

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7 Enforcement Appeals etc

Section 50 – Procedure for certain proceedings

181. This section inserts section 323A into the TCPA 1990. Section 323A allows the Welsh Ministers to make regulations setting out the procedures for planning determinations, whether they proceed by way of written representations, hearing or inquiry.
182. Section 323A replaces section 323 of the TCPA 1990 in relation to Wales. Section 323 allowed the Welsh Ministers to make regulations for the procedure to be followed where matters were determined on the basis of written representations, rules for the procedure to be followed at hearings and inquiries being made by the Lord Chancellor under section 9 of the Tribunals and Inquiries Act 1992. The Lord Chancellor's power to make rules for planning proceedings in Wales is replaced by the Welsh Ministers' power to make regulations under section 323A.
183. Section 323A enables the Welsh Ministers to prescribe, by regulations, the procedure to be followed in connection with appeals, applications or references that are considered by the Welsh Ministers and dealt with in writing, by hearing or inquiry. The regulations may make provision about the procedure to be followed in connection with matters before or after an inquiry, hearing or the making of written representations. The regulations may prescribe timescales for the submission of documents and representations and the giving of directions. The regulations may prevent new matters being raised at an appeal which could have been raised during the application stage.