POLICY NOTE

THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS) (SCOTLAND) AMENDMENT REGULATIONS 2022

SSI 2022/190

The above instrument ("the Amendment Regulations") was made in exercise of the powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative procedure.

Purpose of the instrument

The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 ("the 2022 Regulations") set out the fees which planning authorities can charge for the submission of a planning application. The Amendment Regulations:

- insert provisions into the 2022 Regulations, which specify how to calculate the fees for: applications for mixed use developments; and alternative applications for the same piece of land; and
- correct errors in the 2022 Regulation relating to the fee for applications relating to 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.

Policy Objectives

The 2022 Regulations replaced The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 ("the 2004 Regulations"). Provisions relating to mixed-use developments and alternative applications for the same piece of land which are submitted by the same applicant on the same day which were in the 2004 Regulations were not replicated in the 2022 Regulations. The 2022 Regualtions also contained minor errors in how the fee for 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 are to be calculated. The Amendment Regulations insert provisions relating to mixed-use development and alternative applications, and correct minor errors.

Consultation

The 2022 Regulations were preceded by a public consultation on planning performance and fees, which was carried out between December 2019 and February 2020. The consultation did not propose that the provisions now being inserted into the 2022 Regulations, which were in the 2004 Regulations, would not be included. No further consultation has therefore been undertaken.

Impact Assessments

As highlighted above, the Amendment Regulations reinstate provisions which were not intended to be removed or amended. As such, the impact assessments which were undertaken in respect of the 2022 Regulations are considered to remain relevant.

Financial Effects

As highlighted above, the Amendment Regulations reinstate provisions which were not intended to be removed or amended. The conclusions of the Business and Regulatory Impact

Assessment completed in respect of the 2022 Regulations are therefore considered to remain relevant.

Scottish Government
Local Government and Communities Directorate

31 May 2022