1992 No. 97

PLANNING

Planning (Fees) Regulations (Northern Ireland) 1992

Made	*6th March 1992*
Coming into operation . .	*1st April 1992*

The Department of the Environment, in exercise of the powers conferred by Articles 2(2), 127 and 129(1) of the Planning (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf, makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Planning (Fees) Regulations (Northern Ireland) 1992 and shall come into operation on 1st April 1992.

Interpretation

2.—(1) In these regulations—

"the 1991 Order" means the Planning (Northern Ireland) Order 1991;

"the Control of Advertisements Regulations" means the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973(**b**);

"the Commission" means the Planning Appeals Commission;

"dwellinghouse" means a building or part of a building which is used as a single private dwellinghouse, and for no other purpose;

"the General Development Order" means the Planning (General Development) Order (Northern Ireland) 1973(**c**);

"glasshouse" means a building which—

(*a*) has not less than three-quarters of its total external area comprised of glass or other translucent material;

(*b*) is designed for the production of flowers, fruit, vegetables, herbs or other horticultural produce; and

(*c*) is used, or is to be used, solely for the purposes of agriculture;

"outline planning permission" means planning permission granted in accordance with the provisions of a development order, conditional on the subsequent approval by the Department of the particulars of the proposed development;

(a) S.I. 1991/1220 (N.I. 11). Art 2(2) contains definitions of "the Department" and "prescribed"
(b) S.R. & O. (N.I.) 1973 No. 324
(c) S.R. & O. (N.I.) 1973 No. 326 as amended by S.R. 1974 No. 38, S.R. 1981 No. 222, S.R. 1981 No. 385, S.R. 1984 No. 434, S.R. 1985 No. 366, S.R. 1987 No. 36 and S.R. 1989 No. 291

"reserved matters" has the same meaning as in Article 2 of the General Development Order;

"use for residential purposes" means use as a dwellinghouse;

"use of land" includes use of land for the winning and working of minerals.

(2) Expressions used in regulation 14 and Schedule 2 have the same meaning as in the Control of Advertisements Regulations.

Fees for planning applications

3.—(1) Subject to regulation 4, where an application is made to the Department for planning permission or, for the approval of reserved matters, a fee shall be paid to the Department in accordance with the provisions of these regulations.

(2) Subject to regulations 10 and 18(2), the fee in respect of the application shall be calculated in accordance with the provisions of Schedule 1.

(3) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

Exemptions

4.—(1) Regulation 3(1) shall not apply where the Department is satisfied that the application relates solely to—

(*a*) the carrying out of operations for the alteration or extension of an existing dwellinghouse; or

(*b*) the carrying out of operations (other than the erection of a dwellinghouse) in the curtilage of an existing dwellinghouse,

for the purpose, in either case, of providing means of access to or within the dwellinghouse for a disabled person who is resident in, or is proposing to take up residence in, that dwellinghouse, or of providing facilities designed to secure his greater safety, health or comfort.

(2) Regulation 3(1) shall not apply where the Department is satisfied that the application relates solely to the carrying out of operations for the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted (whether on payment or otherwise).

(3) In this regulation, "disabled person" means a person who is within any of the descriptions of persons to whom section 1 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(**a**) applies.

5. Regulation 3(1) shall not apply where the Department is satisfied—

(*a*) that the application relates to the use of a building or other land for a purpose of a class specified in the Planning (Use Classes) Order (Northern Ireland) 1989(**b**) and solely to such use; and

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(**a**) 1978 c. 53 as amended by S.I. 1986/595 (N.I. 4) Sch. 5 Pt. II
(**b**) S.R. 1989 No. 290

(*b*) that the existing use of that building or other land is for another purpose of the same class; and

(*c*) that the making of an application for planning permission in respect of the use to which the application relates is necessary by reason of (and only by reason of) a condition imposed on a permission granted or having the like effect as a permission granted under Part IV of the 1991 Order.

Cases where reduced fees apply

6.—(1) Regulation 3(2) shall not apply where—

(*a*) the application relates to development which is within one or more of the classes specified in Schedule 1 to the General Development Order and solely to such development; and

(*b*) the permission granted by Article 3 of that Order does not apply in respect of that development by reason of (and only by reason of)—

(i) a direction made under Article 4 of that Order which is in force on the date when the application is made; or

(ii) the requirements of a condition imposed on any permission granted or having the like effect as a permission granted under Part IV of the 1991 Order.

(2) The reference in paragraph (1)(*a*) to an application which relates to development which is within one or more of the classes specified in Schedule 1 to the General Development Order shall be construed as including an application for planning permission for 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, where the condition in question prohibits or limits the carrying out of any development which is within one or more of the said classes.

7.—(1) Where the conditions set out in paragraph (2) are satisfied, regulation 3(2) shall not apply to—

(*a*) an application for planning permission which is made by or on behalf of the same applicant following the granting of planning permission (whether by the Department or by the Commission on appeal) for development which the Department is satisfied is of the same character or description as the development to which the application relates;

(*b*) an application for approval of one or more reserved matters which is made by or on behalf of the same applicant following the granting of approval (whether by the Department or by the Commission on appeal) of details relating to the same matters reserved in the same outline planning permission.

(2) The conditions referred to in paragraph (1) are—

(*a*) that the application is made before the end of a period of 12 months following the date of the relevant grant of planning permission or grant of approval of details of reserved matters, as the case may be;

(*b*) that the application relates—

(i) in the case of an application for planning permission, to the same site as that to which the grant of planning permission related, or to part of that site, and to no other land (save that where additional land is included in the application solely for the purpose of providing a means of access to the site which differs from that authorised by the planning permission, that land shall be disregarded for the purposes of this paragraph);

(ii) in the case of an application for approval of reserved matters, to the same land as that in respect of which the approval was granted, or to part of that land (and no other land);

(*c*) in the case of an application for planning permission which is not made in outline, that the planning permission which has been granted is not an outline planning permission;

(*d*) that no previous application has at any time been made by or on behalf of the same applicant which related to the site to which the relevant grant of planning permission or grant of approval of reserved matters, as the case may be, relates (or which related wholly or in part to any part of that site) and which was exempted from regulation 3(2) by this regulation.

8. Regulation 3(2) shall not apply to an application for permission to carry out development consisting of the winning and working of minerals where the application—

(*a*) is for a permission which consolidates 2 or more subsisting permissions; and

(*b*) does not seek permission for development which is not authorised by a subsisting permission.

9.—(1) Where the conditions set out in paragraph (2) are satisfied, regulation 3(2) shall not apply to—

(*a*) an application for planning permission which is made following the withdrawal (before notice of decision was issued) of an application for planning permission made by or on behalf of the same applicant;

(*b*) an application for planning permission which is made following the refusal of planning permission (whether by the Department or by the Commission) on an application for planning permission made by or on behalf of the same applicant;

(*c*) an application for planning permission which is made following the making of an appeal to the Commission under Article 33 of the 1991 Order (appeal in default of planning decision) in relation to an application for planning permission made by or on behalf of the same applicant;

(*d*) an application for approval of one or more reserved matters which is made following the withdrawal (before it is determined) of an application made by or on behalf of the same applicant for approval of details relating to the same matters reserved in the same outline planning permission;

(*e*) an application for approval of one or more reserved matters which is made following the refusal (whether by the Department or by the Commission) to approve details relating to the same reserved matters which were submitted in an application made by or on behalf of the same applicant and in relation to the same outline planning permission;

(*f*) an application for approval of one or more reserved matters which is made following the making of an appeal to the Commission under Article 33 of the 1991 Order in relation to an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters referred to in the same outline planning permission.

(2) The conditions referred to in paragraph (1) are—

(*a*) that the application is made before the end of a period of 12 months following—

(i) the date when an earlier application was made, in the case of a withdrawn application;

(ii) the date when (by virtue of Article 33 of the 1991 Order and Article 7(1) of the General Development Order) the period for the giving of notice of a decision on the earlier application expired, in the case of an application which is made following an appeal under Article 33 of the 1991 Order;

(iii) the date of the refusal, in any other case;

(*b*) that the application relates—

(i) in the case of an application for planning permission, to the same site as that to which the earlier application related, or to part of that site, and to no other land (other than additional land required for the provision of access to the development);

(ii) in the case of an application for approval of reserved matters, to the same land as that to which the earlier application related, or to part of that land (and no other land);

(*c*) in the case of an application for planning permission, that the Department is satisfied that it relates to development of the same character or description as the development to which the earlier application related (and to no other development);

(*d*) in the case of an application for planning permission which is not made in outline, that the earlier application was also not made in outline;

(*e*) that the fee payable in respect of the earlier application was paid;

(*f*) that no previous application has at any time been made by or on behalf of the same applicant which related to the site to which the earlier application related (or which related wholly or in part to any part of that site) and which was exempted from regulation 3(2) by this regulation or exempted under the corresponding provisions of the Planning (Prescribed Fees) Regulations (Northern Ireland) 1981(**a**),

(**a**) S.R. 1981 No. 220

the Planning (Fees) Regulations (Northern Ireland) 1983(**a**) or the Planning (Fees) Regulations (Northern Ireland) 1987(**b**).

Amount of reduced fees and refunds

10.—(1) The fee for an application for planning permission to which regulation 6, 7, 8 or 9 applies shall be £18.

(2) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

Fees for deemed applications

11.—(1) Subject to regulation 12(1), a fee shall be paid where an application for planning permission is deemed to have been made by virtue of the provisions of Article 71(3) of the 1991 Order (in consequence of an appeal under Article 69 of that Order against an enforcement notice).

(2) Subject to regulation 12(3) and regulation 13(6) the amount of the fee payable in respect of a deemed application shall be calculated in accordance with the provisions of Schedule 1.

(3) A fee shall be paid in respect of a deemed application by every person who appeals against the relevant enforcement notice.

Exemption, etc. — deemed applications

12.—(1) In the case of a deemed application, regulation 11(1) shall not apply where the appellant, before the date when the relevant enforcement notice was issued, made—

(*a*) an application to the Department for planning permission for the development to which the relevant enforcement notice relates (and had paid to the Department the amount of the fee payable in respect of that application, in accordance with the requirements of regulation 3); or

(*b*) an appeal to the Commission against the refusal of the Department to grant such permission,

and that application or that appeal (as the case may be) had not been determined on or before the date when the relevant enforcement notice was issued.

(2) Regulations 4, 5 and 6 shall apply to a deemed application as they apply to an application for planning permission with the following modifications—

(*a*) references in regulations 4 and 5 to regulation 3(1) shall be construed as a reference to regulation 11(1);

(*b*) reference in regulation 6(1) to regulation 3(2) shall be construed as a reference to regulation 11(2);

(*c*) references to the Department shall be construed as references to the Commission; and

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(**a**) S.R. 1983 No. 329
(**b**) S.R. 1987 No. 335

(*d*) references to the development to which the application relates shall be construed as references to the development to which the relevant enforcement notice relates.

(3) The fee for an application deemed to have been made by virtue of Article 71(3) of the 1991 Order to which regulation 6 (as applied by regulation 12(2)) applies shall be £18.

Refunds — deemed applications

13.—(1) If, in the case of a deemed application, the Commission declines jurisdiction on the grounds that the relevant appeal does not comply with one or more of the requirements of Article 69(1) to (4) of the 1991 Order, the fee paid in respect of the deemed application shall be refunded.

(2) If the relevant appeal is withdrawn before the date appointed for its hearing or, where the appeal is by way of written representations, before the date appointed for the inspection of the site to which the enforcement notice relates, the fee paid in respect of the deemed application shall be refunded.

(3) The reference in paragraph (2) to an appeal being by way of written representations shall be construed as a reference to an appeal in respect of which neither the appellant nor the Department has asked for an opportunity of appearing before and being heard by the Commission.

(4) The fee paid by an appellant shall be refunded to him in the event of the Department withdrawing the relevant enforcement notice before it takes effect or if the Commission decides that the enforcement notice is a nullity.

(5) Save in the case of an application deemed to have been made in connection with an enforcement notice alleging a breach of planning control by the use of land as a caravan site, the fee paid by an appellant in respect of a deemed application shall be refunded to him in the event of the Commission allowing the appeal against the enforcement notice on any of the grounds (*b*) to (*f*) set out in Article 69(3) of the 1991 Order.

(6) (*a*) Where planning permission is deemed to have been applied for by virtue of Article 71(3) of the 1991 Order and

(i) the terms of an enforcement notice are varied under Article 70 otherwise than to take account of a grant of planning permission under Article 71; and

(ii) the amount of the fee calculated in accordance with Schedule 1 would have been a lesser amount if the original notice had been in the terms of the varied notice;

the fee payable shall be that lesser amount and any excess amount already paid shall be refunded.

(*b*) In determining a fee under sub-paragraph (*a*) no account shall be taken of any change in fees which takes effect after the making of the deemed application.

Fees for applications for consent for advertisements

14.—(1) Where an application is made to the Department under regulation 11 of the Control of Advertisements Regulations for consent to

display of an advertisement, a fee shall be paid to the Department in accordance with paragraphs (2) to (4) and Schedule 2.

(2) Where the application relates to the display of advertisements on more than one piece of land, the fee payable in respect of the application shall be the aggregate of the sums payable (calculated in accordance with the provisions of paragraph (3) and Schedule 2) in respect of the display of advertisements on each piece of land.

(3) Subject to paragraph (4) where the application relates to the display of more than one advertisement on the same land, a single fee shall be payable in respect of all the advertisements to be displayed on that land.

(4) Where one or more of the advertisements referred to in paragraph (3) is within category 3 of Schedule 2, the single fee shall be the fee payable in respect of category 3.

(5) Where the application relates to the display, within a specified area, of advertisements on parking meters, litter bins or bus shelters, the whole of the area to which the application relates shall be treated as one piece of land for the purposes of this regulation.

(6) Where all of the conditions set out in paragraph (7) are satisfied, paragraph (1) shall not apply to—

(*a*) an application which is made following the withdrawal (before notice of decision was issued) of an application made by or on behalf of the same person;

(*b*) an application which is made following the refusal of consent to display of advertisements issued on an application made by or on behalf of the same person.

(7) The conditions referred to in paragraph (6) are—

(*a*) that the application is made before the end of a period of 12 months following—

(i) the date when the earlier application was made, in the case of a withdrawn application; or

(ii) in any other case, the date of refusal or where an appeal is made to the Commission pursuant to regulation 15 of the Control of Advertisements Regulations, the date on which the appeal is determined;

(*b*) that the application relates to the same land as that to which the earlier application related, or to part of that land;

(*c*) that the Department is satisfied that it relates to an advertisement, or advertisements, of the same description as the advertisement, or advertisements, to which the earlier application related;

(*d*) that the fee payable in respect of the earlier application was paid;

(*e*) that no previous application has at any time been made by or on behalf of the same applicant which related to—

(i) the same land as the land to which the earlier application related; and

(ii) an advertisement of the same description as the advertisement (or any of the advertisements) to which the earlier application related,

and which was exempted from the provisions of paragraph (1) by paragraph (6).

(8) No fee is payable under this regulation in respect of an application for consent to display an advertisement if the application is occasioned by a direction under regulation 10 of the Control of Advertisements Regulations disapplying regulation 9 of those regulations in relation to the advertisement in question.

(9) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

Fees for applications for listed building consent

15. The fee for an application for listed building consent shall be £18.

Fees for appeals

16.—(1) The fee for an appeal to the Commission shall be £42.

(2) No fee shall be payable in respect of—

(*a*) an appeal under paragraph 3 of the Second Schedule to a Tree Preservation Order made under the Planning (Tree Preservation Order) Regulations (Northern Ireland) 1973(**a**) against a refusal or conditional grant of consent to cut down, top or lop trees or for an appeal under paragraph 4 of the said Second Schedule in default of a decision; or

(*b*) an appeal under regulation 15(1) of the Control of Advertisements Regulations against a refusal or conditional grant of consent to display an advertisement including an appeal under paragraph (5) of that regulation.

Fees for applications for determinations

17. The fee for an application under—

(*a*) Article 41(1) of the 1991 Order (application to determine whether planning permission required); or

(*b*) Article 48(1) of the 1991 Order (application to determine whether listed building consent required)

shall be £15.

Fees for statutory authorities

18.—(1) Regulation 3(2) shall not apply to an application for planning permission or for approval of reserved matters made by—

(*a*) district councils;

(*b*) the Northern Ireland Housing Executive;

(*c*) Education and Library Boards;

(a) S.R. & O. (N.I.) 1973 No. 273

(*d*) the Fire Authority for Northern Ireland;

(*e*) the Police Authority for Northern Ireland.

(2) The fee for an application for planning permission referred to in paragraph (1) shall be £18.

Revocations

19. The following are hereby revoked—

(*a*) Planning (Fees) Regulations (Northern Ireland) 1987(**a**);

(*b*) Planning (Fees) (Amendment) Regulations (Northern Ireland) 1988(**b**);

(*c*) Planning (Fees) (Amendment) Regulations (Northern Ireland) 1990(**c**).

Sealed with the Official Seal of the Department of the Environment on 6th March 1992.

(L.S.) *E. Hayes*
Assistant Secretary

(**a**) S.R. 1987 No. 335
(**b**) S.R. 1988 No. 394
(**c**) S.R. 1990 No. 401

Fees in respect of applications and deemed applications for planning permission or for approval of reserved matters

PART I

GENERAL PROVISIONS

1. Subject to paragraphs 2 to 6, the fee payable under regulation 3(2) or 11(2) in respect of an application or deemed application shall be calculated in accordance with the provisions of Part II and (where applicable) paragraphs 7 to 11.

Provided that, in the case of an application for approval of reserved matters, references in this Schedule to the category of development to which an application relates shall be construed as references to the category of development authorised by the relevant outline planning permission.

2. Where an application or deemed application relates to the retention of buildings or works which were constructed or carried out without planning permission, or to the continuance of a use of land which was instituted without planning permission the amount of the fee payable shall be calculated in accordance with the provisions of Part II as if the application or deemed application were one for planning permission to construct or carry out those buildings or works or to institute that use.

3.—(1) Where an application for planning permission or an application for approval of reserved matters is made not more than 28 days after the lodging with the Department of an application for planning permission or, as the case may be, an application for approval of reserved matters—

(*a*) made by or on behalf of the same applicant;

(*b*) relating to the same site; and

(*c*) relating to the same development or, in the case of an application for approval of reserved matters, relating to the same matters in respect of the same building or buildings reserved in the relevant outline planning permission,

and a fee of the full amount (calculated in accordance with the provision of the following paragraphs and Part II) payable in respect of the category or categories of development to which the applications relate has been paid in respect of the earlier application, the fee payable in respect of the later application shall, subject to sub-paragraph (2), be one-quarter of the full amount paid in respect of the earlier application.

(2) Sub-paragraph (1) shall apply only in respect of one application made by or on behalf of the same applicant in relation to the same development or in relation to the same reserved matters (as the case may be).

(3) Sub-paragraphs (1) and (2) shall apply where more than one application for planning permission or for approval of reserved matters is made by or on behalf of the same applicant on the same day (provided that all of the conditions specified in sub-paragraph (1)(*a*) to (*c*) are fulfilled) as though one of those applications had been lodged earlier than the other application or applications.

4.—(1) Where an application or deemed application for planning permission is made or deemed to be made by or on behalf of a club, society or other organisation (including any persons administering a trust) which is not established or conducted

for profit and whose objects are the provision of facilities for sport or recreation, and the conditions specified in sub-paragraph (2) are satisfied, the fee payable in respect of the application or deemed application shall be £110.

(2) The conditions referred to in sub-paragraph (1) are—

(*a*) that the application or deemed application relates to one or both of the following categories of development—

(i) the making of a material change in the use of land to use as a playing field; or

(ii) the carrying out of operations (other than the erection of a building containing floor space) for purposes ancillary to the use of land as a playing field,

and to no other development; and

(*b*) that the Department or (in the case of a deemed application) the Commission is satisfied that the development is to be carried out on land which is, or is intended to be, occupied by the club, society or organisation and used wholly or mainly for the carrying out of its objects.

5.—(1) This paragraph applies where—

(*a*) an application is made for approval of one or more reserved matters ("the current application");

(*b*) the applicant has previously applied for such approval under the same outline planning permission and paid fees in relation to one or more such applications; and

(*c*) no application has been made under that permission other than by or on behalf of the applicant.

(2) Where this paragraph applies and the amount of the fees paid as mentioned in sub-paragraph (1)(*b*) is not less than the amount which would be payable if the applicant were by his current application seeking approval of all the matters reserved by the outline permission (and in relation to the whole of the development authorised by the permission), the amount of the fee payable in respect of the current application shall be £110.

(3) Where—

(i) this paragraph applies;

(ii) a fee has been paid as mentioned in sub-paragraph (1)(*b*) at a rate lower than that prevailing at the date of the current application; and

(iii) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date,

the amount of the fee in respect of the current application shall be £110.

6.—(1) Where—

(*a*) an application for planning permission is made in respect of 2 or more alternative proposals for the development of the same land; or

(*b*) an application for approval of reserved matters is made pursuant to a condition in outline planning permission in respect of 2 or more alternative proposals for the carrying out of the development authorised by that permission,

and application is made in respect of all the alternative proposals on the same date and by or on behalf of the same applicant, then (whether or not those alternatives are the subject of separate applications) the fee payable to the Department in respect of all the proposals shall be calculated as provided in sub-paragraph (2).

(2) Separate calculations shall be made, in accordance with Part II and paragraphs 7 to 11 (where applicable), of the amount of the fee appropriate to each of the proposals; and the fee payable in respect of all the proposals shall be the total of the following amounts—

(i) an amount equal to the highest of the fees calculated in respect of each of the proposals; and

(ii) an amount calculated by adding together the fees appropriate to all the proposals, other than the amount referred to in sub-paragraph (i) and dividing that sum by 2.

7. Where, in respect of any category of development specified in Part II, the fee is to be calculated by reference to the land area—

(*a*) that area shall be taken as consisting of the area of land to which the application relates or, in the case of a deemed application, the area of land to which the relevant enforcement notice relates; and

(*b*) where the area referred to in sub-paragraph (*a*) is not an exact multiple of the unit of measurement specified in respect of the relevant category of development, the fraction of a unit remaining after division of the total area by the unit of measurement shall be treated, for the purposes of calculating the fee, as a complete unit.

8.—(1) In relation to development within category 2, 3 or 4 specified in Part II, the area of gross floor space to be created by the development shall be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building.

(2) In relation to development within category 2(*b*)(iv), where the area of gross floor space is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 shall be treated as being 75 square metres.

(3) In relation to development within category 3(*b*)(iii), where the area of gross floor space exceeding 375 square metres is not an exact multiple of 75 square metres, the area remaining after division of the number of square metres of the excess area by the figure of 75 shall be treated as being 75 square metres.

9.—(1) Where an application or a deemed application relates to development consisting of or including the erection of a building or buildings to be used for residential purposes and for other purposes, the provisions of sub-paragraphs (2) and (3) shall supply for the purpose of calculating the fee.

(2) Subject to sub-paragraph (3) an assessment shall be made of the gross floor space which it is proposed to use for purposes other than residential purposes (in this sub-paragraph referred to as "the non-residential floor space") and the sum payable in respect of the non-residential floor space (calculated in accordance with Part II) shall be added to the sum payable in respect of the number of dwellinghouses to be created by the development (calculated in accordance with Part II).

(3) Where a building is to contain floor space which it is proposed to use for the purposes of providing common access or common services or facilities for persons occupying or using that building for residential purposes and for persons occupying or using it for non-residential purposes (such floor space being referred to below as "common floor space"), the non-residential floor space shall be assessed, in relation to that building, as including such proportion of the common floor space as the non-residential floor space in the building bears to the gross floor space in the building.

10. Subject to the provisions of paragraph 9, where an application or deemed application relates to development which is within more than one of the categories specified in Part II—

(*a*) an amount shall be calculated, in accordance with this Schedule, in respect of the development which is within each category or, in the case of a deemed application, in respect of each use of land or type of operation to which the relevant enforcement notice relates; and

(*b*) the highest of the amounts so calculated shall be the fee.

11. In the case of a deemed application for planning permission—

(*a*) references in this Schedule to the development to which an application relates shall be construed as references to the use of land or the operations (as the case may be) to which the relevant enforcement notice relates;

(*b*) references to the floor space or the number of dwellinghouses to be created by the development shall be construed as references to the floor space or the number of dwellinghouses to which that enforcement notice relates; and

(*c*) references to the purposes for which it is proposed that floor space shall be used shall be construed as references to the purposes for which floor space was stated to be used in the enforcement notice.

PART II

SCALES OF FEES

Category of development	*Fee payable*
1. The erection of dwellinghouses.	(*a*) Where the application is for outline planning permission— (i) £55 if the development involves only one dwellinghouse; (ii) £110 for each 0.1 hectare of the site area, subject to a maximum of £2,760 if more than one dwellinghouse is to be created by the development; (*b*) in other cases, £110 for each dwellinghouse subject to a maximum of £5,520.
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, £110 for each 0.1 hectare of the site area, subject to a maximum of £2,760, (*b*) in other cases— (i) where no floor space is to be created by the development, £55;

Category of development	*Fee payable*
	(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £55; (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, £110; and (iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £110 for each 75 square metres subject to a maximum of £5,520.
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, £110 for each 0.1 hectare of the site area, subject to a maximum of £2,760; (*b*) in other cases— (i) where the area of gross floor space to be created by the development does not exceed 300 square metres, £18; (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, £110; (iii) where the area of gross floor space to be created by the development exceeds 375 square metres, £110 for the first 375 square metres and £110 for each 75 square metres in excess of that figure, subject to a maximum of £5,520.
4. The erection of glasshouses on land used for the purposes of agriculture.	Where the application is for— (*a*) outline planning permission, £110;

Category of development	*Fee payable*
	(*b*) in other cases— (i) where the area of gross floor space to be created by the development does not exceed 465 square metres, £18; (ii) where the area of gross floor space to be created by the development exceeds 465 square metres, £650.
5. The erection, alteration or replacement of plant or machinery.	£110 for each 0.1 hectare of the site area, subject to a maximum of £2,760.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(*a*) Where the application relates to one dwellinghouse, £55. (*b*) where the application relates to 2 or more dwellinghouses, £110.
7. (*a*) The carrying out of operations (including the erection of a building) within the curtilage of 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 the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£55.
8. (*a*) The winning and working of minerals (other than peat); (*b*) the winning and working of peat.	£55 for each 0.1 hectare of the site area, subject to a maximum of £8,280; £55 for each hectare of the site area up to a maximum of £8,280.
9. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£110 for each 0.1 hectare of the site area subject to a maximum of £8,280.

Category of development	*Fee payable*
10. The installation of an overhead electricity line.	£55.
11. The construction or extension of a non-nuclear electricity generating station.	£110 for each 0.1 hectare of the site area, subject to a maximum of £20,000.
12. The carrying out of any operations not coming within any of the above categories.	£55 for each 0.1 hectare of the site area, subject to a maximum of £550.
13. 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, £110 for each additional dwellinghouse to be created by the development; (*b*) in other cases, £110 for each dwellinghouse to be created by the development; Subject, in each case, to a maximum of £5,520.
14. (*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.	£55 for each 0.1 hectare of the site area, subject to a maximum of £8,280.
15. (*a*) The making of a material change in the use of a building or land (other than a material change of use coming within any of the above categories); or	£110.
(*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).	£55.

SCHEDULE 2 Regulation 14(1)(2) and (4)

Scale of fees in respect of applications for consent to display advertisements

Category of advertisement	*Fee payable*
1. Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters— (*a*) the nature of the business or other activity carried out on the premises; (*b*) the goods sold or the services provided on the premises; (*c*) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.	£30.
2. Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.	£30.
3. All other advertisements.	£110.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations revoke and replace with amendments, the Planning (Fees) Regulations (Northern Ireland) 1987, the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1988 and the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1990.

The amendments of substance are as follows—

(*a*) the introduction of fees for applications to determine whether planning permission and listed building consent are required (Regulation 17);

(*b*) the increase of the maximum fee (from £685 to £8,280) payable for the winning and working of peat to bring it into line with the maximum fee payable for the winning and working of other minerals (category 8(*b*), Sch. 1 Pt II);

(*c*) the introduction of two new categories (categories 10 and 11) to cover electricity overhead lines and non-nuclear generating stations;

(*d*) the increase of all other fees by approximately 20%.