WELSH STATUTORY INSTRUMENTS

2006 No. 948 (W.97)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2006

Made - - - -	*28 March 2006*
Coming into force - -	*1 April 2006*

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

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 2006.

(2) These Regulations come into force on 1 April 2006.

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

(4) These Regulations apply in relation to Wales.

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 "£120" substitute "£144 until 31 March 2007, increasing thereafter to £159"; 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—

(**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, 2006/931 (C.26). *See* also 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, 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) and 2004/2736 (W.243).

(a) where the use so specified is use as 50 or fewer dwellinghouses, £288 until 31 March 2007, increasing thereafter to £316;

(b) where the use so specified is use as more than 50 dwellinghouses, £14,400 until 31 March 2007, increasing thereafter to £15,800; and, in addition to either of those figures, an additional £80 for each dwellinghouse in excess of 50, subject to a maximum in total of £50,000.".

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

(a) in sub-paragraph (a), for "£45" substitute "£54 until 31 March 2007, increasing thereafter to £59"; and

(b) in sub-paragraph (b), for "£240" substitute "£288 until 31 March 2007, increasing thereafter to £316".

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

(a) in paragraphs 4(1) and 6(2), for "£240" substitute "£288 until 31 March 2007, increasing thereafter to £316";

(b) in paragraphs 7, 7A and 7B, for "£120" substitute "£144 until 31 March 2007, increasing thereafter to £159"; 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, £288 for each 0.1 hectare of the site area until 31 March 2007, increasing thereafter to £316;

(b) where the site area exceeds 2.5 hectares, £7,200 until 31 March 2007, increasing thereafter to £7,900; and, in addition to either of those figures, an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000.".

(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.

(7) For the purposes of paragraphs (5) and (6), the fee payable between 1 April 2006 and 31 March 2007 is the fee specified in the second column of the tables set out in the Schedules to these Regulations and the fee payable on or after 1 April 2007 is the fee specified in the third column of those tables.

Amendment of the 1989 Regulations

3. For regulation 7(1) of the 1989 Regulations, substitute—

"**7.**—(1) Where all the conditions set out in paragraph (2) are satisfied, regulation 3 does not apply to an application for approval of one or more reserved matters which is or are made following the granting of approval of details relating to the same reserved matters authorised by the same outline planning permission, on an application made by or on behalf of the same applicant.".

Revocation

4. The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2004(**3**) are revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**)

D. Elis-Thomas
28 March 2006 The Presiding Officer of the National Assembly

(**3**) S.I. 2004/2736 (W.243).
(**4**) 1998 c. 38.

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 1 APRIL 2006

Category of development	*Fee payable between 1 April 2006 and 31 March 2007*	*Fee payable on or after 1 April 2007*
I. *Operations*		
1. The erection of dwellinghouses (other than development within category 6 below).	(a) where the application is for outline planning permission and—	(a) where the application is for outline planning permission and—
	(i) the site area does not exceed 2.5 hectares, £288 for each 0.1 hectare of the site area,	(i) the site area does not exceed 2.5 hectares, £316 for each 0.1 hectare of the site area,
	(ii) the site area exceeds 2.5 hectares, £7,200 and an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000;	(ii) the site area exceeds 2.5 hectares, £7,900 and an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000;
	(b) in other cases—	(b) in other cases—
	(i) where the number of dwellinghouses to be created by the development is 50 or fewer, £288 for each dwellinghouse,	(i) where the number of dwellinghouses to be created by the development is 50 or fewer, £316 for each dwellinghouse,
	(ii) where the number of dwellinghouses	(ii) where the number of dwellinghouses

Category of development	*Fee payable between 1 April 2006 and 31 March 2007*	*Fee payable on or after 1 April 2007*
	to be created by the development exceeds 50, £14,400 and an additional £80 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £50,000.	to be created by the development exceeds 50, £15,800 and an additional £80 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £50,000.
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—	(a) where the application is for outline planning permission and—
	(i) the site area does not exceed 2.5 hectares, £288 for each 0.1 hectare of the site area,	(i) the site area does not exceed 2.5 hectares, £316 for each 0.1 hectare of the site area,
	(ii) the site area exceeds 2.5 hectares, £7,200 and an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000;	(ii) the site area exceeds 2.5 hectares, £7,900 and an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000;
	(b) in other cases—	(b) in other cases—
	(i) where no floor space is to be created by the development or where the area of gross floor space to be created by the development does not	(i) where no floor space is to be created by the development or where the area of gross floor space to be created by the development does not