

POLICY NOTE

THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS AND DEEMED APPLICATIONS) (SCOTLAND) AMENDMENT REGULATIONS 2013

SSI 2013/105

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 affirmative resolution procedure.

Background

2. The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 (the “principal Regulations”) makes provision for the payment of fees to planning authorities.
3. The effect of these Regulations is that all fees currently payable under the principal Regulations are increased by approximately 20%. The increase applies from 6 April 2013. Replacement scales of fees are set out in the table contained in the Schedule to these Regulations. A number of examples of the new fees are illustrated in table 1 below.

Table 1: Calculated examples of the proposed planning fee for a selected number of development types

Comparison between current and proposed	Examples
Householder	
Current £160 Proposed £192	Garden shed, summer house, extension to house = £192
New dwellings	
Current £319 per dwelling up to a maximum of £15,950 Proposed £382 per dwelling up to a maximum of £19,100	Single house = £382 15 house development = £5,730 60 house development = £19,100
Other buildings non-residential (includes Business & Industry and Retail developments)	
Current Less than 40m ² = £160 >40m ² but less 75m ² = £319 >75m ² = £319 per 75m ²	Small 1,500 sq m retail = £7,640 (e.g. Local or Express Supermarket) Medium 5,000 sq m retail = £19,100 (e.g. Supermarket)
Proposed Less than 40m ² = £192 >40m ² but less 75m ² = £382 >75m ² = £382 per 75m ²	Large 10,000 sq m retail = £19,100 (e.g. Superstore)

Policy Objective

4. The overall resourcing of the planning service 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 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. A public consultation on an alternative approach to calculating planning fees was carried out between 28 March and 22 June 2012.
6. Discussion with CoSLA, local authorities and the development industry has been ongoing in relation to this issue and the proposed increase reflects these discussions.

Impact Assessments

7. 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.
8. The Scottish Government is committed to ensuring that 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).
9. 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. We recognised that there is scope to increase our knowledge as to how the original proposals in the consultation paper may affect particular sections of society. We therefore included a specific question in the consultation paper seeking views on whether increasing fees would have any particular impacts on different sectors of the population.
10. Just under a fifth of respondents gave their views on this point. Of these, eleven were from planning authorities expressing their general contentment with the partial EQIA. However, three planning agents/consultants were concerned that the proposals may adversely affect local enterprise and smaller firms. One planning authority felt that there was a risk that increased fees could be detrimental to rural island communities, with increased costs acting as a barrier to development.
11. We consider the issues raised in relation to the EQIA relate more to issues of competition which are addressed in the full Business and Regulatory Impact Assessment, which is provided in the following pages.