
WELSH STATUTORY INSTRUMENTS

2018 No. 1181

The Sustainable Drainage (Appeals) (Wales) Regulations 2018

PART 4

Determination of an appeal

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10.—(1) An appeal under these Regulations is to be determined by the Welsh Ministers.

(2) For the purposes of paragraph (1), the Welsh Ministers may appoint a person (“the appointed person”) to report to the Welsh Ministers.

Powers of Welsh Ministers when determining an appeal

11.—(1) When determining an appeal against a decision, the Welsh Ministers—

- (a) may affirm the decision or substitute the decision, and
- (b) have the same powers and duties as the approving body when making the decision.

(2) In affirming a decision about an application for approval, the Welsh Ministers may modify the decision by removing, substituting or imposing conditions of approval.

(3) A substituted decision or a condition substituted or imposed by the Welsh Ministers is taken to be a decision made, or a condition imposed, by the approving body.

Specific duties

12.—(1) In substituting or modifying a decision about an application for approval, the Welsh Ministers must have regard to—

- (a) the national standards for sustainable drainage, and
- (b) any guidance issued under paragraph 15 of Schedule 3.

(2) In substituting a decision about a request to adopt, the Welsh Ministers when considering whether or not they are satisfied as to Condition 2 in paragraph 17 of Schedule 3 must have regard to any guidance issued under sub-paragraph (4) of that paragraph.

(3) In substituting or imposing a condition, the Welsh Ministers must have regard to—

- (a) for a condition that specifies a non-performance bond, any guidance issued under paragraph 12(6) of Schedule 3, and
- (b) the national standards for sustainable drainage.