedings**

**21B.**—(1) The Welsh Ministers must make a determination as to the procedure by which proceedings to which this section applies are to be considered.

(2) A determination under subsection (1) must provide for the proceedings to be considered in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—

- (a) at a local inquiry;
- (b) at a hearing;
- (c) on the basis of representations in writing.

(3) The Welsh Ministers must make a determination under subsection (1) in respect of proceedings to which this section applies before the end of the prescribed period.

(4) A determination under subsection (1) may be varied by a subsequent determination under that subsection at any time before the proceedings are determined.

(5) The Welsh Ministers must notify the appellant or applicant (as the case may be) and the hazardous substances authority of any determination made under subsection (1).

(6) The Welsh Ministers must publish the criteria which are to be applied in making determinations under subsection (1).

(7) This section applies to—

- (a) an application referred to the Welsh Ministers under section 20;
- (b) an appeal to the Welsh Ministers under section 21.

(8) The Welsh Ministers may by order amend subsection (7) to—

- (a) add proceedings under this Act to, or remove proceedings under this Act from, the list of proceedings to which this section applies; or
- (b) otherwise modify the descriptions of proceedings under this Act to which this section applies.

(9) An order under subsection (8) may—

- (a) contain incidental, supplementary, consequential, transitional and transitory provision and savings;
- (b) amend, repeal or revoke any provision made by or under this Act or by or under any other Act.

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(3) 1990 c. 10. Section 21A was inserted by section 196(3) of the 2008 Act. Section 196(3) has not been fully commenced.

(10) No order may be made by the Welsh Ministers under subsection (8) unless a draft of the instrument containing the order has been laid before, and approved by resolution of the National Assembly for Wales.”

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**Commencement Information**

**I2** Art. 2 in force at 11.11.2014, see [art. 1\(2\)](#)

**Consequential Amendments**

**3.** The Schedule (further provisions as to the procedure for certain proceedings) has effect.

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**Commencement Information**

**I3** Art. 3 in force at 11.11.2014, see [art. 1\(2\)](#)

14 October 2014

*Carl Sargeant*  
Minister for Natural Resources, one of the Welsh  
Ministers

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Determination of Procedure) (Wales) Order 2014.