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STATUTORY INSTRUMENTS

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**2012 No. 2920**

**The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012**

**Fees in respect of the monitoring of mining and landfill sites**

**15.**—(1) Subject to paragraphs (2) and (3), where a site visit is made to a mining site or a landfill site by a local planning authority, the operator of the site shall pay to the authority a fee of an amount specified in paragraph (4) or (5).

(2) The maximum number of visits to any one such site for which a fee is payable under this regulation in any period of 12 months beginning with the date of the first such visit is—

- (a) where the site is an active site, eight; or
- (b) where the site is an inactive site, one.

(3) Where—

- (a) the person liable to pay the fee in respect of a site visit is the owner of the site; and
- (b) there is more than one owner,

the amount of the fee shall be divided equally by the total number of owners and each owner shall be liable to pay one part of the amount so divided.

(4) Where the whole or a part of the site is an active site, the fee payable shall be £331.

(5) In any other case the fee payable shall be £110.

(6) In this regulation—

“active site” means the whole or a part of a mining site or landfill site, or a site which is partly a mining site and partly a landfill site, where—

- (a) development to which the relevant mineral permission or landfill permission relates is being carried out to any substantial extent on the site or (as the case may be) that part of it; or
- (b) other works to which a condition attached to such permission relates are being carried out to any substantial extent on the site or (as the case may be) that part of it;

“operator”, in relation to a mining or a landfill site, means—

- (a) the person—
  - (i) carrying out operations on the land consisting of the winning and working of minerals;
  - (ii) using the land for the deposit of mineral waste;
  - (iii) carrying out operations on the land for the purposes of, or using the land as, a waste disposal site for the deposit of waste onto or into the land; or
  - (iv) carrying out on the land other works to which a condition attached to a mineral permission or landfill permission relates;

- (b) where there is more than one person carrying out the operations, works or using the land in a way described in sub-paragraph (a), the person in overall control of the mining site, landfill site or, where a site is both a mining site and a landfill site, the mining site and the landfill site, as the case may be; or
- (c) where there is no person who falls within the description in sub-paragraph (a) or (b), the owner of the site; and

“owner”, in relation to a mining or a landfill site, means—

- (a) the person who is entitled to a tenancy of the site granted or extended for a term of years certain of which not less than seven years remains unexpired, but does not include an underlessee; or
- (b) where there is no person who falls within the description in sub-paragraph (a), the estate owner in respect of the fee simple of the site.