**1981 No. 220**

# TOWN AND COUNTRY PLANNING

## Planning (Prescribed Fees) Regulations (Northern Ireland) 1981

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| *Made* . . . . . | *7th July 1981* |
| *Coming into operation* . . . | *1st August 1981* |

The Department of the Environment in exercise of the powers conferred on it by Articles 14(1), 23(3), 34, 105A and 106(1) of the Planning (Northern Ireland) Order 1972(**a**) and now vested in it(**b**) hereby makes the following regulations:—

*Citation and commencement*

**1.** These regulations may be cited as the Planning (Prescribed Fees) Regulations (Northern Ireland) 1981 and shall come into operation on 1st August 1981.

*Revocations*

**2.** The following statutory provisions are hereby revoked namely—

(*a*) regulations 3(4) and 6 of the Planning (Listed Buildings) Regulations (Northern Ireland) 1973(**c**);

(*b*) articles 5(4) and 11 of the General Development Order; and

(*c*) the Planning (Prescribed Fees — Amendment) Regulations (Northern Ireland) 1975(**d**).

*Interpretation*

**3.**—(1) In these regulations—

"the 1972 Order" means the Planning (Northern Ireland) Order 1972;

"the General Development Order" means the Planning (General Development) Order (Northern Ireland) 1973(**e**);

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

"reserved matters" has the same meaning as in the General Development Order;

"use for residential purposes" means use as a dwellinghouse;

"the Department" means the Department of the Environment.

(2) Expressions used in regulation 13 and Schedule 2 have the meaning which they bear in the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973(**f**).

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(**a**) S.I. 1972/1634 (N.I. 17)
(**b**) S.R. & O. (N.I.) 1973 No. 504: S.I. 1976/424 (N.I. 6)
(**c**) S.R. & O. (N.I.) 1973 No. 264
(**d**) S.R. 1975 No. 241
(**e**) S.R. & O. (N.I.) 1973 No. 326
(**f**) S.R. & O. (N.I.) 1973 No. 324

*Fees for planning applications*

**4.**—(1) Subject to the provisions of regulations 5 to 9, where an application is made to the Department for planning permission for the development of land or for the approval of reserved matters, a fee shall be paid to the Department as provided in paragraph (2).

(2) The amount of the fee payable in respect of the application shall be calculated in accordance with the provisions of Schedule 1.

**5.**—(1) The provisions of regulation 4 shall not apply where the Department 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 that dwellinghouse, or of providing facilities designed to secure his greater safety, health or comfort.

(2) 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(**a**) applies.

**6.** The provisions of regulation 4 shall not apply where the Department is satisfied:—

(*a*) that the application relates solely to development which is within one or more of the classes specified in Schedule 1 to the General Development Order; and

(*b*) that the permission granted by article 3 of that Order does not apply in respect of the 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 under Part IV of the 1972 Order.

**7.** The provisions of regulation 4 shall not apply to an application made under Article 19(1)(*a*) of the 1972 Order for planning permission to retain a building or works, or to continue a use of land, without complying with a condition, imposed on a previous grant of planning permission which requires the removal of that building or those works, or the discontinuance of that use, at the end of a specific period.

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

(a) 1978 c. 53

(*d*) an application for approval of one or more reserved matters which is made following the refusal (whether by the Department or 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.

(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; or

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

(*b*) that the application relates to the same site as that to which the earlier application 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);

(*c*) that the Department is satisfied that it relates to development of the same character to which the earlier application related (and to no other development); and

(*d*) that no previous application has at any time been made by or on behalf of the same applicant which related to the same land (or any part of it) and which was exempted from the provisions of regulation 4 by the provisions of this regulation.

**9.** The prescribed fee for an application for planning permission, to which regulations 6, 7 and 8 apply, shall be £6.

*Fees for applications for listed building consent*

**10.**—(1) The prescribed fee for an application for listed building consent shall be £6.

*Fees for appeals*

**11.**—(1) The prescribed fee for the purposes of article 23(3)(*b*) of the 1972 Order shall be £6.

(2) No fee shall be payable in respect of the following:—

(*a*) for an appeal under paragraph 3 of the Second Schedule to a Tree Preservation Order made under the Planning (Tree Preservation Order) Regulations (Northern Ireland) 1973(**a**) against a refusal or conditional grant of consent to cut down, top or lop trees or for an appeal under paragraph 4 of the said Second Schedule in default of a decision; or

(*b*) for an appeal under regulation 15(1) of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973 against a refusal or conditional grant of consent to display an advertisement or for an appeal under paragraph (5) of the said regulation 15 in default of a decision.

*Fees for statutory authorities*

**12.**—(1) The provisions of regulation 4 shall not apply to an application for planning permission or for approval of reserved matters for development in connection with their statutory functions made by the following:—

(*a*) district councils;

(*b*) the Northern Ireland Housing Executive;

(*c*) Education and Library Boards;

(**a**) S.R. & O. (N.I.) 1973 No. 273

(*d*) The Northern Ireland Electricity Service in respect of the construction or extension of a generating station or the installation of any overhead line;

(*e*) The Northern Ireland Fire Authority; and

(*f*) The Northern Ireland Police Authority.

(2) The prescribed fee for an application for planning permission for the development set out in paragraph (1) shall be £6.

*Fees for applications for consent for advertisements*

**13.**—(1) Where an application is made to the Department under regulation 11 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973 for consent for the display of an advertisement, a fee shall be paid to the Department in accordance with the following provisions of this regulation.

(2) The amount of the fee payable in respect of the application shall be calculated in accordance with the provisions of paragraphs (3) and (4) below and with the table in Schedule 2.

(3) Where the application relates to the display of advertisements on more than one piece of land, the amount of the fee payable in respect of the application shall be the aggregate of the sums payable (calculated in accordance with the provisions of paragraph (4) and Schedule 2) in respect of the display of advertisements on each such piece of land.

(4) 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 of the advertisements to be displayed on that land;

Provided that, where one or more of the advertisements on that land is within category 3 of Schedule 2, the amount of the single fee referred to in this paragraph shall be the amount specified in respect of category 3.

(5) The fee due in respect of an application shall be paid at the time when the application is made; and the amount of the fee shall be sent to the Department together with the application.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 7th July 1981.

(L.S.) *W. P. McIlmoyle*
Assistant Secretary

SCHEDULE 1 Regulation 4

## Fees in respect of applications for planning permission or for approval of reserved matters

PART I

### General Provisions

1. Subject to the provisions of paragraphs 2 to 5, the amount of the fee payable under regulation 4 in respect of an application shall be calculated in accordance with the provisions of Part II and (where applicable) the provisions of paragraphs 6 to 9.

2.—(1) Where an application for planning permission or an application for approval of reserved matters is made not more than 28 days after the lodging with the Department of an application for planning permission or as the case may be, an application for approval of reserved matters:—

(*a*) made by or on behalf of the same applicant;

(*b*) relating to the same land; and

(*c*) relating to the same development or, in the case of an application for approval of reserved matters, relating to the same reserved matters in respect of the same building or buildings authorised by the relevant outline planning permission,

and a fee of the full amount (calculated in accordance with the provisions of the following paragraphs and the provisions of Part II), payable in respect of the category or categories of development to which the applications relate has been paid in respect of the earlier application, the amount of the fee payable in respect of the later application shall, subject to the provisions of sub-paragraph (2), be one-quarter of the full amount paid in respect of the earlier application.

(2) The provisions of sub-paragraph (1) allowing payment of a reduced fee shall apply only in respect of one application made by or on behalf of the same applicant in relation to the same development or in relation to the same reserved matters (as the case may be).

(3) The provisions of sub-paragraphs (1) and (2) shall apply where more than one application for planning permission or for approval of reserved matters is made by or on behalf of the same applicant on the same day (provided that all of the conditions specified in sub-paragraph (1)(*a*) to (*c*) are fulfilled) as though one of those applications had been lodged earlier than the other application or applications.

3.—(1) Where 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 whose objects are the provision of facilities for sport or recreation, and the conditions specified in sub-paragraph (2) are satisfied, the amount of the fee payable in respect of the application shall be £40.

(2) The conditions referred to in subparagraph (1) are—

(*a*) that the application relates to one or both of the following categories of development:—

(i) the making of a material change in the use of land to use as a playing field; or

(ii) the carrying out of operations (other than the erection of a building containing floor space) for purposes ancillary to the use of land as a playing field, and to no other development; and

(*b*) that 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 organisation and used wholly or mainly for the carrying out of its objects.

4. In the case of an application for approval of reserved matters, where the application does not relate to any of the reserved matters referred to in the General Development Order other than:—

(*a*) the siting of the building or buildings authorised by the outline permission;

(*b*) the means of access; or

(*c*) the landscaping of the site,

the amount of the fee payable shall be £40.