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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 222**

**PLANNING**

**The Planning (Fees) Regulations (Northern Ireland) 2005**

*Made* - - - - *27th April 2005*

*Coming into operation* *18th May 2005*

The Department of the Environment, in exercise of the powers conferred by Articles 127 and 129(1) of the Planning (Northern Ireland) Order 1991<sup>(1)</sup> and 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) 2005 and shall come into operation on 18th May 2005.

**Interpretation**

2.—(1) In these Regulations –

“the 1991 Order” means the Planning (Northern Ireland) Order 1991;

“area of townscape character” and “area of village character” have the same meaning as in a direction issued by the Department under Article 11(2)(f) of the 1991 Order;

“the Control of Advertisements Regulations” means the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992<sup>(2)</sup>;

“the Commission” means the Planning Appeals Commission;

“dwellinghouse” means a building or part of a building which is used as a single private dwellinghouse, and for no other purpose;

“the General Development Order” means the Planning (General Development) Order (Northern Ireland) 1993<sup>(3)</sup>;

“glasshouse” means a building which –

- (a) has not less than three-quarters of its total external area comprised of glass or other translucent material;

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<sup>(1)</sup> S.I.1991/1220 (N.I. 11) as amended by S.I. 2003/430 (N.I. 8)

<sup>(2)</sup> S.R. 1992 No. 448

<sup>(3)</sup> S.R. 1993 No. 278

(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;

“the Hazardous Substances Regulations” means the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993<sup>(4)</sup>;

“outline planning permission” means planning permission granted in accordance with the provisions of a development order, conditional on the subsequent approval by the Department of the particulars of the proposed development;

“reserved matters” has the same meaning as in Article 2 of 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 14 have the same meaning as in the Control of Advertisements Regulations.

### **Fees for planning applications**

**3.—**(1) Subject to regulation 4, 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 regulations 10 and 19(2), the fee in respect of the application shall be calculated in accordance with the provisions of Schedule 1.

(3) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

### **Exemptions**

**4.—**(1) Regulation 3(1) 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 3(1) 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<sup>(5)</sup> applies.

**5.** Regulation 3(1) shall not apply where the Department is satisfied –

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(4) S.R. 1993 No. 275

(5) 1978 c. 53 as amended by Article 136, Schedule 5 Part II to S.I. 1986/595 (N.I. 4)

- (a) that the application relates to the use of a building or other land for a purpose of a class specified in the Planning (Use Classes) Order (Northern Ireland) 2004<sup>(6)</sup> and solely to such use; and
- (b) that the existing use of that building or other land is for another purpose of the same class; and
- (c) that the making of an application for planning permission in respect of the use to which the application relates is necessary by reason of (and only by reason of) a condition imposed on a permission granted or having the like effect as a permission granted under Part IV of the 1991 Order.

### Cases where reduced fees apply

6.—(1) Regulation 3(2) 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 1991 Order.

(2) The reference in 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 to carry out such development 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 3(2) shall not apply to –

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

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(6) S.R. 2004 No. 458

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;
- (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 3(2) by this regulation.

8.—(1) Where the conditions set out in paragraph (2) are satisfied, regulation 3(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 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 matters reserved 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 the date when the withdrawn application was made;
- (b) that the application relates 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);
- (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 3(2) by this regulation or exempted under the corresponding provisions of the Planning (Fees) Regulations (Northern Ireland) 1995(7).

#### **Fee for application made following a determination as to whether listed building consent required**

9. Where the Department receives an application for a determination under Article 48(1) of the 1991 Order and determines that the proposed work to a listed building would involve the alteration or extension of the building in a manner which would affect its character as a building of special architectural or historic interest, the fee for the application for listed building consent made by or

on behalf of the same applicant as a result of the determination shall be reduced by the amount paid for the determination under regulation 17(1).

#### **Amount of reduced fees and refunds**

**10.**—(1) The fee for an application for planning permission to which regulation 6, 7 or 8 applies shall be £50.

(2) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

#### **Fees for deemed applications**

**11.**—(1) Subject to regulation 12(1), a fee shall be paid where an application for planning permission is deemed to have been made by virtue of the provisions of Article 71(5) of the 1991 Order (in consequence of an appeal under Article 69 of that Order against an enforcement notice).

(2) Subject to regulation 12(3) and regulation 13(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.

#### **Exemption, etc. – deemed applications**

**12.**—(1) In the case of a deemed application, regulation 11(1) shall not apply where the appellant, before the date when the relevant enforcement notice was issued, made –

- (a) an application to the Department for planning permission for the development to which the relevant enforcement notice relates (and had paid to the Department the amount of the fee payable in respect of that application, in accordance with the requirements of regulation 3); or
- (b) an appeal to the Commission against the refusal of the Department to grant such permission, and that application or that appeal (as the case may be) had not been determined on or before the date when the relevant enforcement notice was issued.

(2) Regulations 4, 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 regulations 4 and 5 to regulation 3(1) shall be construed as a reference to regulation 11(1);
- (b) reference in regulation 6(1) to regulation 3(2) shall be construed as a reference to regulation 11(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.

(3) The fee for an application deemed to have been made by virtue of Article 71(5) of the 1991 Order to which regulation 6 (as applied by regulation 12(2)) applies shall be £50.

#### **Refunds – deemed applications**

**13.**—(1) 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 69(1) to (4) of the 1991 Order, the fee paid in respect of the deemed application shall be refunded.

(2) 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.

(3) The reference in paragraph (2) 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.

(4) 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 or if the Commission decides that the enforcement notice is a nullity.

(5) 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 69(3) of the 1991 Order.

(a) (6) (a) Where planning permission is deemed to have been applied for by virtue of Article 71(5) of the 1991 Order and –

(i) the terms of an enforcement notice are varied under Article 70 otherwise than to take account of grant of planning permission under Article 71; and

(ii) the amount of the fee calculated in accordance with Schedule 1 would have been a lesser amount if the original notice had been in the terms of the varied notice;

the fee payable shall be that lesser amount and any excess amount already paid shall be refunded.

(b) In determining a fee under sub-paragraph (a) no account shall be taken of any change in fees which takes effect after the making of the deemed application.

### **Fees for applications for consent of advertisements**

**14.**—(1) Where an application is made to the Department under regulation 7 of the Control of Advertisements Regulations for consent to display an advertisement, a fee shall be paid to the Department in accordance with paragraphs (2) and (3) and the fee shall be £150.

(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)) 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.

(4) Where the application relates to the display, within a specified area, of advertisements on parking meters, litter bins or bus shelters, 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) are satisfied, paragraph (1) shall not apply to 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.

(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) where an appeal is made to the Commission pursuant to regulation 12 of the Control of Advertisements Regulations, the date on which the appeal is determined;
  - (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).
- (7) No fee is payable under this regulation in respect of an application for consent to display an advertisement if the application is occasioned by a direction under regulation 6 of the Control of Advertisements Regulations disapplying regulation 5 of those Regulations in relation to the advertisement in question.
- (8) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

#### **Fees for applications in designated areas**

**15.—**(1) The fee for –

- (a) an application for listed building consent;
- (b) an application for consent to demolish a building to which Article 51 of the Planning (Northern Ireland) Order 1991 applies;

shall be £50.

(2) Paragraph (1)(a) shall not apply where the Department, in relation to the application, is satisfied as set out in paragraphs (1) or (2) of regulation 4 in relation to the application referred to in those paragraphs.

#### **Fees for Hazardous Substances Consent**

**16.—**(1) Where an application is made to the Department under regulation 5 of the Hazardous Substances Regulations a fee shall be paid to the Department in accordance with Schedule 2.

(2) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

#### **Fees for applications for determination as to whether listed building consent required**

**17.—**(1) The fee for an application under Article 48(1) of the 1991 Order shall be £45.

(2) Paragraph (1) shall not apply where the Department, in relation to the application, is satisfied as set out in paragraphs (1) or (2) of regulation 4 in relation to the application referred to in those paragraphs.

### **Fees for applications for certificates of lawful use or development**

**18.**—(1) Subject to paragraphs (2), (3) and (4), an application made to the Department under Article 83A or 83B of the 1991 Order shall be accompanied by a fee.

(2) Paragraph (1) shall not apply where the Department is satisfied that it relates solely to the carrying out of operations specified in regulation 4 for the purposes specified in that regulation.

(3) Where all of the conditions set out in paragraph (4) are satisfied, paragraph (1) shall not apply to 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 applicant.

(4) The conditions referred to in paragraph (3) are –

- (a) that the application is made before the end of a period of 12 months following the date when the withdrawn application was made;
- (b) that the application relates to the same site as that to which the earlier application related, or to part of that site and to no other land;
- (c) that the Department is satisfied that it relates to a use, operation or other matter of the same description as the use, operation or matter to which the earlier application related and to no other use, operation or matter;
- (d) that the fee payable in respect of the earlier application was paid; and
- (e) that no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted from this regulation by paragraph (3).

(5) Subject to paragraphs (6), (7) and (8), the fee payable in respect of an application to which this regulation applies shall be –

- (a) in the case of an application under Article 83A(1)(a) or (b) (or under both sub-paragraphs), the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be);
- (b) in the case of an application under Article 83A(1)(c), £200;
- (c) in the case of an application under Article 83B(1)(a) or (b) (or under both sub-paragraphs), half the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).

(6) Where a use specified in an application under Article 83A(1)(a) is comprised of or includes a use as one or more separate dwellinghouses, the fee payable in respect of that application shall be £200 for each dwellinghouse subject to a maximum fee of £10,000 for the application.

(7) Where an application is made under Article 83A(1)(a) or (b) (or under both sub-paragraphs) and under Article 83A(1)(c), the fee payable shall be the sum of the fees that would have been payable if there had been an application under Article 83A(1)(a) or (b) (or under both sub-paragraphs, as the case may be) and a separate application under Article 83A(1)(c).

(8) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

### **Fees for statutory authorities**

**19.**—(1) Regulation 3(2) shall not apply to an application for planning permission or for applications for approval of reserved matters made by –

- (a) district councils;
- (b) the Northern Ireland Housing Executive;



- (c) Education and Library Boards;
- (d) the Fire Authority for Northern Ireland;
- (e) Northern Ireland Policing Board.

(2) The fee for an application for planning permission or for approval of reserved matters referred to in paragraph (1) shall be £50.

### **Revocations**

**20.** The regulations specified in Schedule 3 are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 27th April 2005.

L.S.

*Marianne Fleming*  
A senior officer of the  
Department of the Environment

## SCHEDULE 1

Regulations 3(2), 11(2) and 13(6)(a)(ii)

### FEES IN RESPECT OF APPLICATIONS AND DEEMED APPLICATIONS FOR PLANNING PERMISSION OR FOR APPROVAL OF RESERVED MATTERS

#### PART 1

##### GENERAL PROVISIONS

1. Subject to paragraphs 2 to 4, the fee payable under regulation 3(2) or 11(2) in respect of an application or deemed application shall be calculated in accordance with the provisions of Part 2 and (where applicable) paragraphs 5 to 9. 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. Where an application or deemed application relates to development carried out without planning permission, or in accordance with planning permission granted for a limited period or without complying with some condition subject to which planning permission was granted, the amount of the fee payable shall be calculated in accordance with the provisions of Part 2 as if the application or deemed application were one for permission to carry out that development.

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 the conditions specified in sub-paragraph (2) are satisfied, the fee payable in respect of the application or deemed application shall be one-half of the amount that would otherwise be payable.

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

- (a) the application or deemed application relates to the provision of community facilities (including sports grounds) and playing fields; 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 other organisation and to be 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”);
- (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 this paragraph applies and the amount of the fees paid as mentioned in sub-paragraph (1)(b) is not less than the amount which would be payable if the applicant were by his 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 amount of the fee payable in respect of the current application shall be £440.

(3) Where –

- (i) this paragraph applies;

- (ii) 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
  - (iii) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date,
- the amount of the fee in respect of the current application shall be £440.

5. Where, in respect of any category of development specified in Part 2, the fee is to be calculated by reference to the site area –

- (a) that area shall be taken as consisting of the site area to which the application relates or, in the case of a deemed application, the site area 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, as a complete unit.

6.—(1) In relation to development within category 4, 6 or 11(b) specified in Part 2, 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 4 or 11(b) where the area of gross floor space 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 6 where the area of gross floor space is not an exact multiple of 500 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 500 shall be treated as being 500 square metres.

7.—(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 sub-paragraphs (2) and (3) shall apply for the purpose of calculating the fee.

(2) Subject to sub-paragraph (3) 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 2) 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).

(3) 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 referred to below 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.

8.—(1) Subject to the provisions of paragraph 7, where an application or deemed application relates to development which is within more than one of the categories specified in Part 2 –

- (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.

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(2) The fee for development in an area of townscape character or an area of village character which includes demolition of a building shall be calculated by adding together the fee for demolition within category 12 and the fee for any other category of development specified in Part 2.

9. In the case of a deemed application for planning permission –

- (a) 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;
- (b) 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
- (c) 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 2

### SCALES OF FEES

<i>Category of development</i>	<i>Fee payable</i>
1. All Buildings	Outline applications  £200 for each 0.1 hectare of the site area subject to a maximum of £8,000.
2. The erection of dwellinghouses	Full and Reserved Matters (A) Where the application is for one dwellinghouse only, £550. (B) Where the application is for more than one dwellinghouse, £550 for the first dwellinghouse and £200 for each additional dwellinghouse subject to a maximum of £10,000.
3. The extension, improvement or alteration of an existing dwelling house, 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.	£225 for each dwelling.
4. The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 2.	Full and Reserved Matters £200 where no floor space is created or £200 for each 75 sq.m. of floor space subject to a maximum of £10,000.
5. The erection, alteration or replacement of plant and machinery including	£200 for each 0.1 hectare of the site area subject to a maximum of £10,000.

<i>Category of development</i>	<i>Fee payable</i>
telecommunications/datacommunications equipment and wind farms.	
6. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes and for agricultural and commercial glasshouses.	£755 for each 500 sq.m. of floor space subject to a maximum of £10,000.
7. The winning and working of peat.	£150 for each 5 hectares of the site area subject to a maximum of £27,000.
(a) (a) The winning and working of minerals (other than peat).	£1,500 for each 0.5 hectare of the site area subject to a maximum of £32,450.
(b) (b) The carrying out of any operations connected with exploratory drilling for oil or natural gas.	
(c) (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 the use of land for the storage of minerals in the open.	
(d) (d) The carrying out of any other operation not coming within any of the above categories.	
9. 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.	£200.
(a) (a) 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).	£200.
(b) An application to develop land without compliance with a condition subject to which a previous planning permission has been granted.	
11. An application for a material change of use.	<p>(A) Where the application relates to a dwellinghouse, £550 for the first dwellinghouse and £200 for each additional dwellinghouse.</p> <p>(B) For any other change of use, £200 for each 75 sq.m. of floor space.</p>

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<i>Category of development</i>	<i>Fee payable</i>
12. Demolition in an area of townscape character or an area of village character.	£50.
13. Any other application not falling within categories 1-12.	£660.

## SCHEDULE 2

Regulation 16

## FEES FOR HAZARDOUS SUBSTANCES CONSENT

<i>Category of development</i>	<i>Fee payable</i>
1. Presence of hazardous substances on, over or under land.	<p>(i) Where Article 58(1) applies (new consent without previous conditions), £270;</p> <p>(ii) Where Article 58(1) does not apply and the quantity specified in the application as the maximum quantity proposed to be present exceeds twice the controlled quantity, £340;</p> <p>(iii) In all other cases, £270.</p> <p>(B) A fee of £540 shall be payable to the Department in respect of an application for the continuation of hazardous substances consent under Article 60.</p>

## SCHEDULE 3

Regulation 20

## REGULATIONS REVOKED

<i>Regulations revoked</i>	<i>References</i>
Regulation 20 of the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993	<a href="#">S.R. 1993 No. 275</a>
Planning (Fees) Regulations (Northern Ireland) 1995 except for Regulation 17 (Fees for Appeals)	<a href="#">S.R. 1995 No. 78</a>
Planning (Fees) (Amendment) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 41</a>
Planning (Fees) (Amendment) Regulations (Northern Ireland) 1997	<a href="#">S.R. 1997 No. 104</a>
Planning (Fees) (Amendment) Regulations (Northern Ireland) 1998	<a href="#">S.R. 1998 No. 223</a>
Planning (Fees) (Amendment) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 225</a>

<i>Regulations revoked</i>	<i>References</i>
Planning (Fees) (Amendment) Regulations (Northern Ireland) 2003	<a href="#">S.R. 2003 No. 41</a>
Planning (Fees) (Amendment No. 2) Regulations (Northern Ireland) 2003	<a href="#">S.R. 2003 No. 446</a>
Planning (Fees) (Amendment) Regulations (Northern Ireland) 2004	<a href="#">S.R. 2004 No. 102</a>

## EXPLANATORY NOTE

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

These Regulations revoke and replace with amendments, Regulation 20 of the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993, the Planning (Fees) Regulations (Northern Ireland) 1995 except for regulation 17 (Fees for Appeals), the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1996, the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1997, the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1998, the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2001, the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2003, the Planning (Fees) (Amendment No. 2) Regulations (Northern Ireland) 2003, and the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2004.

The principal changes are –

- (a) Regulation 9 consolidates regulation 2(2) of the Planning (Fees) (Amendment No. 2) Regulations (Northern Ireland) 2003. It reduces the required fee on submission of an application for listed building consent following a determination under Article 48 (applications to determine whether planning permission is required) of the Planning (Northern Ireland) Order 1991, “the 1991 Order”.
- (b) Regulation 15 provides for harmonisation of the fees which apply in designated areas for Listed Building Consent and Conservation Area Consent.
- (c) Regulation 16 provides for the payment of a fee in relation to an application for Hazardous Substances Consent.
- (d) Regulation 17 consolidates regulation 2(4) of the Planning (Fees) (Amendment No. 2) Regulations (Northern Ireland) 2003. It provides the fee for applications for determinations under Article 48 of the 1991 Order and further provides for an exemption if conditions are satisfied.
- (e) Regulation 18 consolidates regulation 2(5) of the Planning (Fees) (Amendment No. 2) Regulations (Northern Ireland) 2003. It provides the fees for applications for certificates of lawful use or development.
- (f) Concessionary fees have been removed in relation to the resubmission of an application following refusal or appeal against non-determination, for consolidating minerals permissions and for alternative proposals submitted at the same time.
- (g) The new Regulations provide for a simplified fees structure. Certain categories of fees are being replaced by a single fee, for example, categories 4 and 5. There are also instances where the previous flat rate fee is being replaced by a sliding scale fee calculated on site

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area, floor space or number of properties, for example, categories 6 and 11. The general effect of the changes will be to increase fee income by around 12% overall.

A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy may be obtained from the Department of the Environment, Planning Service Headquarters, Millennium House, 17-25 Great Victoria Street, Belfast BT2 7BN (Tel: 028 9041 6384 or 028 9041 6920) or accessed at <http://www.planningni.gov.uk/>