

1982 No. 199

TOWN AND COUNTRY PLANNING

Planning (Prescribed Fees) (Amendment) Regulations
(Northern Ireland) 1982

Made 1st July 1982

Coming into operation 1st August 1982

The Department of the Environment in exercise of the powers conferred on it by Article 105A(a), of the Planning (Northern Ireland) Order 1972(b) and the powers conferred by Articles 14(1), 23(3) and 106(1) of said Order and now vested in it(c) hereby makes the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Planning (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 1982 and the Planning (Prescribed Fees) Regulations (Northern Ireland) 1981(d) and these regulations may be cited together as the Planning (Prescribed Fees) Regulations (Northern Ireland) 1981 and 1982.

(2) These regulations shall come into operation on 1st August 1982.

Amendment

2. The Planning (Prescribed Fees) Regulations (Northern Ireland) 1981 are hereby amended as follows:—

(a) for regulation 8 there shall be substituted the following regulation:—

“8.—(1) Where all of the conditions set out in paragraph (2) are satisfied, the provisions of regulation 4 shall not apply to:—

- (a) an application for planning permission which is made following the withdrawal (before it is determined) of an application for planning permission made by or on behalf of the same applicant;
- (b) an application for planning permission which is made following the refusal of planning permission (whether by the Department or by the planning appeals commission) on an application made by or on behalf of the same applicant;
- (c) an application for planning permission which is made following the making of an appeal to the planning appeals commission under Article 24 of the 1972 Order (appeal in default of planning decision) in relation to an application for planning permission made by or on behalf of the same applicant;
- (d) an application for approval of one or more reserved matters which is made following the withdrawal (before it is determined) of an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters referred to in the same outline planning permission;

(a) As inserted by Article 10 of the Local Government Planning and Land (Northern Ireland) Order 1981 (S.I. 1981/437(N.I. 13))

(b) S.I. 1972/1634 (N.I. 17)

(c) S.R. & O. (N.I.) 1973 No. 504 and S.I. 1976/424 (N.I. 6)

(d) S.R. 1981 No. 220

- (e) an application for approval of one or more reserved matters which is made following the refusal (whether by the Department or by the planning appeals commission) to approve details relating to the same reserved matters which were submitted in an application made by or on behalf of the same applicant and in relation to the same outline planning permission; or
 - (f) an application for approval of one or more reserved matters which is made following the making of an appeal to the planning appeals commission under Article 24 of the 1972 Order in relation to an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters referred to in the same outline planning permission.
- (2) The conditions referred to in paragraph (1) are:—
- (a) that the application is made before the end of the period of 12 months following:—
 - (i) the date when the earlier application was made, in the case of a withdrawn application;
 - (ii) the date when (by virtue of Article 7(1) of the General Development Order) the period for the giving of notice of a decision on the earlier application expired, in the case of an application which is made following an appeal under Article 24 of the 1972 Order; or
 - (iii) the date of the refusal, in any other case;
 - (b) that the application relates to:—
 - (i) in the case of an application for planning permission, the same site as that to which the earlier permission related, or to part of that site (and to no other land other than additional land required for the provision of access to the development);
 - (ii) in the case of an application for approval of reserved matters, the same land as that to which the earlier application related or to part of that land (and no other land);
 - (c) in the case of an application for planning permission, that the Department is satisfied that it relates to development of the same character or description as the development to which the earlier application related (and to no other development);
 - (d) in the case of an application for planning permission which is not made in outline, that the earlier application was also not made in outline;
 - (e) that the amount of the fee payable in respect of the earlier application was paid; and
 - (f) that no previous application has at any time been made by or on behalf of the same applicant which related to the site to which the earlier application related (or which related wholly or in part to any part of that site) and which was exempted from the provisions of regulation 4 by the provisions of this regulation.”
- (b) In Part I of Schedule 1:—
- (i) in paragraph 1, for the words “the provisions of paragraphs 6 to 9”, there shall be substituted the words “the provisions of paragraphs 5 to 8”;
 - (ii) in paragraph 3(1) for “£40” there shall be substituted “£44”;
 - (iii) the following paragraph shall be substituted for paragraph 4:—

“4. Where, on a grant of outline planning permission, the matters reserved for subsequent approval by the Department include matters relating to the design or external appearance of the buildings authorised

by the permission, the amount of the fee payable in respect of an application for approval of reserved matters made pursuant to that outline planning permission shall be:—

- (a) the sum of £44 where the application relates to one or more of the following reserved matters:—
- (i) the siting of the buildings;
 - (ii) the means of access;
 - (iii) the landscaping of the site, and to no other reserved matter; or
- (b) a sum calculated in accordance with the table set out in Part II (and the provisions of paragraphs 5 to 8, where applicable) in any other case.”;
- (iv) the following paragraph shall be substituted for paragraph 6:—

“6.—(1) In relation to development within category 2 or 3 specified in the provisions of Part II, the area of gross floor space to be created by the development shall be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building.

(2) In relation to development within category 2 specified in the said Part, where the area of gross floor space to be created by the development exceeds 75 square metres and is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 shall be treated as being 75 square metres.

(3) In relation to development within category 3 specified in the said Part, where the area of gross floor space exceeds 300 square metres and the amount of the excess is not an exact multiple of 75 square metres, the area remaining after division of the number of square metres of that excess area of gross floor space by the figure of 75 shall be treated as being 75 square metres”.

- (c) For the table set out in Part II of Schedule 1, there shall be substituted the table set out in Schedule 1 to these regulations;
- (d) For Schedule 2 there shall be substituted the Schedule set out in Schedule 2 of these regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 1st July 1982.

(L.S.)

J. J. O. McClenahan

Assistant Secretary

SCHEDULE 1

Regulation 2(c)

REPLACEMENT FOR PART II OF SCHEDULE 1

"PART II

Scale of Fees

<i>Category of Development</i>	<i>Fee Payable</i>
1. The erection of dwelling-houses.	<p>(a) Where the application is for outline planning permission:—</p> <p>(i) £22 if the development involves only one dwelling-house;</p> <p>(ii) £44 for each 0.1 hectare of the site area, subject to a maximum of £1,100, if more than one dwelling-house is to be created;</p> <p>(b) In other cases, £44 for each dwelling-house subject to a maximum of £2,200.</p>
2. The creation of buildings (other than dwelling-houses, buildings coming within category 3 or 7 or buildings in the nature of plant or machinery).	<p>(a) Where the application is for outline planning permission, £44 for each 0.1 hectare of the site area, subject to a maximum of £1,100;</p> <p>(b) in other cases:—</p> <p>(i) where no floor space is to be created by the development, £22;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £22;</p> <p>(iii) Where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £44; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £44 for each 75 square metres, subject to a maximum of £2,200.</p>
3. The erection, on land used for the purposes of agriculture, of buildings required for purposes incidental to that use.	<p>(a) Where the application is for outline planning permission, £44 for each 0.1 hectare of the site area, subject to a maximum of £1,100;</p> <p>(b) in other cases:—</p> <p>(i) where the area of gross floor space to be created by the development does not exceed 300 square metres, nil;</p> <p>(ii) where the area of gross floor space to be created by the development exceeds 300 square metres but does not exceed 375 square metres, £44;</p>

Category of Development

Fee Payable

- (iii) where the area of gross floor space to be created by the development exceeds 375 square metres, £44 for the first 375 square metres and £44 for each 75 square metres in excess of that figure, subject to a maximum of £2,200.
4. The erection, alteration or replacement of plant or machinery. £22 for each 0.1 hectare of the site area, subject to a maximum of £1,100.
5. The winning and working of minerals. £22 for each 0.1 hectare of the site area, subject to a maximum of £3,300.
6. The enlargement, improvement or other alteration of existing dwelling-houses.
- (a) Where the application relates to one dwelling-house, £22.
- (b) Where the application relates to 2 or more dwelling-houses, £44.
- 7.(a) The carrying out of operations (including the erection of a building) within the curtilage of an existing dwelling-house, for purposes ancillary to the enjoyment of the dwelling-house as such or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwelling-house; or £22.
- (b) the construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.
8. The use of the land for the disposal of refuse or waste materials. £22 for each 0.1 hectare of the site area, subject to a maximum of £3,300.
9. The carrying out of any operations not coming within any of the above categories. £22 for each 0.1 hectare of the site area, subject to a maximum of £220.
10. The change of use of a building to use as one or more separate dwelling-houses.
- (a) Where the change is from a previous use as a single dwelling-house to use as 2 or more single dwelling-houses, £44 for each additional dwelling-house to be created by the development;
- (b) in other cases, £44 for each dwelling-house to be created by the development;
- subject, in each case, to a maximum of £2,200.
11. The making of a material change of use of a building or land (other than a material change of use coming within any of the above categories). £44.

*Category of Development**Fee Payable*

12. The continuance of a use of land or the retention of buildings or works on land, without compliance with a condition subject to which a previous planning permission has been granted (other than a condition requiring the continuance of the use or the removal of the building or works at the end of a specified period), or a condition prohibiting or limiting the carrying out of development which is within a class specified in Schedule 1 to the General Development Order. £44."

SCHEDULE 2

Regulation 2(d)

REPLACEMENT FOR SCHEDULE 2

"SCHEDULE 2

Regulation 13

SCALE OF FEES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY
ADVERTISEMENTS*Category of Advertisement**Fee Payable*

1. Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters:— £11.
- (a) the nature of the business or other activity carried out on the premises;
 - (b) the goods sold or the services provided on the premises; or
 - (c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.
2. Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from the site. £11.
3. All other advertisements. £44."

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Planning (Prescribed Fees) Regulations (Northern Ireland) 1981 which make provision for the payment of fees to the Department of the Environment in respect of applications made under Part IV of the Planning (Northern Ireland) Order 1972 for planning permission for development or for approval of matters reserved by an outline planning permission and in respect of applications for consent for the display of advertisements; and for the payment of fees to the Planning Appeals Commission for appeals.

The main alterations made by these regulations are as follows:—

- (a) all fees payable under regulations 4 and 13 of the Regulations of 1981 are increased by 10%; the charges in respect of applications to which a flat-rate of £20 applies under the Regulations of 1981 are raised to £22, flat-rate charges of £40 are raised to £44; and where the fee payable in respect of an application is based on a scale of charges, the scale rates are increased from £20 per unit and £40 per unit to £22 per unit and £44 per unit respectively; maximum charges are also increased by the same proportion (the maximum of £1,000 in respect of the majority of outline applications is replaced by a maximum of £1,100, the maximum of £2,000 is replaced by a maximum of £2,200, the maximum of £3,000 for the carrying out of mining operations is replaced by a maximum of £3,300 and the maximum of £200 for other operations is replaced by a maximum of £220); and fees for consent to display advertisements are raised from £10 and £40 to £11 and £44 respectively.
- (b) regulation 8 (which in certain circumstances exempts applications for planning permission or for approval of reserved matters from the requirement for the payment of a fee where an earlier application for the same development or the same reserved matters, as the case may be, has been withdrawn or refused) is amended to extend its scope to cases where an appeal has been made to the Planning Appeals Commission under Article 24 of the Order of 1972; the wording of the regulation is also amended to ensure both that the exemption does not apply unless the correct fee was paid in respect of the earlier application and that an applicant can take account of the exemption only once in respect of any one site (Regulation 2(a));
- (c) paragraph 4 of Schedule 1 (which provides for payment of a flat-rate charge in the case of an application for approval of reserved matters which relates only to the siting of the buildings, means of access or the landscaping of the site) is amended to provide that the flat-rate charge shall apply only where the outline planning permission has reserved the details of the design and external appearance of the buildings for approval (Regulation 2(b)(iii));
- (d) there is some reorganisation and amendment of the categories of development set out in the table in Part II of Schedule 1; the erection of agricultural buildings is put into a separate category from the erection of other buildings (the fee in respect of this new category being, in the case of an outline application, the same as for other buildings and, in other cases, based on a scale of £44 for every 75 sq. metres of gross floor space in excess of 300 sq. metres, subject to a maximum of £2,200, the fee for the first 300 sq. metres being nil); the use of land for the disposal of refuse or waste materials is put into a separate category from other uses of land and the maximum fee is increased (the fee for this category being based on a scale of charges of £22 for each 0.1 hectare of the site area, subject to a new maximum of £3,300); Category 5 set out in the 1981 regulations (alterations to a dwelling-house and the carrying out of operations in the curtilage of a dwelling-house) is split into

two categories, the first of which (new category 6) covers alterations to any number of dwelling-houses (with a flat-rate charge of £22 where only one dwelling-house is involved and a flat-rate charge of £44 where two or more dwelling-houses are covered by the application) while the carrying out of operations in the curtilage of a dwelling-house is amalgamated with former category 6 set out in the 1981 regulations (the construction of car parks, service roads and other means of access to serve an existing use) to form new category 7 with a flat-rate charge of £22; category 10 set out in the 1981 regulations (use as two or more separate-dwelling houses) is extended to cover a change of use of any building to use as one or more separate dwelling-houses (with a charge of £44 for each new dwelling-house created by the development, subject to a maximum of £2,200).