EXPLANATORY MEMORANDUM TO

THE PLANNING (FEES) (AMENDMENT NO. 2) REGULATIONS (NORTHERN IRELAND) 2011

S.R. No. 398

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the above Statutory Rule which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under Article 127 of the Planning (Northern Ireland) Order 1991 and is subject to the negative resolution procedure.

1.3 The Rule is due to come into operation on 12th December 2011.

2. Purpose

2.1 These Regulations amend fee amounts prescribed in the Planning (Fees) Regulations (Northern Ireland) 2005 (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). The general effect of the Regulations will be to increase fees by approximately 2.9%.

3. Background

3.1 This increase of 2.9% is based on the GDP deflator forecast for 2011/12. The GDP deflator is regarded as the most stable and comprehensive inflationary measure. It is widely used by the UK Government, including the Treasury, and was the metric applied by the Northern Ireland Environment Agency in its review of fees last year. It is anticipated that an inflationary uplift of 2.9% will increase planning income by approximately £350k per annum.

3.2 HM Treasury / DFP guidance requires the Department to recover in full the costs incurred in processing planning applications. The last inflationary increase in planning fees, which at 2.9% was based on the GDP deflator forecast for 2010/11, took effect in October 2010.

4. Consultation

4.1 Consultation was not necessary as there has been no change to the Department's policy that the costs of determining planning applications should be recovered through fees.

5. Equality Impact

5.1 An Equality Impact Assessment screening carried out in respect of this proposal found no evidence of any differential impact on any of the Section 75 categories.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment has been prepared and concludes that the balance between cost and benefits is the right one in the circumstances.

7. Financial Implications

7.1 The costs to a “typical business” are not estimated as most planning applications are not made by businesses and each planning application is unique. Only those which make planning applications will be affected and the costs will be non-recurring.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department considers that the legislation complies with the requirements of Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 There are no EU implications.

10. Parity or Replicatory Measure

10.1 This is not a parity or replicatory measure.

11. Additional Information

11.1 None.

Contact

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