
WELSH STATUTORY INSTRUMENTS

2018 No. 1077

The Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018

PART 2

Determination of applications for approval

Refusal to determine application for approval

3.—(1) An approving body⁽¹⁾ may refuse to determine an application for approval which is not made in accordance with paragraph 9(2) or 10(2) (as the case may be) of Schedule 3.

(2) Where an approving body refuses to determine an application pursuant to paragraph (1), it must as soon as practicable—

- (a) inform the applicant of the refusal and the reasons for it, and
- (b) return any application fee accompanying the application.

Duty to consult before determining application for approval

4.—(1) An approving body, when requesting a response from a person consulted under paragraph 11(3) of Schedule 3 (a “consultee”), must specify a date for response which is within 3 weeks beginning on the first working day after sending the request.

(2) Before the end of the period specified under paragraph (1) the approving body and consultee may agree a different date for response.

(3) The approving body may disregard a response that is received from a consultee after the relevant time limit.

- (4) In this regulation, “relevant time limit” means—
- (a) a period specified under paragraph (1), or
 - (b) any other period agreed under paragraph (2).

Time limits for determining applications for approval

5.—(1) An approving body must determine—

- (a) an application for approval that relates to a development that is the subject of an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017⁽²⁾ (“the 2017 Regulations”) within the period of 12 weeks beginning on the first working day after it receives a valid application, or

(1) “Approving body” is defined in paragraph 6 of Schedule 3.

(2) [S.I. 2017/567 \(W. 136\)](#).

- (b) any other application for approval within the period of 7 weeks beginning on the first working day after it receives a valid application.
- (2) Before the end of the period specified in sub-paragraph (a) or (b) (as the case may be) of paragraph (1), the approving body and applicant may agree a longer time for determining an application.
- (3) An approving body which fails to determine an application within the relevant time limit is deemed to have refused the application.
- (4) In this regulation—
 - “development” (“*datblygiad*”) has the meaning given in section 55(1) of the Town and Country Planning Act 1990(3);
 - “Environmental Impact Assessment” (“*Asesiad o’r Effaith Amgylcheddol*”) has the meaning given in regulation 2 of the 2017 Regulations;
 - “relevant time limit” (“*terfyn amser perthnasol*”) means—
 - (a) a period specified in paragraph (1), or
 - (b) any longer period agreed under paragraph (2).