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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 50**

**The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022**

**PART 2**

**Payment of fees**

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**3.—**(1) Subject to Part 3 (applications where no fee is payable) and regulation 5 (waiving or reducing of fees), where an application to which these Regulations apply is made to a planning authority a fee is payable to that planning authority in accordance with the provisions of this regulation.

(2) Subject to paragraph (3), the fee payable for—

(a) an application for—

- (i) planning permission,
- (ii) planning permission in principle,
- (iii) approval, consent or agreement required by a condition imposed on a grant of planning permission in principle,
- (iv) a certificate of lawful use or development under section 150 or a certificate of proposed use or development under section 151 of the 1997 Act,
- (v) a determination as to whether the planning authority's prior approval is required in relation to development under schedule 1 of the General Permitted Development Order,

is the fee calculated in accordance with schedule 1,

(b) an application for a consent for the display of advertisements under regulation 15 of the 1984 Regulations is £300 in respect of each site on which one or more than one advertisement is to be displayed.

(3) The fee payable for an application for planning permission made under section 42 (applications to develop land without complying with previous conditions) of the 1997 Act, is £300.

(4) Any fee payable under this regulation must—

- (a) accompany the application, and
- (b) be refunded if the application is rejected as invalidly made.

(5) For the purposes of paragraph (2)(b)—

- (a) “site” has the meaning given in regulation 2 of the 1984 Regulations, but
- (b) where an application for a consent for the display of advertisements under regulation 15 of the 1984 Regulations relates to the display of advertisements on parking meters, litter bins, public seating benches or bus shelters within a specified area, the whole of the area to which the application relates is to be treated as one site.

### **Discretion to charge fees**

4.—(1) Subject to paragraphs (3) to (6), a planning authority may charge a fee for a service specified in paragraph (2) related to the carrying out of their functions.

(2) The services are—

- (a) carrying out pre-application discussions,
- (b) considering a request to vary a planning permission under section 64 of the 1997 Act, and
- (c) considering a request for written confirmation of compliance with a condition imposed on the grant of planning permission.

(3) Where a request is made to a planning authority to vary a planning permission under section 64 of the 1997 Act the fee payable to that planning authority is £200 for each request.

(4) Where a request is made to a planning authority for written confirmation of compliance with a condition imposed on the grant of planning permission the fee payable to that planning authority is £100 for each request.

(5) A planning authority may only charge fees for pre-application discussions after the publication of information setting out—

- (a) for which services a fee is to be charged,
- (b) how fees are to be calculated for those services, and
- (c) under what circumstances the planning authority may waive or reduce that fee.

(6) The information published by a planning authority under paragraph (5) must be published on the planning authority's website.

### **Waiving or reducing of fees**

5.—(1) A planning authority may waive or reduce any planning fee payable under regulation 3 in accordance with the provisions of this regulation.

(2) A planning authority may only waive or reduce a fee following the publication of a charter setting out the circumstances in which the planning authority will consider waiving or reducing a fee payable to them.

(3) The charter must include but is not limited to the circumstances—

- (a) where the application relates to development which, in the opinion of the planning authority, has the primary purpose of contributing to a not for profit enterprise or a social enterprise, and
- (b) where the application relates to development which, in the opinion of the planning authority, is likely to contribute to improving the health of residents of the area to which the application relates.

(4) In waiving or reducing any fee payable, the planning authority must state the reasons for doing so on any decision notice.

(5) A charter produced by a planning authority under paragraph (2) must be published on the planning authority's website.

(6) For the purposes of paragraph (3) “not for profit enterprise” and “social enterprise” have the meanings in section 252(1F) of the 1997 Act.

### **Applications where a surcharge is payable - retrospective applications**

6.—(1) Where, on or after 1 October 2022, an application for planning permission is made after the carrying out of the development to which it relates, a surcharge may be imposed in relation to that application by the planning authority in accordance with this regulation.

(2) The surcharge is to be an amount calculated by the planning authority but the surcharge payable must not exceed one quarter of the level of the fee that would be payable if the application were for planning permission to carry out that development.

(3) A planning authority may only impose a surcharge following the publication of information including—

(a) how the surcharge is calculated, and

(b) under what circumstances the planning authority may impose a surcharge.

(4) The information published by a planning authority under paragraph (3) must be published on the planning authority's website.