

Planning Circular 2/2022

The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022

June 2022

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1. Introduction

1.1.1 This Circular provides guidance on the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 (SSI 2022 No 50) (“the Regulations”).

1.1.2 The Regulations revoke the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 (“the 2004 Regulations”) as well as those regulations listed in schedule 2 to the Regulations.

1.1.3 The Regulations came into force on 1 April 2022 and prescribe the fees for planning applications made on or after that date. The 2004 Regulations continue to apply to applications made before 1 April 2022.

1.1.4 This Circular supersedes Circulars 1/2004 and 2/2013.

2. Scope of fees

2.1.1 The fees regulations apply to:

- applications for planning permissions;
- approval of matters specified in conditions which relate to a grant of planning permission in principle;
- applications for consent to display advertisements;
- applications arising from certificates of lawful use or development; and
- certain applications for the determination as to whether prior approval of a planning authority is required.

2.1.2 Authorities have the discretion to introduce charges for:

- the variation, discharge or approval of conditions attached to a grant of planning permission;
- discussions undertaken in advance of the submission of an application;
- a non-material variation of a planning consent; and
- a surcharge for applications where development has already taken place (“retrospective applications”).

2.1.3 The fees regulations do not apply to any other type of application. In particular there are no fees for:

- applications for listed building consent;
- applications for certificates of appropriate alternative development; or
- applications to lop or fell trees subject to tree preservation orders.

2.1.4 The provisions for fees in the Regulations take effect from 1 April 2022 and fees at the levels prescribed in the Regulations are payable for applications made on or after that date. Where an application for approval of matters specified in

conditions is made relating to a grant of planning permission in principle which was granted prior to 1st April 2022 and the maximum fee of £125,000 has already, through cumulative applications, been exceeded then the standard application fee of £500 is applicable (only applies to development within categories 1, 4, 17, or 21 of table 1).

3. Exemptions

The Regulations provide for exemptions from fees for planning applications and applications for approval of matters specified in conditions (attached to planning permission in principle). This includes:

- Access for disabled persons
- Where permitted development rights are removed by way of an Article 4 Direction
- Where permitted development rights are removed by a condition imposed on a planning permission
- Repeat applications

3.1 Means of access for disabled people

3.1.1 Applications for planning permission to alter or extend an existing dwellinghouse, or to carry out operations within the curtilage of an existing dwellinghouse, are exempt from payment of a fee if the planning authority is satisfied that the proposed development is intended solely to improve access, safety, health or comfort for a disabled person who is living in the house. This also applies to cases where the disabled person is not yet in residence. The exemption does not apply to the construction of a new dwellinghouse. Applications for operations in connection with a building to which the public have access are also exempt from payment of a fee if the planning authority is satisfied that the proposed development is to provide means of access to or within the building for disabled persons. The exemption is not confined to those buildings where there is a statutory obligation to provide such access.

3.2 Article 4 directions

3.2.1 Where a planning application is required to be made only because a direction under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the GPDO”) has removed permitted development rights, the application is exempt from fees. The GPDO grants planning permission for specified types of development, meaning they can be carried out without a planning application having to be submitted to, and approved by, the planning authority. These national grants of planning permission are sometimes referred to as permitted development rights (PDRs). An Article 4 Direction removes PDRs for particular types of development within the area covered by the Direction.

3.3 Planning conditions removing permitted development rights and rights under the use classes order

3.3.1 Where an application is required to be made only because the right to carry out development permitted by the GPDO has been removed by a condition attached

to a planning permission, that application is exempt from fees. Similarly, applications required only because the right to make a change of use within a class of the Use Classes Order has been removed by a condition are exempt.

3.4 Repeat applications

3.4.1 Regulations 11 and 12 provide that, where an application is:

- withdrawn, granted or refused;
- where an appeal has been dismissed by the Scottish Ministers;
- where the applicant has appealed to the Scottish Ministers on the grounds of non-determination by the planning authority of the application; or
- the applicant has required the planning authority to review the application on the grounds of non-determination.

The same applicant may submit, without paying a fee, one further application for the same character or description of development on the same site.

3.4.2 Where the original application was for planning permission in principle, only a "repeat" application for planning permission in principle may be exempt from fees. In the case of an application for AMSC, to be exempt the revised application must relate to the same matters. In any case, the revised application must be made:

- within 12 months of the decision on the earlier application or the appeal;
- in the case of a withdrawn application, within 12 months of the lodging of the earlier one; or,
- in the case of an appeal or review against non-determination, within 12 months of the expiry of the period within which the planning authority are required to decide the application.

3.4.3 An applicant may benefit from this exemption only once for any given site or part of that site. If they need to submit a further revised application, the full fee is payable. The Regulations allow revisions to schemes to include small amounts of land to accommodate revised access arrangements, but in no other circumstances are revisions which include additional land eligible for exemption from fees. In order to benefit from these provisions, it is necessary that the appropriate fee was paid for the original application.

3.4.4 Regulation 13 provides that no fee is payable for a repeat application for a certificate of lawful use or development or a certificate of proposed use or development where a previous application for a certificate of lawful use or development or certificate of proposed use or development:

- has been withdrawn before the authority have issued a decision; or
- has been refused either by the authority or Scottish Ministers.

No fee is payable as long as the application is made:

- within 12 months of the refusal of the earlier application;
- in the case of a withdrawn application, within 12 months of the lodging of the earlier one.

- 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.
- the planning authority to which the application is made is satisfied that it relates to a use, operation or other matter of the same description as the use, operation or matter to which the earlier application related and to no other use, operation or matter;
- the fee payable in respect of the earlier application was paid; and
- no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted from payment of a fee by virtue of this regulation or regulation 12 of the 2004 Regulations.

3.5 Revised applications

3.5.1 There may be cases where an applicant wishes to alter a development after planning permission has been granted. If the amendments are of a minor nature they may be dealt with without the requirement for a formal application as provided by Section 64 of the Town and Country Planning (Scotland) Act 1997 (see paragraph 5.4 with regards to the fee involved).

3.5.2 However, where a formal application is required to deal with variations there is an exemption from fee, as described above and designed to cover the same degree of change to development proposals. The exemption applies where planning permission has been given and the same applicant submits one further application for the same character or description of development as that permitted, within 12 months of the grant of the permission and for the same site or part of it. Only one such application will be exempt. Where the original permission was planning permission in principle, only an application for planning permission in principle can be exempt. The exemption also applies to applications for CLUDs, AMSC and to revised applications planning permission in principle where the permission granted was not a planning permission in principle.

4. Reduced fees

There are a number of cases where a reduced fee is payable.

4.1 Development crossing planning authority boundaries

4.1.1 Where a development crosses the boundaries between planning authority areas the applicant is required to apply to each authority in whose area parts the land are situated in. However the applicant is not required to pay a fee to each planning authority. Amounts should be calculated separately for each application, in the normal way, and then added together. The applicant pays this amount or they pay - if less - an amount equal to 150% of the fee they would have paid had they been able to make one application. The fee is paid to the authorities as per the proportion of the development which occurs in each area.

4.2 Alternative schemes for the development of the same land

4.2.1 In order not to discourage the submission of alternative applications for the same site, there is a reduced fee in those cases where the applications are submitted on the same date and by or on behalf of the same applicant. The concession does not apply to cases where development of different land is involved, where fees should be added together for each application in the normal way. Nor does it apply when a single application relates to the erection of a building where several alternative uses are proposed, where the normal fee for the erection of that building would be payable. However, where other alternatives are submitted, for example where alternative positions on a site are envisaged or where alternative designs or forms of development or alternative uses for an existing building are proposed, the concession will apply.

4.2.2 The reduced fee applies regardless of whether the alternative proposals are contained in one or several application forms, providing that in the latter case all the forms are submitted on the same date. It applies to full planning permission, planning permission in principle and to applications for the approval of matters specified in conditions. Fees should be calculated separately and in the normal way for each of the alternatives. The total fee payable is then calculated by adding to the highest of these separate accounts half the sum of the other separate amounts.

4.3 Community councils

4.3.1 There is a reduced fee for applications made by or on behalf of community councils (this also applies to their advertisement applications). The fee is half of whatever would be the normal fee for the application in question.

4.4 Playing fields

4.4.1 Applications by not for profit clubs, or other not for profit sporting or recreational organisations, relating to playing fields for their own use are charged a flat rate fee £600. The fee applies to applications including for the change of use to use as playing fields together with associated operations (such as earth-moving, draining or levelling) but does not extend to the erection of buildings containing floor space. Playing fields would include football, hockey or cricket pitches, but not squash courts, tennis courts or golf courses.

4.5 Approval of matters specified in conditions

4.5.1 Paragraphs 7.5.1 to 7.5.4 set out how the fees for applications for approval of matters specified in conditions should be calculated. Where the maximum fee has been reached through cumulative applications a flat rate fee of £500 is payable for each subsequent application.

4.6 Conservation areas

4.6.1 Where an application is required to be made only because the right to carry out development permitted by the GPDO has been removed due to the proposed

development occurring within a Conservation Area then the fee which would be due to be paid is to be reduced by 25%.

4.7 Waiving or reducing fees

4.7.1 Regulation 5 provides that an authority may waive or reduce any planning fees that would otherwise be payable under the Regulations. An authority may only waive or reduce a fee if it has published a charter setting out the circumstances in which they will waive or reduce fees. This could be, for example, where an authority wishes to seek to encourage certain types of development in order to meet a policy objective/outcome, where the viability of development would otherwise be significantly and demonstrably affected, or where the type of development was not envisaged or provided for by the Regulations.

4.7.2 If such a Charter is published, it must include where the application relates to development which in the opinion of the authority, has the primary purpose of contributing to a not for profit enterprise or a social enterprise; and where the application relates to development which in the opinion of the planning authority, is likely to contribute to improving the health of residents of the area to which the application relates. As outlined above it is up to authorities to determine what types of development shall fall into these categories. If a planning authority waives or reduces any planning fee, it must include its reasons for doing so in the decision notice issued under regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 in respect of the relevant application.

5. Discretionary fees

The Regulations extends the range of services for which an authority may introduce charges for. Some of these charges are up to the authority to set out and others are as prescribed in the regulations.

5.1 Pre-application discussions

5.1.1 Planning authorities may only charge fees for pre-application discussions if has first published information which sets out:

- the services for which a fee is to be charged (this may, for example, specify who is to be involved in discussions, how feedback is to be provided to prospective applicants and relevant timescales);
- how the fees for each level of service have been calculated; and
- under what circumstances the authority may waive or reduce the fee.

5.1.2 This information must be published on the authority's website.

5.2 Non-material variations

5.2.1 The Regulations provide that an authority may introduce a charge of £200 for each request for a non-material variation to a planning permission under Section 64 of the Town and Country Planning (Scotland) Act 1997.

5.3 Conditions (excludes AMSC applications relating to planning permission in principle)

5.3.1 An authority may introduce a fee of £100 to provide written confirmation that a condition has been complied with. Similarly an applicant may wish seek written confirmation of compliance with a more than one condition within each request which will result in a single fee of £100 being payable.

5.4 Retrospective applications

5.4.1 Authorities may introduce a surcharge for applications for planning permission where the application relates to development carried out without permission (section 33 of the 1997 act). The fee is that which would be charged if the application were for planning permission for that development plus a surcharge of up to 25%. Planning authorities are required to set out the circumstances whereby the surcharge shall be applied or not applied.

6. Collection of fees

6.1 Payment

6.1.1 Payment for applications to planning authorities should accompany the application when it is lodged. The planning authority should not reject an application on the grounds that the correct fee has not been paid. However the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 provides that the 2 month statutory period within which the planning authority must notify the applicant of its decision does not begin to run until the appropriate fee has been paid. Therefore, when an otherwise correct application is received without the appropriate fee, the authority should send the applicant a request for the correct fee or balance and inform them that the 2 month statutory period for decision will begin on receipt of the fee or the amount outstanding and not before, and that a decision will not be notified to them before the correct fee has been paid.

6.2 Checking, refunds and adjustments

6.2.1 Planning authorities should confine their checking of fees submitted, to the minimum; consistent with good management practice. Where an application for planning permission is made which in the opinion of the authority is not required for what is being proposed (for instance because of Schedule 1 to the GPDO, or the definition of development), the authority should return the application with the fee to the applicant, with an explanation. In those circumstances a fee ought not to have been paid.

6.2.2 The Regulations do not provide for the refund of correct fees paid for valid applications once these are accepted, but refunds of any sums not required by the Regulations can be made at any stage. The fee is always determined on the basis of the application as made. Even if permission is granted for a development of a different size, or if the application is adjusted by agreement in the course of discussion with the applicant, or if an application for planning permission in principle

needs to be supplemented by details before it will be determined, no adjustment is made to the fee payable, either in the form of refunds or additional charges.

6.3 Disputes

6.3.1 If there is a disagreement between the applicant and the authority about the amount of the fee payable, the authority should seek to resolve the dispute with the applicant with as little delay to the processing of the application as possible. There is no formal disputes procedure laid down in the Regulations and the ultimate recourse is to the courts.

7. Calculation of fees

7.1 Site area and floor space

7.1.1 Wherever a fee is based on the site area, the site area is defined as the area to which the application relates; that is to say, the land being developed including any which changes its use as part of the development. This will normally be shown edged in red on the plan accompanying the application, while other land in the same ownership but not being developed is normally identified separately.

7.1.2 Where a fee is based on site area and the proposed development relates to only a small part of the site the application may be restricted to the part of the site where the development is to occur by edging that part of the site in red.

7.1.3 Wherever a fee is based on floor space, the floor space is taken to be the gross floor space (all storeys) to be created by the development shown in the application. For fees purposes this measurement is an external measurement, and includes the thickness of external and internal walls. Floor space does not include other areas inside a building which are not readily usable by humans or animals, e.g. lift shafts, tanks, loft spaces.

7.1.4 Where buildings featuring or comprising canopies are concerned, there can be no simple rule as to whether floor space is being created by the erection of the canopy, but the absence of external walls is not the determining factor. Petrol filling station canopies are, for example, unlikely to create floor space, but a dutch barn or other covered storage area would do.

7.1.5 Where floor space or site area (as the case may be) is not an exact multiple of the unit of measurement provided by the fees scale, the amount remaining is taken to be a whole unit for fees purposes. For advice on common floor space in mixed development see paragraphs 9.1.1 to 9.1.3.

7.1.6 The fee is always determined on the basis of the application as made. Even if permission is granted for a development of a different size, or if the application is amended by agreement in the course of discussion with the applicant, no adjustment is made to the fee payable.

7.2 Buildings on the site of demolished buildings

7.2.1 If an applicant intends to demolish an existing building and to rebuild on the same site the fee payable will be based on the area of the new building. If, for example, it were proposed to demolish a factory with 1,000 sqm of floor space and to erect one in its place of 2,000 sqm, the fee payable would be for the total floor space created by the new development i.e. 2,000 sqm.

7.3 Dwellinghouses

7.3.1 The Regulations define "dwellinghouse" for fees purposes as "a building or part of a building which is used as a single private dwellinghouse, and for no other purpose"; this differs from the GPDO definition, and includes a flat.

7.3.2 Fee calculations can be affected:

- a. by whether existing accommodation involved in a proposal already amounts to a dwellinghouse, and
- b. by whether accommodation to be created (e.g. by erection or change of use) will amount to a dwellinghouse.

7.3.3 The definition of a dwellinghouse would include:

- a. private houses, flats and maisonettes (authorities will need to decide on the facts of each case whether a bed-sit flat is sufficiently self-contained to constitute a dwellinghouse: it is not practicable to cover all the possibilities here);
- b. a house in multiple occupation with some rooms shared communally;
- c. a holiday flat if self-contained and owned by a private owner (but not if let on a short-term basis to paying guests).

7.3.4 Not included is anything which is not a building - e.g. a caravan.

7.4 Planning permission in principle

7.4.1 Applications for planning permission in principle are charged on the following basis:

7.4.2 Residential development

- Where only one dwellinghouse is to be created, £600
- Where more than one dwellinghouse is to be created and the site area does not exceed 2.5 hectares the fee is £600 for each 0.1 hectare up to 2.5 hectares of the site area.
- Where the site area exceeds 2.5 hectares the fee is £600 for each 0.1 hectare up to 2.5 hectares of the site area and then £300 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £75,000

7.4.3 Non-residential buildings

- £600 for each 0.1 hectare up to 2.5 hectares of the site area, and then £300 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £75,000.

7.4.4 An application for planning permission in principle must be made in the way described in the Development Management Regulations. The applicant may include

details of the development, provided that details of certain matters are not given in that application and can still be identified in a condition by the planning authority for subsequent approval.

7.5 Approval of matters specified in conditions

7.5.1 Where planning permission in principle is granted, applications for AMSC on that planning permission in principle are subject to a payment of a fee.

7.5.2 Except where liable to the flat rate fee described below, an application for AMSC is charged at the same rate as for full applications for planning permission. The fee is calculated under the category or categories appropriate to the development as a whole, on the normal basis of the number of dwellinghouses, the site area or the amount of floor space created. So for a housing scheme, an application will incur - if not the flat rate fee - a fee based on the number of dwellinghouses to be erected. If the information needed to calculate the fee is not apparent from the application or the planning permission in principle, applicants will need to be asked to supply it.

7.5.3 Where an AMSC application relates only to one part or phase of the development covered by the PPP, fees should be charged on the basis of the number of dwellinghouses, the floor space or site area included in that part or phase, and similarly for subsequent applications.

7.5.4 An AMSC application made after obtaining the planning permission in principle for a development incurs a fee at the full rate, whatever matters are involved, until the total amount paid by the applicant in respect of the matters is equal to the fee that would have been paid at that time had approval been sought all at once in an application for the whole of the development covered by the original planning permission in principle. When that point is reached, any and all further applications pursuant to that PPP will attract the flat rate fee of £500.

8. Categories of fees

Appendices set out the list of fees for applications at the time of publication of this circular. The general provisions for fees and the scale of fees are set out in full in Schedule 1 to the Regulations.

8.1 Residential development (category 1)

8.1.1 Full applications for the erection of dwellinghouses are charged according to the number of dwellinghouses which are to be created. The rate is £600 per dwellinghouse for the first 10 dwelling houses, for dwellinghouses between 11-49 the rate is £450 per dwellinghouse and £250 per dwellinghouse for those 50 and above subject to a maximum of £150,000.

8.2 Householder extension and alterations (categories 2 & 3)

8.2.1 A flat rate fee of £300 is charged for applications to enlarge, improve, or alter an existing dwellinghouse, or to carry out works within its curtilage which are

ancillary to the enjoyment of the dwellinghouse as such. This fee also applies to walls, fences or other enclosures along the boundary of the curtilage. Where an application relates to one or more existing dwellinghouses, the rate is £300 per dwellinghouse subject to a maximum of £600. Any application for planning permission in principle for the erection of buildings under these categories will incur the same fees.

8.3 Non-residential building works (category 4)

8.3.1 Applications for full permission for buildings (other than dwellinghouses, agricultural buildings or glasshouses and polytunnels) are charged as follows:

- Applications for development creating no new floor space, or not more than 50 sqm of new floor space, are charged a fee of £300.
- Where the gross floorspace exceeds 50 sqm but does not exceed 100sqm the fee is £600.
- Where the gross floorspace exceeds 100 sqm it is £600 plus £600 per 100sqm up to 4000 sqm.
- Where the gross floor space exceeds 4000 sqm the fee is £24,000 plus £300 per 100 sqm up to the maximum of £150,000.
- Where no buildings are to be created the fee is £600 per 0.1ha up to a maximum fee of £150,000

8.4 Agricultural buildings (category 5)

8.4.1 Applications for agricultural buildings, are charged at the rate of £500 for the first 500 sqm and then every £500 for each 100 sqm or part thereof, beyond 500 sqm, subject to maximum of £25,000.

8.5 Glasshouses and polytunnels (category 6)

8.5.1 Glasshouses and polytunnels are defined as a building which has not less than three-quarters of its total external area comprised of glass or other translucent material, is designed for the production of flowers, fruit, vegetables, herb or other horticultural produce, and is used, or is to be used, solely for the purposes of agriculture.

8.5.2 Applications for the erection of glasshouse or polytunnels which are to be used for agricultural purposes are to be charged at £100 for each 100 sqm of ground area to be covered by the development subject to a maximum of £5,000.

8.6 Wind turbines (category 7)

8.6.1 This category applies to applications for the erection of wind turbines and the carrying out of other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.

- Where the number of turbines does not exceed 3 and their height (ground to hub height) does not exceed 15 metres the fee is £1,250.
- Where one or more of the turbines has a ground to hub height in excess of 15 metres but not 50 metres the fee is £2,500.

- Where one or more to the turbines has a ground to hub height in excess of 50 metres the fee is £5,000.
- Where the number of turbines exceeds 3, the fee is £500 per 0.1ha of the site area up to a maximum of £150,000.

8.7 Hydro-electric generating stations (category 8)

8.7.1 This category applies to applications for the erection of hydroelectric generating stations and the carrying out of other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines. The fee is £500 for each 0.1ha of the site area subject to a maximum of £25,000.

8.8 Solar electric generating stations (category 9)

8.8.1 This category applies to applications for the erection of solar electric generating stations and the carrying out of other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines. The fee is £500 for each 0.1ha of the site area subject to a maximum of £25,000.

8.9 Exploratory drilling for oil or natural gas (category 10)

8.9.1 Applications in respect of on-shore oil or natural gas exploration are charged according to the area of the site at a rate of £1,000 where the site area does not exceed 0.1ha. Where the site area exceeds 0.1ha the fee is £1,000 for the first 0.1ha and then £500 per 0.1ha of the site area in excess of 0.1ha up to a maximum of £150,000. For the purposes of calculation of fees for planning applications "exploratory drilling" should be taken to include "appraisal drilling".

8.10 Fish farming (category 11)

8.10.1 Applications for development involving the placing or assembly of equipment in any part of marine waters for the purposes of fish farming are charged a fee based on the surface area of the water and the area of seabed affected. The fee is calculated as £200 for each 0.1ha of the surface area of marine waters to be used in relation to the assembly or placement of any equipment to be used for the purposes of fish farming and £75 for each 0.1 hectare of the sea bed to be used in relation to such development up to a maximum of £25,000.

8.11 Shellfish farming (category 12)

8.11.1 Applications for development involving the placing or assembly of equipment in any part of marine waters for the purposes of shellfish farming are charged a fee based on the surface area of the water affected. The fee is calculated as £200 for each 0.1ha of the surface area of marine waters to be used in relation to the assembly or placement of any equipment to be used for the purposes of shellfish farming up to a maximum of £25,000.

8.12 Plant and machinery (category 13)

8.12.1 Applications for the erection, alteration or replacement of plant or machinery are charged according to the area of the site at a rate of £500 per 0.1 hectare or part thereof, for sites under 5ha. For sites over 5ha the fee is £25,000 plus £250 for each 0.1 ha of the site area in excess of 5 ha up to a maximum of £150,000.

8.13 Access, car parks etc. for existing uses (category 14)

8.13.1 Applications for the construction of service roads, other accesses, or car parks serving an existing use on a site are subject to a flat rate fee of £500.

8.14 Winning and working of minerals (category 15)

8.14.1 Applications for the winning and working of minerals (other than peat) are charged according to the area.

- Where the site area does not exceed 0.1ha the fee is £1,000.
- Where the site area exceeds 0.1ha the fee is £1,000 for the first 0.1ha and then £500 per 0.1ha of the site area in excess of 0.1ha up to 15ha.
- Where the site area exceeds 15 ha the fee is £75,000 plus £250 per 0.1ha of site area in excess of 15ha up to a maximum of £150,000.

8.14.2 The area will be the area to which the application relates and in the case of underground workings will include all the land under which any of the workings are to take place (development of oil and natural gas reserves is not regarded as "underground working"). The area should include the total area where development is to take place, including areas for landscaping.

8.15 Peat extraction (category 16)

8.15.1 Applications for the winning and working of peat are charged at the rate of £500 for each 0.1ha of the site area, subject to a maximum of £6,000.

8.16 Any other operations not coming within the categories above (category 17)

8.16.1 Applications for operations for any other purpose are charged according to the site area.

- Where the site area does not exceed 0.1ha the fee is £1,000.
- Where the site area exceeds 0.1ha the fee is £1,000 for the first 0.1ha and then £500 per 1ha of the site area in excess of 0.1ha up to 15ha.
- Where the site area exceeds 15 ha the fee is £8,500 plus £250 per 0.1ha of site area in excess of 15ha up to a maximum of £150,000.

8.17 Waste disposal and minerals stocking (categories 18 & 19)

8.17.1 Applications for the disposal of waste, whether this involves operations or simply a change in the use of land, and for the stocking of minerals and other

material extracted from the ground as part of the process of minerals extraction, are charged according to the area of the site.

- Where the site area does not exceed 0.1ha the fee is £1,000.
- Where the site area exceeds 0.1ha the fee is £1,000 for the first 0.1ha and then £500 per 0.1ha of the site area in excess of 0.1ha up to 15ha.
- Where the site area exceeds 15 ha the fee is £75,500 plus £250 per 0.1ha of site area in excess of 15ha up to a maximum of £150,000.

8.17.2 The site area should include any areas for landscaping.

8.18 Residential conversions (category 20)

8.18.1 Applications for the change of use of any building to use as one or more separate dwellinghouses are charged at a rate of:

- £600 per dwellinghouse for the first 10 dwelling houses,
- for dwellinghouses between 11-49 the rate is £450 per dwellinghouse: and
- for developments over 50 houses the fee is £23,550 plus £250 per dwellinghouse in excess of 50 subject to a maximum of £150,000.

8.19 Change of use of buildings (Category 21)

8.19.1 Applications for the change of use of buildings or land (other than the conversion to, or subdivision of, dwellinghouses, the tipping of waste or the stocking of minerals and spoil) are charged as follows:

8.19.2 Applications for the change of use of a building (except a change of use to use as one or more dwellinghouses) are to be charged based on the floor space on the building in question:

- with buildings with a floorspace which does not exceed 100 square metres the fee is £600;
- where the gross floorspace exceeds 100 sqm, it is £600 plus £600 per 100 square metres up to 4,000 sqm; and
- where the floorspace exceeds 4,000 sqm the fee is £24,000 plus £300 per 100 square metres in excess of 4,000 sqm up to the maximum of £150,000.

8.20 Change of use of land (Category 22)

8.20.1 Applications for the change of use of land (except for a change of use involving categories 18, 19, 21 or a change of use relating to equipment placed in marine waters for the purposes of fish or shellfish farming) are to be charged on the site area involved at a rate of £500 per 0.1 hectare subject to a maximum of £5,000.

9. Mixed category applications

9.1.1 Applications may often involve development which falls into more than one of the categories set out above (see paragraph 4.3 and 4.4 where alternative

development is involved). For instance the application may relate to detailed permission for:

- dwellinghouses and other buildings;
- buildings together with other works;
- change of use together with works;
- more than one change of use; or
- planning permission in principle for dwellinghouses and other buildings.

9.1.2 The fee for an application for full permission, or for approval of reserved matters which involves both erection of buildings for residential purposes and other types of buildings (but only in this case) is calculated by adding together the fee appropriate for each development. This applies whether the 2 types are combined or in separate buildings. For applications for planning permission in principle, the fee is simply derived from the total site area. Where a mixed use building includes common service floor space areas (e.g. foyers) serving both the residential and other parts of the building, these areas are divided pro-rata to the floor space of each type of development, and the non-residential portion of common floor space is added to the area of the non-residential floor space in the building for the purpose of calculating the fees.

9.1.3 Where an application relates to 2 or more categories, only the higher or highest of the fees calculated under those categories is charged.

10. Advertisements

10.1.1 All applications for express consent for the display of advertisements are subject to a flat rate fee of £300. Where the application relates to a number of individual advertisements to be displayed on a single site, a single fee will be charged for the site as a whole. But when a single application deals with advertisements to be displayed on more than one site, a fee will be payable for each site included in the application.

10.1.2 The only exception is for an application to display advertisements on parking meters, litter bins, public seating benches or bus shelters within a specified area. Regulation 3(5) provides that the whole of the specified area is to be regarded as one site for the purpose of calculating the fee.

11. Prior approval determinations

11.1.1 Where an application for a determination as to whether the planning authority's prior approval is required in relation to development permitted under Schedule I to the GPDO the fee is £100, apart from where an application is made under:

- Paragraph 4A of class 18 Part 6 - Agricultural buildings and operations (Formation or alteration of a Private Way) – no fee
- Paragraph 4 of Class 18B Part 6 – Agricultural Buildings and Operations (Conversion of an agricultural building to residential use) - £500

- Paragraph 5 of Class 18C Part 6 - Agricultural Buildings and Operations (Conversion of an agricultural building to flexile commercial use) - £500
- Paragraph 4 of Class 21A Part 6A – Fish Farming - £500
- Paragraph 4 of Class 22A Part 7 – Forestry Buildings and Operations (Conversion of a forestry building to residential use) - £500
- Paragraph 4 of Class 22B Part 7 – Forestry Buildings and Operations (Conversion of a forestry building to flexile commercial use) - £500
- Paragraph 4 of Class 22 Part 7 – Forestry Buildings and Operations – no fee
- Sub Paragraph 23 of Class 67 of Part 20 – Development by Electronic Communications Code Operators - £500

12. Fees for applications for certificates of lawful use or development

12.1.1 Certificates of Lawful Use or Development provide a mechanism for establishing the planning status of land, i.e. whether an existing or proposed use or development is lawful for planning purposes. Anyone (not just a person with an interest in the land) can apply to a planning authority for a decision on whether a specified existing or proposed use, operational development, or failure to comply with a planning condition or limitation, which has already been carried out on land, is lawful for planning purposes. Each application lodged with a planning authority must be accompanied by the appropriate fee as prescribed in the Regulations. There are certain exceptions, exemptions and maximum charges prescribed in the Regulations, but fees are payable in respect of applications regardless of the fact that the subject matter of the application may prove to be lawful for any reason.

12.2 Certificates of lawfulness of existing use or development

12.2.1 An application to ascertain whether any existing use of buildings or other land is lawful and/or if any operations which have been carried out in, on or over land are lawful the fee is the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).

12.2.2 An application for any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful the fee is £300.

12.3 Certificates of lawfulness for proposed use or development

12.3.1 An application to ascertain whether any proposed use of buildings or other land is lawful or if any operations which are proposed to be carried out in, on or over land would be lawful the fee is half the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).

12.3.2 Where the proposed use specified is use as one or more separate dwellinghouses the fee is £600 for each dwellinghouse, subject to a maximum of £150,000.

13. Enquiries

13.1.1 Any enquiries about this Circular should be sent to chief.planner@gov.scot. Or otherwise addressed to Chief Planner, Scottish Government, Planning, Architecture and Regeneration Division, Victoria Quay, Edinburgh EH6 6QQ.



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Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80435-686-9 (web only)

Published by The Scottish Government, June 2022

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1115282 (06/22)

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