

EXECUTIVE NOTE

THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS AND DEEMED APPLICATIONS) (SCOTLAND) AMENDMENT (NO. 2) REGULATIONS 2010 (SSI 2010/280)

The above instrument was made in exercise of the powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to the affirmative resolution procedure.

Policy objective

The purpose of the instrument is to maintain the policy target of achieving full recovery of those local authority costs associated with the processing of planning applications from initial registration to decision stage. It amends The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 (“the principal Regulations”)

The instrument removes redundant references in the principal Regulations to ‘deemed applications’. Where an appeal was made against a planning enforcement notice an application for planning permission was previously deemed to have been made by virtue of section 133(7) of the Town and Country Planning (Scotland) Act 1997. This section has been repealed by the Planning etc. (Scotland) Act 2006.

The instrument also makes minor changes to the table of fees set out in the schedule to the principal Regulations.

Consultation

Discussions with COSLA, local authorities and the development industry have been ongoing in relation to the level of fees.

Financial Effects

A full Regulatory Impact Assessment was produced for The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2010 (SSI 2010/141). The Regulatory Impact Assessment remains valid for this draft instrument.

Directorate for the Built Environment
May 2010