

Draft Regulations laid before the Scottish Parliament under section 252(4) of the Town and Country Planning (Scotland) Act 1997, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2007

Made - - - - 2007
Coming into force - - 1st April 2007

The Scottish Ministers, in exercise of the powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997(1) and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with subsection (4) of that section, been laid before, and approved by resolution of the Scottish Parliament:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2007 and shall come into force on 1st April 2007.

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

(3) These Regulations apply to—

- (a) applications referred to at regulation 1(2)(a) of the principal Regulations which are made on or after 1st April 2007; and
- (b) deemed applications for planning permission in connection with an enforcement notice issued on or after 1st April 2007.

General increase

2.—(1) The principal Regulations are amended in accordance with this regulation and regulations 3 and 4.

(2) In regulation 2(1) after the definition of “the Schedule”—

(1) 1997 c. 8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(2) S.S.I. 2004/219.

- (a) omit the word “and”; and
- (b) insert–

““the Table” means the Table set out in Part III of the Schedule; and”.

- (3) In regulation 2(3) omit paragraph (c).
- (4) In regulation 12–
 - (a) in paragraph (5)(b) for the words from “ £120” to “£130” substitute “£145”; and
 - (b) in paragraph (6) for the words from “£240” to “£13,000” substitute “£290 for each dwellinghouse, subject to a maximum of £14,500”.
- (5) In regulation 13(1) for the words from “£46” to “£50” substitute “£55”.
- (6) In regulation 14(2) for the words from “£120” to “£130” substitute “£145”.

3. In the Schedule to the principal Regulations (fees in respect of applications and deemed applications for planning permission or for approval of reserved matters)–

- (a) in paragraph 1(a) for “the tables set out in Part III” substitute “the Table”;
- (b) in paragraph 2(a) for “Table 1” substitute “the Table”;
- (c) in paragraph 2(b) for “Table 2” substitute “the Table”;
- (d) in paragraphs 4(1) and 5(2) and (3)(b) for the words from “£240” to “£260” substitute “£290”;
- (e) in paragraphs 6 and 7(b) for the words from “£120” to “£130” substitute “£145”; and
- (f) in paragraph 14 for–
 - (i) “£240” substitute “£290”; and
 - (ii) “£6,500” substitute “£7,250”.

4. For Table 1 and Table 2 contained in Part III of the Schedule to the principal Regulations substitute the Table contained in the Schedule to these Regulations.

Savings

5. These Regulations shall not affect the principal Regulations in so far as the principal Regulations apply to–

- (a) any application or deemed application referred to at regulation 1(2)(a) of the principal Regulations made before 1st April 2007; and
- (b) any deemed application for planning permission in connection with an enforcement notice issued before 1st April 2007.

St Andrew’s House,
Edinburgh
2007

Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 4

“TABLE

SCALE OF FEES PAYABLE ON AND AFTER 1ST APRIL 2007

<i>1</i> (Category of development)	<i>2</i> (Fee Payable)
I. Operations	
<p>1. The erection of dwellinghouses (other than development within category 6).</p>	<p>Where the application is for—</p> <p>(a) outline planning permission, £290 for each 0.1 hectare of the site area, subject to a maximum of £7,250; or for one dwellinghouse, £290;</p> <p>(b) other than outline planning permission, £290 for each dwellinghouse to be created by the development, subject to a maximum of £14,500.</p>
<p>2. The erection of buildings (other than buildings coming within category 1, 3, 4 or 6).</p>	<p>Where the application is for—</p> <p>(a) outline planning permission, £290 for each 0.1 hectare of the site area, subject to a maximum of £7,250;</p> <p>(b) other than outline planning permission—</p> <p>(i) where no floor space is to be created by the development, £145;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £145;</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £290; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £290 for each 75 square metres, subject to a maximum of £14,500.</p>
<p>3. The erection on land used for the purposes of agriculture, of those works, structures or buildings excluded by virtue of paragraph 2(d) of Class 18 in Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(3) from that class (other than buildings coming within category 4).</p>	<p>(a) Where the application is for outline planning permission, £290 for each 0.1 hectare of the site area, subject to a maximum of £7,250;</p> <p>(b) in all other cases—</p> <p>(i) where the ground area to be covered by the development exceeds 465 square metres but does not exceed 540 square metres, £290;</p>

(3) S.I.1992/223.

<i>1</i> <i>(Category of development)</i>	<i>2</i> <i>(Fee Payable)</i>
	(ii) where the ground area to be covered by the development exceeds 540 square metres, £290 for the first 540 square metres and £290 for each 75 square metres in excess of that figure, subject to a maximum of £14,500.
4. The erection on land used for the purposes of agriculture, of glasshouses excluded by virtue of paragraph 2(d) of Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.	Where the ground area to be covered by the development exceeds 465 square metres, £1,675.
5. The erection, alteration or replacement of plant or machinery	£290 for each 0.1 hectare of the site area, subject to a maximum of £14,500.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(a) Where the application relates to one dwellinghouse, £145; (b) where the application relates to 2 or more dwellinghouses, £290.
(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 of the dwellinghouse as such;	£145.
(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	
(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.	
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£290 for each 0.1 hectare of the site area, subject to a maximum of £21,750.
9. The carrying out of any operations not within categories 1 to 8.	In the case of operations for— (a) the winning and working of minerals, £145 for each 0.1 hectare of the site area, subject to a maximum of £21,750;

<i>I</i> <i>(Category of development)</i>	<i>2</i> <i>(Fee Payable)</i>
	(b) the winning and working of peat, £145 for each hectare of the site area, subject to a maximum of £2,175;
	(c) any other purpose, £145 for each 0.1 hectare of the site area, subject to a maximum of £1,450.
II. Uses of Land	
10. The change of use of a building to use as one or more separate dwellinghouses.	£290 for each additional dwellinghouse to be created by the development, subject to a maximum of £14,500.
(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	£145 for each 0.1 hectare of the site area, subject to a maximum of £21,750.
(b) the use of land for the storage of minerals in the open.	
12. The making of a material change in the use of a building or land, other than a material change of use within category 10 or 11.	£290.”

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”), which make provision for the payment of fees to planning authorities in respect of—

- (a) applications made under Part III of the Town and Country Planning (Scotland) Act 1997 for planning permission for development or for approval of matters reserved by an outline planning permission and in respect of applications for consent for the display of advertisements;
- (b) applications for planning permission which are deemed to have been made, by virtue of the provisions of section 133(7) of the 1997 Act, in connection with an appeal against an enforcement notice; and
- (c) applications for certificates of lawful use or development made under sections 150(1) and 151(1) of the 1997 Act.

The effect of these Regulations is that all fees currently payable under the principal Regulations are increased by approximately 10% which applies on and after 1st April 2007. Replacement scales of

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2007 No. 253*

fees are set out for the period commencing on 1st April 2007 in the table contained in the Schedule which replaces the tables contained in the Schedule to the principal Regulations.