STATUTORY RULES OF NORTHERN IRELAND

2004 No. 102

PLANNING

Planning (Fees) (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*10th March 2004*
Coming into operation	*12th April 2004*

The Department of the Environment, in exercise of the powers conferred on it 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) 2004 and shall come into operation on 12th April 2004.

Amendment of the Planning (Fees) Regulations (Northern Ireland) 1995

2.—(1) The Planning (Fees) Regulations (Northern Ireland) 1995(**2**) shall be amended in accordance with paragraphs (2) to (9).

(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 "£40" substitute "£45".

(3) In regulations 12(1) (Fees for deemed applications), 13(3) (Exemptions etc. – deemed applications), and 14(6)(a) (Refunds – deemed applications) for the words "Article 71(3)" substitute "Article 71(5)".

(4) In regulation 14(5) for the words "grounds (b) to (f)" substitute "grounds (b) to (e)".

(5) In the shoulder note to regulation 18 (Fee for application for determination as to whether listed building consent required or for certificate of lawful use or development) remove the words "or for certificate of lawful use or development".

(6) In regulation 18(1) for "£35" substitute "£40".

(**1**) S.I. 1991/1220 (N.I. 11). Art. 2(2) contains definitions of " the Department" and "prescribed"
(**2**) S.R. 1995 No. 78 amended by S.R. 1996 No. 41, S.R. 1997 No. 104, S.R. 1998 No. 223, S.R. 2000 No. 35, S.R. 2001 No. 225, S.R. 2003 No. 41 and S.R. 2003 No. 446

(a) (7) (a) In regulation 18A(5)(b) (fees for applications for certificates of lawful use or development) for "£160" substitute "£180"; and

(b) in regulation 18A(6) for "£160" substitute "£180" and for "£8,000" substitute "£8,820".

(8) In Schedule 1 –

(a) in Part I, 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 "£355" substitute "£390"; and

(b) for Part II, substitute Part II set out in the Schedule to these regulations.

(9) In Schedule 2 (fees for applications for consent to display advertisements) –

(a) for "£65" where it twice occurs substitute "£75"; and

(b) for "£305" substitute "£335".

Sealed with the Official Seal of the Department of the Environment on 10th March 2004.

L.S.

I. Maye
A senior officer of the
Department of the Environment

SCHEDULE

Regulation 2(8)(b)

SUBSTITUTION OF PART II OF SCHEDULE 1 TO THE PLANNING (FEES) REGULATIONS (NORTHERN IRELAND) 1995

"PART II

SCALES OF FEES

Category of development	*Fee payable*
1. The erection of dwellinghouses.	(A) Where the application is for one dwellinghouse only – (i) £200 for outline planning permission; (ii) £490 in any other case. (B) Where the application is for two or more dwellinghouses – (i) for outline planning permission, £180 for each 0.1 hectare of the site area subject to a maximum of £4,500; (ii) in other cases £180 for each dwellinghouse subject to a maximum of £8,820.
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.	(A) Where the application relates to one dwellinghouse only, £170. (B) Where the application relates to two or more dwellinghouses, £325.
(a) The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 2. (b) The erection, alteration or replacement of plant and machinery. (c) The construction or extension of a non-nuclear electricity generating station.	(A) Where the application is for outline planning permission, £200 for each 0.1 hectare of the site area subject to a maximum of £5,000. (B) In other cases – (i) where no floor space is to be created by the development, £90; (ii) where the area of gross floorspace to be created by the development does not exceed 40 square metres, £100; (iii) where the area of gross floorspace to be created by

Category of development	*Fee payable*
	the development exceeds 40 square metres but does not exceed 75 square metres, £180; and (iv) where the area of gross floorspace to be created by the development exceeds 75 square metres, £180 for each 75 square metres subject to a maximum of £8,820.
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 – Outline planning permission, £430. In other cases – (i) where the area of gross floor space to be created by the development does not exceed 500 square metres, £855; (ii) where the area of gross floorspace to be created by the development exceeds 500 square metres, £1,260.
5. The winning and working of peat.	£965 for each 5 hectares of the site area or part thereof subject to a maximum of £24,125.
(a) The winning and working of minerals (other than peat).	£965 for each 0.5 hectare of the site area or part thereof subject to a maximum of £28,950.
(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.	£180.
(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 dwelling houses.	£350.
(b) Any other application not falling within categories 1–7.	£590."

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Planning (Fees) Regulations (Northern Ireland) 1995 ("the 1995 Regulations") which prescribe fees payable to the Department of the Environment in respect of applications made under the Planning (Northern Ireland) Order 1991 –

(a) for planning permission for development of land and for approval of matters reserved in an outline planning permission;

(b) for consent for the display of advertisements;

(c) for listed building consent;

(d) for certificates of lawful use or development.

The Regulations increase the following fees by approximately 10% –

(i) reduced fees, certain fees for deemed applications, for listed building consent and fees for certain statutory authorities (regulation 2(2));

(ii) fees for applications for determination as to the need for listed building consent (regulation 2(6));

(iii) fees for applications or deemed applications by certain non-profit making organisations and for certain applications for approval of reserved matters (regulation 2(8));

(iv) fees for applications for consent to display advertisements (regulation 2(9)).

The general effect of these regulations will be to increase planning fees by approximately 10% overall.