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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations lay down the procedure and time limits in connection with the determination of certain prescribed applications that are referred to the Welsh Ministers and appeals (regulation 2) where the matters are to be considered on the basis of written representations.

They revoke and replace, with some changes, the Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2003 (“the 2003 Regulations”), subject to transitional and saving provisions.

The main changes made by the Regulations are the introduction of a new, expedited procedure in Part 1 of the Regulations. This applies where the Welsh Ministers have determined under section 319B of the Town and Country Planning Act 1990 (“the Act”) that a householder, advertisement consent or minor commercial appeal is to be dealt with on the basis of representations in writing.

Section 319B of the Act and section 88E of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) were inserted by the Town and Country Planning (Determination of Procedure) (Wales) Order 2014.

The Welsh Ministers have the power under section 319B of the Act and section 88E of the Listed Buildings Act to determine the procedure to be used to determine certain applications referred to the Welsh Ministers or appeals made under the Act and the Listed Buildings Act.

The procedure adopted may be at a local inquiry, at a hearing or on the basis of representations in writing.

Where Part 1 of the Regulations applies, the main changes to the procedure are—

- (a) that the local planning authority must send a completed questionnaire, and associated documents, within 5 working days of the starting date (regulation 5);
- (b) interested parties are notified of the appeal and are given the opportunity to withdraw any representations they made in relation to the application, but they are not given the opportunity to make any further representations in relation to the appeal (regulation 6);
- (c) the appellant and local planning authority are not given an opportunity to comment on each others representations (regulation 7); and,
- (d) the Welsh Ministers may proceed to a decision on an appeal taking into account only those representations which were submitted within the relevant time limits, where it appears that there is sufficient material to enable a decision to be reached and after giving written notice of the intention to do so (regulation 10).

The Welsh Ministers may, where appropriate transfer an appeal from Part 1 procedures and continue to deal with it under Part 2 (regulation 9). If it is determined that the appeal should no longer proceed on the basis of representations in writing, the Welsh Ministers may make a subsequent determination under section 319B(4) of the Act or section 88E(4) of the Listed Buildings Act to vary the original determination as to procedure so that the appeal is considered at a local inquiry or at a hearing (regulation 3).

There are minor changes to the 2003 Regulations, which are now replaced by Part 2 of the Regulations.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at [www.wales.gov.uk](http://www.wales.gov.uk).