Draft Regulations laid before Parliament under section 303(8) of the Town and Country Planning Act 1990 and section 252(4) and (5)(i) of the Levelling-up and Regeneration Act 2023, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No. ****

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Fees and Consequential Amendments) Regulations 2025

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 303(4A) of the Town and Country Planning Act 1990(**a**) and section 250 of the Levelling-up and Regeneration Act 2023(**b**), makes the following Regulations.

In accordance with section 303(8) of the Town and Country Planning Act 1990 and section 252(4) and (5)(i) of the Levelling-up and Regeneration Act 2023, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

INTRODUCTORY

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees and Consequential Amendments) Regulations 2025.

(2) This regulation, and regulation 13(1) and (13), come into force on the day after the day on which these Regulations are made.

(3) All other provisions of these Regulations come into force on 1st May 2025.

(4) Unless otherwise stated, each amendment made by these Regulations has the same extent as the provision amended.

(**a**) 1990 c. 8. Subsection (4A) of section 303 was inserted by paragraph 8(b) of Schedule 10 to the Levelling-up and Regeneration Act 2023 (c. 55).
(**b**) 2023 c. 55.

PART 2

FEES AMENDMENTS

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

2.—(1) The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(**a**) are amended as follows.

(2) In regulation 1 (citation, commencement, application and expiry), in paragraph (4)(b)(iv)—

(a) for "293A" substitute "293B or 293D", and

(b) for "urgent crown development" substitute "urgent Crown development and Crown development".

(3) In regulation 12 (fee payable in respect of urgent crown development applications)—

(a) in the heading, for "urgent crown development" substitute "urgent Crown development and Crown development",

(b) in paragraph (1)—

(i) for "293A" substitute "293B or 293D", and

(ii) after "development" insert "and crown development",

(c) in paragraph (2), for "293A" substitute "293B or 293D", and

(d) after paragraph (5), insert—

"(6) Where the Secretary of State refers a planning application to the local planning authority under section 293D(7) of the 1990 Act, any fee paid under this regulation shall be refunded and becomes payable instead to the local planning authority".

PART 3

AMENDMENTS TO PRIMARY LEGISLATION CONSEQUENTIAL UPON THE LEVELLING-UP AND REGENERATION ACT 2023

The Opencast Coal Act 1958

3. In section 51 of the Opencast Coal Act 1958(**b**) (interpretation), in the definition of "planning permission" in subsection (1), after "Part III" insert "or, in relation to England, Part 13".

The Caravan Sites and Control of Development Act 1960

4. In section 29 of the Caravan Sites and Control of Development Act 1960(**c**) (interpretation of Part I), after subsection (5) insert—

"(6) A reference in this Part to planning permission under Part 3 of the Town and Country Planning Act 1990 (including such a reference made by virtue of section 2(4) of the Planning (Consequential Provisions) Act 1990) includes, in relation to England, permission under Part 13 of that Act.".

(**a**) S.I. 2012/2920, amended by S.I. 2017/1314; there are other amending instruments but none is relevant.

(**b**) 1958 c. 69. The definition of "planning permission" in section 51(1) was inserted by paragraph 13(c) of Schedule 8 to the Housing and Planning Act 1986 (c. 63) and amended by paragraph 5(c) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11).

(**c**) 1960 c. 62. Section 3 was amended by paragraph 10 of Schedule 3 to the Local Government, Planning and Land Act 1980 (c. 65), sections 1(2) and 2(1) and (2) of the Mobile Homes Act 2013 (c. 14) and S.I. 2014/1900. Section 5A was inserted by section 1(3) of the Mobile Homes Act 2013 and subsequently amended by S.I. 2014/1900. Section 29(4) was amended by paragraph 8 of Schedule 2 to the Planning (Consequential Provisions) Act 1990.

The Pipe-lines Act 1962

5.—(1) The Pipe-lines Act 1962(**a**) is amended as follows.

(2) In section 9A (provisions for securing that an additional pipe-line is so constructed as to reduce necessity for construction of other pipe-lines), in subsection (6), after "Part III", in the first place it occurs, insert "or, in relation to England, Part 13".

(3) In section 66 (general interpretation provisions), in the definition of "diversion" in subsection (1), after "Part III", in the first place it occurs, insert "or, in relation to England, Part 13".

The Gas Act 1965

6. In section 28 of the Gas Act 1965(**b**) (interpretation of Part II), in the definition of "planning permission" in subsection (1), after "(other than sections 88 or 89)" insert "or, in relation to England, Part 13 of that Act".

The Caravan Sites Act 1968

7. In section 16 of the Caravan Sites Act 1968(**c**) (interpretation), in the definition of "planning permission" (as it applies in England and Wales), after "Part III" insert "or, in relation to England, Part 13".

The Highways Act 1980

8.—(1) The Highways Act 1980(**d**) is amended as follows.

(2) In section 80 (powers to fence highways), in subsection (3)(c), after "Part III" in the first place it occurs, insert "or, in relation to England, Part 13".

(3) In section 96A (duty of local highway authorities in England to consult before felling street trees), in subsection (3)(e)(i), after "79" insert "or, in relation to England, under Part 13".

(4) In section 166 (forecourt abutting on streets), in subsection (3), after "Part III" insert "or, in relation to England, Part 13".

The Local Government (Miscellaneous Provisions) Act 1982

9. In section 37 of the Local Government (Miscellaneous Provisions) Act 1982(**e**) (temporary markets), in subsection (8), after "Part III" insert "or, in relation to England, Part 13".

The Mobile Homes Act 1983

10. In section 5 of the Mobile Homes Act 1983(**f**) (interpretation), in the definition of "planning permission" in subsection (1), after "Part III", in the first place it occurs, insert "or, in relation to England, Part 13".

(**a**) 1962 c. 58. Section 9A was inserted by paragraph 7 of the Schedule to S.I. 1999/742.

(**b**) 1965 c. 36. The definition of "planning permission" in section 28(1) was amended by paragraph 12(2)(b) of Schedule 2 to the Planning (Consequential Provisions) Act 1990.

(**c**) 1968 c. 52. The definition of "planning permission" in section 16 was amended by paragraph 21(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990.

(**d**) 1980 c. 66. Section 80(3)(c) was amended by paragraph 45(4) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 and by paragraph 25(3) of Schedule 1 to the Infrastructure Act 2015 (c. 7). Section 96A was inserted by section 115 of the Environment Act 2021 (c. 30). Section 166(3) was amended by paragraph 45(10) of Schedule 2 to the Planning (Consequential Provisions) Act 1990.

(**e**) 1982 c. 30. Section 37(8) was amended by paragraph 56(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990.

(**f**) 1983 c. 34. The definition of "planning permission" in section 5(1) was amended by paragraph 59 of Schedule 2 to the Planning (Consequential Provisions) Act 1990 and paragraph 36 of Schedule 2 to the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11).

The Housing Act 1985

11. In section 610 of the Housing Act 1985(**a**) (power of court to authorise conversion of house into flats), in subsection (1)(b) for "Part III of the Town and Country Planning Act 1990 (general planning control)" substitute "Part III (general planning control) or, in relation to England, Part 13 (application to Crown land) of the Town and Country Planning Act 1990".

The Airports Act 1986

12. In section 61 of the Airports Act 1986(**b**) (compensation in respect of planning decisions relating to safety of airports etc.), in subsection (6), after "Part III" in the first place it occurs, insert "or, in relation to England, Part 13".

The Town and Country Planning Act 1990

13.—(1) The Town and Country Planning Act 1990(**c**) is amended as follows.

(2) In section 5 (the Broads), in subsection (1), after "250" insert ", 293B to 293J".

(3) In section 58 (granting of planning permission: general), in subsection (1), after paragraph (d) insert—

"(e) by the Secretary of State in accordance with the provisions of sections 293B to 293J.".

(4) In section 59A (development orders: permission in principle), in subsection (13), after "Part" insert ", or under section 293D,".

(5) In section 88 (planning permission for development in enterprise zones), in subsection (9), omit "made under this Part".

(6) In section 97 (power to revoke or modify planning permission or permission in principle), in subsection (1)(a), after "Part" insert "or, in relation to England, Part 13".

(**a**) 1985 c. 68. Section 610(1) was amended by paragraph 71(5) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 and paragraph 88 of Schedule 9 to the Local Government and Housing Act 1989 (c. 42).

(**b**) 1986 c. 31. Section 61 was amended by paragraph 73 of Schedule 2 to the Planning (Consequential Provisions) Act 1990, paragraph 7 of Schedule 6 and paragraph 35 of Schedule 12 to the Planning and Compensation Act 1991 (c. 34) and paragraph 39(2) of Schedule 2 to the Planning (Consequential Provisions) (Scotland) Act 1997.

(**c**) 1990 c. 8. Section 5 was amended by paragraph 9 of Schedule 7 to the Planning and Compensation Act 1991, section 190(3) of the Planning Act 2008 (c. 29), paragraph 3 of Schedule 9 to the Localism Act 2011 (c. 20), paragraph 2 of Schedule 2 to the Growth and Infrastructure Act 2013 (c. 27), paragraph 1(2) of Schedule 9 to the Levelling-up and Regeneration Act 2023 and S.I. 2024/49. Section 58 was amended by paragraph 4 of Schedule 12 to the Localism Act 2011, paragraph 3 of Schedule 1 to the Growth and Infrastructure Act 2013, paragraph 5 of Schedule 4 to the Infrastructure Act 2015, paragraph 2 of Schedule 4 to the Planning (Wales) Act 2015 (anaw 4) and paragraph 1(5) of Schedule 9 to the Levelling-up and Regeneration Act 2023. Section 59A was inserted by section 150(2) of the Housing and Planning Act 2016 (c.22) and subsequently amended by paragraph 2 of Schedule 6 and paragraph 4 of Schedule 8 to the Levelling-up and Regeneration Act 2023. Section 88 was amended by paragraph 12 of Schedule 12 to the Localism Act 2011, paragraph 13 of Schedule 4 to the Infrastructure Act 2015 and paragraph 1(13) of Schedule 9 to the Levelling-up and Regeneration Act 2023. Section 97 was amended by paragraph 4 of Schedule 1 to the Planning and Compensation Act 1991, paragraph 25 of Schedule 12 to the Housing and Planning Act 2016, paragraph 3(11) of Schedule 14 to the Environment Act 2021, and section 114(8) of, and paragraph 8 of Schedule 6 to, the Levelling-up and Regeneration Act 2023. Section 99 was amended by paragraph 12 of Schedule 4 to the Planning (Wales) Act 2015 and paragraph 26 of Schedule 12 to the Housing and Planning Act 2016. Section 100ZA was inserted by section 14(1) of the Neighbourhood Planning Act 2017 (c. 20). Section 247 was amended by paragraph 24(9) of Schedule 6 to the Local Government (Wales) Act 1994 (c. 19), paragraph 3 of Schedule 22 to the Greater London Authority Act 1999 (c. 29), paragraph 104 of Schedule 1 to the Infrastructure Act 2015, paragraph 4 of Schedule 10 to the Levelling-up and Regeneration Act 2023 and S.I. 2006/1281. Section 248(1)(a) was amended by paragraph 105 of Schedule 1 to the Infrastructure Act 2015. Section 253 was amended by paragraph 39(1) of Schedule 9 to the Coal Industry Act 1994 (c. 21), paragraph 32(8) of Schedule 10 to the Environment Act 1995 (c. 25), paragraph 8 of Schedule 22 to the Greater London Authority Act 1999, section 11 of the Growth and Infrastructure Act 2013, paragraph 13 of Schedule 4 to the Planning (Wales) Act 2015 and paragraph 4(16) of Schedule 3 to the Infrastructure (Wales) Act 2024 (asc 3). Section 264 was amended by paragraph 54 of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60), section 40(2)(k) of the Planning and Compulsory Purchase Act 2004, paragraph 20 of Schedule 12 to the Localism Act 2011, paragraph 18 of Schedule 4 to the Infrastructure Act 2015, paragraph 1(19) of Schedule 9 to the Levelling-up and Regeneration Act 2023, S.I. 2001/4050, 2003/1615 and 2012/1659. Section 327ZA was inserted by section 124(1) of the Levelling-up and Regeneration Act 2023. Schedule 7A was inserted by Part 1 of Schedule 14 to the Environment Act 2021.

(7) In section 99 (procedure for s. 97 orders: unopposed cases), in subsection (8)(a), after "Part VII" insert "or by the Secretary of State under Part 13".

(8) In section 100ZA (restrictions on power to impose planning conditions in England)—

(a) in subsection (9), after "Part" insert "or Part 13", and

(b) in subsection (13)(a), after "Part" insert "or Part 13".

(9) In section 247 (highways affected by development: orders by Secretary of State), in subsection (2A)(a) for "section 293A" substitute "Part 13".

(10) In section 248 (highways crossing or entering route of proposed new highway, etc.), in subsection (1)(a), after "Part III" insert "or, in relation to England, Part 13".

(11) In section 253 (procedure in anticipation of planning permission), in subsection (1)(a), omit "under Part III".

(12) In section 264 (cases in which land is to be treated as not being operational land), in subsection (5)(a) after "Part III" insert "or, in relation to England, Part 13".

(13) In section 327ZA (planning applications in England: powers as to form and content), in subsection (11), in the definition of "planning application", for "or 8" substitute ", 8 or 13".

(14) In Schedule 7A (biodiversity gain in England)—

(a) in Part 1 (overview and interpretation), in paragraph 12(1), in the definition of "planning authority", after paragraph (c) insert—

"(d) in a case where the planning permission is granted under Part 3 by virtue of section 293H(1), "planning authority" means either—

(i) where a person appointed by the Secretary of State in accordance with section 293I granted the planning permission, such of that person or the local planning authority as that person may determine, or

(ii) where the Secretary of State granted the planning permission in accordance with section 293J, such of the Secretary of State or the local planning authority as the Secretary of State may determine.", and

(b) in Part 2 (condition of planning permission relating to biodiversity gain), in paragraph 17(a)(ii) for "293A" substitute "293C".

The Countryside and Rights of Way Act 2000

14. In Schedule 1 to the Countryside and Rights of Way Act 2000(**a**) (excepted land for the purposes of Part 1), in paragraph 15(1) of Part 2, omit "Part III of".

The Commons Act 2006

15. In Schedule 1A to the Commons Act 2006(**b**) (exclusion of right under section 15: England), in the Table, in the first column, for paragraph 2 substitute—

"2. The Secretary of State gives notice under subsection (5) of section 293B of the 1990 Act agreeing to determine an application for planning permission made in relation to the land under that section; or, in relation to an application for planning permission or permission in principle made in relation to the land under section 293D of the 1990 Act, the Secretary of State gives notice under subsection (4) of that section stating that the Secretary of State considers the development to be of national importance.".

(**a**) 2000 c. 37.

(**b**) 2006 c. 26. Schedule 1A was inserted by Schedule 4 to the Growth and Infrastructure Act 2013 and subsequently amended by section 53(3) of the Planning (Wales) Act 2015 and paragraph 44 of Schedule 12 to the Housing and Planning Act 2016.

The Housing and Regeneration Act 2008

16. In section 13 of the Housing and Regeneration Act 2008(**a**) (power of the Secretary of State to make designation orders), after subsection (5) insert—

> "(5A) The fact that the purposes of Part 13 of the Town and Country Planning Act 1990 are not permitted purposes does not affect the construction of references to the local planning authority to which an application could have been made in sections 293B to 293J in the Part.".

The Planning Act 2008

17. In section 235 of the Planning Act 2008(**b**) (interpretation), in the definition of "planning permission" in subsection (1), after "Part 3" insert "or, in relation to England, Part 13".

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Name
Minister of State
Date Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to primary legislation that are consequential on provisions contained in the Levelling-up and Regeneration Act 2023 (c. 55) ("the 2023 Act") as well as making amendments in relation to fees for certain planning applications.

Section 109 of the 2023 Act inserts new sections 293B to 293J into the Town and Country Planning Act 1990 (c. 8) to provide two new routes for applications for planning permission for the development of Crown land in England. Sections 293B and 293C provide a route for such applications where the development is considered to be of national importance and where there is also considered to be a need for the development to be carried out as a matter of urgency. Sections 293D to 293J provide a route for such applications where development is considered to be of national importance but is not considered to be urgent.

Part 2 of these Regulations contains amendments to the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (S.I. 2012/2920) to specify where fees are payable in respect of applications made to the Secretary of State under the new provisions contained in sections 293B to 293J.

Part 3 of these Regulations contains amendments to existing primary legislation which are consequential on new sections 293B to 293J, in particular, to ensure the new provisions are referenced where appropriate.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

(**a**) 2008 c. 17. Section 13 was amended by paragraph 65 of Schedule 2 to the Planning Act 2008 and section 189(4) and (5) of, and paragraph 31 of Schedule 12 to, the Localism Act 2011.
(**b**) 2008 c. 29.

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