

POLICY NOTE

THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS) (SCOTLAND) REGULATIONS 2022

SSI 2022/50

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 negative procedure.

The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 sets out the fees which an authority can charge for the submission of a planning application. The Regulations also bring into effect provisions from the Planning (Scotland) Act 2019 which allow authorities to expand on the range of services for which they can charge, waive or reduce fees and apply a surcharge to retrospective applications.

Policy Objectives

Local authorities across the country are under financial pressure and planning departments have felt the effects of this with reductions in budgets and ultimately staff numbers. Although the overall resourcing of the planning service is a matter for local authorities, planning fees have an important role in ensuring that applicants rather than the tax payer help to cover the cost of determining applications.

Research¹ has shown that on average, planning fees only cover 63% of the cost of processing an application which indicates that Local Authorities and ultimately tax payers are subsidising the planning application process.

The increase in fees which the Regulations give effect to is intended to move fees closer towards covering the cost of determining applications, to provide additional resource to all authorities and to help deliver service improvement.

Consultation

In 2017 we published the Places, People and Planning Consultation which included some initial thoughts about planning fees and performance which influenced our approach to the provisions within the Planning (Scotland) Act 2019.

Reviewing the planning performance and fee regime was identified as a key action in our work programme published in September 2019. In December of that year we published a consultation seeking views on updating the planning performance and fee regimes with responses due by 14 February 2020.

In October 2019 a number of workshops were held with over 50 attendees, representing a wide range of sectors, to discuss the topics of planning performance and planning fees. This early engagement assisted in the preparation of the 2019 consultation paper. Specifically, it

¹ <https://hopscotland.files.wordpress.com/2019/03/hops-costing-the-planning-service-action-report-220219.pdf>

helped with the identification of current issues which should be consulted on and provided helpful insight into how planning fees are currently implemented.

A formal consultation was held over 2 months from December 2019 to February 2020 in which stakeholders were invited to make their views known on our proposals. Over 100 responses were received from a wide range of stakeholders and an independent analysis of the responses was undertaken.

Impact Assessments

During the passage of the Planning (Scotland) Bill, draft assessments (EQIA and CRWIA) were published in advance of Stage 3 (June 2019). These assessments did not provide any direct evidence on matters pertaining to performance or fees. In developing our proposals, the public sector equality duty requires the Scottish Government to pay due regard to the need to:

- eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a relevant protected characteristic.

The consultation undertaken between December 2019 and February 2020 indicated that we considered that an EQIA, CRWIA, SEA, Fairer Scotland Duty or an Islands Impact Assessment were not required. The majority of respondents supported our conclusion.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. In most cases, the fee for applying for planning permission will increase. This is the first increase to the standard planning application fee since 2014. The fee increase is intended to provide increased resources to planning authorities. As well as being of direct benefit to authorities, insofar as these additional resources help support ongoing performance improvement, the proposed changes stand to also benefit applicants by providing improved customer service.

Scottish Government
Local Government and Communities Directorate

February 2022