

EXPLANATORY MEMORANDUM TO

THE PLANNING (FEES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2011

S.R. 2011 No. 99

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the above Statutory Rule which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Article 127 of the Planning (Northern Ireland) Order 1991 and is subject to the negative resolution procedure.
- 1.3 The Rule is due to come into operation on 11th April 2011.

2. Purpose

- 2.1 These Regulations amend certain fee categories and fee amounts prescribed in the Planning (Fees) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 222 as amended by S.R. 2005 No. 505, S.R. 2009 No. 256 and S.R. 2010 No. 294). The general effect of the Regulations will be to:
 - Remove fees for listed building consents, conservation area consents and demolition within an area of village or townscape character;
 - Remove concessionary fees for a number of statutory bodies;
 - Remove the reduced fee for a new application following a previous approval or withdrawal;
 - Revise and simplify the fee for outline, reserved matters and full planning permission for single dwellings;
 - Change the fee structure and fee maximum for category 2 (housing developments), category 4 (industrial, commercial, community and other buildings) and category 5 (plant and machinery, including telecommunications/data communications, single wind turbines and wind farms) applications; and
 - Introduce an additional fixed charge for EIA applications requiring an environmental statement.

3. Background

- 3.1 The planning system is funded jointly by income from fees and from money allocated by the Northern Ireland Executive and Assembly. Income relates to fees levied for planning and other consents and property certificates.
- 3.2 The existing fee structure contains a number of anomalies and imbalances, which results in under-recovery of the costs incurred in processing some types of applications, with associated cross-subsidation from other planning applications or from the public purse. The current economic and financial climate has reinforced the need for change to a fairer and more robust funding framework for the planning system.

3.3 The current structure and fee levels often do not reflect the processing costs, with income from smaller, less complicated developments subsidising the cost of processing applications for larger, more complex developments.

4. Consultation

4.1 The Department published the consultation paper, *Planning Fees in Northern Ireland: Proposals for Change* on 8th November 2010. The consultation closed on 4th January 2011. There were 47 responses to the consultation.

5. Equality Impact

5.1 An Equality Impact Assessment screening carried out in respect of this proposal found no evidence of any differential impact on any of the section 75 categories.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment has been prepared and concludes that the balance between cost and benefits is the right one in the circumstances.

7. Financial Implications

7.1 The costs to a “typical business” are not estimated as most planning applications are not made by businesses and each planning application is unique. Only those which make planning applications will be affected and the costs will be non-recurring.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department considers that the legislation complies with the requirements of 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 This is not a parity or replicatory measure.

11. Additional Information

11.1 None.

Contact

Please direct any queries to Brian Gorman at the Department of the Environment
Tel: 028 90416930 or e-mail: Brian.Gorman@doeni.gov.uk