

POLICY NOTE

THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS AND DEEMED APPLICATIONS) (SCOTLAND) AMENDMENT (NO. 2) REGULATIONS 2017

SSI 2017/149

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. The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2017 (SSI 2017/120) which come into force on 1 June 2017 increase some maximum fees currently payable under the principal Regulations.

3. The effect of these Regulations is to correct defects in SSI 2017/120, including defects which were identified by the Delegated Powers and Law Reform Committee.

4. Given that SSI 2017/120 is due to come into force on 1 June 2017, the Scottish Government’s view is that it is necessary to breach the 28 day laying requirement to ensure that the errors in that instrument are rectified in time by this instrument.

Policy Objective

5. SSI 2017/120 sought 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.

6. These Regulations, other than regulation 2, come into force on 31 May 2017. Regulation 2 comes into force on 1 June 2017. The corrections are:

- paragraph 14 of schedule 1 of the principal Regulations is amended to reflect the increased fees in the new table of fees.
- paragraph (b) (iv) of category 2 of the table of fees is amended so that the fee for development that exceeds 3,750 square metres is £20,050 plus £200 for each 75 square metres (or part thereof) in excess of 3,750 square metres, subject to a maximum total of £125,000.
- in paragraph (b) of category 8 of the table of fees the figure of £30,240 is replaced with the figure of £30,476.

Consultation

7. The Scottish Government consulted on proposals to raise the fee maxima across most categories.

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) was completed for SSI 2017/120.

Scottish Government
Planning and Architecture Division
May 2017