



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 3

#### PLANNING

### CHAPTER 6

#### OTHER PROVISION

PROSPECTIVE

#### 134 Power of certain bodies to charge fees for advice in relation to applications under the Planning Acts

After section 303ZA of the TCPA 1990 (fees for appeals) insert—

##### **“303ZB Power of certain bodies to charge fees for advice in relation to applications under the planning Acts**

- (1) A prescribed body may charge fees for the provision of advice, information or assistance (including the provision of a response to a consultation) in connection with an application within [subsection \(2\)](#) that relates to land in England.
- (2) An application is within this subsection if it is an application, proposed application or proposal for a permission, approval or consent under, or for the purposes of, the planning Acts.
- (3) A prescribed body may not charge fees under [subsection \(1\)](#) in respect of—
  - (a) a response to a consultation that a qualifying neighbourhood body is required to carry out under an enactment;

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 134. (See end of Document for details)*

- (b) the provision of prescribed advice, information or assistance or advice, information or assistance of a prescribed description.
- (4) In subsection (3)(a), a “qualifying neighbourhood body” means—
- (a) a qualifying body within the meaning given by section 61E(6) (and includes a community organisation which is to be regarded as such a qualifying body by virtue of paragraph 4(2) of Schedule 4C), or
  - (b) a qualifying body within the meaning given by section 38A(12) of the Planning and Compulsory Purchase Act 2004.
- (5) A prescribed body may charge fees under [subsection \(1\)](#) only in accordance with a statement published on its website which—
- (a) describes the advice, information or assistance in respect of which fees are charged,
  - (b) sets out the fees (or, if applicable, the method by which the fees are to be calculated), and
  - (c) refers to any provision in an enactment pursuant to which the advice, information or assistance is provided.
- (6) Subsections (7) and (8) apply where a prescribed body decides to charge fees under [subsection \(1\)](#) for advice, information or assistance which the body provides pursuant to a provision in an enactment.
- (7) If a person fails to pay the fee charged under [subsection \(1\)](#), the prescribed body may, notwithstanding any requirement to provide the advice, information or assistance, withhold the advice, information or assistance until the fee is paid.
- (8) The prescribed body must secure that, taking one financial year with another, the income from the fees charged under [subsection \(1\)](#) does not exceed the cost of providing the advice, information or assistance.
- (9) A financial year is the period of 12 months beginning with 1 April.
- (10) Before making regulations under this section, the Secretary of State must consult—
- (a) any body likely to be affected by the regulations, and
  - (b) such other persons as the Secretary of State considers appropriate.
- (11) In this section, “fees” include charges (however described).”

#### Commencement Information

**II** S. 134 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 134.