STATUTORY INSTRUMENTS

2017 No. 1314

TOWN AND COUNTRY PLANNING, ENGLAND

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

Made - - - - 20th December 2017

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 303(1), (1A), (2), (4), (5) and (6) and 333(2A) of the Town and Country Planning Act 1990(**1**), makes the following Regulations.

In accordance with section 303(8)(a) of that Act, a draft of this instrument has been laid before and approved by resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 and come into force on the twenty eighth day after the day on which they are made.

(2) In these Regulations "the 2012 Regulations" means the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(**2**).

Amendments in relation to an increase in application fees

2.—(1) The 2012 Regulations are amended as follows.

(2) In regulation 11—

(a) in paragraph (3)(b) for "£195" substitute "£234";

(b) in paragraph (6)(a) for "£385" substitute "£462"; and

(c) in paragraph (6)(b) for "£19,049" substitute "£22,859", for "£115" substitute "£138" and for "£250,000" substitute "£300,000".

(**1**) 1990 c.8. Section 303 was substituted by section 199 of the Planning Act 2008 (c.29). Section 303(1A) was inserted by section 1(2) of, and paragraph 10 of Schedule 1 to, the Growth and Infrastructure Act 2013 (c.27). There are other amendments to section 303 which are not relevant to these Regulations. Section 333(2A) was inserted by section 118(1) of, and paragraph 14 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c.5).

(**2**) S.I. 2012/2920, amended by S.I. 2013/2153, which in particular inserted new regulations 2A, 9A and 11A, and S.I.s 2014/357 and 2014/2026.

(3) In regulation 15—

(a) in paragraph (4) for "£331" substitute "£397"; and

(b) in paragraph (5) for "£110" substitute "£132".

(4) In paragraph (1) of regulation 16—

(a) in sub-paragraph (a) for "£28" substitute "£34"; and

(b) in sub-paragraph (b) for "£97" substitute "£116".

(5) In regulation 17—

(a) the first provision is numbered as paragraph (1);

(b) in paragraph (1)(a) for "£28" substitute "£34"; and

(c) in paragraph (1)(b) for "£195" substitute "£234".

(6) In paragraph (2) of regulation 18, for "£195" substitute "£234".

(7) In Part 1 of Schedule 1—

(a) in paragraphs 3(1) and 4(2) for "£385" substitute "£462";

(b) in paragraphs 5 and 6(b) for "£195" substitute "£234";

(c) in paragraph 7(1)—

(i) in paragraph (a) for "£57" substitute "£68";

(ii) in paragraph (b) for "£575" substitute "£690";

(iii) in paragraph (c) for "£195" substitute "£234"; and

(d) in paragraph 14(2)—

(i) in paragraph (a) for "£385" substitute "£462";

(ii) in paragraph (b) for "£9,527" substitute "£11,432", for "£115" substitute "£138" and for "£125,000" substitute "£150,000".

(8) In Part 2 of Schedule 1 (scale of fees), 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 £ specified in the scale of fees table in Part 2 of Schedule 1 to the 2012 Regulations	*Column 2 – increased amount*
£80	£96
£115	£138
£126	£151
£172	£206
£195	£234
£214	£257
£339	£407
£385	£462
£423	£508
£1,690	£2,028
£2,150	£2,580

Column 1 – amount in £ specified in the scale of fees table in Part 2 of Schedule 1 to the 2012 Regulations	*Column 2 – increased amount*
£9,527	£11,432
£19,049	£22,859
£29,112	£34,934
£31,725	£38,070
£32,100	£38,520
£65,000	£78,000
£125,000	£150,000
£250,000	£300,000

(9) In Schedule 2 in the table, for "£110" in both places it occurs, substitute "£132" and for "£385" substitute "£462".

Amendments in relation to permission in principle

3.—(1) The 2012 Regulations are amended as follows.

(2) In regulation 1—

(a) after paragraph (4)(b)(i) insert—

"(iiza) applications for permission in principle;";(**3**) and

(b) in paragraph (4)(b)(ix) omit "to planning permission".

(3) In paragraph (1) of regulation 3, after "development of land" insert ", for permission in principle".

(4) In regulation 8—

(a) in paragraph (1) at the end of sub-paragraph (a) omit "or" and after that sub-paragraph insert—

"(aa) an application for permission in principle which is made following the granting of permission in principle for development which the local planning authority are satisfied is development of the same character or description as the development to which the application relates, on an application for permission in principle made by or on behalf of the same applicant; or";

(b) in paragraph (2)(a) after "planning permission" insert ", grant of permission in principle"; and

(c) in paragraph (2)(b) at the end of paragraph (i) omit "or" and after that paragraph insert—

"(ia) in the case of an application for permission in principle, to the same site as that to which the grant of permission in principle related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or".

(5) In regulation 9—

(a) in paragraph (1) after sub-paragraph (a) insert—

(**3**) *See* sections 58A and 59A of the 1990 Act (which were inserted by section 150 of the Housing and Planning Act 2016 (c.22)).

"(aa) an application for permission in principle which is made following the withdrawal (before notice of the decision was issued) of a valid application for permission in principle made by or on behalf of the same applicant;";

(b) in paragraph (1) after sub-paragraph (b) insert—

"(ba) an application for permission in principle which is made following the refusal of permission in principle (whether by the local planning authority or by the Secretary of State on appeal or following the reference of the application to the Secretary of State for determination) on a valid application for permission in principle made by or on behalf of the same applicant;";

(c) in paragraph (1) after sub-paragraph (c) insert—

"(ca) an application for permission in principle which is made following the making of an appeal to the Secretary of State under section 78(2) of the 1990 Act (right of appeal against failure to take planning decisions) in relation to a valid application for permission in principle made by or on behalf of the same applicant;";

(d) in paragraph (2)(b)(i) after "planning permission" insert "or permission in principle";

(e) in paragraph (2)(c) after "planning permission" insert "or permission in principle"; and

(f) after paragraph (2)(d) insert—

"(da) in the case of an application for planning permission which is in the form of an application for technical details consent, that the earlier application was also in the form of an application for technical details consent;"(**4**).

(6) In paragraph (1) of regulation 9A, after "planning permission" insert ", or permission in principle".

(7) In paragraph (2) of regulation 12, after "planning permission" insert "or permission in principle, as the case may be,".

(8) In regulation 17—

(a) in the heading after "planning permission" insert "or permission in principle"; and

(b) in paragraph (1) omit the words "to planning permission".

(9) In Schedule 1—

(a) in Part 1—

(i) in paragraph 1(3)(a) after "planning permission" insert "or permission in principle";

(ii) in paragraph 8(1)(a) after "planning permission" insert "or permission in principle";

(iii) in paragraph 8(1)(b) after "Development Management Procedure Order (general provisions in relation to applications)" insert "or article 5D(1) of the Town and Country Planning (Permission in Principle) Order 2017, as the case may be.";(**5**)

(iv) in paragraph 10(1)(a) after "planning permission" insert "or permission in principle";

(v) in paragraph 10(2) after planning permission" insert ", permission in principle"; and

(b) in the table in Part 2—

(i) in the entry relating to category 1, in the second column (fee payable), after sub-paragraph (1) insert—

(**4**) *See* section 70(2ZZB) of the Town and Country Planning Act 1990 (c.8) for the meaning of "technical details consent".
(**5**) S.I. 2017/402, article 5D was inserted by the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 S.I. 1309

"(1A) Where the application is for permission in principle, £402 for each 0.1 hectare of the site area.";

(ii) in the entry relating to category 2, in the second column (fee payable), after sub-paragraph (1) insert—

"(1A) Where the application is for permission in principle, £402 for each 0.1 hectare of the site area.";

(iii) in the entry relating to category 3, in the second column (fee payable), after sub-paragraph (1) insert—

"(1A) Where the application is for permission in principle, £402 for each 0.1 hectare of the site area.".

Amendments in relation to fees for pre-application advice given by a Mayoral development corporation or an urban development corporation

4.—(1) In regulation 2 of the 2012 Regulations—

(a) before the definition of "the 1990 Act" insert—

""the 1980 Act" means the Local Government, Planning and Land Act 1980;"(**6**);

(b) after the definition of "landfill site" insert—

""Mayoral development corporation" means a corporation which is—

(a) established for a Mayoral development area, and

(b) specified as the local planning authority for the purposes of Part 3 of the 1990 Act for all or part of that area,

by an order made by the Secretary of State under section 198 of the Localism Act 2011;(**7**); and"(**7**); and

(c) after the definition of "site visit" omit the word "and" and insert—

""urban development corporation" means a corporation which is—

(a) established for an urban development area by an order made by the Secretary of State under section 135 of the 1980 Act; and

(b) specified as the local planning authority for the purposes of Part 3 of the 1990 Act, for all or part of that area in an order made by the Secretary of State under section 149 of the 1980 Act; and".

(2) After regulation 2A of the 2012 Regulations insert—

"**Pre-application advice given by a Mayoral development corporation or an urban development corporation**

2B.—(1) Subject to paragraph (2), where a Mayoral development corporation or an urban development corporation ("the corporation"), gives advice to a person at the request of that person about applying for any permission, approval or consent under Part 3 of the 1990 Act ("pre-application advice"), the corporation shall charge that person a fee.

(**6**) 1980 c.65. Section 135 was amended by section 179(4) of the Leasehold Reform, Housing and Urban Development Act 1993 c.28; section 149 has been amended by sections 3 and 4 of, and Schedule 1 to, and paragraph 44(6) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11). See also sections 7 and 7A of the 1990 Act (c.8). Section 7A of the 1990 Act was inserted by section 222 of the Localism Act 2011 (c.20). For the definition of "urban development area" *see* section 134 of the 1980 Act.

(**7**) 2011 c.20. For the definition of "Mayoral development area" *see* section 197 of the Act.

(**7**) 2011 c.20. For the definition of "Mayoral development area" *see* section 197 of the Act.