
WELSH STATUTORY INSTRUMENTS

2016 No. 56

The Developments of National
Significance (Wales) Regulations 2016

PART 6

Written representations

Application of Part 6

17.—(1) This Part applies where—

- (a) notice of acceptance has been given; and
- (b) the Welsh Ministers have determined that the application is to be considered on the basis of written representations only.

(2) This Part also applies where—

- (a) the Welsh Ministers have made a determination that all or part of the application is to be considered on the basis of a hearing or an inquiry; and
- (b) they subsequently vary that determination such that the application or parts of the application 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 application.

Commencement Information

II [Reg. 17](#) in force at 1.3.2016, see [reg. 1\(2\)](#)

Report

18.—^[F1(A1)] This regulation applies where the function of determining the application is to be exercised by the Welsh Ministers.]

(1) The appointed person must make a report in writing to the Welsh Ministers which must include the appointed person's conclusions and recommendations (or reasons for not making any recommendations).

(2) Paragraph (3) applies if the Welsh Ministers are minded to disagree with a recommendation in the appointed person's report because they—

- (a) differ from the appointed person on any matter of fact mentioned in, or appearing to them to be material to, a conclusion reached by the appointed person, or
- (b) have taken into consideration any new evidence or new matter of fact (not being a matter of policy).

(3) The Welsh Ministers must not come to a decision which is at variance with the appointed person's recommendation without first—

- (a) notifying the applicant, the local planning authority and those persons who submitted written representations of their disagreement and the reasons for their disagreement; and
- (b) affording them an opportunity of making written representations to the Welsh Ministers.

(4) Those making written representations must ensure that such representations are received by the Welsh Ministers within such time as the Welsh Ministers state in notification under paragraph (2).

(5) The Welsh Ministers may cause a hearing or inquiry to be held if they have taken into consideration any new evidence or new matter of fact, not being a matter of policy.

(6) Where a hearing or inquiry is to be held the Welsh Ministers must send to the applicant, the local planning authority and persons submitting written representations a written statement of the matters with respect to which further representations are invited for the purposes of the Welsh Ministers' further consideration of the application.

(7) Regulation 15(2) to (6) apply to any evidence or representation in writing submitted to the Welsh Ministers in accordance with paragraph (3) of this regulation.

F1 [Reg. 18\(A1\)](#) inserted (1.4.2019) by [The Developments of National Significance \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/288\)](#), regs. 1, **2(4)**

Commencement Information

I2 [Reg. 18](#) in force at 1.3.2016, see [reg. 1\(2\)](#)

[^{F2}Report: electric lines

18A.—(1) This regulation applies where the function of determining the application is to be exercised by an appointed person.

(2) The appointed person must make a report in writing which must include the appointed person's conclusions and determination.

(3) The appointed person may cause a hearing or inquiry to be held if after having considered the written representations the appointed person is minded to take into consideration any new evidence or new matter of fact, not being a matter of policy.

(4) Where a hearing or inquiry is to be held, the appointed person must send to the applicant, the local planning authority and persons submitting written representations, a written statement of the matters with respect to which further representations are invited for the purposes of the appointed person's further consideration of the application.

(5) Those making further representations must ensure that such representations are received by the appointed person within such time as the appointed person states in the invitation under paragraph (4).

(6) Regulation 15(2) to (6) apply to any further representations submitted to the appointed person in accordance with paragraph (5), as if references to the Welsh Ministers were to the appointed person.]

F2 [Reg. 18A](#) inserted (1.4.2019) by [The Developments of National Significance \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/288\)](#), regs. 1, **2(5)**

Proceeding to a decision

19.—(1) The Welsh Ministers may proceed to determine an application—

- (a) if no written representations have been made within the relevant time limits, after giving the applicant and the local planning authority written notice of their intention to do so;
- (b) if further representations have been requested, after any period allowed for the provision of further representations has expired.

(2) In this regulation, “relevant time limits” (“*terfynau amser perthnasol*”) means the time limits [F3]prescribed by regulations 15, 18 and 18A] or by any direction given under regulation 4.

F3 Words in [reg. 19\(2\)](#) substituted (1.4.2019) by [The Developments of National Significance \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/288\)](#), regs. 1, [2\(6\)](#)

Commencement Information

I3 [Reg. 19](#) in force at 1.3.2016, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016, PART 6.