

# **Environment, Planning and Countryside Committee**

## **EPC(2) 04-06(p6)**

### **The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2006**

#### **Purpose**

1. At the request of the Business Committee held on 14 February 2006, this paper brings the planning application fees regulations to the attention of Members of the Environment, Planning and Countryside Committee. The Regulations are for consideration in Plenary on 28 March using the standard procedure.

#### **Background**

2. The Regulations provide, in relation to Wales, for a 20% across-the-board increase in planning application fee levels from 1 April 2006 and a further 10% increase from 1 April 2007 in Wales, and also provides a simplified fee structure.

3. The Instrument was notified to the Environment, Planning and Countryside ('EPC') Committee on 5 October 2005 via the list of forthcoming legislation (70PE), and was not identified for further scrutiny by the Committee. Cabinet agreed at its meeting on 7 November 2005 to the proposed planning application fees including the levels of thresholds and maximum fees. In addition the Business Partnership considered the fee increases on 25 November 2005. As the increases are to be linked to improvements in local planning authorities' performance they had no objections.

4. The proposals for a new fee regime will increase the fee income for local planning authorities. There should be an increase in quality of services linked to improvements in performance. The target date for implementation of the revised fee regime is April 2006.

#### **Consultation**

5. A public consultation took place from 13 June 2005 to 5 September 2005. Views were sought from a range of business organisations, professional bodies, the Welsh Local Government Association (WLGA), social partners and voluntary sector groups, and local planning authorities on proposals to increase planning application fee levels in Wales. Twenty-nine responses were received, nine from business organisations. All the organisations recognised the need to increase planning fees so that

additional funding could be made available to improve the planning service. However, business requested that a robust evaluation framework be put in place to ensure that the increased funding would lead to an improved planning service. The Welsh Assembly Government and other planning stakeholders are currently working together to develop this. The proposed increases outlined in the draft Regulations have been informed by consultation responses.

## **Financial Implications**

6. The cost of preparing the Regulations are met from within the existing Planning Division's and Directorate of Legal Services' administration costs budgets. There are no additional financial implications for the Assembly.

7. An increase in planning fees will generate income for Local Planning Authorities and National Park Authorities. This extra funding is intended to be utilised by planning authorities to improve the planning service and many have budgeted for this increase from April 2006 onwards.

## **Press and Publicity**

8. Should the National Assembly approve the legislation, officials will write to local planning authorities advising them that the Regulations have been made. Further arrangements for publicity of the new fees cannot be finalised until the Regulations are approved.

## **Compliance**

9. Section 40 of the Government of Wales Act gives the Assembly the power to do anything incidental to the exercise of its functions.

10. The power to make regulations to set monitoring fees is contained in section 303 of the Town and Country Planning Act 1990 (as amended by section 53 of the Planning and Compensation Act 2004). The section 53 amendment widens the scope of section 303 to provide for the payment of fees relating to planning applications and other functions of local planning authorities. The relevant functions under the 1990 Act were transferred to the Assembly by the TFO 1999 and delegated (insofar as they can be) to the Assembly's Environment Planning and Countryside Minister. There are no issues of regularity or propriety from the making of these regulations.

## **Action by the Committee**

11. The Committee is invited to note the proposed Regulations increasing planning application fees which will come forward for approval in Plenary on 28 March, using the standard procedure.