

---

WELSH STATUTORY INSTRUMENTS

---

**2016 No. 62**

**The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016**

**Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016 and they come into force on 16 March 2016.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations “the 2015 Regulations” (*“Rheoliadau 2015”*) means the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015(1).

**Amendments in relation to requests for pre-application services**

2.—(1) The 2015 Regulations are amended as follows.

(2) In regulation 1(3)—

(a) in sub-paragraph (a), after “these Regulations come into force;” omit “and”;

(b) in sub-paragraph (ix), after “planning permission” insert “; and”;

(c) after sub-paragraph (b) insert—

“(c) to requests for the provision of pre-application services by a local planning authority.”

(3) In regulation 2 at the appropriate places insert—

““the 2016 Regulations” (*“Rheoliadau 2016”*) means the Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016;” and

““waste development” (*“dablygiad gwastraff”*) has the same meaning as in article 2(1) of the Development Management Procedure Order.”

(4) After regulation 2 insert—

**“Fees for requests for pre-application services under the 2016 Regulations**

2A.—(1) Where a request for pre-application services is made to a local planning authority under the 2016 Regulations, a fee must be paid to that authority.

(2) The fee payable in respect of a request for pre-application services is calculated in accordance with Schedule 4.

(3) The fee must be paid to the local planning authority with whom the request is lodged and must accompany the request.

(4) Any fee paid pursuant to this regulation must be refunded if the request is rejected as invalid.”

(5) After Schedule 3 insert Schedule 4 contained in the Schedule to these Regulations.

### **Amendments relating to applications for approval of reserved matters**

3.—(1) The 2015 Regulations are further amended as follows.

(2) For regulation 8(3) substitute—

“(3) In this regulation “valid application” (“*cais dilys*”) has, in the case of an application for planning permission the same meaning as in article 22(3) of the Development Management Procedure Order, and in the case of an application for approval of reserved matters the same meaning as in article 23(3) of that Order(2).”

(3) In regulation 9(3)—

(a) after “in article 22(2)” insert “ or 23(1)”; and

(b) after “the Development Management Procedure Order” insert “ as the case may be”.

(4) In regulation 15(1) after “Where an application” insert “(other than an application for approval of reserved matters)”.

(5) In regulation 15(2) for “article 23” substitute “article 23(1)”.

### **Amendments relating to applications made pursuant to section 73 of the 1990 Act**

4.—(1) The 2015 Regulations are further amended as follows.

(2) In regulation 16(1)(a) for “householder application” substitute “householder change application”.

(3) In regulation 16(5)—

(i) after “In this regulation” insert “ and in paragraph 5A of Part 1 of Schedule 1” and

(ii) for ““householder application” (“*cais deiliad ty*”)” substitute ““householder change application (“*cais am newid gan ddeiliad ty*”)”.

(4) In paragraph 5 of Part 1 of Schedule 1, for “Where” substitute “Subject to paragraph 5A, where”.

(5) After paragraph 5 insert—

“5A.—(1) Where application is made pursuant to section 73 of the 1990 Act —

(a) following the refusal or partial refusal of an earlier application under section 96A(4) of the 1990 Act made by or on behalf of the same applicant; or

(b) where the local planning authority have not given notice of their decision in respect of an earlier application under section 96A(4) of the 1990 Act made by or on behalf of the same applicant within the period specified in article 28A(7) of the Development Management Procedure Order(3);

and all the conditions set out in sub-paragraph (2) are satisfied, the fee payable is the fee specified in sub-paragraph (3).

(2) The conditions referred to in sub-paragraph (1) are—

(a) the application is made within 6 months following—

(i) the date of the refusal or partial refusal of the earlier application; or

---

(2) Article 22(3) was amended by [S.I. 2016/59 \(W.29\)](#)

(3) Article 28A was inserted by [S.I.2014/1772 \(W. 183\)](#).

- (ii) as the case may be, expiry of the period specified in article 28A(7) of the Development Management Procedure Order in relation to the earlier application;
  - (b) the local planning authority to whom application is made are satisfied that the application relates to development of the same character or description as the development to which the earlier application related (and to no other development);
  - (c) the fee payable in respect of the earlier application was paid; and
  - (d) the applicant has not already paid a fee under this paragraph in respect of a previous application made pursuant to section 73 of the 1990 Act that related to development of the same character or description as the development to which the current application relates.
- (3) The fee is—
- (a) if the application is a householder change application, £160;
  - (b) in any other case, £95.”

#### **Amendments in relation to fees for post submission amendments to applications for major development**

5.—(1) The 2015 Regulations are further amended as follows.

(2) After regulation 16, insert—

##### **“Fees for post submission amendments to major development applications**

**16A.**—(1) Where an amendment to a valid application to which paragraph (2) applies has been submitted to a local planning authority in accordance with article 22(1A) of the Development Management Procedure Order, the fee specified in paragraph (3) must be paid to the local planning authority.

(2) This paragraph applies to an amendment to a valid application for major development.

(3) The fee is £190.

(4) In this regulation—

- (a) “valid application” (“*cais dilys*”) has the same meaning as in article 22(3) of the Development Management Procedure Order;
- (b) “major development” (“*datblygiad mawr*”) has the same meaning as in article 2(1) of the Development Management Procedure Order.”

#### **Transitional Provision**

6. The provisions in paragraphs (2) and (3) of regulation 3 of these Regulations do not apply in relation to an application for the approval of reserved matters made before these Regulations come into force.

26 January 2016

*Carl Sargeant*  
Minister for Natural Resources, one of the Welsh  
Ministers