



Planning (Wales) Act 2015

2015 anaw 4

PART 7 **E+W**

ENFORCEMENT, APPEALS ETC

Appeals etc: costs and procedure

49 Costs on applications, appeals and references **E+W**

In TCPA 1990, after section 322B insert—

“322C Costs: Wales

- (1) This section applies in relation to any application, appeal or reference under this Act to the Welsh Ministers (whether it is considered at an inquiry or hearing or on the basis of written representations).
- (2) The costs incurred by the Welsh Ministers in relation to the application, appeal or reference (or so much of them as the Welsh Ministers may direct) are to be paid by the applicant, appellant or person making the reference, or such local planning authority or other party to the application, appeal or reference, as the Welsh Ministers may direct.
- (3) Costs incurred by the Welsh Ministers in relation to an application, appeal or reference include the entire administrative cost incurred in connection with it so that, in particular, there shall be treated as costs incurred by the Welsh Ministers such reasonable sum as the Welsh Ministers may determine in respect of general staff costs and overheads of the Welsh Government.
- (4) The costs to which subsection (2) applies include costs in respect of an inquiry or hearing that does not in the event take place and costs incurred in reviewing planning obligations (within the meaning of section 106).
- (5) The Welsh Ministers may by regulations prescribe a standard daily amount for cases involving an inquiry or hearing of any description or cases of any

Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, Section 49. (See end of Document for details)

description considered on the basis of representations in writing; and where an inquiry or hearing of that description takes place or a case of that description is considered on the basis of representations in writing, the costs incurred by the Welsh Ministers are to be taken to be—

- (a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which a prescribed person is engaged in dealing with the case;
 - (b) costs actually incurred in connection with dealing with the case on travelling or subsistence allowances or the provision of accommodation or other facilities;
 - (c) any costs attributable to the appointment of prescribed persons to assist in dealing with the case;
 - (d) any legal costs or disbursements incurred or made by or on behalf of the Welsh Ministers in connection with the case.
- (6) The Welsh Ministers may make orders as to the costs of the applicant or appellant or any other party to the application, appeal or reference, and as to the person or persons by whom the costs are to be paid.”

Commencement Information

I1 S. 49 partly in force; s. 49 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)

I2 S. 49 in force at 1.3.2016 in so far as not already in force by S.I. 2016/52, art. 2(b) (with art. 16)

Changes to legislation:

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