

Local Government, Housing and Planning Committee
Tuesday 14 January 2025
1st Meeting, 2025 (Session 6)

Town and Country Planning (Fees for Applications) (Scotland) Amendment (Amendment) Regulations 2024 (SSI 2024/369)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 29 January. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. Further information about the instrument is summarised below:

Title of instrument: [Town and Country Planning \(Fees for Applications\) \(Scotland\) Amendment \(Amendment\) Regulations 2024 \(SSI 2024/369\)](#)

Laid under: Powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997

Laid on: 05/12/2024

Procedure: Negative

Deadline for committee consideration: 27/01/2025

Deadline for Chamber consideration: 29/01/2025

Commencement: 11/12/2024

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Purpose of the instrument

7. The purpose of the instrument is to amend the Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations (SSI 2024/292) to correct an error by which “In Part 3, Table 1, introduced by regulation 8 of SSI 2024/292, paragraph 20(c) states £591 when this should in fact be £519.”
8. The [Policy Note](#) accompanying the instrument provides further information and is attached as Annexe A. There is also a [Child Rights and Wellbeing Impact Assessment](#) relating to the instrument.

Delegated Powers and Law Reform Committee consideration

9. The DPLR Committee [reported on the instrument after considering it at its meeting on 17 December](#). The DPLR Committee drew the instrument to the attention of the Parliament under reporting ground (j) for failure to comply with the laying requirements in section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.
10. The DPLR Committee’s Report includes a letter to the Presiding Officer as an annexe which explains the reasons for the breach which, as noted above, relate to a typographical error.
11. The Scottish Government’s view, therefore, is “that it is necessary to breach the 28 day laying requirement to ensure that the errors identified are rectified in time for the coming into force of SSI 2024/292.” SSI 2024/292 came into force on 12 December 2024.
12. The DPLR Committee was content with the reason stated for the failure to comply with the laying requirements and made no recommendations in relation to the instrument.

Explanation to the Presiding Officer

13. As the instrument was laid less than 28 days before coming into force, the Scottish Government is required by law to provide an explanation. This is set out in the letter to the Presiding Officer at Annexe B of the [DPLR Report](#) as noted above.

Committee consideration

14. So far, no motion recommending annulment has been lodged.
15. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or

- inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

16. It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

17. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

18. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee
January 2025**

Annexe A - Scottish Government Policy Note

POLICY NOTE THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS) (SCOTLAND) AMENDMENT (AMENDMENT) REGULATIONS 2024 SSI 2024/369

The above instrument 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.

Summary Box

The above instrument 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.

The Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2024 sets out the fees which an authority can charge for the submission of a planning application.

The Town and Country Planning (Fees for Applications) (Scotland) Amendment (Amendment) Regulations 2024 correct an error in Part 3, Table 1, introduced by regulation 8 of SSI 2024/292, paragraph 20(c) which states £591 when this should in fact be £519.

Policy Objectives

The Amendment Regulations are intended to correct the error identified above in advance of the Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2024 coming into effect on 12 December.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Town and Country Planning (Fees For Applications) (Scotland) Amendment (Amendment) Regulations 2024 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

We have not undertaken consultation on the change proposed by this SSI as it is intended to correct an error identified after SSI 2024/292 was laid.

Impact Assessments

A revised Child Rights and Wellbeing impact Assessment has been completed. We do not consider that the other individual impact assessments are required be revised due to the change proposed by this SSI.

Financial Effects

Paragraph 20(c) relates to the change of use of buildings to dwellinghouses. The effect of this error if not corrected is that changing the use of a building to create 50 or more dwellinghouses would incur a fee of approximately £2800 more for the first 49 dwellinghouses than for a development which proposes the change of the use of a building to create 49 dwellinghouses. It is therefore necessary to make corrections to the new provisions.

Scottish Government
Planning Architecture and Regeneration Directorate
5 December 2024

Annexe B: Explanation to the Presiding Officer of why the instrument was laid in breach of the statutory laying requirements

Dear Presiding Officer

THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS) (SCOTLAND) AMENDMENT (AMENDMENT) REGULATIONS 2024

The Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2024 (SSI 2024/292) were made under Section 252 of the Town and Country Planning (Scotland) Act 1997. They were laid before the Scottish Parliament on 31 October 2024 and are due to come into effect on 12 December 2024.

The general effect of the Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2024 is to increase the planning fees currently payable under the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 from 12 December 2024.

The Town and Country Planning (Fees for Applications) (Scotland) Amendment (Amendment) Regulations 2024 are required to correct a minor error in the SSI 2024/292.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 has not been complied with. In accordance with Section 31(3) of that Act, this letter explains why.

In Part 3, Table 1, introduced by regulation 8 of SSI 2024/292, paragraph 20(c) states £591 when this should in fact be £519.

It is therefore necessary to correct the new provisions.

The Scottish Government's view is, therefore, that it is necessary to breach the 28 day laying requirement to ensure that the errors identified are rectified in time for the coming into force of SSI 2024/292.

Yours sincerely

Fiona Simpson

Chief Planning & Director of Planning Architecture and Regeneration Directorate