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## EXPLANATORY NOTE

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

These Regulations are one of a number of statutory instruments made at the same time which establish a new procedure for referred applications and appeals in Wales.

These Regulations provide for the procedure in relation to:

- applications for planning permission, listed building consent, conservation area consent and hazardous substances consent referred to the Welsh Ministers for determination (“referred applications”).
- appeals to the Welsh Ministers in relation to planning permission, listed building consent, conservation area consent, hazardous substances consent, advertisement consent, certificates of lawfulness of existing or proposed use or development and consents under tree preservation orders.
- appeals to the Welsh Ministers in relation to enforcement notices, listed buildings enforcement notices, conservation area enforcement notices, hazardous substances contravention notices, advertisement discontinuance notices, tree replacement notices and notices concerning the maintenance of land (“enforcement appeals”).

These Regulations shorten the timescales for the appeal process. The main changes are as follows:

- the statutory instruments made at the same time as these Regulations require the appellant to submit a full statement of case with a notice of appeal. These Regulations provide that the local planning authority must submit a full statement of case in relation to enforcement appeals and may elect to do so in relation to other appeals. The local planning authority’s full statement of case must be received by the Welsh Ministers within 4 weeks of the Welsh Ministers’ notification of receipt of appeal.
- the date of the hearing must be no later than 10 weeks, and the date of the inquiry must be no later than 18 weeks, after the Welsh Ministers notification of receipt of appeal. Where the Welsh Ministers consider this to be impracticable the date for the hearing or inquiry must be the earliest date which the Welsh Ministers consider is practicable.

These Regulations also provide for referred applications and appeals to the Welsh Ministers to be dealt with by a combination of procedures, rather than by means of only written representations, hearings or inquiries, where the Welsh Ministers consider it appropriate. The Welsh Ministers must make a determination as to the procedure by which proceedings are to be considered within 6 weeks of the Welsh Ministers’ notification of receipt of appeal.

These Regulations revoke the instruments or parts of the instruments set out in Schedule 4 which they replace and make a consequential amendment to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801 (W. 110)).

There are transitional and savings provisions for appeals in relation to applications made before the Regulations come into force and for enforcement appeals in relation to enforcement notices and discontinuance notices issued before the Regulations come into force (regulation 53).

A regulatory impact assessment has been prepared in relation to this instrument. Copies are available from the Welsh Government, Cathays Park, Cardiff CF10 3NQ and on the Welsh Government’s website at [www.gov.wales](http://www.gov.wales).