

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—

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- (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.

(b) specify the date on which the fee schedule is to take effect.

(4) Within 5 days of adopting a fee schedule, the corporation must publish a copy of the schedule on its website and make hard copies of it available on request.”

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

Date

Name
Minister of State
Department for Communities and Local
Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 4 of these Regulations inserts new regulation 2B into the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (S.I. 2012/2920), “the 2012 Regulations”, so that Mayoral development corporations and urban development corporations may charge for giving advice, in their area, about planning applications at the pre-application stage. The London Legacy Development Corporation was established as a Mayoral development corporation by the London Legacy Development Corporation (Establishment) Order 2012 (S.I. 2012/310) and was given planning functions by article 3 of the London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167). These Regulations will apply to any urban development corporations or further Mayoral development corporations which may be established. Regulation 3 inserts into the 2012 Regulations definitions relevant to new regulation 2B.

Under section 303(10) of the Town and Country Planning Act 1990, Mayoral development corporations and urban development corporations will be under a duty to secure that, taking one financial year with another, the income from pre-application fees does not exceed the cost to them of giving that advice.

A regulatory impact assessment has not been prepared in relation to these Regulations as no additional impact on the private or voluntary sectors is foreseen.