SCOTTISH STATUTORY INSTRUMENTS

2022 No. 190

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2022

Made - - - -	*30th May 2022*
Laid before the Scottish Parliament	*1st June 2022*
Coming into force - -	*30th June 2022*

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 252 of the Town and Country Planning (Scotland) Act 1997(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2022 and come into force on 30 June 2022.

Amendment of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022

2. The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022(**b**) are amended in accordance with regulations 3 and 4.

3. In schedule 1 (calculation of fees)—

(a) after paragraph 3 insert—

"Mixed-use development

4A.—(1) Where this paragraph applies the fee payable to the planning authority for an application is calculated and payable in accordance with sub-paragraphs (3) to (6).

(2) This paragraph applies where, in respect of development which is partly within category 1 and partly within category 4 of table 1, an application is made for—

(a) planning permission, or

(b) the approval, consent, or agreement required by a condition imposed on a grant of permission in principle.

(**a**) 1997 c. 8. Section 252 was amended by section 31 of the Planning etc. (Scotland) Act 2006 (asp 17), section 55 of the Regulatory Reform (Scotland) Act 2014 (asp 3), and section 41 of the Planning (Scotland) Act 2019 (asp 13). The functions of the Secretary of State in so far as they are within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) S.S.I. 2022/50.

(3) Subject to sub-paragraphs (4) and (5), the fee payable is the sum of—

(a) the amount calculated and payable for the amount of gross floor space which is to be created by that part of the development which is within category 4 ("the non-residential floor space"), and

(b) the amount payable in respect of that part of the development which is within category 1.

(4) Where sub-paragraph (5) applies for the purpose of sub-paragraph (3), the amount of non-residential floor space is to be assessed in relation to that building as including such proportion of the common floor space as the amount of non-residential floor space in the building bears to the total amount of gross floor space in the building.

(5) This sub-paragraph applies where any of the buildings is to contain floor space 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 that building for non-residential purposes ("common floor space").

(6) Where an application to which this paragraph applies relates to development which is also within one or more of any other category of table 1, an amount is to be calculated in accordance with each such category and if any of the amounts so calculated exceeds the amount calculated in accordance with sub-paragraph (3) that higher amount is the fee payable in respect of all of the development to which the application relates.",

(b) after paragraph 11 insert—

"**Alternative proposals**

12.—(1) Where two or more applications for planning permission are made on the same date and by the same applicant and in respect of two or more proposals for the development of the same land, a single fee calculated in accordance with sub-paragraph (3) is payable in respect of the applications.

(2) Where two or more applications are made for approval, consent or agreement required by the same condition imposed on a grant of planning permission in principle, and both applications are made on the same date and by the same applicant, a single fee calculated in accordance with sub-paragraph (3) is payable in respect of the applications.

(3) Calculations are to be made, in accordance with table 1 of this schedule, of the fee appropriate to each of the applications and the single fee payable in respect of both applications is the sum of—

(a) an amount equal to the highest fee calculated in respect of each of the applications, and

(b) an amount calculated by adding together the fees appropriate to all of the applications, other than the amount referred to in head (a) and dividing that total by 2.".

4. In Part 3 of schedule 1 (table of fees) in table 1—

(a) in category 18 (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), in column 2—

(i) in sub-paragraph (b) for "1 hectare" substitute "0.1 hectare",

(ii) in sub-paragraph (c) for "£8,500" substitute "£75,500",

(b) in category 19 (the use of land for the storage of minerals in the open), in column 2—

(i) in sub-paragraph (b) for "1 hectare" substitute "0.1 hectare",

(ii) in sub-paragraph (c) for "£25,500" substitute "£75,500".

TOM ARTHUR
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
30th May 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 which made provision for the payment of fees to planning authorities in respect of applications made under the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

These Regulations add provision for the calculation of fees for applications for planning permission or for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle where the development falls into both categories 1 and 4 of table 1. Provision is made for the calculation of fees for applications for planning permission or for approval, consent, or agreement required by a condition imposed on a grant of planning permission in principle where two or more applications are made by the same applicant on the same date.

These Regulations also correct errors in categories 18 and 19 of table 1.

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