

**PLANNING FEES**  
**EXPLANATORY NOTES FOR APPLICANTS**

**With effect from 28<sup>TH</sup> MAY 2014**

**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) 2005 (S.R. 2005 No. 222) as amended by S.R. 2005 No. 505, S.R. 2009 No. 256, S.R. 2010 No. 294, S.R. 2011 No. 99, S.R. 2011 No. 398 and S.R. 2012 No 293 (“the Fees Regulations”).
- 1.2 Under these Regulations fees are charged for applications: –
- a. for planning permission;
  - b. for approval of reserved matters (the siting of buildings authorized 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.
- 1.3 For applications requiring an environmental statement there is a fixed charge of £10,632 in addition to the normal planning application fee (subject to the maximum for the relevant category of development).
- 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 determination as to whether listed building consent is required;
  - d. for listed building consent;
  - e. for planning permission to demolish a building in an Area of Townscape or Village Character;
  - f. for consent to demolish a building in a conservation area
- 1.5 The Schedule to the Fees Regulations setting out fee levels by category is attached at Appendix 1.

## **METHOD OF PAYMENT**

- 2.1 Cheques or postal orders must be made payable to DOE General Account, crossed "Not negotiable, A/C Payee only" and submitted to the appropriate Local Area Planning Office together with the application forms.

## **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 property there is no reason why he should not restrict his 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 Normally, in accordance with property industry measuring practice of buildings, measurement of the gross floorspace should be ascertained by the internal measurement of the floorspace, which excludes the thickness of external walls. However, in accordance with 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 (including the construction or extension of a non-nuclear electricity generating station) - category of development 4;
  - 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 6;
  - an application for a material change of use, other than one that relates to a dwelling house or dwelling houses – category of development 11b.

If you are in doubt, please contact your Local Area Planning Office for assistance.

## **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) 2004 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 IV of the Planning (NI) Order 1991 [Regulation 5].
- d. an application or deemed application for planning permission where the Department is satisfied that it is made or deemed to be 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 or deemed application relates to the provision of community facilities (including sports grounds) and playing fields; and
  - (ii) that the Department or (in the case of a deemed application) the Commission 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 5A].

4.2 For 4.1d the applicant *must* provide evidence to demonstrate that their application complies with the Regulation 5A. 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 Development) Order (NI) 1993 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 IV of the Planning (NI) Order 1991 (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 6 and 10].
- 5.2 A reduced fee of 25% of the normal fee applies for an application made under Article 7(3) of the General Development Order (NI) 1993 to renew planning permission where existing approval has not yet expired. 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 consent to display advertisements [Regulation 14].
- 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. No fee is payable for –
- a. a written determination as to whether listed building consent is required (under Article 48 (1) of the Planning (NI) Order 1991); and
  - b. a determination under Article 48 (1) to carry out works to a dwelling house or within its curtilage to provide access for or improve the safety, health and comfort of a disabled person whether the disabled person is in occupation or will be following the completion of the works.

## **FEES FOR APPEALS**

- 8.1. The fee for an appeal to the Planning Appeals Commission arising from a decision of the Department is, at the time of publishing these notes, £126. However, applicants who wish to appeal are advised to check this by contacting the Planning Appeals Commission, Park House, 87-91 Great Victoria Street, Belfast, BT2 7AG, tel 028 9024 4710 or via e-mail on [info@pacni.gov.uk](mailto:info@pacni.gov.uk). The PAC website is [www.pacni.gov.uk](http://www.pacni.gov.uk).
- 8.2. If an appeal is against an enforcement notice issued by the Department and the planning merits are to be considered and a decision given then the appeal fee must be accompanied by the relevant deemed application fee.
- 8.3. No fee is payable for an appeal against the Department's decision in the case of an application for consent to display an advertisement.

## **FEEES FOR APPLICATIONS FOR PLANNING PERMISSION FOR EIA DEVELOPMENT**

9. An additional fixed charge of £10,632 is payable where an application for planning permission 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 application.

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

- 10.1 The fees for Lawful Development Certificates [Regulation 18] are detailed below.
- 10.2 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.
- 10.3 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.
- 10.4 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. Where appropriate, the halved amount will be rounded up to the nearest pound.
- 10.5 Concessions 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. an application or deemed application for planning permission where the Department is satisfied that it is made or deemed to be 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 or deemed application relates to the provision of community facilities (including sports grounds) and playing fields; and
- (ii) that the Department or (in the case of a deemed application) the Commission 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 5A].

**SCHEDULE**  
**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 dwelling house)	Outline Applications  £252 for each 0.1 hectare of the site area subject to a maximum of £10,066
1A. Single dwelling house	£425
2. The erection of a dwellinghouse	(a) Reserved Matters Where the application is for a single dwelling house, £425.  (b) Full Where the application is for a single dwelling house, £851  (c) Full and reserved matters For 2 or more dwelling houses— (i) Where the number of dwelling houses 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.
3. The extension, improvement or alteration of an existing dwelling house, including the erection of a building or the carrying out of other operations within the curtilage of a dwelling house for purposes ancillary to the enjoyment of the dwelling house as such, or the erection or construction of garages, fences, walls or other means of enclosure along a boundary or a curtilage of an existing dwelling house.	£285 for each dwelling.
4. The erection of industrial,	Full and Reserved Matters

commercial, community and other buildings, other than dwellinghouses or buildings covered by category 3.	(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
	(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., £357 for each 75 sq.m., of that area;
	(e) Where the area of gross floor space to be created by the development exceeds 3750 sq.m., £17,930, and an additional £106 for each 75 sq.m., in excess of 3750 sq.m., subject to a maximum of £265,806.
5. The erection, alteration or replacement of plant and machinery including telecommunications/datacommunications equipment, a single wind turbine and wind farms.	(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.
6. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural and commercial glasshouses.	£949 for each 500 sq.m of floor space subject to a maximum of £12,582.
7. The winning and working of peat.	£1,887 for each 5 hectares of the site area subject to a maximum of £33,971.
8. (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 the 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
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,	£252

where the development is required for a purpose incidental to the existing use of the land.

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| 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 discontinuance of the use of the removal of the building or works at the end of the specified period).<br>(b) An application to develop land without compliance with a condition subject to which a previous planning permission has been granted. | £252   |
| 11. | 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.<br>(b) For any other change of use, £252 for each 75sq.m. of floor space subject to a maximum of £12,582. |
| 12. | Any other application not falling within categories 1-11.   | £831”  |

\*Regulation 2(7)(f) of The Planning (Fees)(Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014 No. 127) amending Part 2 of Schedule 1 under Regulations 3(2), 6(1)(a), 6(2), 11(2) and 13(6)(a)(ii) of The Planning (Fees) Regulations (Northern Ireland) 2005.

**SUBSTITUTION OF SCHEDULE 2 TO THE PLANNING (FEES)  
REGULATIONS (NORTHERN IRELAND) 2005**

**FEES FOR HAZARDOUS SUBSTANCES CONSENT**

Category of development	Fee Payable
1. Presence of hazardous substances on, over, or under land	<p>(A) (i) Where Article 58(1) applies (new consent without previous conditions), £340;</p> <p>(ii) Where article 58(1) 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 Department in respect of an application for the continuation of hazardous substances consent under Article 60.</p>

\*Regulation 7 of the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2014 No 127 amending Schedule 2 under Regulation 16 of The Planning (Fees) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 222).

## 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 Regulations increase planning fees by approximately 1.3% overall and also make changes to the Regulations as follows: –

- Regulation 2(2) introduces a nil fee exemption for applications submitted by non-profit organisations in respect of community facilities (including sports grounds) and playing fields.
- Regulation 2(4)(b) removes the concessionary fee for re-submitted Consent to Display applications where an application has been withdrawn before a notice of decision is issued, and the same applicant makes an application within 12 months of the date of the previous application .
- Regulation 2(6)(a) removes the concessionary fee for re-submitted Certificates of Lawful Use or Development where an application has been withdrawn before a notice of decision is issued, and the same applicant makes an application within 12 months of the date of the previous application.
- Regulation 2(7)(a) introduces a reduced fee for applications submitted to renew extant planning permissions.
- Regulation 2(7)(e) amends how the fees for mixed categories of development applications are calculated. The highest amount calculated now applies to **only** those applications which contain more than one of the site area based categories 5, 7 & 8. All other applications are based on the sum of each of the categories of development (Regulation 2(7)(c)).
- Regulation 2(7)(g) substitutes Part 2 of Schedule 1. The new Part 2 corrects an anomaly in the existing fee for two or more dwelling houses (i.e. Category 2(i)) and provides a revised methodology for calculating the fee for Category 8 applications (based on multiplications of 0.1 hectare of the site area subject to a maximum).
- A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy may be obtained from the Department of the Environment, Planning Headquarters, Causeway Exchange, 1-7 Bedford Street, Town Parks, Belfast BT2 7EG (Tel: 028 9082 3493) or accessed at [www.planningni.gov.uk/](http://www.planningni.gov.uk/)
- The Explanatory Memorandum is available alongside the instrument on the Government's legislation website: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)