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

DRAFT STATUTORY INSTRUMENTS

2010 No. XXXX

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2010

Made - - - - 2010

Coming into force in accordance with regulation 1(1)

The Secretary of State, in exercise of the powers conferred by section 303 of the Town and Country Planning Act 1990(**1**) makes the following Regulations, a draft of which has been laid before and approved by each House of Parliament:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2010 and shall come into force the day after they are made.

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

Fees for certain applications under the Town and Country Planning (General Development Procedure) Order 1995

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

(2) In regulation 1(2) (application), after sub-paragraph (f) insert—

(**1**) 1990 c. 8; section 303 was amended by section 6(6) of the Planning and Compensation Act 1991 (c. 34) and by section 53 of the Planning and Compulsory Purchase Act 2004 (c. 5). The power is now vested in the Welsh Ministers so far as it is exercisable in relation to Wales. It was previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990 and paragraphs 30 to 32 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(**2**) S.I. 1989/193; paragraph (2) sub-paragraph (aa) inserted, in relation to England, by SI 2008/958, sub-paragraph (bb) inserted by SI1991/2735, sub-paragraph (f) inserted in relation to England by SI 2006/994. Paragraph (3) inserted by SI 1997/37, sub-paragraph (d) inserted in relation to England by SI 2006/994.

"(g) to applications to which article 4F of the Town and Country Planning (General Development Procedure) Order 1995(**3**) (applications for non-material changes to planning permission) applies, made on or after the coming into force of the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2009;

(h) to applications of the description contained in article 10B(1)(b) of the Town and Country Planning (General Development Procedure) Order 1995 (consultations before grant of a planning permission pursuant to section 73 or the grant of a replacement planning permission subject to a new time limit), made on or after the coming into force of the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2009.".

(3) In regulation 1(3), after sub-paragraph (d) insert—

"(e) in the case of applications referred to in paragraph (2)(g) and (h) above, on the date on which the application is made.".

(4) After regulation 11D (fees for confirmation of compliance with conditions attached to planning permission: England) insert—

"**Fees for applications for non-material changes to planning permission: England**

11E.—(1) Where an application is made to which article 4F of the Town and Country Planning (General Development Procedure) Order 1995 applies (applications for non-material changes to planning permission) the following fees shall be paid to the local authority—

(a) if the application is a householder application, £25;

(b) in any other case, £170.

(2) In paragraph (1) "householder application" has the same meaning as in article 1(2) of the Town and Country Planning (General Permitted Development) Order 1995(**4**).".

(5) In Schedule 1 after paragraph 7A(**5**) insert—

"**Fee for applications for a grant of replacement planning permission subject to a new time limit: England**

7B.—(1) Where an application of the description contained in article 10B(1)(b) of the Town and Country Planning (General Development Procedure) Order 1995 is made (consultations before grant of a replacement planning permission subject to a new time limit) the following fees shall be paid to the local planning authority—

(a) if the application is a householder application, £50;

(b) if the application is an application for major development, £500;

(c) in any other case, £170.

(2) In this paragraph "householder application" and "major development" have the same meaning as in article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995(**6**).".

(6) In paragraph 9(b) of Part 2 (scale of fees in respect of applications made or deemed to be made on or after 6th April 2008) of Schedule 1, for "£250,000" substitute "£1,690".

(**3**) S.I. 1995/419; article 4F and 10B were inserted by S.I. 2009/2261.
(**4**) The definition of "householder application" was inserted by S.I. 2009/453.
(**5**) The definition of "major development" was inserted by S.I.2006/1062.
(**6**) Paragraph 7A was inserted by S.I. 1992/1817.