

EXPLANATORY MEMORANDUM TO

The Planning Fees (Deemed Planning Applications And Appeals) Regulations (Northern Ireland) 2015

SR No. 136

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Office of the First Minister and deputy First Minister to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by section 223(7) of the Planning Act (Northern Ireland) 2011 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Regulations prescribe the fees to be charged for planning appeals and deemed planning applications (including where an application is deemed to have been made for a development requiring an Environmental Impact Assessment) with effect from 1 April 2015.
- 2.2. Regulations 11 to 13 and certain provisions of Schedule 1 of the Planning (Fees) Regulations (Northern Ireland) 2005 as well as Regulation 17 of the Planning (Fees) Regulations (Northern Ireland) 1995 are revoked.

3. Background

- 3.1. The Planning Act (Northern Ireland) 2011 ("the 2011 Act") provides for a new planning regime involving the transfer of the majority of planning functions from central government to district councils with effect from 1 April 2015. As a result of the changes, the existing statutory provisions prescribing the fees to be charged for planning appeals and deemed planning applications cease to apply, and it is necessary for new Regulations to have effect from that date.
- 3.2. The fees applicable after 1 April 2015 are unchanged from before and the levels for deemed applications continue to exactly match the equivalent planning application fee for the type of development concerned. The Regulations also address an anomaly which had existed previously by allowing for the collection of a fee in respect of deemed planning applications to which an Environmental Impact Assessment (EIA) would have been required as defined in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. As with other deemed planning applications, the fee for EIA cases exactly matches the equivalent planning application fee for such development.

4. Consultation

- 4.1. The Department of the Environment and the Planning Appeals Commission have been consulted, and are both content with the

Regulations. Its purpose is technical and it was not considered necessary for it to be subject to a public consultation.

5. Equality Impact

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department considers that these technical Regulations do not raise any equality issues.

6. Regulatory Impact

- 6.1. The Regulations do not impose any burdens on business.

7. Financial Implications

- 7.1. There are no direct additional costs incurred in preparing and making the Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department is satisfied that this legislation is compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. There are no EU implications

10. Parity or Replicatory Measure

- 10.1. The Regulations do not replicate or maintain parity with legislation in other administrations.

11. Additional Information

- 11.1. Not applicable.