

**Decisions taken and duties carried out by officials in Planning Division Decisions
Branch in the name of the Welsh Ministers**

Acquisition of Land Act 1981	
Section 19 Schedule 3	Certification of Exchange of Commons
Section 19 Schedule 3 (6)	Certification of satisfaction concerning compulsory purchase of rights over common land etc
Allotments Act 1925	
Section 5	Authority for compulsory acquisition of land for allotments and authority for disposal of allotments
Section 8	Authority for compulsory acquisition of land for allotments and authority for disposal of allotments
Caravan sites and Control of Development Act 1960	
Section 23 Schedule 1	Touring Caravan Site Camp Site Exemption Certificates (exempting authorised organisations from the need for a caravan site licence and planning permission)
Coity Wallia Commons Act 1976	
Section 6,9,10, Schedule 2 para 4	Consent to let land; authorise use of land in excess of 4 hectares for car parks or access roads, garages etc; confirm resolutions to accept exchange land; confirm byelaws under s. 236 of the Local Government Act 1972
Commonable Rights Compensation Act 1882	
Section 2(1)	Apportionment of monies paid following the compulsory purchase of common land or rights
Commons (Schemes) Regulations 1982	
Article 2 & 7	Consent to set apart land for a temporary car park – articles 9 & 7 of a scheme
Commons Act 1876	
Section 27	Consent to sale of allotments created under an Inclosure Award

Commons Act 1899	
Section 22	Consent to inclose common land in connection with a compulsory purchase order
Commons Act 1908	
Section 1	Powers relating to turning out of animals on commons
Commons Act 2006	
Section 16	Power to sanction exchange of land for common land
Section 38	Power to consent to works which impede or prevent access to common land (most decisions taken by Planning Inspectorate)
Commons Registration Act 1965	
Section 17	Duty to pay Commons Commissioners
Commons Regulations 1935	
Article 3 & 9	Consent to erect buildings on a common or green – Articles 3 & 2 of a scheme of regulation
Compulsory Purchase by Non-Ministerial Acquiring Authority (Inquiries Procedure) Rules 1990	
Rule 4,6,7,10,11,14,17-19	Procedures for inquiries into CPOs by non – Ministerial bodies
Dyfed Act 1987	
Section 42	Consent to County Council to authorise an access way over a town or village green
Section 65	Order approving County Council resolution extinguishing common rights over Kingsmoor Common
Government of Wales Act 1998	
Section 40	The power to do anything (including the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the exercise of any of its functions

Section 85 Para 2	This section enables the Assembly to incur expenditure in connection with the exercise of its functions
Inclosure Act 1845	
Section 147 & 149	Power to sanction exchange of land for common land
Land Compensation Act 1961	
Section 18 & 37	Right to appeal against certificates of appropriate development and power to hold an inquiry
Land Compensation Development Order 1974	
Regulation 4	Procedures for dealing with appeals against refusal to issue certificates of alternative development
Law of Property Act 1925	
Section 193(1)(b)	Orders of Limitation (limiting the rights of the public over common land or excluding common land from the provisions of s.193 and/or s.194)
Section 193(2)	Deeds of Declaration (limiting the rights of the public over common land or excluding common land from the provisions of s.193 and/or s.194)
Section 193(1)(d)(ii)	Determination of applications for the approval of Resolutions made by County or County Borough Councils
Section 194	Power to consent to works which impede or prevent access to common land
Section 194(3)(b)	Determination of applications for the approval of Resolutions made by County or County Borough Councils
National Parks and Access to the Countryside Act 1949	
Section 52	Approval of long distance routes
Section 55	Approval to variations to National Trails
Section 89 & 103	Confirmation of compulsory acquisition of derelict land as a precursor to its reclamation
National Trust Act 1971	

Section 23 Paragraph 2	Power of consent for the erection of any building (e.g. fences or structures) which impedes access of public to a Trust property
Pembrokeshire County Council Act 1965	
Section 57	Confirmation, by order, of resolution made by the County Council to extinguish common rights over Kingsmoor Common
Planning and Compensation Act 1991	
Section 22 and Schedule 2 - para 6	Power to determine appeals in respect of the registration of old mining permissions (Interim Development Orders – IDOs)
Section 22 and Schedule 2 - para 7(1)	Power to decide not to intervene in Applications (IDOs)
Section 22 and Schedule - para 7(3)	Power to determine called in Applications (IDO)
Planning and Compulsory Purchase Act 2004	
Section 56(3)	Power to issue correction notices
Section 84(2)	Where NAW is the appropriate authority in respect of development, power to consent to enforcement action by lpa
Section 84(3)	Where NAW is the appropriate authority in respect of work to a listed building, power to consent to enforcement action by lpa
Section 84 (4)	Where NAW is the appropriate authority in respect of presence of hazardous substances on land, power to consent to enforcement action by lpa
Section 86	to serve on the lpa notice of intention to carry out an operation in relation to a protected tree
Section 100 (6)	Power to make orders for costs where the written representations procedure applies in such cases
Section 101	Power to direct that consideration of part of a CPO should be deferred in such cases
Section 102	Power to give notice that a CPO may be confirmed by the acquiring authority
Planning (Hazardous Substances) Act 1990	

Section 15	Power to confirm variation or revocation of consents and appoint a person to hear any person in connection with confirmation
Section 21	Power as respects appeals
Section 25	Determination of appeals against contravention notices
Planning (Hazardous Substances) Regulations 1992	
Regulation 13 & Regulation 25-26	Procedures for appeals and local authorities own applications
The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012	
Regulation 9	Determination of LPA applications
Planning (Listed Buildings and Conservation Areas) Act 1990	
Section 16	Determination of called in applications for listed building consent and conservation area consent
Section 22	Determination of appeals against refusal of consent
Section 39 & 41	Appeals against listed buildings enforcement notices
Section 55(4)&(5)	Determination of appeals against the recovery of the costs of work done under Section 54 to preserve a listed building
Public Health Act 1875	
Section 184	Confirmation of bye-laws made under various Commons Regulations
Smallholdings and Allotments Act 1908	
Section 23,28,39,41	Authority for compulsory acquisition of land for allotments and confirmation of rules for letting allotments
The Hedgerow Regulations 1997 Primary legislation – Environment Act 1995	
Regulation 9	Deal with appeals against made by local planning authority to issue a hedgerow retention notice or a notice to plant a replacement hedge
Town and Country Planning Act 1990	
Section 77	Decision to call in planning applications

Section 95 paragraphs 1-2	Power to confirm a Completion Notice and to extend period of compliance
Section 98	Procedure for Section 97 Orders: opposed cases for orders to revoke and modify planning permission
Section 99	Procedure for Section 97 Orders: unopposed cases for orders to revoke or modify planning permission
Section 100	Revocation and modification of planning permission
Section 103	Discontinuance of planning permission
Section 104	Power to make Section 102 Orders requiring discontinuance of use or alteration and removal of building or works
Section 106B	Power to determine appeal against refusal to modify or discharge a planning obligation
Section 140 (1)(2)(5),141,142(3) &144(3)	Powers regarding Purchase Notices
Section 174(5)	Power to determine appeals against enforcement notices without considering requested information not supplied in time
Section 175	Power to hold inquiries
Section 176, 177(1)(2)(4)&(5A)	Powers regarding enforcement notices
Sections 195 Paragraphs 2-3	Determination of appeals against refusal of Lawful development Certificates
Section 208 Paragraph 5,7,8 & 8A	Determination of appeals against refusal of consent for works to protected trees
Section 208,213 & Schedule 6	Appeals against tree replacement notices
Section 226(5)(6), 299(1)(5)	Power to confirm Compulsory Purchase Order
Section 232(2) (3) & 233(2)(3)	Consent to appropriation/disposal of common land owned by a local authority
Section 295 Paragraph 3	Appeals in relation to special enforcement notices (Crown Land)
Section 320(1)(2)	Power to hold inquiries and the recovery of costs of doing so
Section 320, 322, 322A	To hold an inquiry and to award costs in relation to the above appeals

Schedule 6	(i) Power to make regulations to prescribe appeals to be dealt with by persons appointed to do so – not delegated to staff but (ii) other powers in respect of appeals is.
Town and Country Planning (Costs of Enquiries etc.) Act 1995	
Section 2	Powers to recover costs in respect of public enquiries
Town and Country Planning (Determination of Appeals by Appointed Persons) Regs. 1997 Primary legislation	
Regulation 5	Power to require planning authorities to publicise a direction given by the SoS
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999	
Regulations 4, 6, 7, 22, 23, 24 and 25	Power to direct/notify on the matter of whether Environmental Impact Assessment (EIA) is or is not required Power to exempt particular proposed development from the application of the 1999 Regulations
Regulations 8 and 9	Powers to direct whether EIA is or is not required
Regulations 4, 23 and 24	General function to obtain further information in order to direct
Regulations 6, 7, 8, 9, 11, 22 and 25	Power to request further information in order to direct
Regulation 11	Powers to make a scoping direction and the duty to consult the applicant and the consultative bodies
Regulation 12	Duty to inform consultative bodies of their duty to make environmental information available
Regulation 16	Duty to comply with Regulation 13(2) enabling consultative bodies to make representations
Regulation 19	Power to require the applicant/appellant to provide further information or produce evidence to complete the environmental statement Duty to publicise further information

Regulation 25	Duty to notify the appellant and the lpa in writing that deemed application in an enforcement notice appeal and the ground (a) appeal (if any) have lapsed Duties concerned with seeking further information, distribution of ESs and notifications and the making of representations
Regulation 27	Duty to consult another Member State likely to be significantly affected by EIA development Duty to inform the Member State of the outcome of the decision
Regulation 28	Duty to consult regarding development in another Member State and ensure that the appropriate authorities in Wales are able to make representations on a proposed project in that Member State likely to significantly affect Wales
Town and Country Planning (Fees for Applications and Deemed) Application Regulations 1989	
Regulation 10	Power to require/refund fee
Town and Country Planning (General Permitted Development) Order 1995	
Article 4	Power to approve/disapprove Directions made by local authority restricting permitted development
Article 7	Power to approve/disapprove Directions made by local authority restricting permitted development under parts 22 and 23 to the GPDO (minerals)
Town and Country Planning (Development Management Procedure) Order 2012	
Article 18 Paragraphs 1&2	Prevents lpa from determining application
Article 31	Power to cancel direction under Order
Town and Country Planning General Regulations 1992	
Regulation 11	Applications for consents by local authorities other than planning permission or consent to display an advertisement in their own areas
Towyn Trewan Common Act 1950	
Section 9	Approval of manure, fuel and litter allotments set out by the Conservators

Transport and Works Applications (Listed Buildings Conservation Areas and Ancient Monument Procedure) Regulations 1992	
Regulations 3-5	Procedures where listed buildings etc are involved
Transport and Works (Assessment of Environmental Effects) Regulations 1995	
Regulation 2	Duty to notify interested parties to whom section 14(3c) applies
GENERAL FUNCTIONS	
	Issuing of instructions on litigation in respect of decisions and actions taken by the Assembly in the discharge of its planning function