1982 No. 199

TOWN AND COUNTRY PLANNING

Planning (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 1982

Made	*1st July 1982*
Coming into operation . . .	*1st August 1982*

The Department of the Environment in exercise of the powers conferred on it by Article 105A(**a**), of the Planning (Northern Ireland) Order 1972(**b**) and the powers conferred by Articles14(1), 23(3) and 106(1) of said Order and now vested in it(**c**) hereby makes the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Planning (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 1982 and the Planning (Prescribed Fees) Regulations (Northern Ireland) 1981(**d**) and these regulations may be cited together as the Planning (Prescribed Fees) Regulations (Northern Ireland) 1981 and 1982.

(2) These regulations shall come into operation on 1st August 1982.

Amendment

2. The Planning (Prescribed Fees) Regulations (Northern Ireland) 1981 are hereby amended as follows:—

(*a*) for regulation 8 there shall be substituted the following regulation:—

"**8.**—(1) Where all of the conditions set out in paragraph (2) are satisfied, the provisions of regulation 4 shall not apply to:—

(*a*) an application for planning permission which is made following the withdrawal (before it is determined) of an application for planning permission made by or on behalf of the same applicant;

(*b*) an application for planning permission which is made following the refusal of planning permission (whether by the Department or by the planning appeals commission) on an application made by or on behalf of the same applicant;

(*c*) an application for planning permission which is made following the making of an appeal to the planning appeals commission under Article 24 of the 1972 Order (appeal in default of planning decision) in relation to an application for planning permission made by or on behalf of the same applicant;

(*d*) an application for approval of one or more reserved matters which is made following the withdrawal (before it is determined) of an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters referred to in the same outline planning permission;

(a) As inserted by Article 10 of the Local Government Planning and Land (Northern Ireland) Order 1981 (S.I. 1981/437(N.I. 13))
(b) S.I. 1972/1634 (N.I. 17)
(c) S.R. & O. (N.I.) 1973 No. 504 and S.I. 1976/424 (N.I. 6)
(d) S.R. 1981 No. 220

(*e*) an application for approval of one or more reserved matters which is made following the refusal (whether by the Department or by the planning appeals commission) to approve details relating to the same reserved matters which were submitted in an application made by or on behalf of the same applicant and in relation to the same outline planning permission; or

(*f*) an application for approval of one or more reserved matters which is made following the making of an appeal to the planning appeals commission under Article 24 of the 1972 Order in relation to an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters referred to in the same outline planning permission.

(2) The conditions referred to in paragraph (1) are:—

(*a*) that the application is made before the end of the period of 12 months following:—

(i) the date when the earlier application was made, in the case of a withdrawn application;

(ii) the date when (by virtue of Article 7(1) of the General Development Order) the period for the giving of notice of a decision on the earlier application expired, in the case of an application which is made following an appeal under Article 24 of the 1972 Order; or

(iii) the date of the refusal, in any other case;

(*b*) that the application relates to:—

(i) in the case of an application for planning permission, the same site as that to which the earlier permission related, or to part of that site (and to no other land other than additional land required for the provision of access to the development);

(ii) in the case of an application for approval of reserved matters, the same land as that to which the earlier application related or to part of that land (and no other land);

(*c*) in the case of an application for planning permission, that the Department is satisfied that it relates to development of the same character or description as the development to which the earlier application related (and to no other development);

(*d*) in the case of an application for planning permission which is not made in outline, that the earlier application was also not made in outline;

(*e*) that the amount of the fee payable in respect of the earlier application was paid; and

(*f*) that no previous application has at any time been made by or on behalf of the same applicant which related to the site to which the earlier application related (or which related wholly or in part to any part of that site) and which was exempted from the provisions of regulation 4 by the provisions of this regulation.''.

(*b*) In Part I of Schedule 1:—

(i) in paragraph 1, for the words ''the provisions of paragraphs 6 to 9'', there shall be substituted the words ''the provisions of paragraphs 5 to 8'';

(ii) in paragraph 3(1) for ''£40'' there shall be substituted ''£44'';

(iii) the following paragraph shall be substituted for paragraph 4:—

''4. Where, on a grant of outline planning permission, the matters reserved for subsequent approval by the Department include matters relating to the design or external appearance of the buildings authorised

by the permission, the amount of the fee payable in respect of an application for approval of reserved matters made pursuant to that outline planning permission shall be:—

(*a*) the sum of £44 where the application relates to one or more of the following reserved matters:—

(i) the siting of the buildings;

(ii) the means of access;

(iii) the landscaping of the site, and to no other reserved matter; or

(*b*) a sum calculated in accordance with the table set out in Part II (and the provisions of paragraphs 5 to 8, where applicable) in any other case.'';

(iv) the following paragraph shall be substituted for paragraph 6:—

''6.—(1) In relation to development within category 2 or 3 specified in the provisions of Part II, the area of gross floor space to be created by the development shall be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building.

(2) In relation to development within category 2 specified in the said Part, where the area of gross floor space to be created by the development exceeds 75 square metres and is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 shall be treated as being 75 square metres.

(3) In relation to development within category 3 specified in the said Part, where the area of gross floor space exceeds 300 square metres and the amount of the excess is not an exact multiple of 75 square metres, the area remaining after division of the number of square metres of that excess area of gross floor space by the figure of 75 shall be treated as being 75 square metres''.

(*c*) For the table set out in Part II of Schedule 1, there shall be substituted the table set out in Schedule 1 to these regulations;

(*d*) For Schedule 2 there shall be substituted the Schedule set out in Schedule 2 of these regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 1st July 1982.

(L.S.) *J. J. O. McClenahan*
Assistant Secretary

SCHEDULE 1 Regulation 2(*c*)

REPLACEMENT FOR PART II OF SCHEDULE 1

"PART II

Scale of Fees

Category of Development	*Fee Payable*
1. The erection of dwelling-houses.	(*a*) Where the application is for outline planning permission:— (i) £22 if the development involves only one dwelling-house; (ii) £44 for each 0.1 hectare of the site area, subject to a maximum of £1,100, if more than one dwelling-house is to be created; (*b*) In other cases, £44 for each dwelling-house subject to a maximum of £2,200.
2. The creation of buildings (other than dwelling-houses, buildings coming within category 3 or 7 or buildings in the nature of plant or machinery).	(*a*) Where the application is for outline planning permission, £44 for each 0.1 hectare of the site area, subject to a maximum of £1,100; (*b*) in other cases:— (i) where no floor space is to be created by the development, £22; (ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £22; (iii) Where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £44; and (iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £44 for each 75 square metres, subject to a maximum of £2,200.
3. The erection, on land used for the purposes of agriculture, of buildings required for purposes incidental to that use.	(*a*) Where the application is for outline planning permission, £44 for each 0.1 hectare of the site area, subject to a maximum of £1,100; (*b*) in other cases:— (i) where the area of gross floor space to be created by the development does not exceed 300 square metres, nil; (ii) where the area of gross floor space to be created by the development exceeds 300 square metres but does not exceed 375 square metres, £44;