

Advice Guide 4

Calculating Your Planning Fee

Ag freastal ar an Dún
agus Ard Mhacha Theas
Serving Down
and South Armagh



Comhairle Ceantair
an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down
District Council

Legislative context

Under section 223(1) of the 2011 Act the Department has the power to make regulations for the payment of a charge or fee of the prescribed amount in relation to council or departmental planning functions.

The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019, referred hereafter as the "Amendment Fees Regulations 2019", came into operation on 17th June 2019. Its purpose is to provide an inflationary uplift of 1.99% on the amounts of fees laid out in the Fees Regulations published in 2015.

There are different types of applications that can be submitted to the Council. Planning fees are payable in relation to some types and not others. Most applications, including those that attract fees, will be submitted to the council. It is for the council to interpret the Fees Regulations with respect to planning fees payable and apply them to the facts of individual applications.

Fees Payable

In accordance with the Fees Regulations, fees are payable for the following:

- a. Applications for planning permission (Regulation 3).
- b. Applications for approval of reserved matters (Regulation 3).
- c. Applications for express consent to display advertisements (Regulation 9).
- d. Applications for hazardous substances consent (Regulation 10).
- e. Applications for certificates of lawful use or development (Regulation 12).

Fees Not Payable

Fees are not payable for the following:

- a. Applications for consent required by condition attached to a planning permission other than reserved matters.
- b. Applications for consent to cut down, top, lop or uproot trees subject to a tree preservation order.
- c. Applications for consent to cut down, top, lop or uproot trees in a conservation area.
- d. Applications to determine whether listed building consent is required.

- e. Applications for listed building consent.
- f. Applications for planning permission to demolish a building in an Area of Townscape or Village Character.
- g. Applications to determine whether conservation area consent is required.
- h. Applications for conservation area consent.
- i. Applications for non-material changes to planning permission.
- j. Applications to modify or discharge a planning agreement.

Fees Exemptions

These exemptions can apply to applications for planning approval and for approval for reserve matters for the following criteria:

Disabled Persons

Where an application is made under Regulation 4 (1) of the Fees Regulation, the council will stand over the fee exemption provided the following criteria is made:

1. The applicant is someone who is submitting an application where a disabled person is resident in or is proposing to take up residence in the dwelling house.
2. 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.

The Council will require evidence to be submitted with the application to confirm that the works to be carried out are for a person who the Disabled Persons (Northern Ireland) Act 1978 applies. An occupational Therapists Report detailing the necessary works required must be submitted as evidence.

Use Class

Under Regulation 5 of the Fees Regulations, no fee is payable where the Council is satisfied that an application for planning permission relates solely to the use of a building or other land and the existing use of that building or other land is for another purpose of the same use class of the Planning (Use Class) Order 2015.

Planning Applications made by a club or society which is not established or conducted for profit

Under Regulation 6 of the Fees Regulations there is a fee exemption for certain applicants in relation to some planning applications if the:

- Application relates to the provision of community facilities (including sports grounds) and playing fields.
- The council is satisfied that the development is 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 objectives.

The Council requires evidence to be submitted to demonstrate that the application complies with Regulation 6. Each case will be assessed based on the evidence submitted, together with the nature of the proposal.

Reduced Fees

The Fees Regulations provide for reduced fees in certain instances. These are described below:

Removal of Permitted Development Rights

Where permitted development rights have been removed and where the development would have been permitted, but for a direction or condition removing those rights then, Regulation 7 of the Fees Regulations sets out that an applicant is charged a reduced fee of £65.

Renewal of Extant Planning Permission

Under Paragraph 3 of Part 1 General Provisions of Schedule 1 of the Fee Regulations, a reduced fee may be applicable to an application for renewal of planning permission. This will only be accepted by the Council for the exact same proposal as that previously granted. The renewal application must be submitted prior to the time limit imposed on the extant planning permission lapsing. The fee will be 25% of the normal planning fee.

Fees for Environmental Impact Assessment (EIA) development

Under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, referred to hereafter as the “EIA Regulations”, some planning applications for development are subject to an environmental impact assessment and such applications are called EIA development. Under Regulation 4(2) of the EIA Regulations the council shall not grant planning permission for EIA development unless they have first taken environmental information into consideration, which is submitted in the form of an environmental statement. Where an application is EIA development, under Regulation 11 of the Fees Regulations a fee of £10,844 is payable in addition to the amount of fee that would otherwise be payable. This is subject to the maximum for the category of development as specified in Part 2 Scales of Fees of Schedule 1.

Fees for the express consent to display advertisements

Regulation 9 of the Fees Regulations prescribes fees for applications made to the council under Regulation 8 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, referred to hereafter as the “Advertisements Regulations”, for the express consent to display advertisements. The fee for an application is £193. The fees will be charged per site outlined in red.

Fees for hazardous substances consent

Regulation 10 of the Fees Regulations specifies that where an application is made to the council under Regulation 5 of The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015, referred to hereafter as the “Hazardous Substances Regulations”, a fee shall be paid to the Council.

Presence of Hazardous Substances on, over or under land’ is:

- Where section 111(1) of the 2011 Act applies (new consent without previous conditions) the fee is £347.
- Where section 111(1) of the 2011 Act does not apply and the quantity specified in the application as the maximum quantity proposed to be present exceeds twice the controlled quantity the fee is £435.
- In all other cases the fee is £347.

- A fee of £694 shall be payable to the council in respect of an application for the continuation of hazardous substances consent under section 116 of the 2011 Act.

Fees for Applications for Certificates of Lawful Use or Development (CLUDs)

Regulation 12 of the Fees Regulations prescribes fees for applications made to a council for certificates of lawful use or development to which section 169 or 170 of the 2011 Act applies.

Fees for a Certificate of Existing Lawful Use or Development.

The fee for an application for a certificate of existing lawful use or development made under Section 169(1)(a) or (b), or under both sub-paragraphs as the case may be, is the amount that would be payable in respect of an application for planning permission for that use or to carry out the operations specified on the application. Please note that in some cases these may be added together.

Where a use specified in an application under Section 169(1)(a) is comprised of or includes a use as one or more separate dwelling, the fee payable in respect of that application is £257 for each dwelling. This is subject to a maximum fee of £12,850 for the application.

An application made under section 169(1)(c) in relation to a matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, the fee is £257. (Regulation 12(3)(b)).

An application made under Section 169(1)(a) or (b), or under both sub-paragraphs, and under Section 169(1)(c), the fee payable is 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).

Fees for a certificate of proposed lawful use or development.

The fee for an application made under section 170(1)(a) or (b), or under both sub-paragraphs as the case may be, in relation to any proposed use of buildings, other land or any operational development proposed to be carried out in, on, over or

under the land is half the amount that would be payable in respect of an application for that use or to carry out the operations specified in the application.

Fee Exemptions for CLUDs are applicable for disabled persons, clubs, societies and organisations in line with the provisions previously outlined in this document.

Fees for applications for planning permission and approval of reserved matters for mixed development

For details of fees for planning applications please see the attached Annex 1 of this document. Below are some important rules to follow for calculating your planning fee:

1. Unless the application includes categories 6, 8 and 9, an amount shall be calculated in accordance with the provisions of Part 2 for each category of development included in the application. This will be added to the total of the amounts calculated for each of the categories of development to establish the fee.
2. Where the application includes categories 6, 8 and 9, an amount shall be calculated in respect of each category of development included in the application. The highest of the amounts calculated shall be the fee.
3. Where a building is to contain floor space proposed for the purpose of providing common access, common services, facilities for persons occupying, using that building for development within category 3 and for persons occupying, or using it for development within category 5 and/or category 7 (such floor space being referred to below as "common floor space"), shall be assessed, in relation to that building, as including such proportion of the common floor space as the category 5 and/or category 7 floor space in the building.
4. Where a development included more than one of the categories of development, with the exception of categories 6,8 and 9, an amount shall be calculated for each development category and added together.
5. The area of gross floor space shall be ascertained by external measurements of the floor space, whether or not it is bounded (wholly or partly) by external walls of a building. Please note that basements, underground structures and tanks measuring 1.5m or more in height will

attract an additional floorspace fee. This will be measured and added to the above ground measurements.

6. For fee purposes gross floor space includes:
 - Perimeter wall thickness and projections
 - Areas occupied by internal walls and partitions
 - Columns, piers, chimney-breasts, stairwells etc
 - Lift rooms, plant rooms, tank rooms and fuel stores, whether or not it's above main roof level
 - Open sided covered areas and enclosed car-parking areas.
7. Where the fee is payable per square metre floorspace, it will be rounded up to the nearest whole unit.
8. If you extend the curtilage of a dwelling through an application, this will attract an additional fee of £848.

SCHEDULE

SUBSTITUTION OF PART 2 OF SCHEDULE 1 TO THE PLANNING (FEES) REGULATIONS (NORTHERN IRELAND) 2015

“PART 2

SCALES OF FEES

<i>Category of Development</i>	<i>Fee payable</i>
1. All buildings (other than a single dwellinghouse).	Outline Applications £257 for each 0.1 hectare of the site area subject to a maximum of £10,280.
2. Single dwellinghouse.	Outline Applications £433.
3. The erection of a dwellinghouse.	(a) Reserved matters where the application is for a single dwellinghouse, £433; (b) Full where the application is for a single dwellinghouse, £868; (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, £1,020 for two dwellinghouses and £364 for each additional dwelling house; (ii) where the number of dwellinghouses to be created by the development exceeds 50, £18,492; and an additional £108 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £271,104.
4. 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.	£291 for each dwelling.
5. The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 4.	Full and Reserved Matters (a) where no floor space is to be created by the development, £185;

	<ul style="list-style-type: none"> (b) where the area of gross floor space to be created by the development does not exceed 40 sq.m., £185; (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., £364; (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., £364 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., £18,200; and an additional £108 for each 75 sq.m., in excess of 3,750 sq.m., subject to a maximum in total of £271,028.
6. The erection, alteration or replacement of plant and machinery including telecommunications/datacommunications equipment, a single wind turbine and wind farms.	<ul style="list-style-type: none"> (a) where the site area does not exceed 5 hectares, £364 for each 0.1 hectare of the site area; (b) where the site area exceeds 5 hectares, £18,200; and an additional £108 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £271,028.
7. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes and for agricultural and commercial glasshouses.	£968 for each 500 sq.m. of floorspace subject to a maximum of £12,826.
8. The winning and working of peat.	£1,925 for each 5 hectares of the site area subject to a maximum of £34,650.
9. (a) The winning and working of minerals (other than peat). (b) The carrying out of any operations 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.	£372 per 0.1 hectare of the site area subject to a maximum of £41,664.
10. 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.	£257.

11. (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 discontinuance of the use of the removal of the building or works at the end of the specified period). £257.
 (b) An application to develop land without compliance with a condition subject to which a previous planning permission has been granted.
12. An application for a material change of use. (a) where the application relates to a dwellinghouse, £706 for the first dwellinghouse and £257 for each additional dwellinghouse subject to a maximum of £12,850;
 (b) for any other change of use, £257 for each 75 sq.m., of floorspace subject to a maximum of £12,850.
13. Any other application not falling within categories 1-12. £848.”



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