

POLICY NOTE

THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS AND DEEMED APPLICATIONS) (SCOTLAND) AMENDMENT REGULATIONS 2017

SSI 2017/120

Introduction

1. 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 negative resolution procedure.

Background

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

3. The effect of these Regulations is that some maximum fees currently payable under the principal Regulations are increased. The increase applies from 1st June 2017. These Regulations replace the table scale of fees in Part III of the Schedule to the principal Regulations. The changes which have been made are shown in the Table below.

<i>Category of development</i>	<i>Type of application</i>	<i>Old fee</i>	<i>New fee</i>
1. Construction of buildings, structures or erections for use as residential accommodation (other than development within category 6).	Applications for planning permission in principle.	£401 for each 0.1 hectare, subject to a maximum of £10,028; or £401 if only one dwellinghouse.	Where the site area does not exceed 2.5 hectares, £401 for each 0.1 hectare or £401 if only one dwellinghouse. Where the site area exceeds 2.5 hectares, £10,028 plus £100 for each 0.1 hectare in excess of 2.5 hectares, subject to an overall maximum of £62,500.
	Applications other than for planning permission	£401 for each dwellinghouse, subject to a maximum of	Where there are no more than 50 dwellinghouses, £401 for each.

	in principle.	£20,055.	Where there are more than 50 dwellinghouses, £20,050 plus £200 for each dwellinghouse in excess of 50, subject to an overall maximum of £124,850.
2. The erection of buildings (other than buildings within category 1, 3, 4 or 6).	Applications for planning permission in principle.	£401 for each 0.1 hectare, subject to a maximum of £10,028.	Where the site area does not exceed 2.5 hectares, £401 for each 0.1 hectare. Where the site area exceeds 2.5 hectares, £10,028 plus £100 for each 0.1 hectare in excess of 2.5 hectares, subject to an overall maximum of £62,500. No change.
	Applications other than for planning permission in principle.	Where the area of floor space does not exceed 40 square metres, £202. Where the area of floor space exceeds 40 square metres but not 75 square metres, £401. Where the area of floor space exceeds 75 square metres, £401 for each 75 square metres, subject to a maximum	No change. Where the area of floor space exceeds 75 square metres but not 3,750 square metres, £401 for each 75 square metres.

		of £20,055.	Where the floor space exceeds 3,750 square metres, £200 for each 75 square metres, subject to an overall maximum of £125,000.
5. The erection, alteration or replacement of plant or machinery.	Applications for planning permission.	£401 for each 0.1 hectare, subject to a maximum of £20,055.	Where the site area does not exceed 5 hectares, £401 for each 0.1 hectare. Where the site area exceeds 5 hectares, £20,050 plus £200 for each 0.1 hectare in excess of 5 hectares, subject to an overall maximum of £125,000.
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	Applications for planning permission.	£401 for each 0.1 hectare, subject to a maximum of £30,240.	Where the site area does not exceed 7.6 hectares, £401 for each 0.1 hectare. Where the site area exceeds 7.6 hectares, £30,240 plus £200 for each 0.1 hectare in excess of 7.6 hectares, subject to an overall maximum of £125,000.

<p>10. The carrying out of any operations not coming within any other category: the winning and working of minerals.</p>	<p>Applications for planning permission.</p>	<p>£202 for each 0.1 hectare, subject to a maximum of £30,240.</p>	<p>Where the site area does not exceed 15 hectares, £202 for each 0.1 hectare. Where the site area exceeds 15 hectares, £30,240 plus £100 for each 0.1 hectare in excess of 15 hectares, subject to an overall maximum of £125,000.</p>
<p>11. The change of use of a building to use as one or more dwellinghouses.</p>	<p>Applications for planning permission.</p>	<p>£401 for each additional dwellinghouse to be created, subject to a maximum of £20,055.</p>	<p>Where no more than 50 additional dwellinghouses are created, £401 for each.</p>
			<p>Where more than 50 additional dwellinghouses are created, £20,050 plus £200 for each dwellinghouse in excess of 50, subject to an overall maximum of £124,850.</p>
<p>12(a). The use of land for the disposal of refuse or waste materials, including mineral waste.</p>	<p>Applications for planning permission.</p>	<p>£202 for each 0.1 hectare, subject to a maximum of £30,240.</p>	<p>Where the site area does not exceed 15 hectares, £202 for each 0.1 hectare. Where the site area exceeds 15 hectares, £30,240 plus £100 for each 0.1 hectare in excess of 15 hectares, subject to an overall maximum of £125,000.</p>

12(b). The use of land for the storage of minerals in the open.	Applications for planning permission.	£202 for each 0.1 hectare, subject to a maximum of £30,240.	Where the site area does not exceed 15 hectares, £202 for each 0.1 hectare. Where the site area exceeds 15 hectares, £30,240 plus £100 for each 0.1 hectare in excess of 15 hectares, subject to an overall maximum of £125,000.
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Policy Objective

4. The overall resourcing of the planning system is the responsibility of local authorities. The planning service is financed through the local authority's budget and fees from planning applications. The purpose of this instrument is to ensure that for certain larger applications, the planning fee recovers more of the local authority costs associated with the processing of planning applications from initial registration to decision stage.

Consultation

5. The Scottish Government consulted on proposals to raise the fee maxima across most categories. 124 stakeholders responded, including businesses and developers, business/developer membership organisations, planning authorities/other public sector bodies, professional firms & consultants, professional bodies & academics, and third sector organisations.

6. Respondents were somewhat divided on proposals; 54 respondents (44% of all respondents) supported the proposed maximum fee level, and 65 (52%) were opposed. Support for the proposals was most widespread amongst planning authorities and other public bodies, third sector organisations, and professional bodies/academics. The respondent groups most likely to be opposed to proposals were businesses and developers, and professional firms and consultants.

7. Many of the respondents who said no to the proposed increases indicated that they wanted to see evidence of performance improvement. We believe that the increased maximums should provide further resources for planning authorities to increase performance, and we will continue to work with authorities on performance improvement measures.

Impact Assessments

8. Equality Impact Assessment (EQIA) is a tool to assist in considering how policy (by policy we mean activities, functions, strategies, programmes and services or processes) may

impact, either positively or negatively, on different sectors of the population in different ways.

9. The Scottish Government is committed to ensuring the planning system is designed and delivered in a way that is sensitive and relevant to the diverse needs and experiences of all people living in Scotland. We consider the impact of policy on particular groups of people (whatever their age, race, gender, sexual orientation, religion or belief or whether disabled or not). We are not aware of any evidence that any of the equality strands will be affected. The proposed increase will affect all those seeking approval of a relevant planning application proportionately.

Financial Effects

10. A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The Scottish Government considers that the proposed increases will strengthen resources and the capability of the planning authorities to deliver a high performing planning service.

Scottish Government
Planning and Architecture Division
April 2017