POLICY NOTE

THE TOWN AND COUNTRY PLANNING (FEES FOR APPEALS) (SCOTLAND) AMENDMENT REGULATIONS 2026

SSI 2026/47

The above instrument was made in exercise of the powers conferred by sections 252 and 275 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) Amendment Regulations 2026 implement an inflation-linked increase to fees payable to Scottish Ministers for certain planning appeals, in line with the Consumer Price Index (CPIH) Annual Rate for 2025 of 3.9%.

Policy Objectives

A robust, well-resourced and streamlined planning service is vital to improve development delivery and support our economy, environment and people. Previously, the appeals process administered by Scottish Ministers via the Planning and Environmental Appeals Division (DPEA) respectively was provided free of charge. In June 2025, fees were introduced for submitting planning appeals to Scottish Ministers.

It is necessary for the Scottish Government to receive the necessary resource required to support Scottish Ministers' consideration and determination of appeals, without drawing resource from the taxpayer. Therefore, an inflationary increase to appeal fees is required.

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

The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Town and Country Planning (Fees for Appeals) (Scotland) Amendment Regulations 2026 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

From February to May 2024, we sought views from stakeholders on a range of proposals to improve the resourcing, skills and capacity of the planning system. Overall, there was general support for the introduction of fees for appeals, which were subsequently introduced through legislation in June 2025. A Policy Note[1] for the introduction of fees for appeals was produced

[1] https://www.legislation.gov.uk/ssi/2025/124/pdfs/ssipn_20250124_en_001.pdf

and provides further background on consultation. There was also general support for the annual inflationary increase to planning fees.

Impact Assessments
A full suite of impact assessments was considered during both the consultation process and in the drafting of the regulations to introduce fees for appeals, including: Business and Regulatory Impact Assessment; Child Rights and Wellbeing Impact Assessment; Data Protection Impact Assessment; Equality Impact Assessment; Fairer Scotland Duty Assessment; Island Communities Impact Assessment.; Rural Assessment, and; Strategic Environmental Assessment.

Consideration has been given, and relevant assessments have been completed, when drafting these regulations.

Financial Effects
A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business will be that the fee for appealing to Scottish Ministers will increase. This will be the first inflation-linked increase to appeal fees since the introduction of such fees in June 2025. To provide consistency with the cost of planning applications, the fees for appeals are being increased in line with the Consumer Price Index for 2025. The Scottish Government should see an increase in financial provision as a result of these changes which should, in turn, help to support and improve the quality of the planning system and appeals process in Scotland.

Scottish Government
Planning, Architecture and Regeneration Directorate

February 2026