

Draft Regulations laid before the Scottish Parliament under section 252(6) of the Town and Country Planning (Scotland) Act 1997 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2010 No.

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2010

Made - - - - 2010

Coming into force in accordance with regulation 1(1)

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997(1) and all other powers enabling them to do so.

In accordance with section 252(6) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2010 and come into force on the day after the day on which they are made.

(2) In these Regulations “the principal Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004(2).

Amendment of the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004

2.—(1) The principal Regulations are amended in accordance with paragraphs (2) to (6).

(2) In regulation 12—

(a) in paragraph (5)(b) for “£145” substitute “£160”; and

(b) in paragraph (6) for “£290 for each dwellinghouse, subject to a maximum of £14,500” substitute “£319 for each dwellinghouse, subject to a maximum of £15,950”.

(3) In regulation 13(1) for “£55” substitute “£61”.

(1) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 252 was amended by section 31 of the Planning etc. (Scotland) Act 2006 (asp 17).

(2) S.S.I. 2004/219 as amended by S.S.I. 2007/253, S.S.I. 2007/268 and S.S.I. 2009/222.

(4) In regulation 14(2) for “£145” substitute “£160”.

(5) In the Schedule to the principal Regulations (fees in respect of applications and deemed applications for planning permission or for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle)—

(a) for paragraph 2 substitute—

“2. Subject to paragraphs 3 to 10, the fee payable under regulation 3 or regulation 10 for a category of development is to be calculated in accordance with the appropriate entry specified in column 2 of the Table and paragraphs 11 to 14.”;

(b) in paragraphs 4(1), 5(2) and 5(3)(b) for “£290” substitute “£319”;

(c) in paragraphs 6 and 7(b) for “£145” substitute “£160”;

(d) in paragraph 10A for “8A” substitute “9”;

(e) in paragraph 12(4) for “12” substitute “13”; and

(f) in paragraph 14 for—

(i) “£290” substitute “£319”; and

(ii) “£6000” to the end of the paragraph substitute “£7,975”.

(6) For the Table (and the heading thereto) contained in Part III (scales of fees etc) of the Schedule to the principal Regulations substitute the Table (and the heading) contained in the Schedule to these Regulations.

Savings

3. Notwithstanding the amendment of the principal Regulations by regulation 2, the principal Regulations shall continue to apply in respect to any application or deemed application referred to at regulation 1(2) of the principal Regulations made or deemed to be made before the date on which these Regulations come into force as they did immediately before these Regulations came into force.

St Andrew’s House,
Edinburgh
Date

A member of the Scottish Executive

SCHEDULE

Regulation 2(6)

“TABLE SCALE OF FEES

| <i>Category of Development</i> | <i>Fee Payable</i> |
|--|---|
| I Operations | |
| 1. Construction of buildings, structures or erections for use as residential accommodation (other than development within category 6). | <p>Where the application is for—</p> <p>(a) planning permission in principle, £319 for each 0.1 hectare of the site area, subject to a maximum of £7,975; or £319 for one dwellinghouse;</p> <p>(b) other than planning permission in principle, £319 for each dwellinghouse to be created by the development, subject to a maximum of £15,950.</p> |
| 2. The erection of buildings (other than buildings coming within category 1, 3, 4 or 6). | <p>Where the application is for—</p> <p>(a) planning permission in principle, £319 for each 0.1 hectare of the site area, subject to a maximum of £7,975;</p> <p>(b) other than planning permission in principle—</p> <p>(i) where no floor space is to be created by the development or where the area of gross floor space to be created by the development does not exceed 40 square metres, £160;</p> <p>(ii) where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £160; and</p> |

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| Category of Development | Fee Payable |
|--|--|
| <p>3. The erection on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 4).</p> | <p>(iii) where the area of gross floor space to be created by the development exceeds 75 square metres, £319 for each 75 square metres (or part thereof), subject to maximum in total of £15,950.</p> <p>(a) where the application is for planning permission £319 for each 0.1 hectare of the site area, subject to a maximum of £7,975;</p> <p>(b) in all other cases—</p> <p>(i) where the ground area to be covered by the development exceeds 465 square metres but does not exceed 540 square metres, £319;</p> <p>(ii) where the ground area to be covered by the development exceeds 540 square metres, £319, and an additional £319 for each 75 square metres (or part thereof) in excess of 540 square metres, subject to a maximum in total of £15,950.</p> |
| <p>4. The erection of glasshouses on land used for the purposes of agriculture.</p> | <p>Where the ground area to be covered by the development exceeds 465 square metres, £1,843.</p> |
| <p>5. The erection, alteration or replacement of plant or machinery.</p> | <p>£319 for each 0.1 hectare of the site area, subject to a maximum of £15,950.</p> |
| <p>6. The enlargement, improvement or other alteration of existing dwellinghouses.</p> | <p>(a) where the application relates to one dwellinghouse, £160;</p> |

| <i>Category of Development</i> | <i>Fee Payable</i> |
|---|--|
| <p>7. (a) The carrying out of operations, including the erection of a building within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse as such;</p> <p>(b) the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or</p> <p>(c) the construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.</p> | <p>(b) where the application relates to 2 or more dwellinghouses, £319.</p> <p>£160.</p> <p>£160.</p> <p>£160.</p> |
| <p>8. The carrying out of any operations connected with the exploratory drilling for oil or natural gas.</p> | <p>£319 for each 0.1 hectare of the site area, subject to a maximum of £23,925.</p> |
| <p>9. The placing or assembly of equipment in any part of any marine waters for the purpose of fish farming.</p> | <p>£145 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of fish farming and £50 for each 0.1 hectare of the sea bed to be used in relation to such development, subject to a maximum of £14,500.</p> |
| <p>10. The carrying out of any operations not coming within any of the above categories.</p> | <p>In the case of operations for—</p> <p>(a) the winning and working of minerals, £160 for each 0.1 hectare of the site area, subject to a maximum of £23,925;</p> <p>(b) the winning and working of peat, £160 for each hectare of the site</p> |

| <i>Category of Development</i> | <i>Fee Payable</i> |
|---|---|
| II Uses of land | area, subject to a maximum of £2,393; (c) any other purpose, £160 for each 0.1 hectare of the site area, subject to a maximum of £1,595. |
| 11. The change of use of a building to use as one or more dwellinghouses. | £319 for each additional dwellinghouse to be created by the development, subject to a maximum of £15,950. |
| 12. (a) 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 | £160 for each 0.1 hectare of the site area, subject to a maximum of £23,925. |
| (b) the use of land for the storage of minerals in the open. | £160 for each 0.1 hectare of the site area, subject to a maximum of £23,925. |
| 13. The making of a material change in the use of a building or land, other than a material change of use within category 12 or 11; or in the use of equipment placed or assembled in marine waters for the purposes of fish farming. | £319.” |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 (“the principal Regulations”), which make provision for the payment of fees to planning authorities.

The effect of these Regulations is that, with the exception of fees for marine fish farming, all fees currently payable under the principal Regulations are increased by approximately 10%. The increase applies from the date after the day on which the Regulations are made. Replacement scales of fees are set out in the table contained in the Schedule to these Regulations.

Document Generated: 2023-07-25

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