

Draft Regulations laid before the National Assembly for Wales under section 333(3E) of the Town and Country Planning Act 1990, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2017 No. (W.)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(Fees for Applications, Deemed
Applications and Site Visits)
(Wales) (Amendment) Regulations
2017**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 in respect of fees for deemed applications and require—

- (a) the Welsh Ministers to send a copy of the notice specifying the time for payment of the fee to the relevant authority at the same time as the notice is sent to the appellant;
- (b) the relevant authority to notify the Welsh Ministers when the fee has been paid or if the fee has not been paid in the specified time.

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.gov.wales.

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**TOWN AND COUNTRY
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**The Town and Country Planning
(Fees for Applications, Deemed
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(Wales) (Amendment) Regulations
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Made

Coming into force

5 May 2017

The Welsh Ministers, in exercise of the powers conferred on them by section 303 of the Town and Country Planning Act 1990(1), make the following Regulations:

In accordance with section 333(3E) of that Act(2), a draft of this instrument was laid before and approved by resolution of the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment)

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- (1) 1990 c. 8. Section 303 was substituted by section 199 of the Planning Act 2008 (c. 29) and was amended by section 55 of, and paragraphs 4(1) and 5 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4). Other amendments are not relevant to these Regulations. *See* section 336(1) of the Town and Country Planning Act 1990 for the meaning of “prescribed”.
- (2) Section 333(3E) was inserted by section 55 of, and paragraph 3 of Schedule 7 to, the Planning (Wales) Act 2015.

Regulations 2017 and they come into force on 5 May 2017.

(2) These Regulations apply in relation to Wales.

Amendments in relation to fees in respect of deemed applications

2.—(1) The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015⁽¹⁾ are amended as follows.

(2) After regulation 10(7) insert—

“(7A) The Welsh Ministers must send a copy of the notice referred to in paragraph (7) to the relevant authority at the same time as the notice is sent to the appellant.

(7B) The relevant authority must, as soon as reasonably practicable, notify the Welsh Ministers in writing—

- (a) when the appellant has paid the fee in accordance with paragraphs (6) and (7); or
- (b) if the appellant has not paid the fee within the time specified in the notice referred to in paragraph (7).”

Transitional and saving provisions

3. The amendments made by regulation 2 do not apply to an application for planning permission deemed to have been made, by virtue of section 177(5) of the Town and Country Planning Act 1990 (grant or modification of planning permission on appeals against enforcement notices)⁽²⁾, in connection with an enforcement notice issued before these Regulations come into force.

Cabinet Secretary for Environment and Rural Affairs,
one of the Welsh Ministers

Date

(1) S.I. 2015/1522 (W. 179) to which there are amendments that are not relevant to these Regulations.

(2) Section 177(5) was amended by section 32 of, and paragraphs 8 and 24(3) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), by section 123(1) and (6) of the Localism Act 2011 (c. 20) and by section 44(1) and (3) of the Planning (Wales) Act 2015.