POLICY NOTE

THE TOWN AND COUNTRY PLANNING (FEES FOR APPEALS) (SCOTLAND) AMENDMENT REGULATIONS 2025

SSI 2025/166

The above instrument was made in exercise of the powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

The Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025 (SSI 2025/124), due to come into force 9 June 2025, set out the fees which Scottish Ministers can charge for appealing planning decisions.

The Town and Country Planning (Fees for Appeals) (Scotland) Amendment Regulations 2025 correct the following errors :

- Regulations 1(2)(c) (citation, commencement and application) and 3(2) require to be amended to state that fees only apply to appeals submitted under section 154(1)(a) of the Town and Country Planning (Scotland) Act 1997;
- Regulation 10(2) (amendment of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 and saving provision) in new regulation 55A (fees for appeals) to be inserted into the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 requires to be amended so that "(5)" is substituted with "(3); and
- Part 3, Table 3 , applies to the fee to be paid where there is an appeal in respect of a 'certificate of lawful use or development' (CLUD) and requires to be amended so that the entries in column 2 applying to paragraphs 1 and 3 apply to an appeal in respect of an application for planning permission. Under SSI 2025/124 they apply to applications for plannng permission.

Policy Objectives

The amendment regulations are intended to correct the errors identified in advance of The Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025 coming into force on 9 June 2025.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the The Town and Country Planning (Fees for Appeals) (Scotland) Amendment Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation
Given extensive consultation had been undertaken prior to formulating the regulations intended to introduce fees for appeals to Scottish Ministers, further consultation has not been undertaken as the amendment regulations are only intended to correct errors identified after SSI 2025/124 was laid.

Impact Assessments
The full range of impact assessments were considered during the consultation process and in drafting the regulations. We sought views on draft impact assessments during the consultation, including our decision to screen out the following impact assessments: Data Protection Impact Assessment; Child Rights and Wellbeing Impact assessment; Consumer Duty; Equality Impact Assessment; Fairer Scotland Duty; Islands Communities Impact Assessment; and Strategic Environmental Assessment. The views provided in response to the consultation have not led to us change our decision and the impact assessments have been screened out and the relevant documentation completed.

A revised Child Rights and Wellbeing impact Assessment has been completed to accompany this SSI. We do not consider that the other individual impact assessments are required to be revised due to the change proposed by this SSI.

Financial Effects
A full Business and Regulatory Impact Assessment[1] (BRIA) was completed and published to accompany SSI 2025/124.

This amendment SSI corrects errors, contrary to our policy intention, meaning that there is no fee for an appeal against non-determination of a CLUD, and the fee for CLUD appeals is the set approximately at 40% of the application fee.

Scottish Government
Planning, Architecture and Regeneration Directorate

28 May 2025

1 https://www.legislation.gov.uk/ssi/2025/124/pdfs/ssifia_20250124_en_001.pdf