

2017 No. 120

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2017

<i>Made</i> - - - -	<i>19th April 2017</i>
<i>Laid before the Scottish Parliament</i>	<i>21st April 2017</i>
<i>Coming into force</i> - -	<i>1st June 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them to do so^(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2017 and come into force on 1st June 2017.

(2) In these Regulations “the principal Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004^(b).

Amendment of the principal Regulations

2. For the table in Part III of the schedule of the principal Regulations (table scale of fees) substitute the table in the schedule of these Regulations.

Savings

3. Notwithstanding the amendment of the principal Regulations by regulation 2, the principal Regulations continue to apply in respect of any application or deemed application referred to in regulation 1(2) of the principal Regulations made or deemed to be made before the date on which these Regulations come into force as they did immediately before these Regulations came into force.

KEVIN STEWART

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
19th April 2017

(a) 1997 c.8. Section 252 was amended by section 31 and the schedule of the Planning etc. (Scotland) Act 2006 (asp 17) and section 55 of the Regulatory Reform (Scotland) Act 2014 (asp 3). The functions of the Secretary of State in so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(b) S.S.I. 2004/219 as amended by S.S.I. 2007/253, S.S.I. 2007/268, S.S.I. 2009/222, S.S.I. 2010/141, S.S.I. 2010/280, S.S.I. 2013/105, S.S.I. 2014/214 and S.S.I. 2014/301.

SCHEDULE

Regulation 2

<i>Category of development</i>	<i>Fee payable</i>
I Operations	
1. Construction of buildings, structures or erections for use as residential accommodation (other than development within category 6).	<p>Where the application is for—</p> <ul style="list-style-type: none"> (a) planning permission in principle— <ul style="list-style-type: none"> (i) where the site area does not exceed 2.5 hectares, £401 for each 0.1 hectare or £401 where only one dwellinghouse is to be created by the development; (ii) where the site area exceeds 2.5 hectares, £10,028 plus £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £62,500; (b) other than planning permission in principle— <ul style="list-style-type: none"> (i) where the number of dwellinghouses to be created by the development does not exceed 50, £401 for each dwellinghouse; (ii) where the number of dwellinghouses to be created by the development exceeds 50, £20,050 plus £200 for each dwellinghouse in excess of 50, subject to a maximum in total of £124,850.
2. The erection of buildings (other than buildings coming within category 1, 3, 4 or 6).	<p>Where the application is for—</p> <ul style="list-style-type: none"> (a) planning permission in principle— <ul style="list-style-type: none"> (i) where the site area does not exceed 2.5 hectares, £401 for each 0.1 hectare; (ii) where the site area exceeds 2.5 hectares, £10,028 plus £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £62,500; (b) other than planning permission in principle— <ul style="list-style-type: none"> (i) where no floor space is to be created by the development or where the area of gross floor space to be created by the development does not exceed 40 square metres, £202;

<i>Category of development</i>	<i>Fee payable</i>
	<ul style="list-style-type: none"> (ii) where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £401; (iii) where the area of gross floor space to be created by the development exceeds 75 square metres but does not exceed 3,750 square metres, £401 for each 75 square metres (or part thereof); (iv) where the area of gross floor space exceeds 3,750 square metres, £200 for each 75 square metres (or part thereof), subject to a maximum in total of £125,000.
3. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 4).	<ul style="list-style-type: none"> (a) Where the application is for planning permission in principle, £401 for each 0.1 hectare of the site area, subject to a maximum of £10,028; (b) in all other cases— <ul style="list-style-type: none"> (i) where the ground area to be covered by the development exceeds 465 square metres but does not exceed 540 square metres, £401; (ii) where the ground area to be covered by the development exceeds 540 square metres, £401 plus £401 for each 75 square metres (or part thereof) in excess of 540 square metres, subject to a maximum in total of £20,055.
4. The erection of glasshouses on land used for the purposes of agriculture.	Where the ground area to be covered by the development exceeds 465 square metres, £2,321.
5. The erection, alteration or replacement of plant or machinery.	Where the site area— <ul style="list-style-type: none"> (a) does not exceed 5 hectares, £401 for each 0.1 hectare; (b) exceeds 5 hectares, £20,050 plus £200 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £125,000.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	Where the application relates to— <ul style="list-style-type: none"> (a) one dwellinghouse, £202; (b) 2 or more dwellinghouses, £401.
7.	
(a) The carrying out of operations, including the erection of a building within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment	£202.

<i>Category of development</i>	<i>Fee payable</i>
of the dwellinghouse as such;	
(b) the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or	£202.
(c) the construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£202.
8. The carrying out of any operations connected with the exploratory drilling for oil or natural gas.	Where the site area— (a) does not exceed 7.6 hectares, £401 for each 0.1 hectare; (b) exceeds 7.6 hectares, £30,240 plus £200 for each 0.1 hectare in excess of 7.6 hectares, subject to a maximum in total of £125,000.
9. The placing or assembly of equipment in any part of any marine waters for the purposes of fish farming.	£183 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of fish farming and £63 for each 0.1 hectare of the sea bed to be used in relation to such development, subject to a maximum of £18,270.
10. The carrying out of any operations not coming within any of the above categories.	In the case of operations for— (a) the winning and working of minerals— (i) where the site area does not exceed 15 hectares, £202 for each 0.1 hectare; (ii) where the site area exceeds 15 hectares, £30,240 plus £100 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £125,000; (b) the winning and working of peat, £202 for each hectare of the site area, subject to a maximum of £3,024; (c) any other purpose, £202 for each 0.1 hectare of the site area, subject to a maximum of £2,016.

II Uses of land

11. The change of use of a building to use as one or more dwellinghouses.

Where the number of additional dwellinghouses to be created by the development—

- (a) does not exceed 50, £401 for each additional dwellinghouse;
- (b) where the number of additional dwellinghouses to be created by the

<i>Category of development</i>	<i>Fee payable</i>
	development exceeds 50, £20,050 plus £200 for each additional dwellinghouse in excess of 50, subject to a maximum in total of £124,850.
12.	
(a) The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land; or	Where the site area— (a) does not exceed 15 hectares, £202 for each 0.1 hectare; (b) exceeds 15 hectares, £30,240 plus £100 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £125,000.
(b) the use of land for the storage of minerals in the open.	Where the site area— (a) does not exceed 15 hectares, £202 for each 0.1 hectare; (b) exceeds 15 hectares, £30,240 plus £100 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £125,000.
13. The making of a material change in the use of a building or land, other than a material change of use within category 11 or 12; or in the use of equipment placed or assembled in marine waters for the purposes of fish farming.	£401.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 (“the principal Regulations”) to increase certain planning fees.

Regulation 2 inserts a new table of fees in Part III of the schedule of the principal Regulations. The fees which changed are shown in the table below.

Regulation 3 contains a saving provision.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. It can be obtained free of charge from the Scottish Government Planning Directorate, Area 2H, Victoria Quay, Edinburgh, EH6 6QQ.

<i>Category of development</i>	<i>Type of application</i>	<i>Old fee</i>	<i>New fee</i>
1. Construction of buildings, structures or erections for use as residential accommodation (other than development within category 6).	Applications for planning permission in principle.	£401 for each 0.1 hectare, subject to a maximum of £10,028; or £401 if only one dwellinghouse.	Where the site area does not exceed 2.5 hectares, £401 for each 0.1 hectare or £401 if only one dwellinghouse. Where the site area exceeds 2.5 hectares, £10,028 plus £100 for each 0.1 hectare in excess of 2.5 hectares, subject to an overall maximum of £62,500.
	Applications other than for planning permission in principle.	£401 for each dwellinghouse, subject to a maximum of £20,055.	Where there are no more than 50 dwellinghouses, £401 for each. Where there are more than 50 dwellinghouses, £20,050 plus £200 for each dwellinghouse in excess of 50, subject to an overall maximum of £124,850.
2. The erection of buildings (other than buildings within category 1, 3, 4 or 6).	Applications for planning permission in principle.	£401 for each 0.1 hectare, subject to a maximum of £10,028.	Where the site area does not exceed 2.5 hectares, £401 for each 0.1 hectare. Where the site area exceeds 2.5 hectares, £10,028 plus £100 for each 0.1 hectare in excess of 2.5 hectares, subject to an overall maximum of £62,500.
		Where the area of floor space does not exceed 40 square metres, £202.	No change.

	Applications other than for planning permission in principle.	<p>Where the area of floor space exceeds 40 square metres but not 75 square metres, £401.</p> <p>Where the area of floor space exceeds 75 square metres, £401 for each 75 square metres, subject to a maximum of £20,055.</p>	<p>No change.</p> <p>Where the area of floor space exceeds 75 square metres but not 3,750 square metres, £401 for each 75 square metres.</p> <p>Where the floor space exceeds 3,750 square metres, £200 for each 75 square metres, subject to an overall maximum of £125,000.</p>
5. The erection, alteration or replacement of plant or machinery.	Applications for planning permission.	£401 for each 0.1 hectare, subject to a maximum of £20,055.	<p>Where the site area does not exceed 5 hectares, £401 for each 0.1 hectare.</p> <p>Where the site area exceeds 5 hectares, £20,050 plus £200 for each 0.1 hectare in excess of 5 hectares, subject to an overall maximum of £125,000.</p>
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	Applications for planning permission.	£401 for each 0.1 hectare, subject to a maximum of £30,240.	<p>Where the site area does not exceed 7.6 hectares, £401 for each 0.1 hectare.</p> <p>Where the site area exceeds 7.6 hectares, £30,240 plus £200 for each 0.1 hectare in excess of 7.6 hectares, subject to an overall maximum of £125,000.</p>
10. The carrying out of any operations not coming within any other category: the winning and working of minerals.	Applications for planning permission.	£202 for each 0.1 hectare, subject to a maximum of £30,240.	<p>Where the site area does not exceed 15 hectares, £202 for each 0.1 hectare.</p> <p>Where the site area exceeds 15 hectares, £30,240 plus £100 for each 0.1 hectare in excess of 15 hectares, subject to an overall maximum of £125,000.</p>
11. The change of use of a building to use as one or more dwellinghouses.	Applications for planning permission.	£401 for each additional dwellinghouse to be created, subject to a maximum of £20,055.	Where no more than 50 additional dwellinghouses are created, £401 for each.

			Where more than 50 additional dwellinghouses are created, £20,050 plus £200 for each dwellinghouse in excess of 50, subject to an overall maximum of £124,850.
12(a). The use of land for the disposal of refuse or waste materials, including mineral waste.	Applications for planning permission.	£202 for each 0.1 hectare, subject to a maximum of £30,240.	Where the site area does not exceed 15 hectares, £202 for each 0.1 hectare. Where the site area exceeds 15 hectares, £30,240 plus £100 for each 0.1 hectare in excess of 15 hectares, subject to an overall maximum of £125,000.
12(b). The use of land for the storage of minerals in the open.	Applications for planning permission.	£202 for each 0.1 hectare, subject to a maximum of £30,240.	Where the site area does not exceed 15 hectares, £202 for each 0.1 hectare. Where the site area exceeds 15 hectares, £30,240 plus £100 for each 0.1 hectare in excess of 15 hectares, subject to an overall maximum of £125,000.

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