
WELSH STATUTORY INSTRUMENTS

2016 No. 57

**The Developments of National Significance
(Fees) (Wales) Regulations 2016**

Fee for the Welsh Ministers determining an application

12.—(1) A fee must be paid to the Welsh Ministers for determining an application (a “determination fee”) (*“ffi benderfynu”*).

(2) The determination fee is the aggregate of—

(a) a fixed fee; and

(b) any additional costs actually incurred by or on behalf of the Welsh Ministers in connection with determining the application.

(3) The fixed fee is the amount set out in the relevant row of column 3.

(4) The costs referred to in paragraph (2)(b) include—

(a) any reasonable legal costs or other disbursements incurred or paid by or on behalf of the Welsh Ministers in connection with determining the application; and

(b) costs incurred in reviewing and considering planning obligations⁽¹⁾.

(5) The Welsh Ministers may invoice the applicant for the fixed fee at any time after receiving the appointed person’s report and at reasonable intervals in respect of any additional costs actually incurred in connection with determining the application.

(6) Any fee due under this regulation must be received by the Welsh Ministers within the period of 21 days beginning with the date the relevant invoice from the Welsh Ministers is sent.

(7) If the applicant fails to pay any fee due under this regulation within the period specified in paragraph (6), the Welsh Ministers need take no further steps in relation to the application until payment has been received by the Welsh Ministers.

(8) If the applicant fails to pay any fee due under this regulation within the period of 12 weeks beginning on the expiry of the period specified in paragraph (6), the Welsh Ministers need take no further steps in relation to the application and the application is deemed to be withdrawn.

(9) A determination fee remains payable notwithstanding the application being withdrawn before the Welsh Ministers determine the application.

(10) In this regulation “determining an application” (*“penderfynu cais”*) includes determination of any secondary consents connected with the application where the decision on those consents is to be made by the Welsh Ministers.

(1) For “Planning obligations” see section 106 of the 1990 Act. Section 106 was substituted by section 12(1) of the Planning and Compensation Act 1991 (c 3) and amended by section 174(2) of the Planning Act 2008 (c. 29). Other amendments are not relevant to these Regulations.