**POLICY NOTE**

**THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS) (SCOTLAND) AMENDMENT REGULATIONS 2024**

**SSI 2024/292**

The above instrument 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.

**Summary Box**

The Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2024 sets out the fees which an authority can charge for the submission of a planning application.

The Regulations implement an increase to planning fees to take account of the effects of inflation in 2022 and 2023, extend the range of services which an authority can introduce a fee or charge for to include entering into a processing agreement and to recover their costs in relation to the establishment and delivery of a Masterplan Consent Area, increase the fee for the Prior Notification/Approval process and adjust the fee for shellfish farming.

**Policy Objectives**

Local authorities across the country are under financial pressure and planning departments have felt the effects of this with reductions in budgets and ultimately staff numbers. Although the overall resourcing of the planning service is a matter for local authorities, planning fees have an important role in ensuring that applicants rather than the taxpayer help to cover the cost of determining applications.

This is part of a package of proposals which are intended to improve the capacity, skills and resources in the planning system. On 23 September we published a blog[1] outlining the steps we were intending to take in response to the Investing in Planning Consultation[2] which ran from February to May 2024.

**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 Town And Country Planning (Fees For Applications) (Scotland) Amendment Regulations 2024 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

[1] https://blogs.gov.scot/planning-architecture/2024/09/23/investing-in-planning-next-steps/

[2] https://www.gov.scot/publications/investing-planning-consultation-resourcing-scotlands-planning-system/

improve the resourcing, skills and capacity of the planning system. This included streamlining processes and smarter ways of working and opportunities to increase the financial resources available to planning authorities.

There was general support for a number of the proposals in the consultation. We asked which proposal stakeholders would most like to see implemented and the two most popular proposals related to the introduction of a Planning Hub and introduction of an annual inflationary increase to planning fees.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website: https://www.gov.scot/publications/investing-planning-consultation-resourcing-scotlands-planning-system-summary-responses-consultation/pages/1/

**Impact Assessments**

The full range of impact assessments has been considered during the consultation process and in drafting these regulations. We sought views on draft impact assessments during the consutlation, including our decision to screen out the Impact Assessments listed below.

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 consutlation have not led to us change our decision and the impact assessments have been screened out and the relvant documentation completed.

**Financial Effects**

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is that in most cases, the fee for applying for planning permission will increase. Planning fees are to increase in line with the Consumer Price Index for 2022 (7.9%) and 2023 (6.8%). As well as being of direct benefit to authorities, insofar as these additional resources help support ongoing performance improvement, the proposed changes stand to also benefit applicants by providing improved customer service.

The fees for the prior notification/approval process are increasing to £200, £600 and £750 and the fee for Shellfish Farming is reducing to £125 per each 0.1 hectare of surface area.

Increasing the range of services which an authority can introduce charges for, will not be for mandatory services and therefore applicants will be able to choose if they wish to engage those services.

Scottish Government
Directorate for Housing; Planning, Architecture and Regeneration Division
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