1988 No. 394

PLANNING

Planning (Fees) (Amendment) Regulations (Northern Ireland) 1988

Made . . . . . *7th November 1988*

Coming into operation . . *1st January 1989*

The Department of the Environment(**a**), in exercise of the powers conferred on it by Article 105A(**b**) of the Planning (Northern Ireland) Order 1972(**c**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 1st January 1989.

Amendment of regulations

2. The Planning (Fees) Regulations (Northern Ireland) 1987(**d**) are amended as follows—

(1) in regulations 10 (fees for certain applications for planning permission), 11(6) (fees for deemed applications), 13 (fees for applications for listed building consent) and 15(2) (fees for statutory authorities) for ''£10'' substitute ''£12'';

(2) in regulation 14 (fees for appeals) for ''£10'' substitute ''£15'';

(3) in Part I of Schedule 1—

(*a*) in paragraph 4(1) (fees for applications or deemed applications by certain non-profit making organisations) for ''£66'' substitute ''£76'';

(*b*) in paragraph 5 (fees for certain applications for approval of reserved matters) for ''£66'' where it twice occurs substitute ''£76'';

(*c*) in paragraph 6(1) (applications for the same land) after the words ''the same date'' insert the words ''and by or on behalf of the same applicant'';

(4) for Part II of Schedule 1 substitute Part II set out in the Schedule to these regulations;

(**a**) *See* S.R. & O. (N.I.) 1973 No. 504 Article 7(1) and S.I. 1976/424 (N.I. 6) Art. 3(1)
(**b**) As inserted by Article 13 of the Planning (Amendment) (Northern Ireland) Order 1982 (S.I. 1982/1537 (N.I. 20))
(**c**) S.I. 1972/1634 (N.I. 17)
(**d**) S.R. 1987 No. 335

(5) in Schedule 2 (fees for applications for consent to display advertisements)—

(*a*) for "£18" where it twice occurs substitute "£21";

(*b*) for "£66" substitute "£76".

Sealed with the Official Seal of the Department of the Environment on 7th November 1988.

(L.S.) *Douglas B. McIldoon*
Assistant Secretary

SCHEDULE Regulation 2(4)

SUBSTITUTION FOR PART II OF SCHEDULE 1

"PART II

Scales of Fees

	Category of Development	*Fee Payable*
1.	The erection of dwelling houses.	(*a*) Where the application is for outline planning permission:— (i) £38 if the development involves only one dwellinghouse; (ii) £76 for each 0.1 hectare of the site area, subject to a maximum of £1,900 if more than one dwellinghouse is to be created by the development; (*b*) in other cases, £76 for each dwelling house subject to a maximum of £3,800.
2.	The erection of buildings (other than dwellinghouses, buildings coming within category 3, 4 or 7 or buildings in the nature of plant or machinery).	(*a*) Where the application is for outline planning permission, £76 for each 0.1 hectare of the site area, subject to a maximum of £1,900; (*b*) in other cases:— (i) where no floor space is to be created by the development, £38; (ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £38; (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 £76; and (iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £76 for each 75 square metres subject to a maximum of £3,800.

	Category of Development	*Fee Payable*
3.	The erection, on land used for the purposes of agriculture, of buildings (other than glasshouses) to be used for agricultural purposes.	(*a*) Where the application is for outline planning permission, £76 for each 0.1 hectare of the site area, subject to a maximum of £1,900; (*b*) in other cases:— (i) where the area of gross floor space to be created by the development does not exceed 300 square metres, £12; (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, £76; (iii) where the area of gross floor space to be created by the development exceeds 375 square metres, £76 for the first 375 square metres and £76 for each 75 square metres in excess of that figure, subject to a maximum of £3,800.
4.	The erection of glasshouses on land used for the purposes of agriculture.	Where the application is for: (*a*) outline planning permission, £76; (*b*) in other cases:— (i) where the area of gross floor space to be created by the development does not exceed 465 square metres, £12; (ii) where the area of gross floor space to be created by the development exceeds 465 square metres, £460.
5.	The erection, alteration or replacement of plant or machinery.	£76 for each 0.1 hectare of the site area, subject to a maximum of £1,900.
6.	The enlargement, improvement or other alteration of existing dwellinghouses.	(*a*) Where the application relates to one dwellinghouse, £38; (*b*) where the application relates to 2 or more dwellinghouses, £76.
7. (*a*)	The carrying out of operations (including the erection of a building) within the curtilage of	£38.

Category of Development	*Fee Payable*
an existing 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 of the curtilage of an existing dwellinghouse; or (*b*) the construction of car parks, service roads and other means of access on land used for purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	
8. (*a*) The winning and working of minerals (other than peat); (*b*) the winning and working of peat.	£38 for each 0.1 hectare of the site area, subject to a maximum of £5,700; £38 for each hectare of the site area up to a maximum of £570.
9. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£76 for each 0.1 hectare of the site area subject to a maximum of £5,700.
10. The carrying out of any operations not coming within any of the above categories.	£38 for each 0.1 hectare of the site area, subject of a maximum of £380.
11. The change of use of a building to use as one or more separate dwellinghouses.	(*a*) Where the change is from a previous use as a single dwellinghouse to use as 2 or more single dwellinghouses £76 for each additional dwellinghouse to be created by the development; (*b*) in other cases, £76 for each dwellinghouse to be created by the development; subject, in each case, to a maximum of £3,800.
12. (*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 (*b*) the use of land for the storage of minerals in the open.	£38 for each 0.1 hectare of the site area, subject to a maximum of £5,700.
13. (*a*) The making of a material change in the use of a building or land	£76.

Category of Development	*Fee Payable*
(other than a material change of use coming within any of the above categories); or	
(*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).''.	£38.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Planning (Fees) Regulations (Northern Ireland) 1987 which prescribe fees payable 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 in 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 in respect of appeals and applications for planning permission deemed to have been made on an appeal against enforcement notices by virtue of Section 43B(3) of the said Order of 1972. Said Section 43B was inserted by Article 8 of S.I. 1982/1537 (N.I. 20).

Paragraph 6(1) of Part I of Schedule 1 (which provides for payment of a special rate of fee where applications relating to several alternative proposals are submitted to the Department on the same date) is amended to provide that the special rate does not apply unless the applications are submitted by or on behalf of the same applicant (regulation 2(3)(*c*)).

The Regulations otherwise increase the various fees payable by approximately 15%.