

SL(6)645 – The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2025

Background and Purpose

Under section 303 of the *Town and Country Planning Act 1990*, the Welsh Ministers may prescribe fees or charges in connection with planning functions.

Fee categories for planning applications are detailed in the *Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015* (the “**2015 Regulations**”).

The Explanatory Memorandum (“**EM**”) explains that such fees are intended to recover the cost of discharging the Development Management functions by Local Planning Authorities. It further explains that fee increases have not kept up with inflation or the direct cost of processing applications.

These Regulations (the “**2025 Regulations**”) amend the 2015 Regulations. The EM states that:

The purpose of this legislation is to make provision that will allow the Government to address the existing deficit between the cost of determining applications and the income received for providing this service by making provision for a more fair, effective and efficient system of updating and publicising fees.

The effect of the 2025 Regulations is that the existing established fee categories and structure set out in the 2015 Regulations (as amended) is retained, but any monetary values attributed to them are removed and will hereafter be published, amongst other information, in a Fee Document by the Welsh Ministers.

An example Fee Document which includes “the proposed fees for all categories” is contained in Annex A to the Explanatory Memorandum. A disclaimer states that it may be subject to “minor updates”.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.



Technical Scrutiny

The following five points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2 (vi) – that its drafting appears to be defective or fails to fulfil statutory requirements

In regulation 2(3), in the new regulation 2ZA(2)(e), the reference is incorrectly described as "paragraphs (a), (c) and (d)". However, the reference should be described as "sub-paragraphs (a), (c) and (d)" because they are divisions of paragraph (2) in the new regulation 2ZA. It also means that the description is inconsistent with that found in regulation 2ZA(4) where similar divisions are correctly described as "sub-paragraphs (a) to (j) below" when referring to divisions of paragraph (4) in the new regulation 2ZA.

2. Standing Order 21.2 (vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 2(3), in the new regulation 2ZA(4)(g), there is a difference between the English and Welsh text. In the English text, the provision is listed as "*regulation 15(1)(a) and (b) (fees for applications made under planning condition);*". However, the provision listed by the Welsh text is "*regulation 15(1)(a) and (b) (fees for applications made under planning condition) and Part 2 of Schedule 1 (scale of fees in respect of applications made or deemed to be made);*". Therefore, an additional provision is listed in the Welsh text of the new regulation 2ZA(4)(g) which is not found in the English text.

3. Standing Order 21.2 (vi) – that its drafting appears to be defective or fails to fulfil statutory requirements

In regulation 3(9)(e)(i) and (ii), the locations for the textual amendments are incorrectly described as "in sub-paragraph (a)" and "in sub-paragraph (b)" respectively. However, the locations should be described "in paragraph (a)" and "in paragraph (b)" because they are divisions of sub-paragraph (3) in paragraph 5A of Part 1 of Schedule 1 to the 2015 Regulations.

4. Standing Order 21.2 (vi) – that its drafting appears to be defective or fails to fulfil statutory requirements

In regulation 3(10)(c), it appears that the amendment fails to achieve its intended effect in the Welsh text of category 9(b) in the "fee payable" column of the Table in Part 2 of Schedule 1 to the 2015 Regulations.

This is because the phrase "*subject to a maximum in total*" is expressed as "*yn ddarostyngedig i uchafswm o*" in the existing Welsh text of category 9(b) rather than "*yn ddarostyngedig i'r cyfanswm uchaf o*" which is found in the other categories of that Table. As a result, the textual amendment in the Welsh text of regulation 3(10)(c) appears to fail to amend category



9(b) because it is described as only amending the sum which follows the specific words "cyfanswm uchaf o".

5. Standing Order 21.2 (vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 4(2)(a), there is a difference between the English and Welsh text. In the English text, the amendment replaces the existing references to 2.5 hectares with new references to "**1.2** hectares". However, the Welsh text replaces those existing references with new references to "**1.5** hectares". In addition, in the Welsh text of regulation 4(2)(a) the phrase "each reference to" is not included in the description of the amendments although it is included in the amendment made by regulation 4(2)(b).

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

6. Standing Order 21.3 (ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The Welsh Government consulted on proposals to update planning application fees in November 2024. The Committee notes that the EM contains a link to the relevant documentation and contains a summary of the details in section 5 of the EM.

7. Standing Order 21.3 (ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

A Regulatory Impact Assessment for the 2025 Regulations is contained in section 6 of the EM. Three substantive options were considered:

- Option 1 – do nothing (and retain the existing 2020 fee level);
- Option 2 – Increase fees to Full Cost Recovery ("**FCR**");
- Option 3 – Implement a gradual increase in fees to achieve FCR over a 3-5 year period, except for larger households.

In summary, the EM states:

7.1 It is recognised that periodically increasing planning fees by a certain percentage, including the retention of the current imbalance between smaller and householder applications and major applications, is no longer sustainable. The current fee regime does not address the changes to, and the complexities of running a development management service at the local level. LPAs are unable to resource their development management services adequately when the fee regime is constantly playing 'catch up' and as a result, LPAs are moving further away from cost recovery. If this situation is allowed to continue, it is likely to have a detrimental impact on the development and



management of land in Wales, and our ability to make economic, social and environmental progress as a nation. [...]

7.3 There was considerable support across all sectors for increases to planning fees from all sectors for a fee structure based on FCR and annual inflationary updates (based on CPI) by publication. On this basis both Options 2 (FCR) and 3 (FCR Pathway) would achieve the policy intent.

7.4 Option 3 has been selected as the preferred option. This is because Option 3 allows for fees to be implemented on a phased basis. It ensures that fees for planning applications are set at or close to FCR, but through a gradual approach. The timeframe for reaching FCR has been carefully considered. Most application types will reach FCR within 3 years, while the remaining types will do so in approximately 5 years. This approach involves modest and incremental fee increases, progressing towards the goal of FCR. It aims to balance ensuring applicants can plan for and absorb these costs, while also providing financial relief to struggling LPAs.

Welsh Government response

A Welsh Government response is required for the technical points only.

Legal Advisers

Legislation, Justice and Constitution Committee

22 September 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

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