

1993 No. 81

PLANNING

**Planning (Fees) (Amendment) Regulations
(Northern Ireland) 1993**

Made 25th February 1993

Coming into operation 1st April 1993

The Department of the Environment, in exercise of the powers conferred by Articles 127 and 129(1) of the Planning (Northern Ireland) Order 1991(a) and of all other powers enabling it in that behalf, makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

Amendment of regulations

2.—(1) The Planning (Fees) Regulations (Northern Ireland) 1992(b) are amended in accordance with paragraphs (2) to (10).

(2) In regulation 3(2) after the word “regulations” insert “9A,”.

(3) After regulation 9 insert the following regulation—

“9A. Where the Department receives an application for a determination under—

(a) Article 41(1) of the 1991 Order and determines that planning permission is required; or

(b) Article 48(1) of the 1991 Order and determines that the proposed work to a listed building would involve the alteration or extension of the building in a manner which would affect its character as a building of special architectural or historic interest;

the fee for the application for planning permission or listed building consent made by or on behalf of the same applicant as a result of the determination shall be reduced by the amount paid for the determination under regulation 17.”.

(4) In regulations 10(1) (reduced fees and refunds), 12(3) (fee for certain deemed applications), 15 (fee for application for listed building consent) and 18(2) (fee for certain statutory authorities) for “£18” substitute “£20”.

(a) S.I. 1991/1220 (N.I. 11); Art. 2(2) contains definitions of “the Department” and “prescribed”
(b) S.R. 1992 No. 97

- (5) In regulation 16(1) (fee for appeals) for “£42” substitute “£46”.
- (6) In regulation 17 (fee for application for a determination)—
 - (a) for the words “The fee for an application under” — substitute the words “(1) Subject to paragraph (2) the fee for an application under—”;
 - (b) for “£15” substitute “£17”; and
 - (c) add the following paragraph—

“(2) Paragraph (1) shall not apply where the Department, in relation to the application, is satisfied as set out in paragraphs (1) or (2) of regulation 4 in relation to the application referred to in those paragraphs.”.
- (7) In regulation 18(2) (fee for statutory undertakers) after the words “planning permission” insert “or for approval of reserved matters”.
- (8) In Part I of Schedule 1—
 - (a) in paragraph 4(1) (fee for application or deemed application by certain non-profit making organisations) for “£110” substitute “£120”;
 - (b) in paragraph 5(2) and (3) (fee for certain applications for approval of reserved matters) for “£110” substitute “£120”.
- (9) For Part II of Schedule 1 substitute Part II set out in the Schedule to these regulations.
- (10) In Schedule 2 (fees for applications for consent to display advertisements)—
 - (a) for “£30” where it twice occurs substitute “£33”;
 - (b) for “£110” substitute “£120”.

Sealed with the Official Seal of the Department of the Environment on
25th February 1993.

(L.S.)

J. Mageean

Assistant Secretary

Substitution for Part II of Schedule 1

"PART II

SCALES 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) £60 if the development involves only one dwelling house;</p> <p>(ii) £120 for each 0.1 hectare of the site area, subject to a maximum of £3,000 if more than one dwelling house is to be created by the development;</p> <p>(b) in other cases £120 for each dwelling house subject to a maximum of £6,000.</p>
2. The erection of buildings (other than dwelling houses, buildings coming within category 3, 4 or 7 or buildings in the nature of plant or machinery).	<p>(a) Where the application is for outline planning permission, £120 for each 0.1 hectare of the site area, subject to a maximum of £3,000;</p> <p>(b) in other cases—</p> <p>(i) where no floor space is to be created by the development, £60;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £60;</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, £120; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £120 for each 75 square metres subject to a maximum of £6,000.</p>

<i>Category of Development</i>	<i>Fee Payable</i>
<p>3. The erection, on land used for the purposes of agriculture, of buildings (other than glasshouses) to be used for agricultural purposes.</p>	<p>(a) Where the application is for outline planning permission, £120 for each 0.1 hectare of the site area, subject to a maximum of £3,000;</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, £20;</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, £120; and</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 375 square metres, £120 for the first 375 square metres and £120 for each 75 square metres in excess of that figure, subject to a maximum of £6,000.</p>
<p>4. The erection of glasshouses on land used for the purposes of agriculture.</p>	<p>(a) Where the application is for outline planning permission, £120;</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 465 square metres, £20;</p> <p>(ii) where the area of gross floor space to be created by the development exceeds 465 square metres, £715.</p>
<p>5. The erection, alteration or replacement of plant or machinery.</p>	<p>£120 for each 0.1 hectare of the site area, subject to a maximum of £3,000.</p>
<p>6. The enlargement, improvement or other alteration of existing dwelling houses.</p>	<p>(a) Where the application relates to one dwelling house, £60;</p> <p>(b) where the application relates to 2 or more dwelling houses, £120.</p>

<i>Category of Development</i>	<i>Fee Payable</i>
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	£60.
(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.	£60.
8. (a) The winning and working of minerals (other than peat);	£60 for each 0.1 hectare of the site area, subject to a maximum of £9,000.
(b) the winning and working of peat.	£60 for each hectare of the site area up to a maximum of £9,000.
9. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£120 for each 0.1 hectare of the site area subject to a maximum of £9,000.
10. The installation of an overhead electricity line.	£57.
11. The construction or extension of a non-nuclear electricity generating station.	£113 for each 0.1 hectare of the site area, subject to a maximum of £20,550.
12. The carrying out of any operations not coming within any of the above categories.	£60 for each 0.1 hectare of the site area, subject to a maximum of £600.
13. 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, —£120 for each additional dwelling house to be created by the development;

<i>Category of Development</i>	<i>Fee Payable</i>
<p>14. (a) The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land; or</p> <p>(b) the use of land for the storage of minerals in the open.</p>	<p>(b) in other cases, £120 for each dwelling house to be created by the development; subject, in each case to a maximum of £6,000.</p> <p>£60 for each 0.1 hectare of the site area, subject to a maximum of £9,000.</p>
<p>15. (a) The making of a material change in the use of a building or land (other than a material change of use coming within any of the above categories); or</p> <p>(b) 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 (including a condition requiring the discontinuance of the use or the removal of the building or works at the end of a specified period).''</p>	<p>£120.</p> <p>£60.</p>

(This note is not part of the Regulations.)

These Regulations amend the Planning (Fees) Regulations (Northern Ireland) 1992 (the 1992 Regulations) which prescribe—

- (1) fees payable to the Department of the Environment in respect of applications made under the Planning (Northern Ireland) Order 1991—
 - (a) for planning permission for development or for approval of matters reserved in an outline planning permission;
 - (b) for consent for the display of advertisements;
 - (c) for listed building consent.
- (2) fees payable to the Planning Appeals Commission in respect of appeals and applications for planning permission deemed to have been made on an appeal against enforcement notices by virtue of Article 71(3) of the 1991 Order.

Regulation 2(3) of these Regulations makes provision for a reduction in the amount of fee paid for a planning application or listed building consent in certain circumstances where a fee has already been paid by the same applicant under regulation 17 of the 1992 Regulations for a determination whether planning permission or listed building consent is required.

Regulation 2(6) removes the requirement to pay a fee for a determination under regulation 17 of the 1992 Regulations where the Department is satisfied that the determination relates solely to operations providing means of access for disabled persons as set out in regulation 4(1) or (2) of the 1992 Regulations.

Regulation 2(7) provides that the fee prescribed in regulation 18(2) of the 1992 Regulations for applications for planning permission by statutory authorities shall also apply to applications for approval of reserved matters by those authorities.

The fees for appeals are increased by 10% to cover the cost of advertising notice of appeals (regulation 2(5)).

The Regulations increase all other fees by approximately 10% except those payable under categories 10 and 11 of Part II, Schedule 1 (installation of an overhead electricity line and the construction or extension of a non-nuclear generating station) which are increased by 2.75%.

Apart from said categories 10 and 11 the reason for the increase is to cover the cost of determining planning applications in addition to making provision for the effects of inflation. In categories 10 and 11 the fees were introduced on 1st April 1992 at a level calculated to cover those costs.

The increase of 2.75% therefore relates only to inflation.