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

DRAFT STATUTORY INSTRUMENTS

2006 No.

TOWN AND COUNTRY PLANNING, ENGLAND

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

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

The First 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 2006 and shall come into force on 6th April 2006.

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

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—

(**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 functions of the Secretary of State under section 303 were, so far as exercisable in relation to Wales, 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.

(**2**) S.I. 1989/193; relevant amendments were made by S.I. 1991/2735, 1992/3052, 1997/37 and 2001/2719.

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

(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

(d) to ascertain whether there has been any compliance with any requirement imposed as a result of any such power having been exercised in relation to the site.".

(4) After regulation 11A (fees for certain applications under the General Permitted Development Order) insert—

(**3**) 1995 c. 25.
(**4**) 1990 c. 8. Part 7 was amended by the Planning and Compensation Act 1991 (c. 34), sections 1 to 9 and Schedule 7, by the Planning and Compulsory Purchase Act 2004 (c. 5), section 52 and by S.I. 2003/956.