WELSH STATUTORY INSTRUMENTS

2009 No. 851 (W.76)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2009

Made - - - -	*31 March 2009*
Laid before the National Assembly for Wales - -	*9 March 2009*
Coming into force - -	*6 April 2009*

The Welsh Ministers make these Regulations in exercise of their powers as the appropriate authority under section 303 of the Town and Country Planning Act 1990(**1**).

A draft of this instrument has been laid before the National Assembly for Wales in accordance with section 303(5) of the Town and Country Planning Act 1990 and approved by resolution of the National Assembly for Wales(**2**).

Title, commencement, interpretation and application.

1.—(1) The title of these Regulations is the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2009 and they come into force on 6 April 2009.

(2) In these Regulations, "the 1989 Regulations" ("*Rheoliadau 1989*") means the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(**3**).

(3) These Regulations apply in relation to Wales.

(**1**) 1990 c. 8; section 303 was amended by paragraph 10 of Schedule 13 to the Environmental Protection Act 1990 (c. 43), section 6(6) of the Planning and Compensation Act 1991(c. 34) and section 53 of the Planning and Compulsory Purchase Act 2004 (c. 5). *See*S.I. 2004/2097 (C.89) and, in relation to Wales, S.I. 2006/931 (C.26). *See* also section 303(2A) of the Town and Country Planning Act 1990 ("the 1990 Act") for the meaning of "appropriate authority" and section 336(1) of that Act for the definition of "prescribed". By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) the powers in section 303 of the 1990 Act are now vested in the Welsh Ministers.

(**2**) The reference in section 303(5) to approval by each House of Parliament has effect in relation to the exercise of functions by the Welsh Ministers as if it were a reference to approval by the National Assembly for Wales by virtue of paragraph 33 of Schedule 11 to the Government of Wales Act 2006.

(**3**) S.I. 1989/193 amended, in relation to England and Wales, by S.I. 1990/2743, 1991/2735, 1992/1817, 1992/3052, 1993/3170 and 1997/37 and, in relation to Wales, by S.I. 2002/1876 (W.185), 2002/2258 (W.222), 2004/2736 (W.243) and 2006/948 (W.97).

General increase in fees

2.—(1) The 1989 Regulations, insofar as they apply to Wales, are amended in accordance with the provisions of this regulation.

(2) In regulation 10A of the 1989 Regulations—

(a) in paragraph (5)(b), for "£144 until 31 March 2007, increasing thereafter to £159" substitute "£166"; and

(b) for paragraph (6), substitute—

"Where a use specified in an application under section 191(1)(a) is use as one or more dwellinghouses, the fee payable in respect of that use will be—

(a) where the use so specified is use as 50 or fewer dwellinghouses, £330 for each dwellinghouse;

(b) where the use so specified is use as more than 50 dwellinghouses, £16,464; and an additional £84 for each dwellinghouse in excess of 50, subject to a maximum in total of £250,000.".

(3) In regulation 11A(1) of the 1989 Regulations—

(a) in sub-paragraph (a), for "£54 until 31 March 2007, increasing thereafter to £59" substitute "£61"; and

(b) in sub-paragraph (b), for "£288 until 31 March 2007, increasing thereafter to £316" substitute "£330".

(4) In Part I of Schedule 1 to the 1989 Regulations—

(a) in paragraphs 4(1) and 6(2), for "£288 until 31 March 2007, increasing thereafter to £316" substitute "£330"; and

(b) in paragraphs 7, 7A and 7B, for "£144 until 31 March 2007, increasing thereafter to £159" substitute "£166"; and

(c) for paragraph 15(2), substitute—

"Where an application is for outline planning permission and relates to development which is within more than one of the categories specified in that table, the fee payable in respect of the application will be—

(a) where the site area does not exceed 2.5 hectares, £330 for each 0.1 hectare of the site area;

(b) where the site area exceeds 2.5 hectares, £8,232, and an additional £84 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000.".

(5) For Part II of Schedule 1 to the 1989 Regulations (scale of fees), substitute the new Part II set out in Schedule 1 to these Regulations.

(6) For Schedule 2 to the 1989 Regulations (scale of fees for advertisement applications), substitute the new Schedule 2 set out in Schedule 2 to these Regulations.

Revocation

3. The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2006(**4**) are revoked.

(**4**) S.I. 2006/948 (W.97).

Jane Davidson
Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

31 March 2009

SCHEDULES

SCHEDULE 1 Regulation 2(5)

PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS

"Part II

SCALE OF FEES IN RESPECT OF APPLICATIONS MADE OR DEEMED TO BE MADE ON OR AFTER 6 APRIL 2009.

Category of development	*Fee payable*
1. *Operations*	
1. The erection of dwellinghouses (other than development within category 6 below)	(a) where the application is for outline planning permission and— (i) the site area does not exceed 2.5 hectares, £330 for each 0.1 hectare of the site area, (ii) the site area exceeds 2.5 hectares, £8,232 and an additional £84 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000; (b) in other cases— (i) where the number of dwellinghouses to be created by the development is 50 or fewer, £330 for each dwellinghouse, (ii) where the number of dwellinghouses to be created by the development exceeds 50, £16,464 and an additional £84 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £250,000.
2. The erection of buildings (other than buildings in categories 1,3,4,5 or 7).	(a) where the application is for outline planning permission and— (i) the site area does not exceed 2.5 hectares, £330 for each 0.1 hectare of the site area,