
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 41

PLANNING

**Planning (Fees) (Amendment)
Regulations (Northern Ireland) 1996**

Made - - - - *21st February 1996*

Coming into operation *1st April 1996*

The Department of the Environment, in exercise of the powers conferred by Articles 127 and 129(1) of the Planning (Northern Ireland) Order 1991(1) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 1st April 1996.

Amendment of regulations

2.—(1) The Planning (Fees) Regulations (Northern Ireland) 1995(2) are amended in accordance with paragraphs (2) to (7).

(2) In regulations 11(1) (reduced fees and refunds), 13(3) (fee for certain deemed applications), 16 (fees for applications for listed building consent) and 19(2) (fee for certain statutory authorities) for “£30” substitute “£31”.

(3) In regulation 17(1) (fee for appeals) for “£60” substitute “£65”.

(4) In regulation 18(1) (fee for application for a determination) for “£23” substitute “£27”.

(5) In Part I of Schedule 1 in paragraphs 4(1) (fee for application or deemed application by certain non-profit making organisations), 5(2) and (3) (fee for certain applications for approval of reserved matters) for “£175” substitute “£270”.

(6) For Part II of Schedule 1 substitute Part II set out in the Schedule to these regulations.

(7) In Schedule 2 (fees for applications for consent to display advertisements)—

(a) for “£50” where it twice occurs substitute “£51”;

(b) for “£230” substitute “£236”.

(1) S.I.1991/1220 (N.I. 11). Art. 2(2) contains definitions of “the Department” and “prescribed”

(2) S.R. 1995 No. 78

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Sealed with the Official Seal of the Department of the Environment on

L.S.

21st February 1996.

J. McConnell
Assistant Secretary

SCHEDULE

Substitution for Part II of Schedule 1

“Part II

Scales of fees

Category of development	Fee payable
1. The erection of dwellinghouses.	<p>(A) Where the application is for one dwellinghouse only—</p> <p>(i) £138 for outline planning permission;</p> <p>(ii) £340 in any other case.</p> <p>(B) Where the application is for more than one dwellinghouse—</p> <p>(i) for outline planning permission, £138 for each 0.1 hectare of the site area, subject to a maximum of £3,450;</p> <p>(ii) in other cases £138 for each dwellinghouse subject to a maximum of £6,900.</p>
2. The extension, improvement or alteration of an existing dwellinghouse, including the erection of a building or the carrying out of other operations within the curtilage of a 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 a curtilage of an existing dwellinghouse.	<p>(A) Where the application relates to one dwellinghouse only, £130;</p> <p>Where the application relates to two or more dwellinghouses, £230.</p>
<p>(a) The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 2.</p> <p>(b) The erection, alteration or replacement of plant and machinery.</p> <p>(c) The construction or extension of a non-nuclear electricity generating station.</p>	<p>(A) Where the application is for outline planning permission, £138 for each 0.1 hectare of the site area subject to a maximum of £3,450;</p> <p>(B) in other cases—</p> <p>(i) where no floor space is to be created by the development, £69;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £69;</p> <p>(iii) where the area of gross floor space to be created by the</p>

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Category of development	Fee payable
	development exceeds 40 square metres but does not exceed 75 square metres, £138; and (iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £138 for each 75 square metres subject to a maximum of £6,900.
4. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes and for agricultural and commercial glasshouses.	Where the application is for— (A) outline planning permission, £330; (B) in other cases— (i) where the area of gross floor space to be created by the development does not exceed 500 square metres, £660; (ii) where the area of gross floor space to be created by the development exceeds 500 square metres, £975.
5. The winning and working of peat.	£675 for each 5 hectares of the site area or part thereof subject to a maximum of £15,500.
(a) The winning and working of minerals (other than peat).	£675 for each 0.5 hectare of the area or part thereof subject to a maximum of £20,250.
(b) The carrying out of any operations connected with exploratory drilling for oil or natural gas.	
(c) 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 for the use of land for the storage of minerals in the open.	
(d) The carrying out of any other operation not coming within any of the above categories.	
(a) The construction of single level car parks, service roads and other means of access on land used for the purpose of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£135.
(b) The installation of a single overhead electricity line.	

Category of development	Fee payable
(c) 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 the specified period).	
(d) An application to develop land without compliance with a condition subject to which a previous planning permission has been granted.	
(a) An application for a material change of use to one or more separate dwellinghouses.	£270.
(b) Any other application not falling within categories 1-7.	£410.”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Planning (Fees) Regulations (Northern Ireland) 1995 which prescribe—

1. Fees payable to the Department of the Environment in respect of applications made under the Planning (Northern Ireland) Order 1991 (the “1991 Order”)—

- (a) for planning permission for development or for approval of matters reserved in an outline planning permission;
- (b) for consent for the display of advertisements;
- (c) for listed building consent.

2. Fees payable to the Planning Appeals Commission in respect of appeals and applications for planning permission deemed to have been made on an appeal against enforcement notices by virtue of Article 71(3) of the 1991 Order.

The fees for reduced fees, for certain deemed applications, for listed building consent, for certain statutory authorities and the fees for application for consent to display advertisements are increased by 2.75% (regulation 2(2) and (7)).

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The fees for appeals are increased by 8% (regulation 2(3)).

The fee for an application for a determination increases by approximately 17% (regulation 2(4)). The fee for application or deemed application by certain non-profit making organisations and for certain applications for approval of reserved matters increases by approximately 54% (regulation 2(5)).

In relation to Categories of development—

- (i) the fees relating to Categories 1(B)(i) and (ii) and Category 3 remain unchanged;
- (ii) the other categories of fee are increased by between 35% and 56% (regulation 2(6));
- (iii) a fee ceiling of £20,250 has been applied to Category 6(a)-(d).

The general effect of these Regulations will be to increase fee income by approximately 20% overall.