Draft Regulations laid before Parliament under section 303(8)(a) of the Town and Country Planning Act 1990 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No.

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2015

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 303(1) and (5) 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, application 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 2015 and come into force on the day after the day on which they are made.

(2) These Regulations apply in relation to England only.

(3) 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 fees for pre-application advice given by a Mayoral development corporation or an urban development corporation

2.—(1) Regulation 1 (citation, commencement, application and expiry) of the 2012 Regulations is amended as follows.

(2) After paragraph (4)(za) insert—

(**1**) 1990 c.8. Section 303 was substituted by section 199 of the Planning Act 2008 (c.29). 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 sub-paragraph (za) into regulation 1(4) and new regulation 2A; there are other amending instruments but none is relevant to these Regulations.

"(zb) to the giving of advice by a Mayoral development corporation or an urban development corporation about applying for any permission, approval or consent under Part 3 of the 1990 Act;"

3.—(1) Regulation 2 (interpretation) of the 2012 Regulations is amended as follows.

(2) In the appropriate places insert—

""the 1980 Act" means the Local Government Planning and Land Act 1980(**3**);

"Mayoral development corporation" means a corporation which is—

(i) established for a Mayoral development area;

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

(iii) given planning functions in relation to all or part of that area,

by an order made by the Secretary of State under section 198 of the Localism Act 2011(**4**); and

"urban development corporation" means a corporation which is—

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

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

4. 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), a Mayoral development corporation or an urban development corporation, ("the corporation"), in the exercise of its planning functions within its area, may charge a fee for giving advice about applying for any permission, approval or consent under Part 3 of the 1990 Act ("pre-application advice").

(2) The corporation may only charge a fee for pre-application advice under paragraph (1) if—

(a) it has published a copy of any proposed fee schedule—

(i) in as many newspapers as will secure that the press coverage (taken as a whole) extends to the whole of the corporation's area; and

(ii) on its website,

at least 21 days before the fee schedule is adopted;

(b) it has adopted a fee schedule which satisfies the requirements of paragraph (3);

(c) the fee schedule has effect; and

(d) that fee is calculated in accordance with the fee schedule.

(3) The fee schedule referred to in paragraph (2) must—

(a) set out how a fee payable under paragraph (1) is to be calculated; and

(**3**) 1980 c.65. Section 135 was amended by section 179(4) of the Leasehold Reform, Housing and Urban Development Act 1993; 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 s.222 of the Localism Act 2011 (c.20). For the definition of "urban development area" *see* section 134 of the 1980 Act.

(**4**) 2011 c.20. For the definition of "Mayoral development area" *see* section 197 of the Act.