SCHEDULE 1

Fees in Respect of Applications and Deemed Applications for Planning Permission or for Approval of Reserved Matters

PART 1

Fees Payable under Regulation 3 or Regulation 10

General

1.—(1) Subject to paragraphs 2 to 9 of this Part, the fee payable under regulation 3 or regulation 10 is calculated in accordance with the table set out in Part 2 and paragraphs 10 to 13.

(2) In this Part, a reference to a category is to a category of development specified in the table set out in Part 2; and a reference to a numbered category is to the category of development so numbered in the table and "category of development" ("*categori o ddatblygiad*") means—

(a) in the case of an application for planning permission, the category of development in respect of which the permission is being sought; and

(b) in the case of an application for approval of reserved matters, the category of development permitted by the relevant outline planning permission.

(3) In the case of a deemed application(**1**) in this Schedule—

(a) references to the development to which an application relates must be construed as references to the use of land or the operations (as the case may be) to which the relevant enforcement notice relates;

(b) references to the amount of floor space or the number of dwellinghouses to be created by the development must be construed as references to the amount of floor space or the number of dwellinghouses to which that enforcement notice relates; and

(c) references to the purposes for which it is proposed that floor space be used must be construed as references to the purposes for which floor space was stated to be used in the enforcement notice.

Fees in particular cases

2. Where an application or deemed application is made or deemed to be made by or on behalf of a community council, the fee payable is one half of the amount as would otherwise be payable.

3.—(1) Where an application or deemed application is made or deemed to be made by or on behalf of a club, society or other organisation (including any persons administering a trust) which is not established or conducted for profit and whose objects are the provision of facilities for sport or recreation, and the conditions specified in sub-paragraph (2) are satisfied, the fee payable is £385.

(2) The conditions referred to in sub-paragraph (1) are—

(a) the application or deemed application relates to—

(i) the making of a material change in the use of land to use as a playing field; or

(ii) the carrying out of operations (other than the erection of a building containing floor space) for purposes ancillary to the use of land as a playing field,

and to no other development; and

(**1**) "Deemed application" is defined in regulation 10(2).

(b) the local planning authority with whom the application is lodged, or (in the case of a deemed application) the Welsh Ministers, are satisfied that the development is to be carried out on land which is, or is intended to be, occupied by the club, society or organisation and used wholly or mainly for the carrying out of its objects.

4.—(1) This paragraph applies where—

(a) an application is made for approval of one or more reserved matters ("the current application"); and

(b) the applicant has previously applied for such approval under the same outline planning permission and paid fees in relation to one or more such applications; and

(c) no application has been made under that permission other than by or on behalf of the applicant.

(2) Where the amount paid as mentioned in sub-paragraph (1)(b) is not less than the amount which would be payable if the applicant were, by the current application, seeking approval of all the matters reserved by the outline permission (and in relation to the whole of the development authorised by the permission), the fee payable in respect of the current application is £385.

(3) Where—

(a) a fee has been paid as mentioned in sub-paragraph (1)(b) at a rate lower than that prevailing at the date of the current application; and

(b) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date,

the fee in respect of the current application is £385.

5. Where application is made pursuant to section 73 of the 1990 Act (determination of applications to develop land without compliance with conditions previously attached)(**2**) the fee payable is £190.

6. Where an application relates to development to which section 73A of the 1990 Act (planning permission for development already carried out)(**3**) applies, the fee payable is—

(a) where the application relates to development carried out without planning permission, the fee that would be payable if the application were for planning permission to carry out that development;

(b) £190, in any other case.

7. Where an application is made for planning permission and—

(a) a planning permission has previously been granted for development which has not yet begun; and

(b) a time limit by which the development must be begun was imposed by or under section 91(**4**) or section 92 of the 1990 Act (general condition limiting duration of planning permission and outline planning permission) which has not yet expired,

the fee payable is £190.

8.—(1) This paragraph applies where—

(a) an applicant applies for planning permission or for the approval of reserved matters in respect of the development of land ("the relevant land"); and

(**2**) Section 73 was amended by sections 42 and 120 of, and paragraph 1 of Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5). Other amendments are not relevant to these Regulations.

(**3**) Section 73A was inserted by section 32 of, and paragraphs 8 and 16(1) of Schedule 7 to, the Planning and Compensation Act 1991 (c .34).

(**4**) Section 91 was amended by sections 21 and 32 of, and paragraphs 1 and 3 of Schedule 1 and paragraphs 8 and 20 of Schedule 7 to the Planning and Compensation Act 1991 (c .34). Other amendments are not relevant to these Regulations.

(b) the relevant land straddles the boundary or boundaries between the areas of two or more local planning authorities so that, instead of application being made to one authority in relation to the whole of that development, applications are made to two or more local planning authorities.

(2) The fee payable to each local planning authority to whom an application is made is the amount payable in respect of the application which is to be determined by that local planning authority.

9.—(1) Where—

(a) an application for planning permission is made in respect of two or more alternative proposals for the development of the same land; or

(b) an application for approval of reserved matters is made in respect of two or more alternative proposals for the carrying out of the development authorised by an outline planning permission,

and the application is made in respect of all of the alternative proposals on the same date and by or on behalf of the same applicant, the fee payable in respect of that application is calculated in accordance with sub-paragraph (2).

(2) Calculations must be made in accordance with this Schedule of the fee that would be payable in respect of an application for planning permission, or approval of reserved matters (as the case may be), if made in respect of each of the alternative proposals, and the fee payable in respect of the application is the sum of—

(a) an amount equal to the higher or highest of the amounts calculated in respect of each of the alternative proposals; and

(b) an amount calculated by adding together the amounts appropriate to all of the alternative proposals, other than the amount referred to in paragraph (a), and dividing that total by 2.

Provisions in relation to specified categories

10.—(1) Where, in respect of any category, the fee is to be calculated by reference to the site area, that area must be taken as consisting of—

(a) the area of land to which the application relates; or

(b) in the case of a deemed application, the area of land to which the relevant enforcement notice relates.

(2) Where the area referred to in sub-paragraph (1) is not an exact multiple of the unit of measurement specified in respect of the relevant category of development, the fraction of a unit remaining after division of the total area by the unit of measurement must be treated as a complete unit.

11.—(1) In relation to development within category 2, 3 or 4, the area of gross floor space to be created by the development must be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building.

(2) In relation to development within category 2, where the area of gross floor space to be created by the development exceeds 75 square metres and is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 must be treated as being 75 square metres.

12.—(1) Where an application (other than for outline planning permission) or a deemed application relates to development which is in part within category 1 and in part within category 2, 3 or 4, the following sub-paragraphs apply for the purpose of calculating the fee payable in respect of the application or deemed application.

(2) An assessment must be made of the total amount of gross floor space which is to be created by that part of the development which is within category 2, 3 or 4 ("the non-residential floor space"), and the sum payable in respect of the non-residential floor space to be created by the development must be added to the sum payable in respect of that part of the development which is within category 1 and, subject to sub-paragraph (4), the sum so calculated is the fee payable.

(3) For the purpose of calculating the fee payable under sub-paragraph (2)—

(a) where any of the buildings is to contain floor space which it is proposed to use for the purposes of providing common access or common services or facilities for persons occupying or using part of that building for residential purposes and for persons occupying or using part of it for non-residential purposes ("common floor space"), the amount of non-residential floor space must be assessed, in relation to that building, as including such proportion of the common floor space as the amount of non-residential floor space in the building bears to the total amount of gross floor space in the building to be created by the development;

(b) where the development falls within more than one of categories 2, 3 and 4 an amount must be calculated in accordance with each such category and the highest amount so calculated is the sum payable in respect of all of the non-residential floor space.

(4) Where an application or deemed application to which this paragraph applies relates to development which is also within one or more than one of categories 5 to 12—

(a) an amount is calculated in accordance with each such category; and

(b) if any of the amounts so calculated exceeds the amount calculated in accordance with sub-paragraph (2) that higher amount is the fee payable in respect of all of the development to which the application or deemed application relates.

(5) In sub-paragraph (3), the reference to using the building for residential purposes is a reference to using it as a dwellinghouse.

13.—(1) Subject to paragraph 12 and sub-paragraph (2), where an application or deemed application relates to development which is within more than one of the categories—

(a) an amount is calculated in accordance with each such category; and

(b) the highest amount so calculated is the fee payable in respect of the application or deemed application.

(2) Where an application is for outline planning permission and relates to development which is within more than one of the categories, the fee payable is—

(a) where the site area does not exceed 2.5 hectares, £380 for each 0.1 hectare of the site area;

(b) where the site area exceeds 2.5 hectares £9,500, and an additional £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £143,750.