

2014 No. 2775 (W. 281)

**TOWN AND COUNTRY
PLANNING, WALES**

The Town and Country Planning
(Determination of Procedure)
(Prescribed Period) (Wales)
Regulations 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Welsh Ministers in exercise of the powers conferred on them by sections 319B and 333 of the Town and Country Planning Act 1990 (“the 1990 Act”).

These Regulations are preceded by the Town and Country Planning (Determination of Procedure) (Wales) Order 2014, which inserted section 319B into the 1990 Act.

Section 319B of the 1990 Act gives the Welsh Ministers the power to determine the procedure for certain proceedings in Wales, namely proceedings for applications referred to the Welsh Ministers under section 77 and appeals under sections 78, 174, 195 and 208 of the 1990 Act. Determinations of procedure for such proceedings must be made by the Welsh Ministers before the end of the prescribed period.

These Regulations prescribe that period as seven working days from the relevant date, which is defined for these purposes.

An impact assessment has been prepared in relation to this instrument. Copies may be obtained from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**TOWN AND COUNTRY
PLANNING, WALES**

The Town and Country Planning
(Determination of Procedure)
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Regulations 2014

Made 14 October 2014

Laid before the National Assembly for Wales
17 October 2014

Coming into force 12 November 2014

The Welsh Ministers, in exercise of the powers conferred on them by section 319B(1) of the Town and Country Planning Act 1990 and on the Secretary of State by section 333 of that Act(2) and now exercisable by them(3), make the following Regulations:

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Town and Country Planning (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014.

(2) These Regulations come into force on 12 November 2014.

(3) In these Regulations “the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990.

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- (1) 1990 c. 8. Section 319B of the 1990 Act was inserted by the Town and Country Planning (Determination of Procedure) (Wales) Order 2014, S.I.2014/2773 (W.280).
- (2) There are amendments to section 333 of the 1990 Act but none are relevant to these Regulations.
- (3) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990.

Prescribed period

2.—(1) For the purposes of section 319B(3) of the 1990 Act the prescribed period is seven working days from the relevant date.

(2) In paragraph (1)—

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday in Wales; and

“the relevant date” (“*y dyddiad perthnasol*”) means—

- (a) in relation to referrals under section 77(1) of the 1990 Act, the day on which the Welsh Ministers receive notice of the referral from the local planning authority;
- (b) in relation to an appeal under section 78(2) of the 1990 Act, the day on which the Welsh Ministers receive the completed form and the documents specified in article 26(1) and (3) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(3);
- (c) in relation to an appeal under section 174(4) of the 1990 Act, the day on which the Welsh Ministers receive notice of the appeal under section 174(3) together with the statement of appeal submitted in accordance with regulation 5 of the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003(5);
- (d) in relation to appeals under section 195(6) of the 1990 Act, the day on which the Welsh Ministers receive notice of the appeal from the applicant; and
- (e) in relation to appeals under section 208(7) of the 1990 Act, the day on which the Welsh Ministers receive notice of the appeal from the applicant.

Carl Sargeant

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- (1) There are amendments to section 77 of the 1990 Act but none are relevant to these Regulations.
 - (2) There are amendments to section 78 of the 1990 Act but none are relevant to these Regulations.
 - (3) S.I. 2012/801 (W. 110).
 - (4) Section 174 of the 1990 Act was amended by section 6(1) of the Planning and Compensation Act 1991; section 63 of, and paragraphs 2 and 5 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013; and the Town and Country Planning (Electronic Communications) (Wales) (No.1) Order 2004. There are other amendments to section 174 but none are relevant to these Regulations.
 - (5) S.I. 2003/394 (W. 53).
 - (6) Section 195 was amended by section 32 of, and paragraph 32 of Schedule 7 to, the Planning and Compensation Act 1991; and section 197 of, and paragraphs 1 and 3 of Schedule 11 to, the Planning Act 2008.
 - (7) There are amendments to section 208 of the 1990 Act but none are relevant to these Regulations.

Minister for Natural Resources, one of the Welsh
Ministers

14 October 2014