

2011 No. 398

PLANNING

The Planning (Fees) (Amendment No. 2) Regulations (Northern Ireland) 2011

Made - - - - - *15th November 2011*

Coming into operation - - - - - *12th December 2011*

The Department of the Environment, in exercise of the powers conferred by Article 127 of the Planning (Northern Ireland) Order 1991(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Planning (Fees) (Amendment No. 2) Regulations (Northern Ireland) 2011 and shall come into operation on 12th December 2011.

Amendment of the Planning (Fees) Regulations (Northern Ireland) 2005

2.—(1) The Planning (Fees) Regulations (Northern Ireland) 2005(b) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulations 10(1) (amount of reduced fees and refunds) and 12(3) (exemption, etc. – deemed applications) for “£60” substitute “£62”.

(3) In regulation 14(1) (fees for applications for consent to display advertisements) for “£178” substitute “£183”.

(4) In regulation 16A (fee for an application for planning permission for EIA development) for “£10,000” substitute “£10,290”.

(5) In regulation 18 (fees for applications for certificates of lawful use or development)—

(a) in paragraph (5)(b) for “£237” substitute “£244”; and

(b) in paragraph (6) for “£237” substitute “£244” and for “£11,834” substitute “£12,177”.

(6) In Schedule 1 (fees in respect of applications and deemed applications for planning permission or for approval of reserved matters)—

(a) in Part 1, in paragraph 4(2) and (3) for “£521” substitute “£536”; and

(b) for Part 2, substitute Part 2 as set out in the Schedule to these Regulations.

(7) In Schedule 2 (fees for hazardous substances consent)—

(a) for “£320” where it twice occurs substitute “£329”;

(b) for “£402” substitute “£414”; and

(c) for “£639” substitute “£658”.

(a) S.I. 1991/1220 (N.I. 11) as amended by S.I. 2003/430 (N.I. 8) and S.I. 2006/1252 (N.I.7)

(b) S.R. 2005 No. 222 as amended by S.R. 2005 No. 505, S.R. 2009 No. 256, S.R. 2010 No. 294 and S.R. 2011 No. 99

Sealed with the Official Seal of the Department of the Environment on 15th November 2011.



Maggie Smith
A senior officer of the Department of the Environment

SCHEDULE 1

Regulation 2(6)(b)

SUBSTITUTION OF PART 2 OF SCHEDULE 1 TO THE PLANNING (FEES) REGULATIONS (NORTHERN IRELAND) 2005

“PART 2

SCALES OF FEES

<i>Category of development</i>	<i>Fee Payable</i>
1. All buildings (other than a single dwellinghouse)	<p>Outline Applications</p> <p>£244 for each 0.1 hectare of the site area subject to a maximum of £9,742.</p>
1A. Single dwellinghouse	£412.
2. The erection of dwellinghouses	<p>(a) Reserved Matters</p> <p>Where the application is for a single dwellinghouse, £412.</p> <p>(b) Full</p> <p>Where the application is for a single dwellinghouse, £823.</p> <p>(c) Full and Reserved Matters</p> <p>For 2 or more dwellinghouses—</p> <p>(i) Where the number of dwellinghouses to be created by the development is 50 or fewer, £345 for each dwellinghouse;</p> <p>(ii) Where the number of dwellinghouses to be created by the development exceeds 50, £17,250; and an additional £103 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £257,250.</p>
3. The extension, improvement or alteration of an existing dwellinghouse, including the erection of a building or the carrying out of other operations within the curtilage of a dwellinghouse for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences,	£275 for each dwelling.

walls or other means of enclosure along a boundary or a curtilage of an existing dwellinghouse.

- | | | |
|----|---|--|
| 4. | The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 3. | Full and Reserved Matters

(a) Where no floor space is to be created by the development, £175;

(b) Where the area of gross floor space to be created by the development does not exceed 40 sq.m., £175;

(c) Where the area of the gross floor space to be created by the development exceeds 40 sq.m., but does not exceed 75 sq.m., £345;

(d) Where the area of the gross floor space to be created by the development exceeds 75 sq.m., but does not exceed 3,750 sq.m., £345 for each 75 sq.m. of that area;

(e) Where the area of gross floor space to be created by the development exceeds 3,750 sq.m., £17,250; and an additional £103 for each 75 sq.m. in excess of 3,750 sq.m., subject to a maximum in total of £257,250. |
| 5. | The erection, alteration or replacement of plant and machinery including telecommunications/datacommunications equipment, a single wind turbine and wind farms. | (a) Where the site area does not exceed 5 hectares, £345 for each 0.1 hectare of the site area;

(b) Where the site area exceeds 5 hectares, £17,250; and an additional £103 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £257,250. |
| 6. | The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes and for agricultural and commercial glasshouses. | £919 for each 500 sq.m. of floorspace subject to a maximum of £12,177. |
| 7. | The winning and working of peat. | £1,826 for each 5 hectares of the site area subject to a maximum of £32,877. |
| 8. | (a) The winning and working of minerals (other than peat).
(b) The carrying out of any operations | £1,826 for each 0.5 hectare of the site area subject to a maximum of £39,514. |

connected with exploratory drilling for oil or natural gas.

(c) 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 or the use of land for the storage of minerals in the open.

(d) The carrying out of any other operation not coming within any of the above categories.

- | | | |
|-----|---|---|
| 9. | The construction of single level car parks, service roads and other means of access on land used for the purpose of a single undertaking, where the development is required for a purpose incidental to the existing use of the land. | £244. |
| 10. | (a) The continuance of a use of land or the retention of buildings or works on land, without compliance with a condition subject to which a previous planning permission has been granted (including a condition requiring the discontinuance of the use or the removal of the building or works at the end of the specified period).
(b) An application to develop land without compliance with a condition subject to which a previous planning permission has been granted. | £244. |
| 11. | An application for a material change of use. | (a) Where the application relates to a dwellinghouse, £670 for the first dwellinghouse and £244 for each additional dwellinghouse subject to a maximum of £12,177.

(b) For any other change of use, £244 for each 75 sq.m. of floor space subject to a maximum of £12,177. |
| 12. | Any other application not falling within categories 1-11. | £804.” |
-

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Fees) Regulations (Northern Ireland) 2005 which prescribe fees payable to the Department of the Environment in respect of applications made under the Planning (Northern Ireland) Order 1991. The Regulations increase planning fees by approximately 2.9% overall.

A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy may be obtained from the Department of Environment, Planning Headquarters, Millennium House, 17-25 Great Victoria Street, Belfast BT2 7BN (Tel: 028 9041 6967) or accessed at <http://www.planningni.gov.uk/>

The Explanatory Memorandum is available alongside the instrument on the Government's legislation website: www.legislation.gov.uk

© Crown Copyright 2011

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Assembly

STATUTORY RULES OF NORTHERN IRELAND

2011 No. 398

PLANNING

The Planning (Fees) (Amendment No. 2) Regulations (Northern
Ireland) 2011

£5.75

N5126 11/2011 415126T 19585

ISBN 978-0-337-98588-1



9 780337 985881