



TOWN AND COUNTRY PLANNING (APPLICATION AND APPEAL FEES)(NO. 2) ORDER 2015

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Statutory Document No. 2015/0226



Fees and Duties Act 1989

TOWN AND COUNTRY PLANNING (APPLICATION AND APPEAL FEES)(NO. 2) ORDER 2015

Approved by Tynwald: 23 July 2015
Coming into Operation: 1 August 2015

The Department of Environment, Food and Agriculture makes the following Order under section 1(1) of the Fees and Duties Act 1989.

1 Title

This Order is the Town and Country Planning (Application and Appeal Fees)(No. 2) Order 2015.

2 Commencement

If approved by Tynwald, this Order comes into operation on 1 August 2015¹.

3 Interpretation

(1) In this Order —

“**Act**” means the Town and Country Planning Act 1999;

“**Advertisement Regulations**” means the Town and Country Planning (Control of Advertisements) Regulations 2013²;

“**Appellant**” means a person by whom an appeal is brought under article 7;

“**CLUD Regulations**” means the Town and Country Planning (Certificates of Lawful use or Development) Regulations 2005³;

“**Department**” means the Department of Environment, Food & Agriculture;

“**disabled person**” means a person with a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities;

¹ Tynwald approval is required by section 1(4) of the Fees and Duties Act 1989

² SD 0434/2013

³ SD 0253/2005 as amended by SD 0674/2005

“**Permitted Development Order**” means the Town and Country Planning (Permitted Development) Order 2012⁴;

“**Procedure Order**” means the Town and Country Planning (Development Procedure) (No.2) Order 2013⁵;

“**Registered Buildings Regulations**” means the Town and Country Planning (Registered Buildings) Regulations 2013⁶;

“**Residential Unit**” means a single domestic unit used for residential occupation; and

“**Telecommunications Order**” means the Town and Country Planning (Permitted Development) (Telecommunications) Order 2013⁷.

4 Fees for certain planning applications

Subject to articles 5 and 6, if an application for planning approval is made to the Department on or after 1 August 2015, a fee is payable in accordance with the relevant category of development as set out in the table in Part 2 to the Schedule.

5 Waiver of fee

(1) The Department may waive any planning application fee requirements imposed by article 4 if it is satisfied that any of the conditions specified in paragraph (2) are fulfilled in respect of a planning application under article 4 (relating to category 1,2,3,7 or 8 of the table in Part 2 of the Schedule).

(2) The conditions referred to in paragraph (1) are —

- (a) that the application relates solely to the carrying out of an operation 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);
- (b) that the application is for works to a building or premises in a conservation area designated by an Order under section 18 of the Act which would otherwise not have constituted development by virtue of an order under section 6 of the Act; and
- (c) that the permission granted by article 4 of the Permitted Development Order does not apply in respect of that development by reason (and by reason only of) —

⁴ SD 0254/2012

⁵ SD 0238/2013

⁶ SD 0432/2013

⁷ SD 0433/2013

- (i) a direction made under article 5 of the Permitted Development Order which is in force on that date when the application is made; or
- (ii) the requirements of a condition imposed on a permission granted or deemed to be granted by Part 2 of the Act otherwise than by a condition imposed by the Permitted Development Order.

6 Exemptions

- (1) No fee is payable under this Order in the case of a planning application under article 4 (relating to category 1,2,3,7 or 8 of the table in Part 2 of the Schedule) made by or on behalf of—
 - (a) an institution or body of persons which is —
 - (i) registered as a charity under the Charities Registration Act 1989; or
 - (ii) exempt from registration under that Act;
 - (b) a disabled person to provide a means of access to or within a dwelling house where that person is resident in or is proposing to take up residence in that dwelling house or to provide facilities designed to secure the person's greater safety, health or comfort.
- (2) Except in the case of category 5 of the table in Part 2 of the Schedule, no fee is payable under this Order in the case of a planning application made by or on behalf of —
 - (a) a Department or Statutory Board or Manx National Heritage; or
 - (b) a local authority.
- (3) No fee is payable under this Order in the case of an application for registered building consent under section 15 of the Act and regulation 7 of the Registered Buildings Regulations .

7 Fees to accompany planning appeals

If a planning appeal is made to the Department on or after 1 August 2015 for any of the following, a fee is payable in accordance with article 8 —

- (a) an appeal under article 8(1) of the Procedure Order;
- (b) an appeal under regulation 13 of the Advertisements Regulations;
- (c) an appeal under article 8(1) of the Procedure Order by virtue of paragraph 3(12) of Schedule 1 to the Telecommunications Order;
- (d) an appeal under article 8(1) of the Procedure Order, by virtue of paragraph 6, Part 2, of Schedule 1 to the Acquisition of Land Act 1984; and
- (e) an appeal under regulation 11 of the Registered Buildings Regulations.

8 Planning appeal fee payable

The fee payable under article 7 is £165 for each appellant making an appeal to which that article applies.

9 Refund of appeal

Any appeal fee paid under article 8 must be refunded if the appeal is successful.

10 Revocation

The Town and Country Planning (Application Fees) Order 2014⁸, The Town and Country Planning (Application and Appeal Fees) Order 2015⁹ and the Town and County Planning (Appeal Fees) Order 2013¹⁰ are revoked

MADE 23RD JUNE 2015

R A RONAN

Minister for Environment, Food and Agriculture

⁸ SD 0064/2014

⁹ SD 2015/0088

¹⁰ SD 0239/2013

SCHEDULE 1

[Article 4]

PLANNING APPLICATION FEES

PART 1

GENERAL PROVISIONS

- (1) Subject to paragraphs (2) and (3), the fee payable under article 4 is calculated in accordance with paragraphs (4) and (5) and the table in Part 2.
- (2) If an application is made pursuant to section 9(2) (retrospective applications) of the Act, relating to the retention of buildings or works or to the continuance of a use of land carried out before the date of the application, the fee payable is calculated as if the application were one for planning approval to construct or carry out those buildings or works or to institute that use.
- (3) If a planning application relates to a development falling within more than one of the categories specified in category 2 of the table in Part 2, the application is treated for the purpose of this paragraph as being an application relating to development within the category for which the fee payable is the highest.
- (4) If with respect of any category of development specified in the table in Part 2, the fee is to be calculated by reference to the site area –
 - (a) that area is taken as consisting of land to which the application relates; and
 - (b) if 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 is treated as a complete unit.
- (5) In relation to development within the categories specified in the table in Part 2, the area of gross floor space to be created by the development is ascertained by external measurements of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building.

PART 2

FEES FOR APPLICATIONS MADE ON OR AFTER 1 AUGUST 2015

<i>No.</i>	<i>Category of development</i>	<i>Fee</i>
1	Application for approval in principle and/or of reserved matters	
(a)	Application for approval in principle where all matters are reserved for later approval	£150 for first 5,000m ² (0.5 ha) of site area plus £150 for each additional 1,000 m ² (0.1 ha) (or part thereof) of site area.
(b)	If reserved matters are proposed, either as part of the approval in principle or as a separate application for reserved matters (following an approval of an application for approval in principle).	<p>A fee will be payable for the submission of an application for each aspect of reserved matters dealing with:</p> <ul style="list-style-type: none"> a) Siting, design, external appearance and layout – fee to reflect the amount payable according to the full application category of development – 2(a) to 2(i) as set out in this table. b) Access only - £150 for first 5,000m² (0.5 ha) of site area plus £150 for each additional 1,000 m² (0.1 ha) (or part thereof) of site area. c) Landscaping only - £85 for first 5,000m² (0.5 ha) of site area plus £150 for each additional 1,000 m² (0.1 ha) (or part thereof) of site area. <p>For the submission of one or more reserved matters in a single application the highest fee would be payable.</p>

2	Full application for approval of building, rebuilding, engineering, mining or other operations	
(a)	The erection of, or conversion of a building to, one or more residential units.	£265 for each residential unit with a gross floor space up to 300m ² plus £265 for each additional 300m ² (or part thereof) of gross floor space for each residential unit created.
(b)	Development relating to a residential unit or within the curtilage thereof: including – (i) an extension; (ii) a garage (whether attached or detached); (iii) another building; (iv) the erection of fences, walls (or other means of enclosure), or satellite dishes; or (v) the laying of hard standing or landscaping works.	If no floor space is to be created by the development, £85. For development creating up to 15m ² of gross floor space, £150. For development exceeding 15m ² and up to 300m ² , of gross floor space, £265 plus £150 for each additional 100m ² (or part thereof) of gross floor space.
(c)	Agriculture The erection of buildings to be used for agricultural purposes.	£150 for development up to 500m ² of gross floor space plus £150 for each additional 100m ² (or part thereof) of gross floor space.
(d)	Equestrian The erection of buildings to be used for equestrian purposes.	£150 for development up to 300m ² of gross floor space plus £150 for each additional 100m ² (or part thereof) of gross floor space.
(e)	Waste and minerals. Development for – (i) the disposal and / or recycling of refuse or waste materials or for the deposit of materials remaining after minerals have been extracted from land; (ii) the storage of minerals in the open; or (iii) operations for the winning and working of minerals.	£265 for every 1000m ² (0.1ha) (or part thereof) of gross site area.
(f)	The erection, alteration or replacement of	If no floor space is to be created

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	plant or machinery other than for use for power generation purposes.	by the development, £265. For development, £115 for every 20m ² (or part thereof) of gross floor space / site area.
(g)	The erection, alteration or replacement of plant or machinery used for power generation purposes (excluding wind turbines and wind farms.)	£265 for every 1,000 m ² (0.1ha) (or part thereof) of site area.
(h)	The erection, alteration or replacement of plant or machinery used for purposes in connection with wind turbines and wind farms.	a) If the gross site area does not exceed 5 hectares, £265 for each 0.1 hectare (or part thereof) of the gross site area; b) If the gross site area exceeds 5 hectares, £13,000; and an additional £150 for each 0.1 hectare (or part thereof) in excess of 5 hectares.
(i)	Any operation not falling within (a) to (h) above.	a) If no floor space or site area is to be created by the development, £150. b) If floor space is to be created by the development £265 for up to 300m ² plus £115 for each additional 20m ² (or part thereof) of gross floor space. c) If site area is to be created by the development £115 for up to 300m ² plus £115 for each additional 300m ² (or part thereof) of gross site area.
3	Application for change of use of a building or land	
(a)	Application involving change of use of a building (other than a change of use coming within any of the other categories of development in this table).	£265 for every 1000m ² (or part thereof) of gross floor space.
(b)	Application involving change of use of land	£115 for up to 300m ² plus £115

	(other than a change of use coming within any of the other categories of development in this table).	for each additional 1000m ² (or part thereof) of gross site area.
4	Application for a certificate of lawful use or development made under regulation 2 of the CLUD Regulations – (i) Existing use or development; (ii) Proposed use or development.	(i) Fee to reflect the amount payable according to the category of development in the table. (ii) 50% of the above fee.
5	Telecommunications Application to determine whether the Department's prior approval is required under Schedule 1, paragraph 3(7) of the Telecommunications Order	£385
6	Advertisements. Application made under regulation 9 of the Advertisements Regulations for express consent to display an advertisement	£150 for each site on which an advertisement is displayed.
7	Variation or removal of condition	
(a)	Variation or removal of condition (except for extension of time limit to planning approval).	£265
(b)	Variation or removal of condition for extension of time to planning approval.	Fee to reflect the amount payable according to the category of development in the table.
8	A second planning application made within 12 months of the granting, refusal or withdrawal of the first application, provided the second application is on the same site and for a development of the same character or description as the earlier application.	50% of the fee under this Order that would have been due had a first application for planning approval been granted, refused or withdrawn.
9	Application for certificate of alternative development value under paragraph 5(1), Part 2, Schedule 1 of the Acquisition of Land Act 1984	£150 for first 5,000m ² (0.5 ha) of site area plus £150 for each additional 1000m ² (0.1 ha) (or part thereof) of site area.
<u>Notes</u>		
1. For the avoidance of doubt, square metres (m ²) are calculated as width multiplied by length ie an area of 4m by 5m would be 20 square metres.		

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2. For the avoidance of doubt, floor space means the total gross floor space [which is the total floor area] of all storeys to be created, measured externally.

3. Under Category 2(h), for the avoidance of doubt, gross site area means all land within the site area including –

- Any area that could potentially be covered by the rotating blades of a turbine;
- Access tracks, roads or paths;
- Cable trenches;
- Control rooms, substations and transformers;
- Meteorological masts; and
- Any other engineering works, buildings or structures ancillary to the windfarm.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Fees and Duties Act 1989. It revokes the Town and Country Planning (Application Fees) Order 2014 (SD 0064/2014) The Town and Country Planning (Application and Appeal Fees) Order 2015 (SD 2015/0088) and the Town and Country Planning (Appeal Fees) Order 2013 (SD 0239/13).

The Order increases the various fees applicable to planning applications and appeals under town and country planning legislation. In doing so it:

- removes the maximum limits for planning application fees;
- in order to better reflect the costs associated in dealing with these types of applications two new fee categories have been introduced for:
 - the erection, alteration or replacement of plant or machinery used for purposes in connection with wind turbines and wind farms; and
 - variation or removal of condition for extension of time limit to planning approval;
- provides greater clarity in wording and interpretation based on feedback from applicants and agents over the last 12 months, including:
 - fees payable for applications in principle and reserved matters applications;
 - variation or removal of conditions; and
 - changes of use of land or buildings.