

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

DRAFT WELSH STATUTORY
INSTRUMENTS

2020 No. (W.)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(Fees for Applications, Deemed
Applications and Site Visits)
(Wales) (Amendment) Regulations
2020**

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 (“the 2015 Regulations”).

Regulation 2 makes provision to increase fees payable by approximately 20% in respect of:

- (a) applications made under the Town and Country Planning Act 1990 (“the 1990 Act”) for planning permission for development or for approval of reserved matters by an outline planning permission;
- (b) deemed applications for planning permission under section 177(5) of the 1990 Act;
- (c) applications for certificates of lawful use or development;
- (d) certain applications under the Town and Country Planning (General Permitted Development) Order 1995;
- (e) the monitoring of mining and landfill sites;
- (f) applications made under planning condition;
- (g) applications for non-material changes to planning permission;
- (h) post submission amendments to major development applications;

- (i) applications for consent to display advertisements.

Regulation 3 makes provision in respect of:

- (a) prescribing a fee of £230 for applications made for a certificate of appropriate alternative development under section 17 of the Land Compensation Act 1961;
- (b) the fees to be paid by or on behalf of a community council;
- (c) when and how the fee due is paid;
- (d) the payment of a refund if the application is rejected as invalid.

Regulation 4 makes transitional provision in respect of deemed applications for planning permission under the 1990 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff CF10 3NQ and on the Welsh Government website at www.gov.wales.

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Made

Coming into force

24 August 2020

The Welsh Ministers, in exercise of the powers conferred on them by sections 303(1), (2), (5) and (6) and 333(2A) 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 Senedd Cymru.⁽³⁾

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- (1) 1990 (c. 8). Section 303 was substituted by section 199 of the Planning Act 2008 (c. 29). There are other amendments which are not relevant to this instrument. Section 333(2A) was inserted by paragraph 14 of Schedule 6 to the Planning and Compulsory Purchase Act 2004, (c. 5) “Prescribed” means prescribed by regulations; see section 336 of the Town and Country Planning Act 1990. The Welsh Ministers are the “appropriate authority” in relation to Wales; see section 303(7)(b) of the Town and Country Planning Act 1990.
- (2) Section 333(3E) was inserted by paragraph 3 to Schedule 7 to the Planning (Wales) Act 2015 (anaw.4).
- (3) The references in section 333(3E) to the National Assembly for Wales now have effect as references to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2020.

(2) These Regulations come into force on 24 August 2020.

(3) In these Regulations “the 2015 Regulations” (*“Rheoliadau 2015”*) means the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015(1).

Increase in fees

2.—(1) The 2015 Regulations are amended as follows.

(2) In regulation 11 (fees for applications for certificates of lawful use or development)—

- (a) in paragraph 3(b) for “£190” substitute “£230”;
- (b) in paragraph 6(a) for “£380” substitute “£460”; and
- (c) in paragraph 6(b) for “£19,000” substitute “£23,000”, for “£100” substitute “£120” and for “£287,500” substitute “£300,000”.

(3) In paragraph 1 of regulation 13 (fees for certain applications under the General Permitted Development Order)—

- (a) in sub-paragraph (a) for “£80” substitute “£100”; and
- (b) in sub-paragraph (b) for “£380” substitute “£460”.

(4) In regulation 14 (fees in respect of the monitoring of mining and landfill sites)—

- (a) in paragraph 4 for “£330” substitute “£400”; and
- (b) in paragraph 5 for “£110” substitute “£135”.

(5) In paragraph 1 of regulation 15 (fees for applications made under planning condition)—

- (a) in sub-paragraph (a) for “£30” substitute “£35”; and
- (b) in paragraph (b) for “£95” substitute “£115”.

(6) In paragraph 1 of regulation 16 (fees for applications for non-material changes to planning permission)—

- (a) in sub-paragraph (a) for “£30” substitute “£35”; and

(1) S.I. 2015/1522 (W. 179) as amended by S.I. 2016/62 (W. 32), S.I. 2017/528 (W. 111) and S.I. 2019/283 (W. 65).

(b) in sub-paragraph (b) for “£95” substitute “£115”.

(7) In paragraph 3 of regulation 16A (fees for post submission amendments to major development applications) for “£190” substitute “£230”.

(8) In Part 1 of Schedule 1 (fees in respect of applications and deemed applications for planning permission or for approval of reserved matters)—

(a) in paragraphs 3(1), 4(2) and 4(3) for “£385” substitute “£460”;

(b) in paragraph 5 for “£190” substitute “£230”;

(c) in paragraph 5A(3) —

(i) in paragraph (a) for “£160” substitute “£190”; and

(ii) in paragraph (b) for “£95” substitute “£115”;

(d) in paragraphs 6(b) and 7 for “£190” substitute “£230”; and

(e) in paragraph 13(2)—

(i) in paragraph (a) for “£380” substitute “£460”; and

(ii) in paragraph (b) for “£9,500” substitute “£11,500”, for “£100” substitute “£120” and for “£143,750” substitute “£150,000”.

(9) In Part 2 of Schedule 1 (scale of fees in respect of applications made or deemed to be made), in the “Fee payable” column of the table for any fee of an amount specified in Column 1 of the table below, substitute the increased amount specified in Column 2.

*Column 1 – amount in £ Column 2 – increased
specified in the scale of amount
fees table in Part 2 of
Schedule 1 to the 2015
Regulations*

£70	£85
£100	£120
£190	£230
£380	£460
£385	£460
£2,150	£2,600
£9,500	£11,500
£19,000	£23,000
£28,500	£34,500
£74,800	£80,000
£143,750	£150,000
£287,500	£300,000

(10) In Schedule 2 (fees for advertisements scale of fees in respect of applications for consent to display advertisements) in the Table—

- (a) in paragraphs 1 and 2, in the second column for “£100” substitute “£120”; and
- (b) in paragraph 3, in the second column for “£380” substitute “£460”.

Fees for applications for certificates of appropriate alternative development

3.—(1) The 2015 Regulations are further amended as follows.

(2) After regulation 16A insert—

“16B Fees for applications for certificates of appropriate alternative development

(1) Where an application is made to a local planning authority under section 17 of the Land Compensation Act 1961 (certificates of appropriate alternative development) a fee must be paid to that authority.

(2) The fee payable in respect of an application to which this regulation applies is £230.

(3) Where an application is made by or on behalf of a community council, the fee payable is one half of the amount that would otherwise be payable.

(4) The fee due in respect of an application to which this regulation applies must accompany the application when it is lodged with the local planning authority.

(5) Where the local planning authority who receive the fee in accordance with paragraphs (1) to (4) are not the local planning authority who have to determine the application, they must remit the fee to that authority at the same time as they forward the application to them.

(6) Any fee paid pursuant to this regulation must be refunded if the application is rejected as invalid.”

Transitional Provision

4.—(1) In this regulation “site visit” has the meaning given in regulation 2(1) of the 2015 Regulations.

(2) Regulation 2 does not apply to—

- (a) applications made before the date on which these Regulations come into force;
- (b) applications 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) in connection with an enforcement notice issued

- under section 172 of that Act before the date on which these Regulations come into force;
- (c) site visits which are made before the date on which these Regulations come into force;
 - (d) amendments submitted before the date on which these Regulations come into force.

Name

Title of Minister, one of the Welsh Ministers

Date