

PLANNING FEES

EXPLANATORY NOTES FOR APPLICANTS

With effect from 8th May 2016

GENERAL

- 1.1 **The following notes are for guidance only.** They cannot be regarded as definitive and anyone requiring the exact legal position is advised to consult the Planning (Fees) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 73), the "Fees Regulations"), which includes the legislative Correction issued March 2015, and the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 398), (the "Amendment Fees Regulations 2015"). The Fees Regulations (S.R. 2015 No. 73) came into operation on 1st April 2015 and set the prescribed planning fees, which have not been changed by the Amendment Fees Regulations 2015 that came into operation on 31st December 2015. These Explanatory Notes have been updated largely to reflect the Amendment Fees Regulations 2015, which corrected a drafting error in the Fees Regulations (S.R. 2015 No. 73) and clarified how fees for mixed development applications should be calculated. Future references in this document to the "Fees Regulations" also include the Amendment Fees Regulations 2015.
- 1.2 From 1st April 2015 applications and accompanying fees as per the Fees Regulations were submitted to either the appropriate district council or the then Department of the Environment¹ (DOE). From 8th May 2016 applications and the accompanying fees as per the Fees Regulations shall be submitted to either the appropriate district council or the Department for Infrastructure (DfI) depending upon the type of application as per the Planning Act (Northern Ireland) 2011, the Planning (Development Management) Regulations (Northern Ireland) 2015 and the Planning (General Development Procedure) Order (Northern Ireland) 2015.
- 1.3 Under these Fees Regulations fees are charged for applications: –
- a. for planning permission;
 - b. for approval of reserved matters (the siting of buildings authorised by an outline planning permission, their design, external appearance, means of access, landscaping of the site, etc.)
 - c. for consent to display advertisements;
 - d. for hazardous substances consent; and
 - e. for certificates of lawful use or development.

¹ The Department of the Environment was dissolved and the Department for Infrastructure came into being on 8th May 2016 in accordance with The Departments Act (Northern Ireland) 2016 and The Departments (2016 Act) (Commencement) Order (Northern Ireland) 2016. In this document Department means the Department for Infrastructure (DfI) unless otherwise stated.

- 1.4 Fees are not charged for the following applications: –
- a. for consent required by conditions attached to a planning permission other than the defined reserved matters;
 - b. for consent to fell or lop a tree covered by a Tree Preservation Order;
 - c. for consent to fell or lop a tree in a conservation area;
 - d. for determination as to whether listed building consent is required;
 - e. for listed building consent;
 - f. for planning permission to demolish a building in an Area of Townscape or Village Character;
 - g. for conservation area consent (to demolish a building in a conservation area);
 - h. for determination as to whether conservation area consent is required (to demolish a building in a conservation area);
 - i. for non-material changes to planning permission; or
 - j. applications to modify or discharge a planning agreement.
- 1.5 Schedules 1 and 2 to the Fees Regulations, which includes the Scales of Fees setting out fee levels by category of development, are attached at Appendix 1.

METHOD OF PAYMENT

- 2.1 With respect to applications and accompanying fees that are to be submitted to a district council, applicants are advised to contact the appropriate district council to ascertain the method of payment. A list of councils and links to their websites having contact details can be found on the Northern Ireland Planning Portal homepage at www.planningni.gov.uk and via NI Direct at <https://www.nidirect.gov.uk/contacts/local-councils-in-northern-ireland>.
- 2.2 With respect to applications and accompanying fees that are to be submitted to the Department for Infrastructure (DfI), cheques or postal orders must be made payable to the Department for Infrastructure, crossed "Not negotiable, A/C Payee only" and submitted to DfI Planning, Causeway Exchange, 1-7 Bedford Street, Belfast BT2 7EG.

METHOD OF CALCULATION

- 3.1 The calculation of certain fees is based on the area to be developed. It is important that applications should clearly show the area which it is proposed to develop. This should be done by means of submitting a plan using metric measurement with the application site edged, or shaded, in red. This area will be taken as the application site for the purposes of calculation of the fee. Where an applicant wishes to develop only part of his / her property there is no reason why he / she should not restrict his / her application to the part of the property where the development will be located by edging or shading that part of the property in red.

- 3.2 In accordance with Schedule 1 Part 1 General Provisions to the Fees Regulations for the purpose of calculating the planning fee payable, gross floorspace in the following categories should be ascertained by using the external measurement of floorspace – that is, including the thickness of the external walls:-
- the erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 4 - category of development 5;
 - the erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes and for agricultural and commercial glasshouses – category of development 7;
 - an application for a material change of use, other than one that relates to a dwelling house or dwelling houses – category of development 12 (b).
- 3.3 If you are in doubt, then please contact the appropriate district council for assistance. However, where an application is to be submitted to the DfI, please contact DfI Planning in Causeway Exchange, Belfast, on telephone 0300 200 7830 or e-mail on planning@infrastructure-ni.gov.uk.

EXEMPTIONS

- 4.1 No fee is payable for: –
- a. an application for planning permission to carry out works to a dwelling house or within its curtilage to provide access for, or improve the safety, health or comfort of a disabled person, whether the disabled person is already in occupation or will be following completion of the works [Regulation 4 (1)];
 - b. an application for planning permission to carry out works 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) [Regulation 4 (2)]; or
 - c. an application relating to a change of use which by reason of the Planning (Use Classes) Order (NI) 2015 does not constitute development and where the application is necessary by reason of a condition imposed on a permission granted or having the like effect as a permission granted under Part 3 of the Planning Act (Northern Ireland) 2011 [Regulation 5].
 - d. an application for planning permission where the council or, as the case may be, the Department, is satisfied that it 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 following conditions specified are satisfied:-

- (i) the application relates to the provision of community facilities (including sports grounds) and playing fields; and
- (ii) the council 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 [Regulation 6].

4.2 For 4.1a above the council may request evidence to be submitted by an applicant to demonstrate that an application for planning permission complies with Regulation 4 (1), subject to Regulation 4 (3). For 4.1d above the council may request evidence to be submitted by an applicant to demonstrate that their application complies with Regulation 6. This could include, but not be exclusively dependent upon, a registered charity reference number.

REDUCED FEES

- 5.1 A reduced fee of £64 applies where the application relates to what would be permitted development under Article 3 and Schedule 1 to the Planning (General Permitted Development) Order (NI) 2015 except that such permission has been withdrawn by a direction under Article 4 of that Order or by a condition imposed on a permission granted under Part 3 of the Planning Act (Northern Ireland) 2011 (this includes an application to carry out such development without complying with a condition(s) subject to which a previous planning permission was granted, where the condition prohibits or limits the carrying out of the development) [Regulations 7 and 8].
- 5.2 A reduced fee of 25% of the normal fee applies for an application made under Article 3 (5) of the Planning (General Development Procedure) Order (NI) 2015 to renew planning permission where existing approval has not yet expired [Schedule 1, Part 1 General Provisions, Paragraph 3]. An application to renew a lapsed permission will continue to attract a full fee.

ADVERTISEMENTS

- 6.1 A fee of £189 is payable for applications for express consent to display advertisements [Regulation 9].
- 6.2 However –
- a. where the application relates to the display of more than one advertisement on the same land, a single fee is payable in respect of all advertisements to be displayed on that land;
 - b. where the application relates to the display of advertisement on more than one piece of land, the fee payable is the aggregate of the sums payable in respect of the display of advertisements on each piece of land;

- c. where the application relates to the display, within a specified area, of advertisements on parking metres, litter bins or bus shelters, the whole of the area to which the application relates shall be treated as one piece of land;
- d. where an application for consent is required as a result of a direction withdrawing deemed consent, no fee is payable.

DETERMINATIONS

- 7.1 No fee is payable for a written determination as to whether listed building consent is required (under Section 102 (1) of the 2011 Act).
- 7.2 No fee is payable for a written determination as to whether conservation area consent is required (under Section 102 (1) of the 2011 Act as modified by Regulation 15 of the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015).

FEES FOR APPLICATIONS FOR PLANNING PERMISSION FOR ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DEVELOPMENT

- 8.1 An additional fixed charge of £10,632 is payable where an application for planning permission is for EIA development [Regulation 11] and requires an environmental statement. This charge is to cover the additional costs of processing these applications and will be added to the standard fee for the application up to the maximum fee for the category of development.

FEES FOR APPLICATIONS FOR CERTIFICATES OF LAWFUL USE OR DEVELOPMENT (also known as Lawful Development Certificates)

- 9.1 The fees for Lawful Development Certificates [Regulation 12] are detailed below.
- 9.2 The fee for an application for a certificate of **existing** lawful use or development 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 in the application.
- 9.3 This is qualified in two cases –
 - a. where an **existing** use is comprised of or includes a use as one or more separate dwelling houses, the fee payable in respect of that application will be £252 for each dwelling house subject to a maximum fee of £12,582; and
 - b. in the case of any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted; the fee will be £252.

9.4 The fee for an application in relation to any **proposed** use of buildings or 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.

9.5 Exemptions apply in the following cases –

- a. no fee is payable for an application in relation to the carrying out of works to a dwelling house or within its curtilage to provide access for, or improve the safety, health or comfort of a disabled person, whether the disabled person is already in occupation or will be following the completion of the works[Regulation 4 (1)];
- b. no fee is payable for an application in relation to the carrying out of works 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) [Regulation 4 (2)]; and
- c. no fee is payable for an application where the council is satisfied that it 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 following conditions specified are satisfied:-
 - (i) the application relates to the provision of community facilities (including sports grounds) and playing fields; and
 - (ii) that the council 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 [Regulation 6].

9.6 For 9.5a above the council may request evidence to be submitted by an applicant to demonstrate that an application for planning permission complies with Regulation 4 (1), subject to Regulation 4 (3). For 9.5c above the council may request evidence to be submitted by an applicant to demonstrate that their application complies with Regulation 6. This could include, but not be exclusively dependent upon, a registered charity reference number.

SCHEDULE 1

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

PART 1

GENERAL PROVISIONS

1. Subject to paragraphs 2 to 4, the fee payable under regulation 3(2) in respect of an application shall be calculated in accordance with the provisions of Part 2 and (where applicable) paragraphs 5 to 7. In the case of an application for approval of reserved matters references in this Schedule to the category of development to which an application relates shall be construed as references to the category of development authorised by the relevant outline planning permission.

2. Where an application relates to development carried out without planning permission, or in accordance with planning permission granted for a limited period or without complying with some condition subject to which planning permission was granted, the amount of the fee payable shall be calculated in accordance with the provisions of Part 2 as if the application were one for permission to carry out that development.

3. Where an application to renew planning permission is made, and the application has been submitted before the time limit imposed on the extant permission has expired, the fee payable shall be one-quarter of the amount that would otherwise be payable.

4.—(1) This paragraph applies where—

- (a) an application is made for approval of one or more reserved matters (“the current application”);
- (b) the applicant has previously applied for such approval under the same outline planning permission and paid fees in relation to one or more such applications; and
- (c) no application has been made under that permission other than by or on behalf of the applicant.

(2) Where this paragraph applies and the amount of the fees paid as mentioned in sub-paragraph (1)(b) is not less than the amount which would be payable if the applicant were by their current application seeking approval of all the matters reserved by the outline permission (and in relation to the whole of the development authorised by the permission), the amount of the fee payable in respect of the current application shall be £554.

(3) Where—

- (i) this paragraph applies;
- (ii) a fee has been paid as mentioned in sub-paragraph (1)(b) at a rate lower than that prevailing at the date of the current application; and
- (iii) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date,

the amount of the fee in respect of the current application shall be £554.

5. Where, in respect of any category of development specified in Part 2, the fee is to be calculated by reference to the site area—

- (a) that area shall be taken as consisting of the site area to which the application relates; and
- (b) where the area referred to in sub-paragraph (a) is not an exact multiple of the unit of measurement specified in respect of the relevant category of development, the fraction of a unit remaining after division of the total area by the unit of measurement shall be treated, for the purposes of calculating the fee, as a complete unit.

6.—(1) In relation to development within category 5, 7 or 12(b) specified in Part 2, 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 5 or 12(b) where the area of gross floor space 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 7 where the area of gross floor space is not an exact multiple of 500 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 500 shall be treated as being 500 square metres.

7.—(1) Where an application for planning permission includes more than one of the categories of development specified in Part 2 the fee for that application shall be calculated in accordance with the following provisions.

(2) Unless the application includes any of 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 and the total of the amounts calculated for each of the categories of development shall be the fee.

(3) Where the application includes any of categories 6, 8 and 9 an amount shall be calculated in respect of each category of development included in the application and the highest of the amounts so calculated shall be the fee.

(4) Where a building is to contain floor space which it proposes to use for the purposes of providing common access or common services or facilities for persons occupying or 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”), the category 5 and/or category 7 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 bears to the gross floor space in the building.

Note: Schedule 1 Part 1 has been amended by Regulation 2 (2) of the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 398).

PART 2
SCALES OF FEES

<i>Category of Development</i>	<i>Fee payable</i>
1. All buildings (other than a single dwellinghouse)	Outline Applications £252 for each 0.1 hectare of the site area subject to a maximum of £10,066
2. Single Dwellinghouse	Outline Applications £425
3. The erection of a dwellinghouse	(a) Reserved matters where the application is for a single dwellinghouse, £425. (b) Full where the application is for a single dwellinghouse, £851 (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, £1,000 for two dwellinghouses and £357 for each additional dwelling house; (ii) where the number of dwellinghouses to be created by the development exceeds 50, £18,136; and an additional £106 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £265,806.
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.	£285 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, £181; (b) where the area of gross floor space to be created by the development does not exceed 40 sq.m., £181; (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., £357;

6. The erection, alteration or replacement of plant and machinery including telecommunications/datacommunications equipment, a single wind turbine and wind farms.
- (d) where the area of the gross floor space to be created by the development exceeds 75sq.m., but does not exceed 3,750 sq.m., £357 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., £17,930; and an additional £106 for each 75 sq.m., in excess of 3,750 sq.m., subject to a maximum in total of £265,806.
- (a) where the site area does not exceed 5 hectares, £357 for each 0.1 hectare of the site area;
- (b) where the site area exceeds 5 hectares, £17,824; and an additional £106 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £265,806.
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.
- £949 for each 500sq.m., of floorspace subject to a maximum of £12,582.
8. The winning and working of peat.
- £1,887 for each 5 hectares of the site area subject to a maximum of £33,971.
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.
- £365 per 0.1 hectare of the site area subject to a maximum of £40,828.
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.
- £252
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).
- £252

(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, £692 for the first dwellinghouse and £252 for each additional dwellinghouse subject to a maximum of £12,582.

(b) for any other change of use, £252 for each 75sq.m., of floorspace subject to a maximum of £12,582.

13. Any other application not falling within categories 1-12.

£831

Note: Part 2 Scales of Fees, category of Development 5(d) has been corrected by the legislative Correction issued March 2015.

SCHEDULE 2

Regulation 10

FEES FOR HAZARDOUS SUBSTANCES CONSENT

<i>Category of Development</i>	<i>Fee Payable</i>
1. Presence of hazardous substances on, over or under land.	<p>(a) (i) where section 111(1) of the 2011 Act applies (new consent without previous conditions), £340;</p> <p>(ii) 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, £427;</p> <p>(iii) in all other cases, £340.</p> <p>(b) A fee of £680 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.</p>