

**2014 No. 127**

**PLANNING**

**The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2014**

*Made* - - - - *2nd May 2014*

*Coming into operation* - *28th May 2014*

The Department of the Environment, in exercise of the powers conferred by Article 127 of the Planning (Northern Ireland) Order 1991(a), makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 28th May 2014.

**Amendment of the Planning (Fees) Regulations (Northern Ireland) 2005**

2.—(1) The Planning (Fees) Regulations (Northern Ireland) 2005(b) shall be amended in accordance with paragraphs (2) to (7)

(2) After regulation 5 (Exemptions), insert the following regulation—

“**5A.**—(1) Regulation 3(1) shall not apply where the Department is satisfied that 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 paragraph (2) are satisfied.

(2) The conditions referred to in 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) the Department or (in the case of a deemed application) the Planning Appeals 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”.

(3) In regulations 10(1) (amount of reduced fees and refunds) and 12(3) (exemption, etc. — deemed applications) for “£63” substitute “£64”.

(4) In regulation 14 (fees for applications for consent to display advertisements)—

- (a) in paragraph (1) for “£187” substitute “£189”;

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(a) S.I. 1991/1220 (N.I. 11)

(b) S.R. 2005 No. 222 as amended by S.R. 2005 No. 505, S.R. 2009 No. 256, S.R. 2010 No. 294, S.R. 2011 No. 99, S.R. 2011 No.398 and S.R. 2012 No.293

- (b) omit paragraphs (5) and (6);
- (5) In regulation 16A (fee for an application for planning permission for EIA development) for “£10,496” substitute “£10,632”.
- (6) In regulation 18 (fees for applications for certificates of lawful use or development)—
  - (a) in paragraph (1) for “paragraphs (2), (3) and (4),” substitute “paragraph (2)”;
  - (b) omit paragraphs (3) and (4);
  - (c) in paragraph (5)(b) for “£249” substitute “£252”;
  - (d) in paragraph (6) for “£249” substitute “£252” and for “£12,421” substitute “£12,582”.
- (7) In Schedule 1 (fees in respect of applications and deemed applications for planning permission or for approval of reserved matters)—
  - (a) in Part 1, in paragraph 3 delete the existing provision and insert the following regulation—
 

“3. Where an application or deemed application to renew planning permission is made, and the application or deemed application has been submitted before the time limit imposed on the extant permission has expired, the fee payable shall be one-quarter of the amount that would otherwise be payable”.
  - (b) in Part 1, in paragraph 4(2) and (3) for “£547” substitute “£554”;
  - (c) in Part 1, in paragraph 7(1) delete the existing paragraph and insert the following—
 

“7.—(1) Subject to the provisions in sub-paragraph 7(3) and paragraph 8(1), where an application or a deemed application relates to more than one of the categories of development specified in Part 2—

    - (a) an amount shall be calculated, in accordance with this Schedule, in respect of 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 notices relates; and
    - (b) the total of the amounts calculated for each of the categories of development shall be the fee”.
  - (d) in Part 1, omit paragraph 7(2)
  - (e) in Part 1, paragraph 7(3) delete the existing paragraph and insert the following—
 

“(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 development within category 2 and for persons occupying or using it for development within category 4 and or category 6 (such floor space being referred to below as “common floor space”), the category 4 and or category 6 floor space shall be assessed, in relation to that building, as including such proportion of the common floor space as the category 4 and or category 6 floor space in the building bears to the gross floor space in the building.”
  - (f) in Part 1, in paragraph 8(1) for “Subject to the provisions of paragraph 7, where” substitute “Where” and for “is within more than one of the categories” substitute “contains more than one of the site area based categories (5, 7 and 8)”
  - (g) for Part 2, substitute Part 2 as set out in the Schedule to these Regulations.
- (8) In Schedule 2 (fees for hazardous substances consent)—
  - (a) For “£336” where it twice occurs substitute “£340”;
  - (b) For “£422” substitute “£427”; and
  - (c) For “£671” substitute “£680”.

Sealed with the Official Seal of the Department of the Environment on 2nd May 2014.



*Angus Kerr*

A senior officer of the Department of the Environment

SCHEDULE  
 SUBSTITUTION OF PART 2 OF SCHEDULE 1 TO THE PLANNING  
 (FEES) REGULATIONS (NORTHERN IRELAND) 2005

“PART 2

SCALES OF FEES

<i>Category of development</i>	<i>Fee Payable</i>
1. All buildings (other than a single dwellinghouse)	Outline Applications  £252 for each 0.1 hectare of the site area subject to a maximum of £10,066
1A. Single dwellinghouse	£425
2. The erection of a dwellinghouse	(a) Reserved Matters  Where the application is for a single dwellinghouse, £425  (b) Full Where the application is for a single dwellinghouse, £851  (c) Full and reserved Matters For 2 or more dwellinghouses—  (i) Where the number of dwellinghouses to be created by the development is 50 or fewer, £1,000 for two dwellinghouses and £357 for each additional dwellinghouse;  (ii) Where the number of dwellinghouses to be created by the development exceeds 50, £18,136; and an additional £106 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £265,806.
3. The extension, improvement or alteration of an existing dwellinghouse, including the erection of a building or the carrying out of other operations	£285 for each dwelling.

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 or a curtilage of an existing dwellinghouse.

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| 4. | The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 3.                            | Full and Reserved Matters<br><br>(a) Where no floor space is to be created by the development, £181;<br><br>(b) Where the area of gross floor space to be created by the development does not exceed 40 sq.m., £181;<br><br>(c) Where the area of the gross floor space to be created by the development exceeds 40 sq.m., but does not exceed 75 sq.m., £357;<br><br>(d) Where the area of the gross floor space to be created by the development exceeds 75 sq.m., but does not exceed 3750 sq.m., £357 for each 75 sq.m., of that area;<br><br>(e) Where the area of gross floor space to be created by the development exceeds 3750 sq.m., £17,930; and an additional £106 for each 75 sq.m., in excess of 3750 sq.m., subject to a maximum of £265,806. |
| 5. | The erection, alteration or replacement of plant and machinery including telecommunications/datacommunications equipment, a single wind turbine and wind farms. | (a) where the site area does not exceed 5 hectares, £357 for each 0.1 hectare of the site area;<br><br>(b) Where the site area exceeds 5 hectares, £17,824; and an additional £106 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £265,806.  |
| 6. | The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural and commercial glasshouses.                                | £949 for each 500 sq.m., of floorspace subject to a maximum of £12,582.  |

7.	The winning and working of peat.	£1,887 for each 5 hectares of the site area subject to a maximum of £33,971.
8.	(a) The winning and working of minerals (other than peat). (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 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.	£365 per 0.1 hectare of the site area subject to a maximum of £40,828
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.	£252
10.	(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 discontinuance of the use of the removal of the building or works at the end of the specified period). (b) An application to develop land without compliance with a condition subject to which a previous planning permission has been granted.	£252
11.	An application for a material change of use.	(a) Where the application relates to a dwellinghouse, £692 for the first dwellinghouse and £252 for each additional dwellinghouse subject to a maximum of £12,582. (b) For any other change of use, £252 for each 75 sq.m., of floor space subject to a maximum of £12,582.
12.	Any other application not falling within categories 1-11.	£831.”

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## EXPLANATORY NOTE

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

These Regulations amend the Planning (Fees) Regulations (Northern Ireland) 2005 which prescribe fees payable to the Department of the Environment in respect of applications made under the Planning (Northern Ireland) Order 1991.

The Regulations increase planning fees by approximately 1.3% overall and also make changes to the Regulations as follows: –

- Regulation 2(2) introduces a nil fee exemption for applications submitted by non-profit organisations in respect of community facilities (including sports grounds) and playing fields.
- Regulation 2(4)(b) removes the concessionary fee for re-submitted Consent to Display applications where an application has been withdrawn before a notice of decision is issued, and the same applicant makes an application within 12 months of the date of the previous application.
- Regulation 2(6)(b) removes the concessionary fee for re-submitted Certificates of Lawful Use or Development where an application has been withdrawn before a notice of decision is issued, and the same applicant makes an application within 12 months of the date of the previous application.
- Regulation 2(7)(a) introduces a reduced fee for applications submitted to renew extant planning permissions.
- Regulation 2(7)(e) amends how the fees for mixed categories of development applications are calculated. The highest amount calculated now applies to *only* those applications which contain more than one of the site area based categories 5, 7 & 8. All other applications are based on the sum of each of the categories of development (Regulation 2(7)(c)).
- Regulation 2(7)(f) substitutes Part 2 of Schedule 1. The new Part 2 corrects an anomaly in the existing fee for two or more dwelling houses (i.e. Category 2(i)) and provides a revised methodology for calculating the fee for Category 8 applications (based on multiplications of 0.1 hectare of the site area subject to a maximum).

A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy may be obtained from the Department of the Environment, Planning Headquarters, Causeway Exchange, 1-7 Bedford Street, Town Parks, Belfast BT2 7EG (Tel: 028 9082 3493) or accessed at [www.planningni.gov.uk/](http://www.planningni.gov.uk/)

The Explanatory Memorandum is available alongside the instrument on the Government's legislation website: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)

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