

## 1983 No. 329

## TOWN AND COUNTRY PLANNING

## Planning (Fees) Regulations (Northern Ireland) 1983

Made . . . . . 20th October 1983

Coming into operation . . . . . 1st December 1983

The Department of the Environment, in exercise of the powers conferred on it by Article 105A(a) of the Planning (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf hereby makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Planning (Fees) Regulations (Northern Ireland) 1983 and shall come into operation on 1st December 1983.

*Revocations*

2. The following are hereby revoked:—

- (a) Planning (Prescribed Fees) Regulations (Northern Ireland) 1981(c);
- (b) Planning (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 1982(d);
- and
- (c) Planning (Prescribed Fees) (Amendment No. 2) Regulations (Northern Ireland) 1982(e).

*Interpretation*

3.—(1) In these regulations—

- “the 1972 Order” means the Planning (Northern Ireland) Order 1972;
- “the General Development Order” means the Planning (General Development) Order (Northern Ireland) 1973(f);
- “the Commission” means the Planning Appeals Commission;
- “the Department” means the Department of the Environment;
- “dwellinghouse” means a building or part of a building which is used as a single private dwellinghouse, and for no other purpose;
- “glasshouse” means a building which—
  - (a) has not less than three-quarters of its total external area comprised of glass or other translucent material;
  - (b) is designed for the production of flowers, fruit, vegetables, herbs or other horticultural produce; and
  - (c) is used, or is to be used, solely for the purposes of agriculture

(a) As inserted by Article 13 of The Planning (Amendment) (Northern Ireland) Order 1982 (S.I. 1982/1537 (N.I. 20))

(b) S.I. 1972/1634 (N.I. 17)

(c) S.R. 1981 No. 220

(d) S.R. 1982 No. 199

(e) S.R. 1982 No. 376

(f) S.R. & O. (N.I.) 1973 No. 326

“reserved matters” has the same meaning as in the General Development Order;

“use for residential purposes” means use as a dwellinghouse;

“use of land” includes use of land for the winning and working of minerals.

(2) Expressions used in regulation 11 and Schedule 2 have the meaning which they bear in the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973(a).

#### *Fees for planning applications*

4.—(1) Subject to regulation 5, where an application is made to the Department for planning permission or for the approval of reserved matters, a fee shall be paid to the Department in accordance with the provisions of these regulations.

(2) Subject to regulation 9, the fee in respect of the application shall be calculated in accordance with the provisions of Schedule 1.

#### *Exemptions*

5.—(1) Regulation 4 shall not apply where the Department is satisfied that the application relates solely to:—

- (a) the carrying out of operations for the alteration or extension of an existing dwellinghouse; or
- (b) the carrying out of operations (other than the erection of a dwellinghouse) in the curtilage of an existing dwellinghouse,

for the purpose, in either case, of providing means of access to or within the dwellinghouse for a disabled person who is resident in, or is proposing to take up residence in, that dwellinghouse, or of providing facilities designed to secure his greater safety, health or comfort.

(2) Regulation 4 shall not apply where the Department is satisfied that the application relates solely to the carrying out of operations for the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted (whether on payment or otherwise).

(3) In this regulation, “disabled person” means a person who is within any of the descriptions of persons to whom section 1 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(b) applies.

6.—(1) Regulation 4 shall not apply where:—

- (a) the application relates to development which is within one or more of the classes specified in Schedule 1 to the General Development Order and solely to such development; and
- (b) the permission granted by article 3 of that Order does not apply in respect of that development by reason of (and only by reason of):—
  - (i) a direction made under article 4 of that Order which is in force on the date when the application is made; or
  - (ii) the requirements of a condition imposed on any permission granted or having the like effect as a permission granted under Part IV of the 1972 Order.

(2) The reference in sub-paragraph (1)(a) to an application which relates to development which is within one or more of the classes specified in Schedule 1 to the General Development Order shall be construed as including an application for planning permission for the continuance of a use of land, or the retention of buildings

(a) S.R. & O. (N.I.) 1973 No. 324

(b) 1978 c. 53

or works on land, without compliance with a condition subject to which a previous planning permission has been granted, where the condition in question prohibits or limits the carrying out of any development which is within one or more of the said classes.

7.—(1) Where the conditions set out in paragraph (2) are satisfied, regulation 4(2) shall not apply to:—

(a) an application for planning permission which is made following the granting of planning permission (whether by the Department or by the Commission on appeal) for development which the Department is satisfied is of the same character or description as the development to which the application relates, on an application for planning permission made by or on behalf of the same applicant;

(b) an application for approval of one or more reserved matters which is made following the granting of approval (whether by the Department or by the Commission on appeal) of details relating to the same reserved matters authorised by the same outline planning permission, on an application made by or on behalf of the same applicant.

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

(a) that the application is made before the end of a period of 12 months following the date of the relevant grant of planning permission or grant of approval of details of reserved matters, as the case may be;

(b) that the application relates—

(i) in the case of an application for planning permission, to the same site as that to which the grant of planning permission related, or to part of that site, and to no other land (save that where additional land is included in the application solely for the purpose of providing a means of access to the site which differs from that authorised by the planning permission, that land shall be disregarded for the purposes of this paragraph);

(ii) in the case of an application for approval of reserved matters, to the same land as that in respect of which the approval was granted, or to part of that land (and no other land);

(c) in the case of an application for planning permission which is not made in outline, that the planning permission which has been granted is not an outline planning permission (as defined in the General Development Order);

(d) that no previous application has at any time been made by or on behalf of the same applicant which related to the site to which the relevant grant of planning permission or grant of approval of reserved matters, as the case may be, relates (or which related wholly or in part to any part of that site) and which was exempted from regulation 4(2) by this regulation.

8.—(1) Where the conditions set out in paragraph (2) are satisfied, regulation 4(2) shall not apply to:—

(a) an application for planning permission which is made following the withdrawal (before notice of decision was issued) of an application for planning permission made by or on behalf of the same applicant;

(b) an application for planning permission which is made following the refusal of planning permission (whether by the Department or by the Commission) on an application for planning permission made by or on behalf of the same applicant;

- (c) an application for planning permission which is made following the making of an appeal to the Commission under Article 24 of the 1972 Order (appeal in default of planning decision) in relation to an application for planning permission made by or on behalf of the same applicant;
- (d) an application for approval of one or more reserved matters which is made following the withdrawal (before it is determined) of an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters authorised by the same outline planning permission;
- (e) an application for approval of one or more reserved matters which is made following the refusal (whether by the Department or by the Commission) to approve details relating to the same reserved matters which were submitted in an application made by or on behalf of the same applicant and in relation to the same outline planning permission;
- (f) an application for approval of one or more reserved matters which is made following the making of an appeal to the Commission under Article 24 of the 1972 Order in relation to an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters referred to in the same outline planning permission.

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

- (a) that the application is made before the end of a period of 12 months following:—
  - (i) the date when the earlier application was made, in the case of a withdrawn application;
  - (ii) the date when (by virtue of Article 7(1) of the General Development Order) the period for the giving of notice of a decision on the earlier application expired, in the case of an application which is made following an appeal under Article 24 of the 1972 Order;
  - (iii) the date of the refusal, in any other case;
- (b) that the application relates:—
  - (i) in the case of an application for planning permission, to the same site as that to which the earlier application related, or to part of that site, and to no other land (other than additional land required for the provision of access to the development);
  - (ii) in the case of an application for approval of reserved matters, to the same land as that to which the earlier application related, or to part of that land (and no other land);
- (c) in the case of an application for planning permission, that the Department is satisfied that it relates to development of the same character or description as the development to which the earlier application related (and to no other development);
- (d) in the case of an application for planning permission which is not made in outline, that the earlier application was also not made in outline;
- (e) that the fee payable in respect of the earlier application was paid;
- (f) that no previous application has at any time been made by or on behalf of the same applicant which related to the site to which the earlier application related (or which related wholly or in part to any part of that site) and which was exempted from regulation 4(2) by this regulation or exempted under the corresponding provisions of the Planning (Prescribed Fees) Regulations (Northern Ireland) 1981.

9. The fee for an application for planning permission to which regulation 6, 7 or 8 applies shall be £7.

*Fees for deemed applications*

10.—(1) Subject to paragraph (4), a fee shall be paid where an application for planning permission is deemed to have been made by virtue of the provisions of Article 43B(3) of the 1972 Order (in consequence of an appeal under Article 43(a) of that Order against an enforcement notice).

(2) Subject to paragraph (6), the amount of the fee payable in respect of a deemed application shall be calculated in accordance with the provisions of Schedule 1.

(3) A fee shall be paid in respect of a deemed application by every person who appeals against the relevant enforcement notice.

(4) In the case of a deemed application, paragraph (1) shall not apply where the appellant, before the date when the relevant enforcement notice was issued, had made an application to the Department for planning permission for the development to which the notice relates and had paid to the Department the fee for that application, in accordance with the requirements of regulation 4 and that application had not been determined on or before the date when the notice was issued.

(5) Regulations 5 and 6 shall apply to a deemed application as they apply to an application for planning permission with the following modifications:—

- (a) references in regulation 5 to regulation 4 shall be construed as a reference to paragraph (1);
- (b) reference in regulation 6(1) to regulation 4(2) shall be construed as a reference to paragraph (2);
- (c) references to the Department shall be construed as references to the Commission; and
- (d) references to the development to which the application relates shall be construed as references to the development to which the relevant enforcement notice relates.

(6) The fee for an application deemed to have been made by virtue of Article 43B(3) of the 1972 Order to which regulation 6 applies shall be £7.

(7) If, in the case of a deemed application, the Commission declines jurisdiction on the grounds that the relevant appeal does not comply with one or more of the requirements of Article 43(1) to (3) of the 1972 Order, the fee paid in respect of the deemed application shall be refunded.

(8) If the relevant appeal is withdrawn before the date appointed for its hearing or, where the appeal is by way of written representations, before the date appointed for the inspection of the site to which the enforcement notice relates, the fee paid in respect of the deemed application shall be refunded.

(9) The reference in paragraph (8) to an appeal being by way of written representations shall be construed as a reference to an appeal in respect of which neither the appellant nor the Department has asked for an opportunity of appearing before and being heard by the Commission.

(10) The fee paid by an appellant shall be refunded to him in the event of the Department withdrawing the relevant enforcement notice before it takes effect.

(11) Save in the case of an application deemed to have been made in connection with an enforcement notice alleging a breach of planning control by the use of land as a caravan site, the fee paid by an appellant in respect of a deemed application shall be refunded to him in the event of the Commission allowing the appeal against the enforcement notice on any of the grounds (b) to (e) set out in Article 43(2) of the 1972 Order.

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(a) As substituted by Article 8 of the Planning (Amendment) (Northern Ireland) Order 1982 (S.I. 1982/1537 (N.I. 20)).

*Fees for applications for consent for advertisements*

11.—(1) Where an application is made to the Department under regulation 11 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973 for consent for the display of an advertisement, a fee shall be paid to the Department in accordance with paragraphs (2) to (4) and Schedule 2.

(2) Where the application relates to the display of advertisements on more than one piece of land, the fee payable in respect of the application shall be the aggregate of the sums payable (calculated in accordance with the provisions of paragraph (3) and Schedule 2) in respect of the display of advertisements on each piece of land.

(3) Where the application relates to the display of more than one advertisement on the same land, a single fee shall be payable in respect of all the advertisements to be displayed on that land:

Provided that, where one or more of the advertisements on that land is within category 3 of Schedule 2, the single fee referred to in this paragraph shall be the fee payable in respect of category 3.

(4) Where the application relates to the display of advertisements on parking meters, litter bins or bus shelters within a specified area, the whole of the area to which the application relates shall be treated as one piece of land for the purposes of this regulation.

(5) Where all of the conditions set out in paragraph (6) below are satisfied, paragraph (1) shall not apply to:—

(a) an application which is made following the withdrawal (before notice of decision was issued) of an application made by or on behalf of the same person;

(b) an application which is made following the refusal of consent for the display of advertisements issued on an application made by or on behalf of the same person.

(6) The conditions referred to in paragraph (5) are:—

(a) that the application is made before the end of a period of 12 months following:—

(i) the date when the earlier application was made, in the case of a withdrawn application; or

(ii) the date of the refusal, in any other case;

(b) that the application relates to the same land as that to which the earlier application related, or to part of that land;

(c) that the Department is satisfied that it relates to an advertisement, or advertisements, of the same description as the advertisement, or advertisements, to which the earlier application related;

(d) that the fee payable in respect of the earlier application was paid;

(e) that no previous application has at any time been made by or on behalf of the same applicant which related to—

(i) the same land as the land to which the earlier application related; and

(ii) an advertisement of the same description as the advertisement (or any of the advertisements) to which the earlier application related,

and which was exempted from the provisions of paragraph (1) by paragraph (5).

*Fees for applications for listed building consent*

12. The fee for an application for listed building consent shall be £7.

*Fees for appeals*

13.—(1) The fee for the purposes of Article 105A(1)(c) of the 1972 Order shall be £7.

(2) No fee shall be payable in respect of:—

- (a) an appeal under paragraph 3 of the Second Schedule to a Tree Preservation Order made under the Planning (Tree Preservation Order) Regulations (Northern Ireland) 1973(a) against a refusal or conditional grant of consent to cut down, top or lop trees or for an appeal under paragraph 4 of the said Second Schedule in default of a decision; or
- (b) an appeal under regulation 15(1) of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973 against a refusal or conditional grant of consent to display an advertisement or for an appeal under paragraph (5) of that regulation in default of a decision.

*Fees for statutory authorities*

14.—(1) In relation to development in connection with their statutory functions, regulation 4 shall not apply to an application for planning permission or for approval of reserved matters made by:—

- (a) district councils;
- (b) the Northern Ireland Housing Executive;
- (c) Education and Library Boards;
- (d) the Northern Ireland Electricity Service in respect of the construction or extension of a generating station or the installation of an overhead line;
- (e) the Northern Ireland Fire Authority;
- (f) the Northern Ireland Police Authority.

(2) The fee for an application for planning permission for the development referred to in paragraph (1) shall be £7.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 20th October 1983.

(L.S.)

*R. H. MacKenzie*

Assistant Secretary

## SCHEDULE 1

Regulations 4 and 10

**Fees in respect of applications and deemed applications for planning permission or for approval of reserved matters**

## PART I

**General Provisions**

1. Subject to paragraphs 2 to 5, the fee payable under regulation 4(2) or 10(2) in respect of an application or deemed application shall be calculated in accordance with the provisions of Part II and (where applicable) paragraphs 6 to 11:

Provided that, in the case of an application for approval of reserved matters, references in this Schedule to the category of development to which an application relates shall be construed as references to the category of development authorised by the relevant outline planning permission.

2.—(1) Where an application for planning permission or an application for approval of reserved matters is made not more than 28 days after the lodging with the Department of an application for planning permission or, as the case may be, an application for approval of reserved matters:—

- (a) made by or on behalf of the same applicant;
- (b) relating to the same site; and
- (c) relating to the same development or, in the case of an application for approval of reserved matters, relating to the same reserved matters in respect of the same building or buildings authorised by the relevant outline planning permission,

and a fee of the full amount (calculated in accordance with the provisions of the following paragraphs and Part II) payable in respect of the category or categories of development to which the applications relate has been paid in respect of the earlier application, the fee payable in respect of the later application shall, subject to sub-paragraph (2), be one-quarter of the full amount paid in respect of the earlier application.

(2) Sub-paragraph (1) allowing payment of a reduced fee shall apply only in respect of one application made by or on behalf of the same applicant in relation to the same development or in relation to the same reserved matters (as the case may be).

(3) Sub-paragraphs (1) and (2) shall apply where more than one application for planning permission or for approval of reserved matters is made by or on behalf of the same applicant on the same day (provided that all of the conditions specified in sub-paragraph (1)(a) to (c) are fulfilled) as though one of those applications had been lodged earlier than the other application or applications.

3.—(1) Where an application or deemed application for planning permission 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 in respect of the application or deemed application shall be £47.

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

- (a) that the application or deemed application relates to one or both of the following categories of development:—
  - (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
- (b) that the Department or (in the case of a deemed application) the Commission is 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. Where application is made for approval of one or more reserved matters and the following conditions are met, namely:—

- (1) one or more applications for approval of reserved matters has or have previously been made under the same outline planning permission;
- (2) that application was, or all of those applications were (as the case may be), made by or on behalf of the person who has made the present application;
- (3) the fee paid in respect of that previous application, or the total fees paid in respect of those previous applications taken together (as the case may be), was not less than the amount which would be payable in respect of one application for approval made in relation to all of the matters reserved by the relevant outline planning permission and in relation to the whole of the development authorised by that outline planning permission,

the fee payable in respect of the application shall be the sum of £47.

5.—(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 pursuant to a condition in outline planning permission in respect of two or more alternative proposals for the carrying out of the development authorised by that permission,

and application is made in respect of all the alternative proposals on the same date, then (whether or not those alternatives are the subject of separate applications) the fee payable to the Department in respect of all the proposals shall be calculated as provided in sub-paragraph (2).

(2) Separate calculations shall be made, in accordance with Part II and paragraphs 6 to 11 (where applicable), of the amount of the fee appropriate to each of the proposals; and the fee payable in respect of all the proposals shall be the total of the following amounts:—

- (i) an amount equal to the highest of the fees calculated in respect of each of the proposals; and
- (ii) an amount calculated by adding together the fees appropriate to all the proposals, other than the amount referred to in sub-paragraph (i) and dividing that sum by 2.

6. Where, in respect of any category of development specified in Part II, the fee is to be calculated by reference to the land area:—

- (a) that area shall be taken as consisting of the area of land to which the application relates or, in the case of a deemed application, the area of land to which the relevant enforcement notice relates; and
- (b) where the area referred to in sub-paragraph (a) 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 shall be treated, for the purposes of calculating the fee payable in respect of the application or deemed application, as a complete unit.

7.—(1) In relation to development within category 2, 3 or 4 specified in Part II, the area of gross floor space to be created by the development shall 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 shall be treated as being 75 square metres.

(3) In relation to development within category 3, where the area of gross floor space exceeds 300 square metres and the amount of the excess is not an exact multiple of 75 square metres, the area remaining after division of the number of square metres of that excess area of gross floor space by the figure of 75 shall be treated as being 75 square metres.

8.—(1) Where an application or a deemed application relates to development consisting of or including the erection of a building or buildings, to be used for residential purposes and for

other purposes, the provisions of the following sub-paragraph shall apply for the purpose of calculating the fee.

(2) An assessment shall be made of the gross floor space which it is proposed to use for purposes other than residential purposes (in this sub-paragraph referred to as "the non-residential floor space"), and the sum payable in respect of the non-residential floor space (calculated in accordance with Part II) shall be added to the sum payable in respect of the number of dwellinghouses to be created by the development (calculated in accordance with Part II):

Provided that, where a building 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 that building for residential purposes and for persons occupying or using it for non-residential purposes (such floor space being hereafter referred to as "common floor space"), the non-residential floor space shall be assessed, in relation to that building, as including such proportion of the common floor space as the non-residential floor space in the building bears to the gross floor space in the building.

9. Subject to the provisions of paragraph 8, where an application or deemed application relates to development which is within more than one of the categories specified in Part II:—

- (a) an amount shall be calculated, in accordance with this Schedule, in respect of the development which is within each category or, in the case of a deemed application, in respect of each use of land or type of operation to which the relevant enforcement notice relates; and
- (b) the highest of the amounts so calculated shall be the fee.

10. In the case of a deemed application for planning permission, references in this Schedule to the development to which an application relates shall be construed as references to the use of land or the operations (as the case may be) to which the relevant enforcement notice relates, references to the floor space or the number of dwellinghouses to be created by the development shall be construed as references to the floor space or the number of dwellinghouses to which that enforcement notice relates, and references to the purposes for which it is proposed that floor space shall be used shall be construed as references to the purposes for which floor space was stated to be used in the enforcement notice.

## PART II

### Scale of Fees

<i>Category of development</i>	<i>Fee payable</i>
1. The erection of dwellinghouses	<ul style="list-style-type: none"> <li>(a) Where the application is for outline planning permission:—               <ul style="list-style-type: none"> <li>(i) £24 if the development involves only one dwellinghouse;</li> <li>(ii) £47 for each 0.1 hectare of the site area, subject to a maximum of £1,175 if more than one dwellinghouse is to be created;</li> </ul> </li> <li>(b) In other cases, £47 for each dwellinghouse subject to a maximum of £2,350.</li> </ul>
2. The erection of buildings (other than dwellinghouses, buildings coming within category 3, 4 or 7 or buildings in the nature of plant or machinery).	<ul style="list-style-type: none"> <li>(a) Where the application is for outline planning permission, £47 for each 0.1 hectare of the site area, subject to a maximum of £1,175;</li> <li>(b) in other cases:—               <ul style="list-style-type: none"> <li>(i) where no floor space is to be created by the development. £24;</li> </ul> </li> </ul>

<i>Category of development</i>	<i>Fee payable</i>
	(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £24;
	(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, £47; and
	(iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £47 for each 75 square metres subject to a maximum of £2,350.
3. The erection, on land used for the purposes of agriculture, of buildings (other than glasshouses) to be used for agricultural purposes.	(a) Where the application is for outline planning permission, £47 for each 0.1 hectare of the site area, subject to a maximum of £1,175;
	(b) in other cases:—
	(i) where the area of gross floor space to be created by the development does not exceed 300 square metres, £7;
	(ii) where the area of gross floor space to be created by the development exceeds 300 square metres but does not exceed 375 square metres, £47;
	(iii) where the area of gross floor space to be created by the development exceeds 375 square metres, £47 for the first 375 square metres and £47 for each 75 square metres in excess of that figure, subject to a maximum of £2,350.
4. The erection of glasshouses on land used for the purposes of agriculture.	Where the application is for
	(a) outline planning permission, £47;
	(b) in other cases:—
	(i) where the area of gross floor space to be created by the development does not exceed 465 square metres, £7;
	(ii) where the area of gross floor space to be created by the development exceeds 465 square metres, £280.
5. The erection, alteration or replacement of plant or machinery.	£47 for each 0.1 hectare of the site area, subject to a maximum of £1,175.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(a) Where the application relates to one dwellinghouse, £24;
	(b) where the application relates to 2 or more dwellinghouses, £47.
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 of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or	£24.

## Category of development

## Fee payable

- (b) 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 not coming within any of the above categories. £24 for each 0.1 hectare of the site area, subject to a maximum of:—
- (a) in the case of operations for the winning and working of minerals, £3,600;
- (b) in other cases, £240.
9. The change of use of a building to use as one or more separate dwellinghouses. (a) Where the change is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses, £47 for each additional dwellinghouse to be created by the development;
- (b) in other cases, £47 for each dwellinghouse to be created by the development;
- subject, in each case, to a maximum of £2,350.
- 10.(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 £24 for each 0.1 hectare of the site area, subject to a maximum of £3,600.
- (b) the use of land for the storage of minerals in the open.
- 11.(a) The making of a material change in the use of a building or land (other than a material change of use coming within any of the above categories); or £47.
- (b) the continuance of a use of land, or the retention of buildings or works on land, without compliance with a condition subject to which a previous planning permission has been granted (including a condition requiring the discontinuance of the use or the removal of the building or works at the end of a specified period).

## SCHEDULE 2

Regulation 11

## Scale of fees in respect of applications for consent to display advertisements

<i>Category of advertisement</i>	<i>Fee Payable</i>
1. Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters:— (a) the nature of the business or other activity carried out on the premises; (b) the goods sold or the services provided on the premises; (c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.	£12.
2. Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.	£12.
3. All other advertisements.	£47.

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations consolidate, with amendments, the Planning (Prescribed Fees) Regulations (Northern Ireland) 1981, Planning (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 1982 and Planning (Prescribed Fees) (Amendment No. 2) Regulations (Northern Ireland) 1982. They make provision for the payment of fees to the Department in respect of applications made under Part IV of the Planning (Northern Ireland) Order 1972 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; and for the payment of fees to the Planning Applications Commission for appeals deemed to have been made by virtue of the provisions of Article 43.B(3) of the Order of 1972 (in consequence of an appeal under Article 43 of that Order against an enforcement notice).

The alterations of substance to the provisions of the former Regulations made by these Regulations are as follows:—

- (a) all fees are increased by approximately 7% i.e. the charges in respect of applications and deemed applications to which a flat-rate charge of £22 applied under the former Regulations are raised to £24, flat-rate charges of £44 are raised to £47 and, where the fee payable in respect of an application or deemed application is based on a scale of charges, the scale rates are increased from £22 per unit and £44 per unit to £24 per unit and £47 per unit respectively; maximum charges are increased by the same proportion (the maximum which applies to outline applications for planning permission being raised from £1,100 to £1,175, the maximum which applies to detailed applications and deemed applications relating to the erection of buildings and to applications and deemed applications relating to the use of buildings as dwellinghouses being raised from £2,200 to £2,350, the maximum which applies to applications and deemed applications relating to the erection of plant and machinery being raised from £1,100 to £1,175 the maximum which applies in relation to the carrying out of mining operations or the use of land for the disposal of refuse waste materials being raised from £3,300 to £3,600, and the maximum which applies in relation to the carrying out of any other operations being raised from £220 to £240); and the fees in respect of applications for consent for the display of advertisements are raised from £11 and £44 to £12 and £47 respectively;
- (b) the exemption from the requirement for the payment of a fee which was given by regulations 5 and 8A(6) of the former Regulations in respect of applications and deemed applications made in relation to the alteration of dwellinghouses in which disabled persons are resident has been extended to cover cases where the alteration is carried out for the benefit of a disabled person who is proposing to take up residence in the dwellinghouse and to cover applications and deemed applications relating to works of alteration to public buildings which are carried out for the sole purpose of providing means of access for disabled persons (regulations 5 and 10(5));
- (c) the exemption given by regulations 6 and 8A(6) of the former Regulations in respect of applications and deemed applications relating to development which is within Schedule 1 to the General Development Order (but which is not permitted by that Order because of the existence of an article 4 direction or because of the terms of a condition imposed on a grant of planning permission) is modified so as to include applications and deemed applications relating to the continuation of a use or the retention of a building or works without complying with a condition imposed on a grant of planning permission which prohibits or restricts development which is within the said Schedule (regulations 6(2) and 10(5));

- (d) the exemption given by regulations 7 and 8A(6) of the former Regulations in respect of applications and deemed applications relating to the continuation of a use or the retention of a building or works for which temporary planning permission has been given is removed; and such applications and deemed applications have been included in category 11 in the Scale of Fees in Part II of Schedule 1 to the Regulations with the result that a flat-rate charge of £47 is payable in respect of them;
- (e) a new regulation is included in the Regulations, giving an exemption in respect of applications for planning permission or for approval of reserved matters which are made for the purpose of obtaining permission or approval for a modified proposal; the application must be made within 12 months after the granting of planning permission or the giving of approval (as the case may be) and must be made by the same applicant (regulation 7);
- (f) provision is made for the refunding of the fee paid in respect of an application deemed to be made in connection with an enforcement notice, in the event of the Planning Appeals Commission allowing the appeal against the enforcement notice on any of the grounds (b) to (e) set out in Article 43(2) of the 1972 Order (regulation 10(11));
- (g) the provisions contained in regulation 13 of the former Regulations (fees for applications for consent for advertisements) have been amended in relation to applications for consent for the display of advertisements on parking meters, litter bins or bus shelters within a specified area (under the amended provisions one fee is payable for all such advertisements covered by the application), there is a new provision giving exemption from the requirement for the payment of a fee in a case where an application is made by the same applicant, in respect of the display of advertisements of the same description on the same site, following the withdrawal of an application or refusal of consent (regulation 11(4), (5) and (6));
- (h) the provisions formerly contained in paragraph 4 of Part I of Schedule 1 of the former Regulations relating to the amount of the fee payable in respect of an application for approval of reserved matters have been replaced by a paragraph which provides that once the total of the fees paid in respect of applications for approval of reserved matters under a particular outline planning permission have reached an amount equal to the full amount of the fee payable (in accordance with the provisions of the Schedule) in respect of an application for approval of all the matters reserved by the outline planning permission, in relation to the whole of the land covered by that permission, all subsequent applications for approval of the matters reserved by that outline planning permission shall be subject to a flat-rate charge of £47 Schedule 1 Part I (paragraph 4);
- (i) a new paragraph has been included in Part I of Schedule 1 to provide for payment of a special rate of fee where applications relating to several alternative proposals are submitted to the Department by the same applicant on the same date (the fee being a sum calculated by taking the highest fee payable in respect of any of the alternative proposals and adding to it half of the total of the fees payable in respect of the other alternative proposals) (paragraph 5);
- (j) development consisting of the erection of glasshouses on agricultural land is placed in a separate category in Part II of Schedule 1, with a different rate of fee from those applying to other buildings: for outline planning a £47 fee is payable; otherwise a £7 fee is payable where the building contains not more than 465 square metres of floor space, and a fee of £280 is payable when the floor space exceeds 465 square metres (category 4);

- (k) the former category 8 in the table in Part II of Schedule 1 (now category 10), relating to the use of land for the disposal of refuse or waste materials, has been extended to include the use of land for the deposit of material remaining after minerals have been extracted from land and the use of land for the open storage of minerals.

Some minor drafting amendments have also been made.

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1983 No. 330

**Medicines (Veterinary Drugs) (Prescription Only) (Amendment) Order 1983**

This Order has been made by the Secretary of State concerned with health in England, the Secretaries of State respectively concerned with health and with agriculture in Scotland and in Wales, the Minister of Agriculture, Fisheries and Food, the Department of Health and Social Services for Northern Ireland and the Department of Agriculture for Northern Ireland, acting jointly, in exercise of the powers conferred by sections 58(1)(4) and 129(4) of the Medicines Act 1968.

In pursuance of paragraph 11 of Schedule 4 to that Act this Order has been registered as a Northern Ireland statutory rule under the Statutory Rules (Northern Ireland) Order 1979. It is printed in full in the volume of United Kingdom Statutory Instruments for 1983 and has been numbered 1506 in that series.