

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

DRAFT STATUTORY INSTRUMENTS

2014 No.

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Fees for Applications,
Deemed Applications, Requests and Site Visits)
(England) (Amendment) Regulations 2014**

Made - - - - *****

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 303(1), (2), (3) 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 2014 and come into force on the day after the day on which they are made.

(2) 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).

Amendment in relation to particular fees

2.—(1) Schedule 1 to the 2012 Regulations is amended as follows.

(2) In paragraph 11 of Part 1—

- (a) in sub-paragraph (1), for “Where” substitute “Subject to sub-paragraph (1A), where”; and
- (b) after sub-paragraph (1) insert—

(1) 1990 c. 8. Section 303 was substituted by section 199 of the Planning Act 2008 (c. 29). There are amendments to section 303 which are not relevant to these Regulations. Section 333(2A) was inserted by section 118(1) of, and paragraphs 1 and 14 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5).

(2) S.I. 2012/2920, to which there are amendments not relevant to these Regulations.

“(1A) In the case of operations for the winning and working of oil or natural gas (including exploratory drilling), in determining the site area for the purposes of subparagraph (1) no account is to be taken of any area of land under which underground operations are to be carried out if no other operations for the winning and working of oil or natural gas (including exploratory drilling) are to be carried out on that land.”

- (3) In the table in Part 2—
- (a) in the entry relating to category 9—
 - (i) for “£385” substitute “£423”;
 - (ii) for “£28,750” substitute “£31,725”; and
 - (iii) for “£115” substitute “£126”; and
 - (b) after that entry insert—

“9A The carrying out of any operations (other than operations coming within category 9) for the winning and working of oil or natural gas.	Where the site area—
	(a) does not exceed 15 hectares, £214 for each 0.1 hectare of the site area;
	(b) exceeds 15 hectares, £32,100; and an additional £126 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £65,000.”

Signed by authority of the Secretary of State for Communities and Local Government

Name
Parliamentary Under Secretary of State
Department for Communities and Local
Government

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (“the 2012 Regulations”).

Regulation 2 makes amendments for fees in relation to applications for planning permission for operations for the winning and working of oil or natural gas (including exploratory drilling). Many fees under the 2012 Regulations, including those relating to the winning and working of oil or natural gas, are charged by reference to the site area of the land to which the application relates. Paragraph 11 of Part 1 of Schedule 1 to the 2012 Regulations makes provision for determining the site area where a fee is calculated by reference to that area.

Regulation 2(2) amends paragraph 11 of Part 1 of Schedule 1 to the 2012 Regulations to provide, in relation only to applications for operations for the winning and working of oil or natural gas, that in determining the site area any land to be used solely for underground operations is ignored.

Regulation 2(3) amends Part 2 of Schedule 1 to the 2012 Regulations to increase the fees (and thresholds relating to fee levels, but not the maximum fee), in relation to applications for operations for the winning and working of oil or natural gas, by approximately 10%.

A regulatory impact assessment will be prepared in relation to the Regulations. It will be placed in the Library of each House of Parliament and copies may be obtained from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or viewed at www.communities.gov.uk