
WELSH STATUTORY INSTRUMENTS

2018 No. 1181

The Sustainable Drainage (Appeals) (Wales) Regulations 2018

PART 3

Procedure for determining an appeal

Procedure for appeals

9.—(1) Paragraphs (2) to (5) of this regulation apply where the Welsh Ministers are in receipt of a valid notice of appeal.

(2) Section 319B(1) (determination of procedure for certain proceedings: Wales) of the 1990 Act and the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017(2) (“the 2017 Regulations”) apply with the modifications described in paragraph (3) to an appeal under these Regulations as if it were an appeal under section 78 (right to appeal against planning decisions and failure to take such decisions) of the 1990 Act.

(3) The modifications are—

- (a) any reference to an appeal under section 78 of the 1990 Act is to be read as a reference to an appeal against a decision under these Regulations;
- (b) any reference to an “appellant” has the meaning given in regulation 2(1);
- (c) any reference to an “appointed person” means a person appointed to report to the Welsh Ministers;
- (d) any reference to interested persons is to be read as a reference to the consultees specified in paragraph 11(3) of Schedule 3;
- (e) any reference to the local planning authority is to be read as a reference to the approving body;
- (f) any reference to a “statement of case” is a reference to the statement in regulation 6(1)(c);
- (g) the documents to accompany a questionnaire provided by an approving body pursuant to regulation 16 of the 2017 Regulations, must include where relevant a copy of—
 - (i) any correspondence between the approving body and the consultees referred to in sub-paragraph (d);
 - (ii) any correspondence between the approving body and the local planning authority;
 - (iii) any correspondence between the approving body and the appellant in relation to the application, request or certificate that was not submitted with the documents accompanying the notice of appeal.

(4) In this regulation “valid notice of appeal” means a notice of appeal—

- (a) which complies with the requirements of regulation 6(1),
- (b) is sent to the Welsh Ministers—

(1) Section 319B was inserted by [S.I. 2014/2773 \(W. 280\)](#).

(2) [S.I. 2017/544 \(W. 121\)](#).

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- (i) in accordance with regulation 6(2),
- (ii) within the relevant period specified in regulation 5, and
- (c) in relation to which the appellant certifies that a copy has been sent to the approving body in accordance with regulation 6(3).