WELSH STATUTORY INSTRUMENTS

2006 No. 1052 (W.108)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment No.2) (Wales) Regulations 2006

Made - - - -	*4 April 2006*
Coming into force - -	*6 April 2006*

The National Assembly for Wales ("the National Assembly"), in exercise of its powers as appropriate authority for the purposes of section 303 of the Town and Country Planning Act 1990(**1**), makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment No.2) (Wales) Regulations 2006 and they come into force on 6 April 2006.

(2) These Regulations apply in relation to Wales.

Fees in respect of the monitoring of mining and landfill sites

2.—(1) The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(**2**) are amended as follows.

(2) In regulation 1 (application, citation and commencement)—

(a) in paragraph (2)—

(i) at the end of sub-paragraph (d) delete "and"; and

(ii) at the end of paragraph (2) add—

"(f) to site visits made to a mining site or a landfill site on or after 6 April 2006.";

(**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 section 303(2A) of the Town and Country Planning Act 1990 for the meaning of "appropriate authority" and section 336(1) of that Act for the definition of "prescribed".

(**2**) S.I. 1989/193; relevant amendments were made in relation to England and Wales by S.I. 1990/2473, 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 2006/931 (C.26) [i.e. 2006 Fees Regs].

(b) in paragraph (3), after sub-paragraph (c), insert—

"(d) in the case of site visits referred to in paragraph (2)(f) above, on the date on which the visit is made.".

(3) In regulation 2 (interpretation)—

(a) after the definition of "glasshouse" insert—

""landfill permission" means any planning permission for—

(a) operational development designed to be used wholly or mainly for the purpose of; or

(b) material change of use to,

a waste disposal site for the deposit of waste onto or into the land;

"landfill site" means the land to which a landfill permission relates;

"mineral permission" means any planning permission for development consisting of—

(a) the winning and working of minerals; or

(b) the depositing of mineral waste;

"mining site" means—

(a) the aggregate of the land to which any two or more mineral permissions relate where the aggregate of the land—

(i) is worked as a single site; or

(ii) is treated as a single site by the local planning authority for the purposes of Schedule 13 (review of old mineral planning permissions) or Schedule 14 (periodic review of mineral planning permissions) to the Environment Act 1995(**3**); and

(b) in any other case, the land to which a mineral permission relates;";

(b) after the definition of "outline planning permission" insert—

""site visit" means entry by a local planning authority on to a mining site or landfill site—

(a) to ascertain whether there is or has been any breach of planning control on the site;

(b) to determine whether any of the powers conferred on the local planning authority by Part 7 of the Town and Country Planning Act 1990(**4**) (enforcement) should be exercised in relation to the site;

(c) to determine how any such power should be exercised in relation to the site; or

(**3**) Schedule 13 was amended by sections 3 and 4 of, and Part III of Schedule 1 and paragraph 60(1)(b) of Schedule 3 to, the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11), sections 76(1) and 93 of, and Part II of Schedule 10 and Part I of Schedule 15 to, the Countryside and Rights of Way Act 2000 (c. 37), and, in relation to Wales, S.I. 2004/3156 (W.273). Schedule 14 was amended by sections 3 and 4 of, and Part III of Schedule 1 and paragraph 60(2) of Schedule 3 to, the Planning (Consequential Provisions) (Scotland) Act 1997 (C.11), section 118(2) of, and paragraph 19 of Schedule 7 to, the Planning and Compulsory Purchase Act 2004 (c. 5), and , in relation to Wales, S.I. 2004/3156 (W.273).

(**4**) Part 7 was amended by section 6 of, and paragraphs 1,3 and 4 of Schedule 4 to, the Planning (Consequential Provisions) Act 1990 (c. 11), sections 1 to 11, 21, 32 and 84 of, and paragraph 11 of Schedule 1, paragraphs 22 to 33 of Schedule 7 and Part I of Schedule 9 to, the Planning and Compensation Act 1991 (c. 34), section 20(4) of, and paragraph 24(5) of Schedule 6 to, the Local Government (Wales) Act 1994 (c. 19), section 52 of the Planning and Compulsory Purchase Act 2004 (c. 5) and, in relation to Wales, S.I. 2004/3156 (W.273).