
WELSH STATUTORY INSTRUMENTS

2016 No. 52

**The Planning (Wales) Act 2015 (Commencement
No. 3 and Transitional Provisions) Order 2016**

Transitional provisions

17.—(1) The amendments made by those paragraphs of Schedule 5 to the 2015 Act listed in article 4 do not apply to proceedings instituted before 1 March 2016.

(2) For the purposes of paragraph (1) “instituted” (“*a gychwynnir*”) means—

- (a) in relation to section 121 of the Highways Act 1980, the question of whether the withholding of a consent is unreasonable or whether any requirement is reasonable falls to be determined by the Welsh Ministers;
- (b) in relation to section 28F of the Wildlife and Countryside Act 1981, an appeal reaches the Welsh Ministers;
- (c) in relation to section 28L of the Wildlife and Countryside Act 1981, an appeal is made under section 28L(1);
- (d) in relation to Schedule 15 of the Wildlife and Countryside Act 1981, an order is submitted to the Welsh Ministers for confirmation under paragraph 7 of that Schedule;
- (e) in relation to section 175 of the 1990 Act, written notice of appeal under section 174 of the 1990 Act is given;
- (f) in relation to section 196 of the 1990 Act, notice of appeal under section 195 of the 1990 Act is served;
- (g) in relation to section 208 of the 1990 Act, written notice of appeal is given or sent;
- (h) in relation to section 320 of the 1990 Act, a local inquiry is caused to be held;
- (i) in relation to proceedings to which section 322 of the 1990 Act applies or would but for paragraph 13 of Schedule 5 to the 2015 Act have applied, the application or reference is made or notice of appeal is given;
- (j) in relation to proceedings to which section 322A of the 1990 Act applies or would but for paragraph 14 of Schedule 5 to the 2015 Act have applied, the Welsh Ministers are required to make arrangements for a hearing or inquiry to be held or arrangements are made for a hearing or inquiry in accordance with section 319B of the 1990 Act;
- (k) in relation to an appeal under the 1990 Act to which Schedule 6 of that Act applies, an appointed person determines to hold a hearing or local inquiry or is directed by the Welsh Ministers to hold a local inquiry;
- (l) in relation to Schedule 8 to the 1990 Act, a reference to the Planning Inquiry Commission is made by the Welsh Ministers;
- (m) in relation to section 41 of the Planning (Listed Buildings and Conservation Areas) Act 1990, notice of appeal under section 39 of that Act is given;
- (n) in relation to an appeal under the Planning (Listed Buildings and Conservation Areas) Act 1990 to which Schedule 3 to that Act applies, an appointed person determines to hold a hearing or local inquiry or is directed by the Welsh Ministers to hold a local inquiry;

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- (o) in relation to section 25 of the Planning (Hazardous Substances) Act 1990, an appeal is made under that section; and
- (p) in relation to an appeal under the Planning (Hazardous Substances) Act 1990 to which the Schedule to that Act applies, an appointed person determines to hold a hearing or local inquiry or is directed by the Welsh Ministers to hold a local inquiry.