SCOTTISH STATUTORY INSTRUMENTS

2024 No. 292

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2024

Made - - - -	*29th October 2024*
Laid before the Scottish Parliament	*31st October 2024*
Coming into force - -	*12th December 2024*

The Scottish Ministers make the following Regulations in exercise of the powers conferred 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 2024 and come into force on 12 December 2024.

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 are amended in accordance with regulations 3 to 8.

Amendment of regulation 1 – citation, commencement and application

3. In regulation 1(2) (citation, commencement and application) after sub-paragraph (b)(iii) insert—

"(iv) the preparation of a processing agreement on or after 12 December 2024,

(v) the making or alteration of a masterplan consent area scheme,

(vi) applications for approval, consent or agreement required by a condition specified in a masterplan consent area scheme.".

Amendment of regulation 2 – interpretation

4. In regulation 2 (interpretation) after the definition of "planning permission in principle" insert—

(**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).

"processing agreement" means an agreement between the planning authority and person making or proposing to make an application for planning permission or an application for approval, consent or agreement required by a condition imposed on the grant of planning permission or specified in a masterplan consent area scheme in respect of processing that application (and where a document setting out the terms of such an agreement is prepared but no agreement is entered into by the parties to it, includes that document),".

Amendment of regulation 3 – payment of fees

5. In regulation 3 (payment of fees) in paragraphs (2)(b) and (3) for "£300" substitute "£346".

Amendment of regulation 4 – discretion to charge fees

6. In regulation 4 (discretion to charge fees)—

(a) after paragraph (2)(a) insert—

"(aa) the preparation of a processing agreement,",

(b) in paragraph (3), for "£200" substitute "£230",

(c) in paragraph (4), for "£100" substitute "£115",

(d) after paragraph (5), insert—

"(5A) A planning authority may only charge a fee for the preparation of a processing agreement after the publication of information setting out—

(a) how the fee is to be calculated,

(b) under what circumstances the planning authority may waive or reduce the fee, and

(c) when any fee is to be paid.

(5B) A fee for the preparation of a processing agreement—

(a) is to be payable by the person entering into, or seeking to enter into, the processing agreement with the planning authority, and

(b) may not exceed the cost to the planning authority of preparing the processing agreement.".

(e) in paragraph (6), after "paragraph (5)" insert "or (5A)".

Discretion to charge fees – masterplan consent area schemes

7. After regulation 4 insert—

"Discretion to charge fees – masterplan consent area schemes

4A—(1) This regulation applies in respect of charges or fees related to—

(a) the making or alteration to a masterplan consent area scheme,

(b) application for approval, consent or agreement required by a condition specified in a masterplan consent area scheme.

(2) Subject to paragraphs (3) to (5), a planning authority may—

(a) require payment of a charge in respect of costs related to the making or alteration of a masterplan consent area scheme from a person making an application for approval, consent or agreement required by a condition specified in the masterplan consent area scheme,

(b) charge a fee in respect of an application for approval, consent or agreement required by a condition specified in the masterplan consent area scheme.

(3) A planning authority may only charge fees under paragraph (2) after the publication of information setting out—

(a) how the fee or charge, as the case may, is to be calculated,

(b) under what circumstances the planning authority may waive or reduce the fee or charge, and

(c) in the case of a charge payable under paragraph (2)(a) when the charge is to be paid.

(4) The information published by a planning authority under paragraph (3) must be published on the planning authority's website.

(5) A charge payable under paragraph (2)(a) may only relate to recovery by the planning authority of the cost of preparing and making, or as the case may be, altering, the masterplan consent area scheme.

(6) Where a planning authority requires payment of a charge under paragraph (2)(a) in respect of the costs related to the preparation, making or alteration of a masterplan consent area scheme, the planning authority must as soon as practicable after all the charges payable in respect, as the case may be, of the preparation, making or alteration of the scheme have been paid, publish a statement to that effect on the internet.".

Amendment of schedule 1 – calculation of fees

8. In schedule 1 (calculation of fees)—

(a) in Part 1 (general provisions) after paragraph 6 (planning permission in principle granted before 1 April 2022) insert—

"Planning permission granted in principle on or after 1 April 2022 and before 12 December 2024

6A. Where the application is for the approval, consent or agreement required by a condition imposed on a grant of planning permission in principle and—

(a) the planning permission in principle was granted on or after 1 April 2022 and before 12 December 2024, and

(b) the application relates to a development within categories 1, 4, 17, or 21 of table 1,

the fee payable under regulation 3 is subject to a maximum of £150,000.",

(b) in Part 2 (modified fees)—

(i) in paragraph 9(1) (applications for the provision of facilities for sport or recreation), for "£600" substitute "£691",

(ii) in paragraph 10(2) and (3) (application for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle), for "£500" substitute "£576".

(c) for Part 3(**a**) (table of fees) substitute—

"PART 3

Tables of Fees

TABLE 1

FEES FOR APPLICATIONS FOR PLANNING PERMISSION AND FOR APPLICATIONS FOR APPROVAL, CONSENT OR AGREEMENT REQUIRED BY A CONDITION IMPOSED ON A GRANT OF PLANNING PERMISSION IN PRINCIPLE

(**a**) Table 1 of Part 3 of schedule 1 was amended by S.S.I. 2022/190.

Category of development	*Fee payable*
RESIDENTIAL DEVELOPMENT **New dwellings** 1. Construction of buildings, structures or erections for use as residential accommodation (other than development within categories 2 to 6).	(a) where the number of dwellinghouses to be created by the development does not exceed 10, £691 for each dwellinghouse, (b) where the number of dwellinghouses to be created by the development is fewer than 50, £691 for each of the first 10 dwellinghouses, and £519 for each dwellinghouse thereafter, (c) where the number of dwellinghouses to be created by the development is 50 or more, £691 for the each of first 10 dwellinghouses, £519 for each dwellinghouse in excess of 10 up to 49 dwellinghouses, and £288 for each dwellinghouse in excess of 50, subject to a maximum total of £172,856.
Existing dwellings 2. The carrying out of operations which will result in the enlargement, improvement or other alteration of an existing dwelling.	Where the application relates to— (a) one dwelling, £346, (b) 2 or more dwellings, £692.
3. (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	£346.
(b) the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse.	£346.
NON-RESIDENTIAL BUILDINGS 4. The construction of buildings, structures or erections including extensions (other than construction within categories 1, 5, and 6).	(a) where no floor area is created or the gross floor space created does not exceed 50 square metres, £346, (b) where the gross floor space created exceeds 50 square metres, £691 in respect of any gross floor space up to 100 square metres, (c) where the gross floor space exceeds 100 square metres, £691 plus £691 per 100 square metres in respect of any gross floor space exceeding 100 square metres and up to 4,000 square metres, (d) where the gross floor space exceeds 4,000 square metres, £27,640 plus £346 per 100 square metres in respect of any gross floor space exceeding 4,000 square metres, subject to a maximum of £172,856,

	(e) where no buildings are to be created, £691 per 0.1 hectare of site area, subject to a maximum of £172,856.
Agricultural buildings 5. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 6).	(a) Where the ground area to be covered by the development does not exceed 500 square metres, £576, (b) Where the ground area to be covered by the development exceeds 500 square metres, £576 plus £576 for each 100 square metres in excess of 500 square metres, subject to a maximum of £28,809.
Glasshouses and polytunnels	
6. The erection of glasshouses or polytunnels to be used for agricultural purposes.	£115 for each 100 square metres of ground area to be covered by the development subject to a maximum of £5,762.
ENERGY GENERATION	
7. The erection of wind turbines and the carrying out of other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.	(a) Where the number of turbines does not exceed 3— (i) where none of the turbines have a ground to hub height exceeding 15 metres, £1,440, (ii) where one or more of the turbines has a ground to hub height exceeding 15 metres, but not exceeding 50 metres, £2,880, (iii) where one or more of the turbines has a ground to hub height exceeding 50 metres, £5,760. (b) Where the number of turbines does exceed 3, £576 for each 0.1 hectare of site area, subject to a maximum of £172,856.
8. The construction of a hydro-electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.	£576 for each 0.1 hectare of site area, subject to a maximum of £28,809.
9. The construction of a solar electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.	£576 for each 0.1 hectare of site area, subject to a maximum of £28,809.

10. The carrying out of any operations connected with the exploratory drilling for oil or natural gas.	(a) Where the site area does not exceed 0.1 hectares, £1,152, (b) Where the site area exceeds 0.1 hectares, £1,152 in respect of the first 0.1 hectares of site area, plus £576 for each 0.1 hectare of site area in excess of 0.1 hectares, subject to a maximum of £172,856.
FISH AND SHELLFISH FARMING	
11. The placing or assembly of equipment in any part of any marine waters for the purposes of fish farming.	£230 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of fish farming and £86 for each 0.1 hectare of the sea bed to be used in relation to such development, subject to a maximum of £28,809.
12. The placing or assembly of equipment in any part of any marine waters for the purposes of shellfish farming.	£125 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of shellfish farming, subject to a maximum of £28,809.
13. The erection, alteration or replacement of plant or machinery.	(a) Where the site area does not exceed 5 hectares, £576 for each 0.1 hectare of site area, (b) Where the site area exceeds 5 hectares, £28,800 plus £288 for each 0.1 hectare of the site area in excess of 5 hectares, subject to a maximum of £172,856.
14. 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.	£576
15. Operations for the winning and working of minerals (not including peat).	(a) Where the site area does not exceed 0.1 hectare, £1,152, (b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,152 plus £576 for each 0.1 hectare of the site area in excess of 0.1 hectare, (c) Where the site area exceeds 15 hectares, £86,976, plus £288 for each 0.1 hectare of site area in excess of 15 hectares, subject to a maximum of £172,856.
16. Operations for the extraction of peat.	£576 for each 0.1 hectare of site area, subject to a maximum of £6,914.
17. The carrying out of any operations not coming within any of the above categories.	(a) Where the site area does not exceed 0.1 hectare, £1,152,

	(b)	Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,152 plus £576 for each 1 hectare of the site area in excess of 0.1 hectare,
	(c)	Where the site area exceeds 15 hectares, £9,792 plus £288 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £172,856.

USE OF LAND

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.	(a)	Where the site area does not exceed 0.1 hectare, £1,152,
	(b)	Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,152 plus £576 for each 0.1 hectare of the site area in excess of 0.1 hectare,
	(c)	Where the site area exceeds 15 hectares, £86,976 plus £288 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £172,856.
19. The use of land for the storage of minerals in the open.	(a)	Where the site area does not exceed 0.1 hectare, £1,152,
	(b)	Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,152 plus £576 for each 0.1 hectare of the site area in excess of 0.1 hectare,
	(c)	Where the site area exceeds 15 hectares, £86,976 plus £288 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £172,856.

CHANGE OF USE OF BUILDINGS OR LAND

20. The change of use of a building to use as one or more dwellinghouses.	(a)	Where the number of dwellinghouses to be created by the development does not exceed 10, £691 for each dwellinghouse,
	(b)	Where the number of dwellinghouses to be created by the development is fewer than 50, £691 for each of the first 10 dwellinghouses, and £519 for each dwellinghouses thereafter,
	(c)	Where the number of dwellinghouses to be created by the development is 50 or more, £691 for each of the first 10 dwellinghouses, £591 for each dwellinghouse in excess of 10 up to 49 dwellinghouses, and £288 for each dwellinghouse in excess of 50, subject to a maximum total of £172,856.

21. A material change in the use of a building (other than a change of use referred to in category 20).	(a) Where the gross floor space does not exceed 100 square metres, £691, (b) Where the gross floor space exceeds 100 square metres, £691 plus £691 per 100 square metres up to 4,000 square metres, (c) Where the gross floor space exceeds 4,000 square metres, £27,640 plus £346 per 100 square metres in respect of any gross floor space exceeding 4,000 square metres, subject to a maximum of £172,856.
22. A material change in the use of land (other than— (a) a change of use within category 21, or (b) a change of use within categories 18 or 19, or (c) a change in the use of equipment placed or assembled in marine waters for the purposes of fish farming or shellfish farming).	£576 per 0.1 hectare of site area subject to a maximum of £5,762.

TABLE 2

FEES FOR APPLICATIONS FOR PLANNING PERMISSION IN PRINCIPLE

Category of development	*Fee payable*
RESIDENTIAL DEVELOPMENT	
New dwellings	
1. Construction of buildings, structures or erections for use as residential accommodation.	(a) where only one dwellinghouse is to be created, £691, (b) where more than one dwellinghouse is to be created and the site area does not exceed 2.5 hectares, £691 for each 0.1 hectare of the site area, (c) where more than one dwellinghouse is to be created and site area exceeds 2.5 hectares, £691 for each 0.1 hectare up to 2.5 hectares of the site area, and then £346 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £86,428.
NON-RESIDENTIAL BUILDINGS	
2. The construction of buildings, structures or erections including extensions.	£691 for each 0.1 hectare up to 2.5 hectares of the site area, and then £346 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £86,428.

TABLE 3

FEES FOR APPLICATIONS FOR A CERTIFICATE OF LAWFUL USE OR DEVELOPMENT UNDER SECTION 150 OR A CERTIFICATE OF PROPOSED USE OR DEVELOPMENT UNDER SECTION 151 OF THE 1997 ACT

Category of development	*Fee payable*
CERTIFICATES OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT	
1. An application under section 150(1)(a) or (b) of the 1997 Act (or both as the case may be).	The amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).
2. An application under section 150(1)(c) of the 1997 Act.	£346.
CERTIFICATES OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT	
3. An application under section 151(1) of the 1997 Act (apart from one within category 4).	Half the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).
4. An application under section 151(1)(a) where the use specified is use as one or more separate dwellinghouses.	£691 for each dwellinghouse, subject to a maximum of £172,856.

TABLE 4

FEES FOR A DETERMINATION AS TO WHETHER THE PLANNING AUTHORITY'S PRIOR APPROVAL IS REQUIRED IN RELATION TO DEVELOPMENT UNDER SCHEDULE 1 OF THE GENERAL PERMITTED DEVELOPMENT ORDER

Category of development	*Fee payable*
1. An application made for determination as to whether the prior approval of the planning authority is required in relation to development under schedule 1 of the General Permitted Development Order (other than one within categories 2 to 9).	£200.
2. An application made by virtue of paragraph (4A) of Class 18 of Part 6 (agricultural buildings and operations) of schedule 1 of the General Permitted Development Order.	No fee.
3. An application made by virtue of paragraph (4) of Class 18B of Part 6 (agricultural buildings and operations) of schedule 1 of the General Permitted Development Order.	£600.

4. An application made by virtue of paragraph (5) of Class 18C of Part 6 (agricultural buildings and operations) of schedule 1 of the General Permitted Development Order.	£600.
5. An application made by virtue of paragraph (4) of Class 21A of Part 6A (fish farming) of schedule 1 of the General Permitted Development Order.	£750.
6. An application made by virtue of paragraph (4) of Class 22A of Part 7 (forestry buildings and operations) of schedule 1 of the General Permitted Development Order.	£600.
7. An application made by virtue of paragraph (5) of Class 22B of Part 7 (forestry buildings and operations) of schedule 1 of the General Permitted Development Order.	£600.
8. An application made by virtue of paragraph (4) of Class 22 of Part 7 (forestry buildings and operations) of schedule 1 of the General Permitted Development Order.	No fee.
9. An application made by virtue of sub-paragraph (23) of Class 67 of Part 20 (development by electronic communications code operators) of schedule 1 of the General Permitted Development Order.	£750."

Amendment of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 and saving provision

9.—(1) Subject to paragraph (3), the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 ("the 2015 Regulations") are amended in accordance with paragraph (2).

(2) In regulation 55(1)(**a**) (fees for applications)—

(a) in sub-paragraph (a) for "£1,200" substitute "£1,383", and

(b) in sub-paragraph (b) for "£600" substitute "£691".

(3) The amendments made by this regulation apply only to applications made on or after 12 December 2024 under—

(a) regulation 6 (applications for hazardous substances consent),

(b) regulation 7 (applications for removal of conditions) and

(c) regulation 8 (applications for continuation of hazardous substances consent where there has been a change in the person in control of part of the land),

(**a**) Regulation 55(1) was amended by S.S.I. 2022/50.

of the 2015 Regulations and the 2015 Regulations continue to apply in respect of any application made before 12 December 2024 as they did immediately before that date.

IVAN MCKEE
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
29th October 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 ("the Fees Regulations").

Regulation 3 amends regulation 1 of the Fees Regulations to apply the Fees Regulations to the recovery of costs related to the preparation of processing agreements and related to the making or alteration of masterplan consent area schemes and to applications for approval, consent or agreement required by a condition specified in a masterplan consent area scheme. Regulation 4 inserts a definition of "processing agreement" into regulation 2 of the Fees Regulations.

Regulation 5 amends regulation 3 of the Fees Regulations to increase the planning application fees for the consent for the display for advertisements under regulation 15 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and for an application to develop land without complying with previous conditions.

Regulation 6 amends regulation 4 of the Fees Regulations to enable a planning authority to charge fees in relation to the preparation of a processing agreement. Regulation 7 amends the Fees Regulations to insert new regulation 4A which enables a planning authority to charge fees for the making or alteration of masterplan consent area schemes and in respect of applications for approval, consent or agreement required by a condition specified in a masterplan consent area scheme.

Regulation 8(a) inserts a new paragraph 6A into Part 1 of schedule 1 to set a maximum fee for certain applications for planning permission in principle granted on or after 1 April 2022 and before 2 December 2024.

Regulation 8(b) amends Part 2 of schedule 1 to increase the planning application fees for applications for the provision of facilities for sport or recreation and applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle.

Regulation 8(c) also makes changes to planning application fees. It substitutes new tables for those in Part 3 of schedule 1 of the Fees Regulations.

Regulation 9 amends the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 to increase fees for applications made under those Regulations.

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