

Environment, Planning and the Countryside Committee

EPC(2) 04-06(p7)

The Town and Country Planning (Fees for Applications and Deemed Applications) (NO.2) (Amendment) (Wales) Regulations 2006

Purpose

1. At the request of the Business Committee held on 14 February 2006, the regulations to raise the levels of planning application fees have been brought to the attention of Members of the Environment, Planning and Countryside Committee. In view of the separate regulations to establish a new fee regime to enable the costs of monitoring permissions for minerals and landfill sites it was appropriate to draw these to the attention of the Committee so that both proposals can be considered at the same time.

Background

2. These Regulations will allow for the payment of a fee by an operator or landowner of a minerals or landfill site to the local planning authority for site visits for the purpose of monitoring compliance with the planning permission. The Regulations are to take effect on 6th April 2006 and amend the Town and Country Planning (Fees for Applications and Deemed Applications) Regulation 1989. The Regulations provide for a system of fees for inspection visits to active and inactive minerals and landfill sites. Unlike most other development, minerals and landfill sites operate for lengthy periods, often decades, and require regular monitoring to ensure that the terms of the planning permission are monitored to protect the environment. The Regulations set the level of fees and limits on the number of visits that can be made per year for which a fee can be collected. The fees will be used to cover the ongoing costs of site visits and investigations by minerals planning authorities must currently bear from their own budgets.

3. The Instrument was referred to the Environment, Planning and Countryside Committee on 5 October 2005 via the list of forthcoming legislation and was not identified for further scrutiny by the Committee. The Business Committee has since identified related Regulations for scrutiny and decided to include these Regulations for scrutiny as well.

Consultation

4. Consultation on the new fees regime took place between July and September 2005. 14 responses were received. Seven responses from mineral Planning Authorities and two other respondents agreed with the

fees proposals. Four representations from the minerals industry and one other disagreed with the proposal. Details are given in the attached Regulatory Appraisal

Financial Implications

5. There are no additional financial implications for the Assembly or local authorities from the making of these Regulations. Guidance notes for local authorities will be produced under existing divisional running costs.

Press and Publicity

6. Should the National Assembly approve the legislation, the Planning Division will write to interested parties advising them that the Regulations have been made. No other publicity arrangements are currently planned.

Compliance

7. Section 40 of the Government of Wales Act gives the Assembly the power to do anything incidental to the exercise of its functions. Existing primary legislation will need to be fully commenced in relation to Wales in order for the Assembly to give effect to this new minerals fees regime and this is being undertaken separately.

8. 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.

Carwyn Jones

Minister for the Environment, Planning and Countryside