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WELSH STATUTORY INSTRUMENTS

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**2009 No. 851 (W.76)**

**TOWN AND COUNTRY PLANNING, WALES**

**The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2009**

<i>Made</i>	- - - -	<i>31 March 2009</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>9 March 2009</i>
<i>Coming into force</i>	- -	<i>6 April 2009</i>

The Welsh Ministers make these Regulations in exercise of their powers as the appropriate authority under section 303 of the Town and Country Planning Act 1990<sup>(1)</sup>.

A draft of this instrument has been laid before the National Assembly for Wales in accordance with section 303(5) of the Town and Country Planning Act 1990 and approved by resolution of the National Assembly for Wales<sup>(2)</sup>.

**Title, commencement, interpretation and application.**

1.—(1) The title of these Regulations is the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2009 and they come into force on 6 April 2009.

(2) In these Regulations, “the 1989 Regulations” (“*Rheoliadau 1989*”) means the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989<sup>(3)</sup>.

(3) These Regulations apply in relation to Wales.

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- (1) 1990 c. 8; section 303 was amended by paragraph 10 of Schedule 13 to the Environmental Protection Act 1990 (c. 43), section 6(6) of the Planning and Compensation Act 1991(c. 34) and section 53 of the Planning and Compulsory Purchase Act 2004 (c. 5). See S.I. 2004/2097 (C.89) and, in relation to Wales, S.I. 2006/931 (C.26). See also section 303(2A) of the Town and Country Planning Act 1990 (“the 1990 Act”) for the meaning of “appropriate authority” and section 336(1) of that Act for the definition of “prescribed”. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) the powers in section 303 of the 1990 Act are now vested in the Welsh Ministers.
- (2) The reference in section 303(5) to approval by each House of Parliament has effect in relation to the exercise of functions by the Welsh Ministers as if it were a reference to approval by the National Assembly for Wales by virtue of paragraph 33 of Schedule 11 to the Government of Wales Act 2006.
- (3) S.I. 1989/193 amended, in relation to England and Wales, by S.I. 1990/2743, 1991/2735, 1992/1817, 1992/3052, 1993/3170 and 1997/37 and, in relation to Wales, by S.I. 2002/1876 (W.185), 2002/2258 (W.222), 2004/2736 (W.243) and 2006/948 (W.97).

### General increase in fees

2.—(1) The 1989 Regulations, insofar as they apply to Wales, are amended in accordance with the provisions of this regulation.

(2) In regulation 10A of the 1989 Regulations—

(a) in paragraph (5)(b), for “£144 until 31 March 2007, increasing thereafter to £159” substitute “£166”; and

(b) for paragraph (6), substitute—

“Where a use specified in an application under section 191(1)(a) is use as one or more dwellinghouses, the fee payable in respect of that use will be—

(a) where the use so specified is use as 50 or fewer dwellinghouses, £330 for each dwellinghouse;

(b) where the use so specified is use as more than 50 dwellinghouses, £16,464; and an additional £84 for each dwellinghouse in excess of 50, subject to a maximum in total of £250,000.”.

(3) In regulation 11A(1) of the 1989 Regulations—

(a) in sub-paragraph (a), for “£54 until 31 March 2007, increasing thereafter to £59” substitute “£61”; and

(b) in sub-paragraph (b), for “£288 until 31 March 2007, increasing thereafter to £316” substitute “£330”.

(4) In Part I of Schedule 1 to the 1989 Regulations—

(a) in paragraphs 4(1) and 6(2), for “£288 until 31 March 2007, increasing thereafter to £316” substitute “£330”; and

(b) in paragraphs 7, 7A and 7B, for “£144 until 31 March 2007, increasing thereafter to £159” substitute “£166”; and

(c) for paragraph 15(2), substitute—

“Where an application is for outline planning permission and relates to development which is within more than one of the categories specified in that table, the fee payable in respect of the application will be—

(a) where the site area does not exceed 2.5 hectares, £330 for each 0.1 hectare of the site area;

(b) where the site area exceeds 2.5 hectares, £8,232, and an additional £84 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000.”.

(5) For Part II of Schedule 1 to the 1989 Regulations (scale of fees), substitute the new Part II set out in Schedule 1 to these Regulations.

(6) For Schedule 2 to the 1989 Regulations (scale of fees for advertisement applications), substitute the new Schedule 2 set out in Schedule 2 to these Regulations.

### Revocation

3. The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2006(4) are revoked.

31 March 2009

*Jane Davidson*  
Minister for Environment, Sustainability and  
Housing, one of the Welsh Ministers

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## SCHEDULES

### SCHEDULE 1

Regulation 2(5)

#### PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS

#### “Part II

#### SCALE OF FEES IN RESPECT OF APPLICATIONS MADE OR DEEMED TO BE MADE ON OR AFTER 6 APRIL 2009.

<i>Category of development</i>	<i>Fee payable</i>
1. <i>Operations</i>	
<p><b>1.</b> The erection of dwellinghouses (other than development within category 6 below)</p>	<p>(a) where the application is for outline planning permission and—</p> <p>(i) the site area does not exceed 2.5 hectares, £330 for each 0.1 hectare of the site area,</p> <p>(ii) the site area exceeds 2.5 hectares, £8,232 and an additional £84 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000;</p> <p>(b) in other cases—</p> <p>(i) where the number of dwellinghouses to be created by the development is 50 or fewer, £330 for each dwellinghouse,</p> <p>(ii) where the number of dwellinghouses to be created by the development exceeds 50, £16,464 and an additional £84 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £250,000.</p>
<p><b>2.</b> The erection of buildings (other than buildings in categories 1,3,4,5 or 7).</p>	<p>(a) where the application is for outline planning permission and—</p> <p>(i) the site area does not exceed 2.5 hectares, £330 for each 0.1 hectare of the site area,</p>

<i>Category of development</i>	<i>Fee payable</i>
	(ii) the site area exceeds 2.5 hectares, £8,232 and an additional £84 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000;
	(b) in other cases—
	(i) where no floor space is to be created by the development or where the area of gross floor space to be created by the development does not exceed 40 square metres, £166,
	(ii) where the area of the gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £330,
	(iii) where the area of the gross floor space to be created by the development exceeds 75 square metres, £330 for each 75 square metres (or part thereof), subject to a maximum in total of £250,000.
<b>3.</b> The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 4).	(a) where the application is for outline planning permission and—
	(i) the site area does not exceed 2.5 hectares, £330 for each 0.1 hectare of the site area,
	(ii) the site area exceeds 2.5 hectares, £8,232 and an additional £84 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000;
	(b) in other cases—
	(i) where no floor space is to be created by the development or where the area of gross floor space to be created by the development does not exceed 465 square metres, £61,
	(ii) where the area of gross floor space to be created by the development exceeds 465 square metres but does not

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<i>Category of development</i>	<i>Fee payable</i>
	<p>exceed 540 square metres, £330,</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 540 square metres, £330 and an additional £330 for each 75 square metres (or part thereof) in excess of 540 square metres, subject to a maximum in total of £250,000.</p>
<p>4. The erection of glasshouses on land used for the purposes of agriculture.</p>	<p>(a) Where the gross floor space to be created by the development does not exceed 465 square metres, £61;</p> <p>(b) where the gross floor space to be created by the development exceeds 465 square metres, £1,870.</p>
<p>5. The erection, alteration or replacement of plant or machinery.</p>	<p>(a) where the site area does not exceed 5 hectares, £335 for each 0.1 hectare of the site area;</p> <p>(b) where the site area exceeds 5 hectares, £16,464 and an additional £84 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £250,000.</p>
<p>6. The enlargement, improvement or other alteration of existing dwellinghouses</p>	<p>(a) where the application relates to one dwellinghouse, £166;</p> <p>(b) where the application relates to 2 or more dwellinghouses, £330.</p>
<p>7</p>	<p>£166</p>
<p>(a) the carrying out of operations (including the erection of a building) within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or</p>	
<p>(b) the construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose</p>	<p>£166</p>

<i>Category of development</i>	<i>Fee payable</i>
incidental to the existing use of the land.	
<b>8.</b> The carrying out of any operations connected with exploratory drilling for oil or natural gas	<p>(a) where the site area does not exceed 7.5 hectares, £330 for each 0.1 hectares of the site area;</p> <p>(b) where the site area exceeds 7.5 hectares, £24,852 and an additional £84 for each 0.1 hectare in excess of 7.5 hectares, subject to a maximum in total of £250,000.</p>
<b>9.</b> The carrying out of any operations not coming within any of the above categories.	<p>(a) in the case of operations for the winning and working of minerals—</p> <p>(i) where the site area does not exceed 15 hectares, £166 for each 0.1 hectare of the site area,</p> <p>(ii) where the site area exceeds 15 hectares, £24,852 and an additional £84 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £65,000;</p> <p>(b) in any other case, £166 for each 0.1 hectare of the site area, subject to a maximum of £250,000.</p>
<b>II. Uses of land</b>	
<b>10.</b> The change of use of a building to use as one or more separate dwellinghouses	<p>(a) Where the change of use is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses—</p> <p>(i) where the change of use is to use as 50 or fewer dwellinghouses, £330 for each additional dwellinghouse,</p> <p>(ii) where the change of use is to use as more than 50 dwellinghouses, £16,464 and an additional £84 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £250,000;</p> <p>(b) in all other cases—</p> <p>(i) where the change of use is to use as 50 or fewer dwellinghouses, £330 for each dwellinghouse,</p> <p>(ii) where the change of use is to use as more than 50</p>

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<i>Category of development</i>	<i>Fee payable</i>
	dwellinghouses, £15,630 and an additional £84 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £250,000.
<b>11.</b> The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land, or for the storage of minerals in the open.	(a) where the site area does not exceed 15 hectares, £166 for each 0.1 hectare of the site area; (b) where the site area exceeds 15 hectares, £24,852 and an additional £84 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £65,000.
<b>12.</b> The making of a material change in the use of a building or land (other than a material change of use coming within any of the above categories).	£330”.

SCHEDULE 2

Regulation 2(6)

“SCHEDULE 2

SCALE OF FEES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS MADE ON OR AFTER 6 APRIL 2009.

<i>Category of development</i>	<i>Fee payable</i>
<b>1.</b> Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters—	£90
(a) the nature of the business or other activity carried on on the premises;	
(b) the goods sold or the services provided on the premises; or	
(c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.	
<b>2.</b> Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.	£90



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<i>Category of development</i>	<i>Fee payable</i>
<b>3.</b> All other advertisements.	£330.”.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations further amend, in relation to Wales, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 (“the 1989 Regulations”).

The effect of these Regulations is to increase certain fees payable, in relation to Wales, under the 1989 Regulations by 4.2 per centum.

These Regulations revoke the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2006 (S.I. 2006/948) (W.97).

A full regulatory impact assessment of the effect that this instrument will have is available from the Planning Division, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ and can also be viewed on the website [www.assemblywales.org/](http://www.assemblywales.org/)