
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 293

PLANNING

**The Planning (Fees) (Amendment)
Regulations (Northern Ireland) 2012**

Made - - - - *17th July 2012*

Coming into operation *22nd October 2012*

The Department of the Environment, in exercise of the powers conferred by Article 127 of the Planning (Northern Ireland) Order 1991 (1), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 22nd October 2012.

Amendment of the Planning (Fees) Regulations (Northern Ireland) 2005

2.—(1) The Planning (Fees) Regulations (Northern Ireland) 2005(2) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulations 10(1) (amount of reduced fees and refunds) and 12(3) (exemption, etc. – deemed applications) for “£62” substitute “£63”.

(3) In regulation 14(1) (fees for applications for consent to display advertisements) for “£183” substitute “£187”.

(4) In regulation 16A (fee for an application for planning permission for EIA development) for “£10,290” substitute “10,496”.

(5) In regulation 18 (fees for applications for certificates of lawful use or development)—

(a) in paragraph (5)(b) for “£244” substitute “£249”; and

(b) in paragraph (6) for “£244” substitute “£249” and for “£12,177” substitute “£12,421”.

(6) In Schedule 1 (fees in respect of applications and deemed applications for planning permission or for approval of reserved matters)—

(a) in Part 1, in paragraph 4(2) and (3) for “£536” substitute “£547”; and

(b) for Part 2, substitute Part 2 as set out in the Schedule to these Regulations.

(1) S.I. 1991/1220 (N.I. 11) as amended by S.I. 2003/430 (N.I. 8) and S.I. 2006/1252 (N.I. 7)

(2) S.R. 2005 No. 222 as amended by S.R. 2005 No. 505, S.R. 2009 No. 256, S.R. 2010 No. 294 and S.R. 2011 No. 99

- (7) In Schedule 2 (fees for hazardous substances consent)—
- (a) for “£329” where it twice occurs substitute “£336”;
 - (b) for “£414” substitute “£422”; and
 - (c) for “£658” substitute “£671”.

Sealed with the Official Seal of the Department of the Environment on 17th July 2012

(L.S.)

Angus Kerr
A senior officer of the Department of the
Environment

SCHEDULE

SUBSTITUTION OF PART 2 OF SCHEDULE 1 TO THE PLANNING (FEES) REGULATIONS (NORTHERN IRELAND) 2005

“PART 2 SCALES OF FEES

<i>Category of development</i>	<i>Fee Payable</i>
1. All buildings (other than a single dwellinghouse)	Outline Applications £249 for each 0.1 hectare of the site area subject to a maximum of £9,937.
1A. Single dwellinghouse	£420
2. The erection of a dwellinghouse	(a) Reserved Matters Where the application is for a single dwellinghouse, £420. (b) Full Where the application is for a single dwellinghouse, £840. (c) Full and reserved Matters For 2 or more dwellinghouses— (i) Where the number of dwellinghouses to be created by the development is 50 or fewer, £352 for each dwellinghouse; (ii) Where the number of dwellinghouses to be created by the development exceeds 50, £17,600; and an additional £105 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £262,395.

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	<i>Category of development</i>	<i>Fee Payable</i>
3.	The extension, improvement or alteration of an existing dwellinghouse, including the erection of a building or the carrying out of other operations within the curtilage of a dwellinghouse for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary or a curtilage of an existing dwellinghouse.	£281 for each dwelling.
4.	The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 3.	<p>Full and Reserved Matters</p> <p>(a) Where no floor space is to be created by the development, £179;</p> <p>(b) Where the area of gross floor space to be created by the development does not exceed 40 sq.m., £179;</p> <p>(c) Where the area of the gross floor space to be created by the development exceeds 40 sq.m., but does not exceed 75 sq.m., £352;</p> <p>(d) Where the area of the gross floor space to be created by the development exceeds 75 sq.m., but does not exceed 3750 sq.m., £352 for each 75 sq.m., of that area;</p> <p>(e) Where the area of gross floor space to be created by the development exceeds 3750 sq.m., £17,700; and an additional £105 for each 75 sq.m., in excess of 3750 sq.m., subject to a maximum of £262,395.</p>
5.	The erection, alteration or replacement of plant and machinery including telecommunications/datacommunications equipment, a single wind turbine and wind farms.	<p>(a) where the site area does not exceed 5 hectares, £352 for each 0.1 hectare of the site area;</p> <p>(b) Where the site area exceeds 5 hectares, £17,595; and an additional £105 for each 0.1 hectare in excess of 5 hectares, subject to</p>

<i>Category of development</i>		<i>Fee Payable</i>
		a maximum in total of £262,395.
6.	The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural and commercial glasshouses.	£937 for each 500 sq.m., of floorspace subject to a maximum of £12,421.
7.	The winning and working of peat.	£1,863 for each 5 hectares of the site area subject to a maximum of £33,535.
8.	(a) The winning and working of minerals (other than peat). (b) The carrying out of any operations connected with exploratory drilling for oil or natural gas. (c) 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 the use of land for the storage of minerals in the open. (d) The carrying out of any other operation not coming within any of the above categories.	£1,863 for each 0.5 hectare of the site area subject to a maximum of £40,304.
9.	The construction of single level car parks, service roads and other means of access on land used for the purpose of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£249
10.	(a) 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 discontinuance of the use of the removal of the building or works at the end of the specified period). (b) An application to develop land without compliance with a condition subject to which a previous planning permission has been granted.	£249
11.	An application for a material change of use.	(a) Where the application relates to a dwellinghouse, £683 for the first dwellinghouse and £249 for each additional dwellinghouse subject to a maximum of £12,421. (b) For any other change of use, £249 for each 75 sq.m., of floor space subject to a maximum of £12,421.
12.	Any other application not falling within categories 1-11.	£820.”

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Fees) Regulations (Northern Ireland) 2005 which prescribe fees payable to the Department of the Environment in respect of applications made under the Planning (Northern Ireland) Order 1991. The Regulations increase planning fees by approximately 2% overall.

A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy may be obtained from the Department of the Environment, Planning Headquarters, Millennium House, 17-25 Great Victoria Street, Belfast BT2 7BN (Tel: 028 9041 6967) or accessed at <http://www.planningni.gov.uk/>

The Explanatory Memorandum is available alongside the instrument on the Government's legislation website: www.legislation.gov.uk