

Planning Committee

2.00pm, Wednesday, 31 August 2022

Changes to Planning Fees

Executive/routine Wards Council Commitments	Routine All
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1. Recommendations

- 1.1 It is recommended that Planning Committee:
 - 1.1.1 Notes the content of this report in respect of changes to fees set by Scottish Government; and
 - 1.1.2 Agrees the proposed changes to the Council's discretionary charging regime.

Paul Lawrence

Executive Director of Place

Contact: David Givan, Chief Planning Officer and Head of Building Standards

E-mail: david.givan@edinburgh.gov.uk

Changes to Planning Fees

2. Executive Summary

- 2.1 This report provides details of the discretionary fees introduced in the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 (the Regulations), which came into force on 1 April 2022.
- 2.2 The Regulations have raised the fee levels for the majority of planning application types and have also introduced additional discretionary charging powers for pre-application advice, non-material variations and confirmation of compliance with a condition. The Regulations also allow the planning authority to waive or reduce application fees in certain circumstances and to apply a surcharge on retrospective applications.
- 2.3 The Regulations require planning authorities to set out, in a Charter, the fees they intend to charge. It is recommended Committee approves the proposed Edinburgh Planning Fee Charter (Appendix 1).

3. Background

- 3.1 In December 2019, the Scottish Government began a consultation into the existing national planning fees regime. The government sought the views from public sector bodies, the private sector and charitable and community organisations on proposed changes to the existing fee regime.
- 3.2 The Council submitted its response in early 2020. The onset of the COVID-19 pandemic resulted in a significant delay to the Scottish Government progressing the new charging regime.
- 3.3 The final consultation results were published in July 2021. The Regulations were laid before parliament on 11 February 2022 and came into force on 1 April 2022.
- 3.4 The Regulations represent the first wholesale change to fee-based legislation since the introduction of the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2014.
- 3.5 In addition to an increase in the fees, the Regulations introduce new discretionary charging powers relating to pre-application advice, non-material variations and written requests for compliance with conditions.

- 3.6 The Regulations also introduce modifications to the fees whereby a fee may be reduced or waived in accordance with certain criteria, or a surcharge can be applied for retrospective applications (this comes into force from 1 October 2022).
- 3.7 The planning service handled 5,674 applications in the financial year 2021/22. Some of these applications, such as those for listed building consent do not have a fee.
- 3.8 The planning service also undertakes several important statutory functions including development plan preparation and enforcement, which do not generate any fee income.
- 3.9 The increase in fee income will provide an opportunity to reinvested in the service.
- 3.10 The new Regulations introduce a number of new procedures, which will require the diversion of staff resources to develop, implement and monitor the new processes. Where these new procedures are discretionary, a balance needs to be struck between the level of work involved and the level of income received.

4. Main report

Increase in Fees

- 4.1 There are a number of mandatory changes to the fees within the regulations. These changes are not uniform and vary according to development type.
- 4.2 For example, the fee for a 'householder' application, which generally covers development such as house extensions and roof alterations has risen from £202 to £300.
- 4.3 The fee to change the use of commercial premises with a floor area of less than 100 square metres (sqm) has risen from £401 to £600. After this, an extra £600 is charged for each additional 100 sqm up to 4,000 sqm.
- 4.4 The fee to construct a new house has risen from £401 to £600. Where the number of houses is fewer than 50, fees are now levied at £600 for the first 10 and £450 for each new house thereafter.
- 4.5 The fee for an application for advertisement consent has risen from £202 to £300.
- 4.6 As a result of these increases, it is anticipated that fee income will rise by approximately 25%, but this is dependent on the types of applications being submitted, which is out-with the planning services control.

Regulation 4 – Charges for Discretionary Services

- 4.7 The Regulations formally introduce the provision to allow local authorities to make charges for a number of services that have not previously had a specific charge associated with them. These are termed discretionary charges and each authority is given the option to use these provisions if it so wishes.
- 4.8 The Planning Service previously introduced discretionary charging for Pre-Application Advice and Non-Material Variations under the terms of Section 20 of the Local Government in Scotland Act 2003 and the Best Value Guidance published in

2004, which allows local authorities to make arrangements to secure continuous improvement in performance, whilst maintaining an appropriate balance between quality and cost.

- 4.9 Through the introduction of discretionary charging in the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022, both the Pre-Application Service and the Non-Material Variations Service, will now operate in accordance with the Regulations.

Non Material Variations

- 4.10 A non-material variation (NMV) application is a proposal to change an approved development that will not significantly alter what was previously granted planning permission.
- 4.11 The Planning Service first introduced a charge for NMV applications on 1 April 2021.
- 4.12 The Regulations now make formal provision for this service with a flat rate fee of £200, as set by the Scottish Government.
- 4.13 Previously the Planning Service had used a sliding scale of fees proportionate to the scale of the development. The new flat rate fee will mean a potential reduction in the overall fee income for NMVs, as the larger scale developments will pay substantially less than that which was previously required by the Council.
- 4.14 Developments which are primarily related to improving accessibility for people with disabilities are exempt from the fees.
- 4.15 It is intended to continue with the existing procedure, which has been successfully operating since 1 April 2021, but now with the set fee of £200, as set by Scottish Government.

Pre-Application Service

- 4.16 The Planning Service introduced a Paid for Pre-Application Service (PPAS) on 1 July 2019.
- 4.17 The Regulations now make formal provision to allow for charging for this service. The Regulations state that fees can only be charged once information has been published setting out which services are subject to a fee, how fees are calculated, and under which circumstances the planning authority will waive or reduce a fee.
- 4.18 It is intended to continue with the current procedure, which has been operating since 1 July 2019. The fees are already published online, alongside the customer guidance for this service, which has been updated to fulfil the statutory requirements of the Regulations.

Discharge of Conditions

- 4.19 Regulation 4 provides the planning authority with the power to charge a fee for written confirmation of compliance with the conditions imposed on a grant of planning permission. The fee is a flat rate of £100 for each request, regardless of how many conditions may be attached to the consent.

- 4.20 The introduction of the ability to charge for written confirmation of compliance with conditions is a new power. The Scottish Government has chosen to set the fee as 'per request' and not 'per condition'. On average, the additional staffing resource required to manage the registration, collection of monies and the additional processing that would result is likely to cost more than the £100 fee received.
- 4.21 On the basis that the cost of implementation is greater than the income received, it is not considered viable to introduce this discretionary charge at this time. The situation will continue to be monitored in line with other service improvements to look at conditions monitoring and IT improvements. Should significant IT improvements be established to reduce the cost, the introduction of charging for the discharge of conditions will be reconsidered.

Regulation 5 - Power to Waive or Reduce Application Fees

- 4.22 Regulation 5 provides the planning authority with the power to either reduce an application fee or waive it entirely for certain types of development, as follows:
- *Where the application relates to development which, in the opinion of the planning 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 in the area to which the application relates.*
- 4.23 The statutory definition of what constitutes a not for profit enterprise is set out within section 252(1F) the Town and Country Planning (Scotland) Act 1997.
- 4.24 Having considered the implications of reducing or waiving the fee on these types of application, it is suggested that a 25% reduction of the fee would be appropriate. There remains a significant amount of work involved in determining these applications and it is therefore still appropriate to take a fee for the service. It is noted that Perth and Kinross Council has also adopted this approach.
- 4.25 The Regulations state that the planning authority may only waive or reduce application fees following the publication of a charter on its website. The proposed charter, including these details, is attached to Appendix 1.

Regulation 6 - Surcharges for Retrospective Applications

- 4.26 Regulation 6 provides the planning authority with the power to impose a surcharge on retrospective planning applications. Retrospective applications are applications for planning permission for development which has already commenced or has been completed. The surcharge can be levied at any rate up to a maximum of 25% of the application fee.
- 4.27 Retrospective applications are often linked to enforcement investigations. Enforcement is an important part of the planning service which is integral to upholding public confidence in the planning system. The planning authority does not receive any income for enforcement investigations and such investigations often

take a considerable amount of time and resource. It is therefore proposed to impose the full 25% surcharge on retrospective applications.

- 4.28 The proposed surcharge does not come into force until 1 October 2022. Prior to introducing any surcharge, the planning authority must ensure that information is published on its website detailing how the surcharge is calculated and under what circumstances a surcharge will be imposed. This information will be included in the Fee Charter, attached as Appendix 1.

Paragraph 8 of Schedule 2 - Reductions for Householder Alterations for Properties in Conservation Areas

- 4.29 Paragraph 8 of Schedule 2 allows for a reduction in the application fee of 25% for householder applications, which would otherwise have been permitted development but for the fact that the premises are situated in a conservation area.
- 4.30 Householders are afforded rights under national legislation to undertake certain developments without the need to apply for full planning permission. These rights are known as 'permitted development' and are set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). However, where houses are located within a Conservation Area, the permitted development rights often do not apply.
- 4.31 The Regulations make provision for a 25% reduction in fee, where an application is only required because the property is located in a conservation area and, as such, does not benefit from permitted development rights for the proposed development.
- 4.32 However, it should be noted that this reduction in fee is not applicable if the development involves the extension or enlargement of the house.
- 4.33 At present, the 25% reduction in fee is not applied when the application is submitted through the Scottish Government's e-planning service. The planning authority must therefore identify which applications qualify for the discount upon receipt.

Conclusion

- 4.34 The increase in fees and the introduction of discretionary charging, as detailed in the Regulations, is welcomed.
- 4.35 The Fee Charter, attached in appendix 1, details both the Scottish Government's set fee schedule and the recommended charges for discretionary charging options.

5. Next Steps

- 5.1 If approved by Committee, the Fee Charter charging regime, as attached in Appendix 1, will be implemented.
- 5.2 Further consideration will be made to fee charging for discharging planning conditions over the course of the coming year and any proposed changes will be reported back to Committee.

6. Financial impact

- 6.1 The preparation of new procedures and the assessment of existing householder applications for eligibility for a discount will be done within the existing operating budget of the planning service.

7. Stakeholder/Community Impact

- 7.1 The general increase in fees is set by Scottish Government. A consultation on the fees was carried out by Scottish Government in advance of it coming into force on 1 April 2022.

8. Background reading/external references

- 8.1 [Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022.](#)
- 8.2 [Circular 2/2022 Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022.](#)
- 8.3 Development Management Discretionary Charges report, Planning Committee on [3 February 2021.](#)
- 8.3 [Pre-Application Customer Service Guide.](#)
- 8.4 [Non Material Variation Service Customer Service Guide.](#)

9. Appendices

- 9.1 Appendix 1 – Planning Fee Charter.

Planning Fees Charter and Scale of Fees

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Scope of guidance

Planning fees are set by the Scottish Government. The relevant legislation is [The Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022](#). Further guidance is available in [Scottish Government Planning Circular 2/2022](#).

These Regulations replace the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004. They also introduce some additional categories of payment and enable the planning authority to charge discretionary fees for some services, to reduce or waive fees in certain cases and to apply a surcharge for retrospective applications.

Discretionary Charging – Waived or Reduced Fees

Regulation 5 of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 provides local authorities with the discretionary power to waive or reduce fees in the following circumstances:

- Where the application relates to development which, in the opinion of the planning 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 in the area to which the application relates.

Applications must meet **both** the above criteria to be considered for an exemption.

Edinburgh Council will reduce the required fee by 25%. The amount levied will depend on the type of application. For example, a £300 fee would be reduced to £225. The full statutory fee should be paid when the application is submitted. The Council will make a decision on receipt of an application as to whether a 25% reduction is applicable and will refund the applicant accordingly.

Prospective applicants should make clear in their supporting information if they are seeking a reduction in the application fee. Clear justification should be given for why the applicant believes that a reduction in the fee is applicable.

The statutory definition of what constitutes a ‘not for profit’ enterprise is set out within the Town and Country Planning (Scotland) Act 1997 (as amended) as follows:

- *“not for profit enterprise” means an organisation which a person might reasonably consider to exist wholly or mainly to provide benefits for society,*
- *“social enterprise” means an organisation whose activities are wholly or mainly activities which a person might reasonably consider to be activities carried on for the benefit of society (“its social objects”), and which—*
 - *generates most of its income through business or trade,*

- *reinvests most of its profits in its social objects,*
- *is independent of any public authority, and*
- *is owned, controlled and managed in a way that is consistent with its social objects*

If prospective applicants are of the opinion that their organisation meets the above criteria to be considered a not for profit or social enterprise, they should provide a supporting statement outlining why. Any statement should clearly cover the criteria described above. Supporting evidence should also be supplied.

There is no statutory definition of a proposal which is 'improving the health of residents'. Prospective applicants should provide supporting information with any application detailing why they are of the opinion that that their proposal will improve the health of residents in the local area.

If a required fee is not paid, the application will not be progressed to determination.

Discretionary Charging - Surcharges

Regulation 6 of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 provides the planning authority with the power to levy a surcharge of up to 25% on retrospective applications.

A retrospective application is an application for planning permission for a development which has already commenced or has been completed without the benefit of a grant of planning permission. Retrospective applications often result from Enforcement enquiries but can also be the result of other factors. A surcharge on retrospective applications is intended primarily to provide a means of recovering the costs of undertaking enforcement investigations.

Edinburgh Council will be imposing the maximum 25% surcharge allowed by the regulations. The amount levied will depend on the type of application. For example, a householder application involving a retrospective application for a summerhouse, section of decking or installation of windows would attract a surcharge of £75. This is 25% of the normal application fee of £300.

If you are submitting a retrospective application it is important that you highlight this at the time of submission. The surcharge will not be calculated when an application is submitted on e-planning. This is because e-planning is a national service which does not consider individual charges levied by local authorities, and will therefore be requested when your application is registered.

If the required surcharge is not paid, your application will not be progressed to determination.

If a retrospective application relating to an enforcement investigation is not determined due to failure to pay the surcharge, the Planning Service may elect to proceed to formal enforcement action to resolve the matter.

Surcharges for retrospective applications will come into force on 1 October 2022.

Payment of fees

An application is not valid, and the Council will not start considering it, until the full application fee has been paid.

Once an application is valid, an acknowledgment letter will be issued which acts as a receipt for the payment of fees.

Calculation of fees

Where a fee is based on floorspace, this means the gross floorspace (all storeys) created by the development. It should be measured externally and includes the thickness of external and internal walls. It excludes areas which are not readily usable by people or animals eg. liftshafts, tanks, loft space.

Where a fee is based on site area, the site of the development should be clearly outlined in red on the drawings.

Where floorspace or site area is not an exact multiple of the unit of measurement provided by the fees scale, the amount remaining is taken as a whole unit.

Where a building is to be demolished and a new building is to be erected on the site, the fee is based on the floor area of the new building.

'Dwellinghouse' means a building, or part of a building, which is used as a single private dwelling house and for no other purpose, and so includes a flat.

Valid applications made before 1 April 2022 will be subject to the 2004 regulations. For AMC applications predominantly involving the change of use of an area of land, or the development of non-residential floorspace, the fee will be capped at £125,000. Please refer [here](#) for more details.

The fee for a development which is on land situated in more than one planning authority is the lesser of the following: the total fee payable in respect of all the applications is the lesser of (a) one and a half times the amount of the fee which would have been payable for an application in respect of the same development but lying in the area of a single planning authority, or (b) the sum of the amounts of the fees which would have been payable in respect of all the applications.

Where an application relates to two or more categories, an amount is to be calculated for each category of development and then only the highest of the amounts calculated under those categories is the fee charged.

All amounts include VAT where appropriate.

Fees – Detailed planning permission and approval of matters specified in conditions

The following applies to applications for –

- Detailed planning permission
- Approval of matters specified in conditions

Mixed use developments

Where a development is partly within category 1 and partly within category 4 of table 1 the fee payable is the sum of—

- (a) the amount calculated and payable for the amount of gross floor space which is to be created by that part of the development which is within category 4 (“the non-residential floor space”), and
- (b) the amount payable in respect of that part of the development which is within category 1.

Where any of the buildings is to contain floor space for the purposes of providing common access or common services or facilities for persons occupying or using that building for residential purposes, and for persons occupying or using that building for non-residential purposes (“common floor space”), the amount of non-residential floor space is to be assessed in relation to that building as including such proportion of the common floor space as the amount of non-residential floor space in the building bears to the total amount of gross floor space in the building.

Where an application to which this applies relates to development which is also within one or more of any other categories of table 1, an amount is to be calculated in accordance with each such category and if any of the amounts so calculated exceeds the amount calculated as above, that higher amount is the fee payable in respect of all of the development to which the application relates.

Alternative proposals

Where two or more applications for planning permission are made on the same date and by the same applicant and in respect of two or more proposals for the development of the same land, a single fee is calculated and payable in respect of the applications.

Similarly, where two or more applications are made for approval, consent or agreement required by the same condition imposed on a grant of planning permission in principle, and both applications are made on the same date and by the same applicant, a single fee calculated and is payable in respect of the applications.

Calculations are to be made, in accordance with table 1 of this schedule, of the fee appropriate to each of the applications

and the single fee payable in respect of both applications is the sum of—

- (a) an amount equal to the highest fee calculated in respect of each of the applications, and
- (b) an amount calculated by adding together the fees appropriate to all of the applications, other than the amount referred to in head (a) and dividing that total by 2.

Table 1 – Fees for applications for planning permission and for applications for matters specified by condition on a planning permission in principle

Category of development	Fee payable
Residential Development	
New dwellings	
<p>1. Construction of buildings, structures or erections for use as residential accommodation (other than development within categories 2 to 6).</p>	<p>a. Where the number of dwellings to be created by the development does not exceed 10, £600 for each dwelling;</p> <p>b. Where the number of dwellings to be created by the development is fewer than 50, £600 for each of the first 10 dwellings, and £450 for each dwellings thereafter;</p> <p>c. Where the number of dwellings to be created by the development is 50 or more, £6,000 for the first 10 dwellings, £450 for each dwellings in excess of 10 up to 49 dwellings, and £250 for each dwellings thereafter, subject to a maximum total of £150,000.</p>
Existing dwellings	
<p>2. The carrying out of operations which will result in the enlargement, improvement or other alteration of an existing dwelling.</p>	<p>Where the application relates to -</p> <p>a. one dwelling, £300,</p> <p>b. 2 or more dwellings, £600.</p>
<p>3. Where the application is for –</p> <p>a. The carrying out of operations, including the erection of a building within the curtilage of an existing dwelling, for purposes ancillary to the enjoyment of the dwelling as such; or</p> <p>b. The erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwelling.</p>	<p>£300</p> <p>£300</p>

Non-Residential Buildings	
<p>4. The construction of buildings, structures or erections including extensions (other than construction within categories 1, 5 and 6).</p>	<ul style="list-style-type: none"> a. Where no floor area is created or the gross floor space created does not exceed 50 square metres, £300; b. Where the gross floor space created exceeds 50 square metres but does not exceed 100 square metres, £600; c. Where the gross floor space created exceeds 100 square metres but does not exceed 4,000 square metres, £600 plus £600 for each additional 100 square metres (or part thereof); d. Where the gross floor space created exceeds 4,000 square metres, £24,000 plus £300 for each additional 100 square metres (or part thereof), subject to a maximum of £150,000; e. Where no buildings or floor space is to be created, £600 per 0.1 hectare (or part thereof) of site area, subject to a maximum of £150,000.
<p>Agricultural buildings</p> <p>5. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 6).</p> <p><i>As defined in the Town and Country Planning (Scotland) Act 1997, section 277</i></p>	<ul style="list-style-type: none"> a. Where the ground area to be covered by the development does not exceed 500 square metres, £500; b. Where the ground area to be covered by the development exceeds 500 square metres, £500 plus £500 for each additional 100 square metre (or part thereof), subject to a maximum of £25,000.

<p>Glasshouses and polytunnels</p> <p>6. The erection of glasshouses or polytunnels to be used for agricultural purposes.</p> <p>Glasshouse and polytunnels are defined under part 1 Regulation 5 of the order as a building which:</p> <ul style="list-style-type: none"> (a) has not less than three-quarters of its total external area comprised of glass or other translucent material, (b) is designed for the production of flowers, fruit, vegetables, herb or other horticultural produce, and (c) is used, or is to be used, solely for the purposes of agriculture. 	<p>£100 for each 100 square metres of ground area to be covered by the development subject to a maximum of £5,000.</p>
<p>Energy Generation</p>	
<p>7. 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.</p>	<ul style="list-style-type: none"> a. Where the number of turbines does not exceed 3 – <ul style="list-style-type: none"> i. where none of the turbines have a ground to hub height exceeding 15 metres, £1,250; ii. where one or more of the turbines has a ground to hub height exceeding 15 metres, but not exceeding 50 metres, £2,500; iii. where one or more of the turbines has a ground to hub height exceeding 50 metres, £5,000. b. Where the number of turbines does exceed 3, £500 for each 0.1 hectare (or part thereof) of site area, subject to a maximum of £150,000.
<p>8. The construction of a hydro-electric generating station and the carrying out of any 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.</p>	<p>£500 for each 0.1 hectare (or part thereof) of site area, subject to a maximum of £25,000.</p>

<p>9. The construction of a solar electric generating station and the carrying out of any 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.</p>	<p>£500 for each 0.1 hectare (or part thereof) of site area, subject to a maximum of £25,000.</p>
<p>10. The carrying out of any operations connected with the exploratory drilling for oil or natural gas.</p>	<p>a. Where the site area does not exceed 0.1 hectares, £1,000; b. Where the site area exceeds 0.1 hectares, £1,000 plus £500 for each additional 0.1 hectare (or part thereof) of site area, subject to a maximum of £150,000.</p>
<p>Fish and Shellfish Farming</p>	
<p>11. The placing or assembly of equipment in any part of any marine waters for the purposes of fish farming.</p>	<p>£200 for each 0.1 hectare (or part thereof) of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of fish farming and £75 for each 0.1 hectare (or part thereof) of the sea bed to be used in relation to such development, subject to a maximum of £25,000.</p>
<p>12. The placing or assembly of equipment in any part of any marine waters for the purposes of shellfish farming.</p>	<p>£200 for each 0.1 hectare (or part thereof) of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of shellfish farming, subject to a maximum of £25,000.</p>
<p>Other Operations</p>	
<p>13. The erection, alteration or replacement of plant or machinery. <i>This would include plant or machinery for energy storage and heat network developments.</i></p>	<p>a. Where the site area does not exceed 5 hectares, £500 for each 0.1 hectare (or part thereof) of site area; b. Where the site area exceeds 5 hectares, £25,000 plus £250 for each additional 0.1 hectare (or part thereof) of the site, subject to a maximum of £150,000.</p>

<p>14. The construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.</p>	<p>£500.</p>
<p>15. Operations for the winning and working of minerals (not including peat).</p>	<p>a. Where the site area does not exceed 0.1 hectare, £1,000;</p> <p>b. Where the site area exceeds 0.1 hectare but does not exceed 15 hectares, £1,000 plus £500 for each additional 0.1 hectare (or part thereof) of the site area;</p> <p>c. Where the site area exceeds 15 hectares, £75,000 plus £250 for each additional 0.1 hectare (or part thereof) of the site area, subject to a maximum of £150,000.</p>
<p>16. Operations for the extraction of peat.</p>	<p>£500 for each 0.1 hectare (or part thereof) of site area, subject to a maximum of £6,000.</p>
<p>17. The carrying out of any operations not coming within any of the above categories.</p>	<p>a. Where the site area does not exceed 0.1 hectare, £1,000;</p> <p>b. Where the site area exceeds 0.1 hectare but does not exceed 15 hectares, £1,000 plus £500 for each additional 1 hectare (or part thereof) of the site area;</p> <p>c. Where the site area exceeds 15 hectares, £8,500 plus £250 for each additional 0.1 hectare (or part thereof) of the site area, subject to a maximum of £150,000.</p>

Use of Land	
18. 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.	<ul style="list-style-type: none"> a. Where the site area does not exceed 0.1 hectare, £1,000; b. Where the site area exceeds 0.1 hectare but does not exceed 15 hectares, £1,000 plus £500 for each additional 0.1 hectare (or part thereof) of the site area; c. Where the site area exceeds 15 hectares, £75,500 plus £250 for each additional 0.1 hectare (or part thereof) of the site area, subject to a maximum of £150,000.
19. The use of land for the storage of minerals in the open.	<ul style="list-style-type: none"> a. Where the site area does not exceed 0.1 hectare, £1,000; b. Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,000 plus £500 for each additional 0.1 hectare (or part thereof) of the site area; c. Where the site area exceeds 15 hectares, £75,500 plus £250 for each additional 0.1 hectare (or part thereof) of the site area, subject to a maximum of £150,000.
Change of Use of Buildings or Land	
20. The change of use of a building to use as one or more dwellings.	<ul style="list-style-type: none"> a. Where the number of dwellings to be created does not exceed 10, £600 for each dwelling; b. Where the number of dwellings to be created is fewer than 50, £6,000 for the first 10 dwellings, and £450 for each dwelling thereafter; c. Where the number of dwellings to be created is 50 or more, £23,550 for the first 49 dwellings plus £250 for each dwelling thereafter.

<p>21. A material change in the use of a building (other than a change of use referred to in category 20).</p>	<p>a. Where the gross floor space does not exceed 100 square metres, £600;</p> <p>b. Where the gross floor space exceeds 100 square metres but does not exceed 4,000 square metres, £600 plus £600 for each 100 square metres (or part thereof) up to 4,000 square metres;</p> <p>c. Where the gross floor space exceeds 4,000 square metres, £24,000 plus £300 for each additional 100 square metres (or part thereof), subject to a maximum of £150,000.</p>
<p>22. A material change in the use of land (other than –</p> <ul style="list-style-type: none"> a. a change of use within category 21, or b. a change of use within categories 18 or 19, or c. a change in the use of equipment placed or assembled in marine waters for the purposes of fish farming or shellfish farming). 	<p>£500 per 0.1 hectare of site area subject to a maximum of £5,000.</p>

Table 2 – Fees for Applications for Planning Permission in Principle

Category of development	Fee payable
Residential Development	
New dwellings	
1. Construction of buildings, structures or erections for use as residential accommodation.	<ul style="list-style-type: none"> a. Where only one dwellinghouse is to be created, £600. b. Where more than one dwellinghouse is to be created and the site area does not exceed 2.5 hectares, £600 for each 0.1 hectare (or part thereof) of the site area. c. Where more than one dwellinghouse is to be created and site area exceeds 2.5 hectares, £600 for each 0.1 hectare up to 2.5 hectares of the site area, and then £300 for each additional 0.1 hectare (or part thereof), subject to a maximum of £75,000.
Non-Residential Buildings	
2. The construction of buildings, structures or erections including extensions.	<ul style="list-style-type: none"> a. Where the site area is less than or equal to 2.5 hectares, £600 for each 0.1 hectare b. Where the site area exceeds 2.5 hectares, £15,000 and £300 for each 0.1 hectare (or part thereof) in excess of 2.5 hectares, subject to a maximum of £75,000.

Table 3 – Fees for Applications for a Certificate of Lawful Use or Development (Section 150) or a Certificate of Proposed Use or Development (Section 151 of the 1997 Act)

Category of development	Fee payable
Certificates of Lawfulness of Existing Use or Development	
1. An application under section 150(1)(a) or (b) of the 1997 Act (or both as the case may be).	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).
2. An application under section 150(1)(c) of the 1997 Act.	£300.
Certificates of Lawfulness for Proposed Use or Development	
3. An application under section 151(1) of the 1997 Act (apart from one within category 4).	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).
4. An application under section 151(1)(a) where the use specified is use as one or more separate dwellinghouses.	£600 for each dwellinghouse, subject to a maximum of £150,000.

Table 4 – Fees for a determination as to whether Prior Approval is required for Development under Schedule 1 of the General Permitted Development Order 1992, as amended

Category of development	Fee payable
1. An application made for determination as to whether the prior approval of the planning authority is required in relation to development (other than one within categories 2 to 9).	£100.
2. An application made by virtue of paragraph (4A) of Class 18 of Part 6 (agricultural buildings and operations).	No fee.
3. An application made by virtue of paragraph (4) of Class 18B of Part 6 (agricultural buildings and operations).	£500.
4. An application made by virtue of paragraph (5) of Class 18C of Part 6 (agricultural buildings and operations).	£500.
5. An application made by virtue of paragraph (4) of Class 21A of Part 6A (fish farming).	£500.
6. An application made by virtue of paragraph (4) of Class 22A of Part 7 (forestry buildings and operations).	£500.
7. An application made by virtue of paragraph (5) of Class 22B of Part 7 (forestry buildings and operations).	£500.
8. An application made by virtue of paragraph (4) of Class 22 of Part 7 (forestry buildings and operations).	No fee.
9. An application made by virtue of sub-paragraph (23) of Class 67 of Part 20 (development by electronic communications code operators).	£500.

Table 5 – Charges for Discretionary Services (Regulation 4)

Category of development	Fee payable
<p>Non Material Variation</p> <p>A request made to a planning authority to vary a planning permission under section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).</p> <p>Householder enquiries which would benefit from planning application fee exemption under Reg 7 (means of access, etc for disabled persons).</p> <p>Where an enquiry relates to a development which would benefit from planning application fee reduction under Schedule 1, art 7, (community councils).</p>	<p>£200 for each request.</p> <p><i>This is a set amount laid down in Part 1 Regulation 4 (3) which the Council is permitted to charge for this service.</i></p> <p>No limit on number of requests.</p> <p>Fee waived in full.</p> <p>Fee reduced by half.</p>
<p>Pre application enquiries</p> <p>A separate enquiry, and fee, is required for each development or each site.</p> <p>Note: <i>Pre-Application Customer Service Guide</i></p>	<p>Local Development (small) - £220 + VAT (£264)</p> <p>Local Development (medium) - £945 + VAT (£1,134)</p> <p>Major/National Development - £5,400 + VAT (£6,480)</p> <p>Note: <i>The full scale of fees can be found in the Pre-Application Customer Service Guide</i></p> <p><i>Part 1 Regulation 4 (1) & 4 (2)(a) provide the statutory basis allowing the Council to charge for this service. The fees charged are set independently by the Council and are subject to review on an annual basis.</i></p> <p><i>The Council will not provide advice on householder developments, advertising and signage, or simple changes of use/alterations. Charges are based on the scale of development – for example, works to a single property would be classed as a local development (small). For the avoidance of doubt, developments relating to listed buildings are not exempt from charges.</i></p>

Table 6 – Waived or reduced fees for Planning Applications (Regulation 5)

Category of development	Fee payable
<p>Where an application relates to development which, in the opinion of the planning 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.</p> <p>Note: “not for profit enterprise” and “social enterprise” have the meanings in section 252(1F) of the Town and Country Planning (Scotland) Act 1997 (as amended).</p>	<p>Fee reduced by 25% for planning applications, certificates of lawful use or development, certificates of proposed use or development, advertisement consents, applications made under section 42 and determinations as to whether the planning authority’s prior approval is required.</p> <p><i>Reduced and waived fees subject to agreement by Council</i></p>

Table 7 – Surcharges (applicable from 1 October 2022)

Category of development	Fee payable
<p>Applications made in retrospect</p> <p>Where an application for planning permission is made after the whole development being applied for has been carried out in full.</p>	<p>Fee calculated in accordance with tables above, plus 25%.</p>
<p>Applications made in part retrospect</p> <p>Where an application for planning permission is made when the development being applied for has been started but not completed, including the revised design of a previously granted planning permission.</p>	<p>Fee calculated in accordance with tables above, plus 25%.</p>

Table 8 – Modified Fees

Category of development	Fee payable
Applications by community councils	Fee calculated in accordance with tables above, reduced by 50%.
<p>Applications in conservation areas (Schedule 1, Part 2, Paragraph 8)</p> <p>a. Where the application relates solely to —</p> <ul style="list-style-type: none"> i. the carrying out of operations for the alteration of a dwellinghouse (but not including the extension of or the erection of a dwellinghouse); or ii. other operations within the curtilage of a dwellinghouse (but not including the extension of or the erection of a dwellinghouse); <p>b. the dwellinghouse is in a conservation area;</p> <p>c. the application relates solely to development within one or more of the classes specified in schedule 1 of the General Permitted Development Order; and</p> <p>d. the only reason planning permission is not granted by article 3(1) of the General Permitted Development Order is that the development would be in a conservation area.</p>	Fee calculated in accordance with tables above, reduced by 25%.

Applications for the provision of facilities for sport or recreation (Schedule 1, Part 2, Paragraph 9)

Where an application is made by or for a club, society, trust or other organisation which is not established or conducted for profit and whose objects or purposes, as the case may be, are the provision of facilities for sport or recreation, and

- a. the application relates to –
 - i. the making of a material change in the use of land to use the land as a playing field; or
 - ii. the carrying out of operations other than the erection of a building containing floor space, for purposes ancillary to the use of the land as a playing field, and to no other development; and
- b. that the planning authority is satisfied that the development is to be carried out on land which is, or is intended to be used wholly or mainly for the carrying out of the objects or purposes, as the case may be, of the club, society, trust or organisation.

£600.

<p>Applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle (Schedule 1, Part 2, Paragraph 10)</p> <p>Where -</p> <ul style="list-style-type: none"> a. an application is made for approval, consent or agreement in respect of one or more matters requiring such approval, consent or agreement in terms of a condition imposed on a grant of planning permission in principle (“the current application”), and b. the applicant has previously made one or more applications for approval, consent or agreement required by a condition imposed on the grant of that same planning permission in principle and paid the fee in relation to such application or applications. 	<p>Where the amount paid as mentioned in paragraph (b) is not less than the amount which would be payable if the applicant were by the current application seeking approval, consent or agreement in respect of all the matters requiring such approval, consent or agreement in terms of conditions imposed on a grant of a planning permission in principle and in relation to the whole of the development authorised by the permission, the fee payable in respect of the current application is £500.</p> <p>Where -</p> <ul style="list-style-type: none"> a. a fee has been paid as mentioned in sub- paragraph (b) at a rate lower than that prevailing at the date of the current application, and b. sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date, <p>the fee in respect of the current application is £500.</p>
<p>Cross boundary applications – allocation of fee (Schedule 1, Part 2, Paragraph 11)</p> <p>Where applications are made for</p> <ul style="list-style-type: none"> a. planning permission, or b. the approval, consent, or agreement required by a condition imposed on a grant of permission in principle, <p>in respect of development of land lying in the areas of 2 or more planning authorities.</p>	<p>The total fee payable in respect of all the applications is the lesser of –</p> <ul style="list-style-type: none"> a. one and a half times the amount of the fee which would have been payable for an application in respect of the same development but lying in the area of a single planning authority, b. the sum of the amounts of the fees which would have been payable in respect of all the applications. <p>The fee payable to a planning authority in respect of such an application is the proportion of the total fee payable equal to the proportion of the total site area of the development which falls within the area of that planning authority.</p>

Table 9 – Other Fees

Category of development	Fee payable
<p>Advertisements</p> <p>All applications for express consent for the display of advertisements.</p>	£300.
<p>Section 42 applications</p> <p>Applications for planning permission made under section 42 (applications to develop land without complying with previous conditions) of the 1997 Act.</p>	£300.
<p>High Hedge Applications</p> <p><i>In accordance with section 4 of the High Hedges (Scotland) Act 2013</i></p>	£310.
<p>Hazardous Substances Applications</p> <p>Where an application is made under regulation 6 (applications for hazardous substances consent) where the quantity specified in the application as the maximum quantity proposed to be present exceeds twice the controlled quantity.</p> <p>Where an application is made under -</p> <ul style="list-style-type: none"> i. regulation 6 (other than an application referred to in sub-paragraph above); ii. regulation 7 (applications for removal of conditions attached to hazardous substances consent); or iii. regulation 8 (application for continuation of hazardous substances consent where there has been a change in the person in control of any part of the land). <p>See Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015</p>	<p>£1200.</p> <p>£600.</p>
<p>Applications for determinations as to whether the prior approval of the authority is required for any development with permitted development rights</p>	£78 (inc VAT)

Notes

All applications **must** be accompanied by the appropriate fee. As noted above, fees will be checked at the point of validation.

The additional gross floor space created by the development must be clearly indicated in square metres on the application form and the submitted plan. For the purposes of the fee regulations, gross floor space includes all storeys, is measured externally including the thickness of internal and external walls and can include areas under canopies.

The area of the site must be clearly stated in hectares on the application form and the submitted plan.

There is no provision in the regulations for the refund of fees paid to Planning Authorities in respect of applications which have been validated. Invalid or incomplete applications will have fees returned if paid. Any decision to refund an application which has been validated lies solely at the discretion of the planning authority.

Charges for Publications - Charges for Publications will be payable when the Council has to place a notice in the Newspaper in accordance with regulation 20 of the Town and County Planning (Development Management Procedure) (Scotland) Regulations 2013

Alternative schemes for the development of the same land. The fee payable equates to the alternative scheme with the highest fee plus a sum equal to half the fees for the other alternative schemes.

Re-submissions following refusal, withdrawal, dismissed appeal no fee in certain circumstances, time limit 12 months from certain dates (including CLE, CLP and PPP))

Revised applications following approval - no fee in certain circumstances, time limit within 12 months.

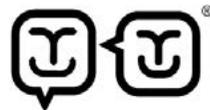
Advertisement applications re-submitted following refusal, withdrawal - no fee in certain circumstances.

Applications for display of advertisements on parking meters, litter bins, bus shelters or public seating benches - the "specified area" is considered to be the "site".

Enquiries

The Council's planning helpdesk provides advice and guidance on basic planning matters. Enquiries should be emailed to planning@edinburgh.gov.uk

Enquires regarding the submission of applications should be addressed to the Scottish Government's e-planning service. Details can be found at their website [Getting Started on ePlanning Scotland](#)



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