STATUTORY RULES OF NORTHERN IRELAND

2010 No. 294

PLANNING

The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*6th September 2010*
Coming into operation -	*4th October 2010*

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

Citation and commencement

1. These Regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 4th October 2010.

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

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

(2) In regulations 10(1) (amount of reduced fees and refunds), 12(3) (exemption, etc. – deemed applications), 15(1) (fees for applications in designated areas) and 19(2) (fees for statutory authorities) for "£58" substitute "£60".

(3) In regulation 14(1) (fees for applications for consent to display advertisements) for "£173" substitute "£178".

(4) In regulation 17(1) (fees for applications for determination as to whether listed building consent required) for "£52" substitute "£54".

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

(a) in paragraph (5)(b) for "£230" substitute "£237"; and

(b) in paragraph (6) for "£230" substitute "£237" and for "£11,500" substitute "£11,834".

(**a**) 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)
(**b**) S.R. 2005 No. 222 as amended by S.R. 2005 No. 505 and S.R. 2009 No. 256

(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 "£506" substitute "£521"; and

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

(7) In Schedule 2 (fees for hazardous substances consent)—

(a) for "£311" where it twice occurs substitute "£320";

(b) for "£391" substitute "£402"; and

(c) for "£621" substitute "£639".

Sealed with the Official Seal of the Department of the Environment on 6th September 2010.

Marianne Fleming
A senior officer of the
Department of the Environment

SCHEDULE

Regulation 2(6)(b)

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

"PART 2

SCALES OF FEES

Category of development		*Fee payable*
1.	All buildings	Outline applications £237 for each 0.1 hectare of the site area subject to a maximum of £9,467.
2.	The erection of dwellinghouses	Full and Reserved Matters (A) Where the application is for one dwellinghouse only, £651. (B) Where the application is for more than one dwellinghouse, £651 for the first dwellinghouse and £237 for each additional dwellinghouse subject to a maximum of £11,834.
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.	£267 for each dwelling.
4.	The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 3.	Full and Reserved Matters £237 where no floor space is created or £237 for each 75 sq.m. of floor space subject to a maximum of £11,834.
5.	The erection, alteration or replacement of plant and machinery including telecommunications/datacommunications equipment, a single wind turbine and wind farms.	£237 for each 0.1 hectare of the site area subject to a maximum of £11,834.

6.	The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes and for agricultural and commercial glasshouses.		£893 for each 500 sq.m. of floor space subject to a maximum of £11,834.
7.	The winning and working of peat.		£1,775 for each 5 hectares of the site area subject to a maximum of £31,950.
8.	(a)	The winning and working of minerals (other than peat).	£1,775 for each 0.5 hectare of the site area subject to a maximum of £38,400.
	(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.	
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.		£237.
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 the discontinuance of the use or the removal of the building or works at the end of the specified period).	£237.
	(b)	An application to develop land without compliance with a condition subject to which a previous planning permission has been granted.	
11.	An application for a material change of use.		(A) Where the application relates to a dwellinghouse, £651 for the first dwellinghouse and £237 for each additional dwellinghouse subject to a maximum of £11,834.

		(B) For any other change of use, £237 for each 75 sq.m. of floor space subject to a maximum of £11,834.
12.	Demolition in an area of townscape character or an area of village character.	£60.
13.	Any other application not falling within categories 1-12.	£781.”

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 2.9% 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 Service 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 OPSI website.

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