STATUTORY RULES OF NORTHERN IRELAND

2015 No. 73

PLANNING

The Planning (Fees) Regulations (Northern Ireland) 2015

Made - - - - 25th February 2015

Coming into operation 1stApril 2015

The Department of the Environment, in exercise of the powers conferred by sections 223(1), (9) and 247(1) of the Planning Act (Northern Ireland) 2011 [F1] makes the following Regulations:

F1 2011 c.25 (N.I.)I

Citation and commencement

1. These Regulations may be cited as The Planning (Fees) Regulations (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Interpretation

2.—(1) In these Regulations—

"the 2011 Act" means the Planning Act (Northern Ireland) 2011;

"the Control of Advertisements Regulations" means the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 [F2]

"dwellinghouse" means a building or part of building which is used as a single private dwellinghouse, and for no other purpose;

"the General Permitted Development Order" means the Planning (General Permitted Development) Order (Northern Ireland) 2015; [F3]

"the General Development Procedure Order" means the Planning (General Development Procedure) Order (Northern Ireland) 2015; [F4]

"glasshouse" means a building which—

(a) has not less than three-quarters of its total area comprised of glass or other translucent material;

(b) is designed for the production of flowers, fruit, vegetables, herbs or other horticultural produce; and

(c) is used or is to be used, solely for the purposes of agriculture;

"the Hazardous Substances Regulations" means the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015 [F5]

"outline planning permission" means planning permission granted in accordance with the provisions of a development order, conditional on the subsequent approval by the council or, as the case may be, the Department of the particulars of the proposed development;

"reserved matters" has the same meaning as in Article 2 of the General Development Procedure Order;

"use of land" includes use of land for the winning and working of minerals.

(2) Expressions used in regulation 9 have the same meaning as in the Control of Advertisements Regulations.

F2 S.R. 2015 No.66
F3 S.R. 2015 No.70
F4 S.R. 2015 No.72
F5 S.R. 2015 No.61

Fees for Planning Applications

3.—(1) Subject to regulation 4, where an application is made to the council or, as the case may be, the Department for planning permission or, for the approval of reserved matters, a fee shall be paid to the council or, as the case may be, the Department in accordance with the provisions of these Regulations.

(2) Subject to regulation 8, the fee in respect of the application shall be calculated in accordance with the provisions of Schedule 1.

(3) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

Exemptions

4.—(1) Regulation 3(1) shall not apply where the council is satisfied that the application relates solely to—

(a) the carrying out of operations for the alteration or extension of an existing dwellinghouse; or

(b) the carrying out of operations (other than the erection of a dwellinghouse) in the curtilage of an existing dwellinghouse,

for the purpose, in either case, of providing means of access to or within the dwellinghouse for a disabled person who is resident in, or is proposing to take up residence in, that dwellinghouse, or of providing facilities designed to secure that person's greater safety, health or comfort.

(2) Regulation 3(1) shall not apply where the council is satisfied that the application relates solely to the carrying out of operations for the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted (whether on payment or otherwise).

(3) In this regulation "disabled person" means a person who is within any of the descriptions of persons to whom section 1 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 applies [F6].

F6 1978 c.53 as amended by Article 136, Schedule 5 Part II to S.I. 1986/595 (N.I.4)

5. Regulation 3(1) shall not apply where the council is satisfied that—

(a) the application relates to the use of a building or other land for a purpose of a class specified in the Planning (Use Classes) Order (Northern Ireland) 2015 [F7] and solely to such use; and

(b) the existing use of that building or other land is for another purpose of the same class;

(c) the making of an application for planning permission in respect of the use to which the application relates is necessary by reason of (and only by reason of) a condition imposed on a permission granted or having the like effect as a permission granted under Part 3 of the 2011 Act.

F7 S.R. 2015 No.40

6.—(1) Regulation 3(1) shall not apply where the council or, as the case may be, the Department is satisfied that an application for planning permission is made by or on behalf of a club, society or other organisation (including any persons administering a trust) which is not established or conducted for profit, and the conditions specified in paragraph (2) are satisfied.

(2) the conditions referred to in paragraph (1) are that:-

(a) the application relates to the provision of community facilities (including sports grounds) and playing fields; and

(b) the council or, as the case may be, the Department, is satisfied that the development is to be carried out on land which is, or is intended to be, occupied by the club, society or other organisation and to be used wholly or mainly for the carrying out of its objects.

Cases where reduced fees apply

7.—(1) Regulation 3(2) shall not apply where—

(a) the application relates to development which is within one or more of the classes specified in the Schedule to the General Permitted Development Order and solely to such development; and

(b) the permission granted by Article 3 of that Order does not apply in respect of that development by reason of and only by reason of—

(i) a direction made under Article 4 of that Order which is in force on the date when the application is made; or

(ii) the requirements of a condition imposed on any permission granted or having the like effect as a permission granted under Part 3 of the 2011 Act.

(2) the reference in paragraph (1)(a) to an application which relates to development which is within one or more of the classes specified in the Schedule to the General Permitted Development Order shall be construed as including an application for planning permission to carry out such development without compliance with a condition subject to which a previous planning permission has been granted, where the condition in question prohibits or limits the carrying out of any development which is within one or more of the said classes.

Amount of reduced fees and refunds

8.—(1) The fee for an application for planning permission to which regulation 7 applies shall be **[**[F8]£65.**]**

(2) Any fee paid in accordance with this regulation shall be refunded if the application is rejected as invalidly made.

F8 In reg. 8(1) sum substituted (17.6.2019) by The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/112), regs. 1, **2(2)**

Fees for applications for express consent to display advertisements

9.—(1) Where an application is made to the council under regulation 8 of the Control of Advertisements Regulations for express consent to display an advertisement, a fee shall be paid to the council in accordance with paragraphs (2) and (3) and the fee shall be **[**F9£193.**]**

(2) Where the application relates to the display of advertisements on more than one piece of land, the fee payable in respect of the application shall be the aggregate of the sums payable (calculated in accordance with the provisions of paragraph (3)) in respect of the display of advertisements on each piece of land.

(3) Where the application relates to the display of more than one advertisement on the same land, a single fee shall be payable in respect of all the advertisements to be displayed on that land.

(4) Where the application relates to the display, within a specified area, of advertisements on parking meters, litter bins or bus shelters, the whole of the area to which the application relates shall be treated as one piece of land for the purposes of this regulation.

(5) No fee is payable under this regulation in respect of an application for express consent to display an advertisement if the application is occasioned by a direction under regulation 6 of the Control of Advertisement Regulations disapplying regulation 5 of those Regulations in relation to the advertisement in question.

(6) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

F9 In reg. 9(1) sum substituted (17.6.2019) by The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/112), regs. 1, **2(3)**

Fees for Hazardous Substances Consent

10.—(1) Where an application is made to the council, or as the case may be, the Department under regulation 5 of the Hazardous Substances Regulations a fee shall be paid to the council, or as the case may be, the Department in accordance with Schedule 2.

(2) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

Fee for an application for planning permission for EIA development

11. Where an application for planning permission is made for EIA development as defined by regulation 2 (interpretation) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 F10, the fee payable in respect of the application shall be the sum of **[**F11£10,844,**]** in addition to the amount that would otherwise be payable, subject to the maximum for the category of development as specified in Part 2 of Schedule 1 to these Regulations.

F10 S.R. 2015 No.74

F11 In reg. 11 sum substituted (17.6.2019) by The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/112), regs. 1, **2(4)**

Fees for applications for certificates of lawful use or development

12.—(1) Subject to paragraph (2), an application made to the council under section 169 or 170 of the 2011 Act shall be accompanied by a fee.

(2) Paragraph (1) shall not apply where the council is satisfied that it relates solely to the carrying out of operations specified in regulation 4 for the purposes specified in that regulation.

(3) Subject to paragraph (6) the fee payable in respect of an application to which this regulation applies shall be—

(a) in the case of an application under section 169(1)(a) or (b) (or under both sub- paragraphs), 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);

(b) in the case of an application under section 169(1)(c), **[**[F12]£257;**]**

(c) in the case of an application under section 170(1)(a) or (b)(or under both sub-paragraphs), 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) Where a use specified in an application under section 169(1)(a) is comprised of or includes a use as one or more separate dwellinghouses, the fee payable in respect of that application shall be **[**[F13]£257 **]**for each dwellinghouse subject to a maximum fee of **[**[F13]£12,850 **]**for the application.

(5) Where an application is made under section 169(1)(a) or (b) (or under both sub-paragraphs) and under section 169(1)(c), the fee payable shall be the sum of the fees that would have been payable if there had been an application under section 169(1)(a) or (b) (or under both sub-paragraphs, as the case may be) and a separate application under section 169 (1)(c).

(6) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

F12 In reg. 12(3)(b) sum substituted (17.6.2019) by The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/112), regs. 1, **2(5)(a)**

F13 In reg. 12(4) sum substituted (17.6.2019) by The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/112), regs. 1, **2(5)(b)**

Revocations

13. The Regulations specified in Schedule 3 are revoked.

Sealed with the Official Seal of the Department of the Environment on 25 February 2015

L.S.
Department of the Environment

Angus Kerr
A senior officer of the