POLICY NOTE

THE TOWN AND COUNTRY PLANNING (FEES FOR LOCAL REVIEWS) (SCOTLAND) REGULATIONS 2025

SSI 2025/126

The above instrument was made in exercise of the powers conferred by section 252 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 Local Reviews) (Scotland) Regulations 2025 set out the fees payable for local reviews conducted by virtue of section 43A(8)(a) or (b) of the Town and Country Planning (Scotland) Act 1997.

Policy Objectives

It is important to ensure that the planning system is appropriately resourced. Where an application for planning permission, or for consent, agreement or approval required by a condition on such permission, is for a proposal in the category of local development falling within the scheme of delegation and has been:

- refused by an appointed officer;
- granted subject to conditions; or
- has not been determined within the period allowed for determination,

the applicant has a right to a review of the case by the planning authority (a 'local review').

Currently this service is provided free of charge, however in order to ensure that the planning system and in particular authorities are appropriately resourced we intend to introduce fees for local reviews in cases where the application has been refused. The fee levels for local reviews and appeals to Scottish Ministers are to be set at the same level, however, separate regulations are required to bring these into effect.

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 Appeals) (Scotland) Regulations 2025 are 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

The introduction of fees for local reviews/planning appeals has featured in 3 public consultations in 2017[1], 2019[2] and most recently from February to May 2024[3]. Views have been sought on the principle of introducing fees for appealing decisions and the detail of how fee levels should be set.

In responding to the Investing in Planning Consultation, some respondents restated their opposition to the introduction of fees for local reviews/planning appeals. Those opposing the introduction of such fees considered that this could act as a barrier to justice and investment, one respondent considered that introducing fees would create a two-tier system where only those who can afford to can appeal a decision.

Of those in support, many highlighted that this would help cover the administrative costs involved in administering the local review/appeal process and that it may encourage the submission of better quality applications and collaboration with the planning authority to make proposals acceptable.

We consider it is important to ensure that the planning system is appropriately resourced and that applicants rather than the taxpayer contribute to the costs of the determination of local reviews and appeals which until now has been provided free of charge.

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 consultation, including our decision to screen out the following impact assessments: 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 consultation have not led us to change our decision and the impact assessments have been screened out and the relevant 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 an applicant who wishes to seek a local review in relation to a planning decision taken by a planning authority will now be required to pay a fee in certain circumstances as set out the regulations. It should be noted that this will only apply to a small proportion of proposed developments each year as recent statistics indicate that over 92% of planning applications are approved each year. 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 in that respect.

Scottish Government

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1 Places, people and planning - https://www.gov.scot/publications/places-people-planning-consultation-future-scottish-planning-system/

2 Planning performance and fees: consultation - gov.scot - https://www.gov.scot/publications/planning-performance-fees-consultation/pages/6/

3 Investing in Planning - https://www.gov.scot/publications/investing-planning-consultation-resourcing-scotlands-planning-system/

Planning, Architecture and Regeneration Directorate

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