
WELSH STATUTORY INSTRUMENTS

2015 No. 1522

The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015

Refund of fees in relation to applications not determined within specified periods

9.—(1) Subject to paragraph (4), any fee paid by an applicant in respect of an application for planning permission or for the approval of reserved matters, must be refunded to the applicant in the event that the local planning authority fail to determine the application within the periods specified in paragraph (2).

(2) The periods specified are—

- (a) where an application for planning permission relates to a category of development which falls within category 6 or 7 in the table set out in Part 2 of Schedule 1, 8 weeks;
- (b) in any other case, 16 weeks.

(3) The periods specified in paragraph (2) start on the expiry of the period for the giving of notice of a decision on the application specified in article 22(2) of the Development Management Procedure Order.

(4) Paragraph (1) does not apply where—

- (a) the Welsh Ministers give a direction under section 77 of the 1990 Act (reference of applications to the Welsh Ministers)⁽¹⁾ in relation to the application before the periods specified in paragraph (2) have expired;
- (b) the applicant has appealed to the Welsh Ministers under section 78(2) of the 1990 Act before the periods specified in paragraph (2) have expired; or
- (c) any person who is aggrieved by any decision of the local planning authority in relation to the application has made an application to the High Court before the periods specified in paragraph (2) have expired.

(1) Section 77 was amended by section 32 of, and paragraphs 1 and 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2014/2773 (W. 280). Other amendments are not relevant to these Regulations.