

**2011 No. 99**

**PLANNING**

**The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2011**

*Made* - - - - *14th March 2011*

*Coming into operation* - *11th April 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) Regulations (Northern Ireland) 2011 and shall come into operation on 11th April 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 (6).

(2) In regulation 3(2) (fees for planning applications) for the words “regulations 10 and 19(2)” substitute “regulation 10”.

(3) In regulation 10(1) (amount of reduced fees and refunds) for the words “regulation 6, 7 or 8” substitute “regulation 6”.

(4) After regulation 16 (fees for hazardous substances consent), insert the following regulation—

**“Fee for an application for planning permission for EIA development**

**16A.** 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) 1999(c), the fee payable in respect of the application shall be the sum of £10,000, 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.”

(5) The following provisions are revoked —

- (a) regulations 7 and 8 (cases where reduced fees apply);
- (b) regulation 9 (fee for application made following a determination as to whether listed building consent required);

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(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 and S.R. 2010 No. 294

(c) S.R. 1999 No. 73

- (c) regulation 15 (fees for applications in designated areas);
- (d) regulation 17 (fees for applications for determination as to whether listed building consent required); and
- (e) regulation 19 (fees for statutory authorities).

(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, omit sub-paragraph (2) of paragraph 8;
- (b) for Part 2, substitute Part 2 as set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of the Environment on 14th March 2011.



*Maggie Smith*  
A senior officer of the  
Department of the Environment

## SCHEDULE

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)	Outline applications  £237 for each 0.1 hectare of the site area subject to a maximum of £9,467.
1A. Single dwellinghouse	£400.
2. The erection of dwellinghouses	(a) Reserved Matters  Where the application is for a single dwellinghouse, £400.  (b) Full  Where the application is for a single dwellinghouse, £800.  (c) Full and Reserved Matters  For 2 or more dwellinghouses—  (i) Where the number of dwellinghouses to be created by the development is 50 or fewer, £335 for each dwellinghouse;  (ii) Where the number of dwellinghouses to be created by the development exceeds 50, £16,750; and an additional £100 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £250,000.
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, walls or other means of enclosure along a boundary or a curtilage of an existing dwellinghouse.	£267 for each dwelling.

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| 4. | The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 3.   | <p>Full and Reserved Matters</p> <p>(a) Where no floor space is to be created by the development, £170;</p> <p>(b) Where the area of gross floor space to be created by the development does not exceed 40 sq.m., £170;</p> <p>(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., £335;</p> <p>(d) Where the area of the gross floor space to be created by the development exceeds 75 sq.m., but does not exceed 3750 sq.m., £335 for each 75 sq.m., of that area;</p> <p>(e) Where the area of gross floor space to be created by the development exceeds 3750 sq.m., £16,750; and an additional £100 for each 75 sq.m. in excess of 3750 sq.m., subject to a maximum in total of £250,000.</p> |
| 5. | The erection, alteration or replacement of plant and machinery including telecommunications/datacommunications equipment, a single wind turbine and wind farms.  | <p>(a) Where the site area does not exceed 5 hectares, £335 for each 0.1 hectare of the site area;</p> <p>(b) Where the site area exceeds 5 hectares, £16,750; and an additional £100 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £250,000.</p>  |
| 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.   | £893 for each 500 sq.m. of floorspace subject to a maximum of £11,834.  |
| 7. | The winning and working of peat.   | £1,775 for each 5 hectares of the site area subject to a maximum of £31,950.  |
| 8. | <p>(a) The winning and working of minerals (other than peat).</p> <p>(b) The carrying out of any operations connected with exploratory drilling for oil or natural gas.</p> <p>(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.</p> <p>(d) The carrying out of any other operation not coming within any of the above categories.</p> | £1,775 for each 0.5 hectare of the site area subject to a maximum of £38,400.   |

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. £237.
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). £237.  
 (b) An application to develop land without compliance with a condition subject to which a previous planning permission has been granted.
11. An application for a material change of use. (a) Where the application relates to a dwellinghouse, £651 for the first dwellinghouse and £237 for each additional dwellinghouse subject to a maximum of £11,834.  
 (b) For any other change of use, £237 for each 75 sq.m. of floor space subject to a maximum of £11,834.
12. Any other application not falling within categories 1-11. £781.”

## 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 main changes made by the Regulations are as follows —

- Regulation 2(4) inserts a new regulation 16A to introduce an additional fixed charge for applications for planning permission requiring an environmental statement.
- Regulation 2(5)(a) removes reduced fees in relation to the resubmission of an application following a previous approval or withdrawal.
- Regulations 2(5)(b), (c) and (d) remove fees for listed building consents, conservation area consents and demolition within an area of village or townscape character.
- Regulation 2(5)(e) removes concessionary fees for a number of statutory bodies.
- Regulation 2(6)(b) substitutes Part 2 of Schedule 1 which introduces a simplified fee structure and a revised fee for applications for outline, approval of reserved matters and full permission for single dwellings.
- The new Part 2 of Schedule 1 also makes changes to the fee structure and fee maxima for category 2 (housing developments) category 4 (industrial, commercial, community and other buildings) and category 5 (plant and machinery, including telecommunications/data communications, single wind turbines and wind farms) applications.

A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy may be obtained from the Department of the Environment, Planning Policy Division, 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: [legislation.gov.uk](http://legislation.gov.uk)

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