

# Local Government, Housing and Planning Committee

21<sup>st</sup> Meeting, 2021 (Session 6)

Tuesday 28 June 2022

## SSI cover note for: SSI 2022/190: The Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2022

### SSI 2022/190

**Title of Instrument:** [The Town and Country Planning \(Fees for Applications\) \(Scotland\) Amendment Regulations 2022](#)

**Type of Instrument:** Negative

**Laid Date:** 1 June 2022

**Circulated to Members:** 9 June 2022

**Meeting Date:** 28 June 2022

**Minister to attend meeting:** No

**Motion for annulment lodged:** No

**Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee?** No

**Reporting deadline:** 12 September 2022

### Recommendation

1. The Committee is invited to consider any issues which it wishes to raise on this instrument.

2. An electronic copy of the instrument is available at: <https://www.legislation.gov.uk/ssi/2022/190/contents/made>

3. Copies of the Scottish Government's Explanatory and Policy Notes are attached in **Annexe A**.

## Purpose

4. The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 ("the 2022 Regulations") set out the fees which planning authorities can charge for the submission of a planning application.

The Amendment Regulations:

- insert provisions into the 2022 Regulations, which specify how to calculate the fees for: applications for mixed use developments; and alternative applications for the same piece of land; and
- correct errors in the 2022 Regulation relating to the fee for applications relating to 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.

## Delegated Powers and Law Reform Committee consideration

5. At its meeting on 14 June 2022, the DPLR Committee considered the instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

## Procedure for Negative Instruments

6. Negative instruments are instruments that are "subject to annulment" by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.

7. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a

Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

### **Clerks**

**Local Government, Housing and Planning Committee**

## **Annexe A**

### **Scottish Government Explanatory Note**

These Regulations amend the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 which made provision for the payment of fees to planning authorities in respect of applications made under the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

These Regulations add provision for the calculation of fees for applications for planning permission or for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle where the development falls into both categories 1 and 4 of table 1. Provision is made for the calculation of fees for applications for planning permission or for approval, consent, or agreement required by a condition imposed on a grant of planning permission in principle where two or more applications are made by the same applicant on the same date.

These Regulations also correct errors in categories 18 and 19 of table 1.

As per purpose above and including:

### **Scottish Government Policy Note**

THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS)  
(SCOTLAND) AMENDMENT REGULATIONS

2022 SSI 2022/190

The above instrument (“the Amendment Regulations”) was made in exercise of the powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative procedure.

#### **Purpose of the instrument**

The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 (“the 2022 Regulations”) set out the fees which planning authorities can charge for the submission of a planning application. The Amendment Regulations:

- insert provisions into the 2022 Regulations, which specify how to calculate the fees for: applications for mixed use developments; and alternative applications for the same piece of land; and
- correct errors in the 2022 Regulation relating to the fee for applications relating to 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.

## **Policy Objectives**

The 2022 Regulations replaced The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 (“the 2004 Regulations”). Provisions relating to mixed-use developments and alternative applications for the same piece of land which are submitted by the same applicant on the same day which were in the 2004 Regulations were not replicated in the 2022 Regulations. The 2022 Regulations also contained minor errors in how the fee for 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 are to be calculated. The Amendment Regulations insert provisions relating to mixed use development and alternative applications, and correct minor errors.

## **Consultation**

The 2022 Regulations were preceded by a public consultation on planning performance and fees, which was carried out between December 2019 and February 2020. The consultation did not propose that the provisions now being inserted into the 2022 Regulations, which were in the 2004 Regulations, would not be included. No further consultation has therefore been undertaken.

## **Impact Assessments**

As highlighted above, the Amendment Regulations reinstate provisions which were not intended to be removed or amended. As such, the impact assessments which were undertaken in respect of the 2022 Regulations are considered to remain relevant.

## **Financial Effects**

As highlighted above, the Amendment Regulations reinstate provisions which were not intended to be removed or amended. The conclusions of the Business and Regulatory Impact Assessment completed in respect of the 2022 Regulations are therefore considered to remain relevant

Scottish Government  
Local Government and Communities Directorate

31 May 2022