

Statutory Document No. 2019/0036



Interpretation Act 2015

TOWN AND COUNTRY PLANNING (APPLICATION AND APPEAL FEES) (AMENDMENT) ORDER 2019

Laid before Tynwald: 19 February 2019
Coming into Operation: 1 April 2019

The Department of Environment, Food and Agriculture makes the following Order under section 81 of the Interpretation Act 2015.

1 Title

This Order is the Town and Country Planning (Application and Appeal Fees) (Amendment) Order 2019.

2 Commencement

This Order comes into operation on 1 April 2019.

3 Interpretation

In this Order, “**substantive Order**” means the Town and Country Planning (Application and Appeal Fees) (No. 2) Order 2016¹.

4 Article 4 (fees for certain planning applications) amended

- (1) Article 4 of the substantive Order is amended as follows.
- (2) In paragraph (1) –
 - (a) for “1 August 2016 and on or after 1 August 2017” substitute **1** April 2019 **2**; and
 - (b) for “Parts 2 and 3 to the Schedule”, substitute **3** Part 2 of the Schedule **2**.
- (3) In paragraph (2), for “Parts 2 and 3 to the Schedule”, substitute **4** Part 2 of the Schedule **2**.

¹ SD 2016/0163.

5 Article 5 (waiver of fee) amended

- (1) Article 5 of the substantive Order is amended as follows.
- (2) In paragraph (1), for “Parts 2 and 3 of the Schedule”, substitute ~~“Part 2 of the Schedule”~~.

6 Article 6 (exemptions) amended

- (1) Article 6 of the substantive Order is amended as follows.
- (2) In paragraph (1), for “Parts 2 and 3 of the Schedule”, substitute ~~“Part 2 of the Schedule”~~.
- (3) In paragraph (2), for “Parts 2 and 3 of the Schedule”, substitute ~~“Part 2 of the Schedule”~~.

7 Article 7 (fees to accompany planning appeals) amended

- (1) Article 7 of the substantive Order is amended as follows.
- (2) In the first and second line of the Article, for “1 August 2016 and 1 August 2017”, substitute ~~“1 April 2019”~~.

8 Article 8 (planning appeal fee payable) amended

- (1) Article 8 of the substantive Order is amended as follows.
- (2) In the paragraph, for “£170 on or after 1 August 2016 and £175 on or after 1 August 2017”, substitute ~~“£276 on or after 1 April 2019”~~.

9 Schedule (planning application fees) amended

- (1) The Schedule to the substantive Order is amended as follows.
- (2) In paragraph (6) of Part 1 of the Schedule, for “£90,000 on or after 1 August 2016 and £91,800 on or after 1 August 2017”, substitute ~~“£95,840 on or after 1 April 2019”~~.
- (3) For Part 2 of the Schedule substitute the Schedule to this Order.
- (4) Omit Part 3 of the Schedule.

MADE 22 JANUARY 2019

GEOFFREY BOOT

Minister for Environment, Food and Agriculture

SCHEDULE

[article 9]

PART 2

FEEES FOR APPLICATIONS MADE ON OR AFTER 1 APRIL 2019

No.	Category of development	Fee
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.	£165 for first 5,000m ² (0.5 ha) of site area plus £165 for each additional 1,000m 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) that are -	
	(i) siting, design, external appearance and layout;	The fee relating to the categories of development 2(a) to 2(i) [inclusive] in this table.
	(ii) access only;	£165 for first 5,000m ² (0.5 ha) of site area plus £165 for each additional 1,000m ² (0.1 ha) (or part thereof) of site area.
	(iii) landscaping only; or	£100 for first 5,000m ² (0.5 ha) of site area plus £165 for each additional 1,000m ² (0.1 ha) (or part thereof) of site area.
	(iv) applications dealing with any combination of reserved matters (i) to (iii) above.	The highest fee payable for a single reserved matter specified in that application.
2	Full application for approval of building, rebuilding, engineering, mining or other operations	
(a)	The erection or, or conversion of a building to, one or more residential units.	£300 for each residential unit with a gross floor space up to 300m ² plus £300 for each additional 300m ² (or part thereof) of gross floor space for each residential unit created.

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No.	Category of development	Fee
(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,	
	(A) if no floor space is to be created by the development; or	£100.
	(B) for a development creating up to 15m ² of gross floor space; or	£165.
	(C) for a development exceeding 15m ² of gross floor space.	£300 for first 300m ² plus £165 for each additional 100m ² (or part thereof) of gross floor space.
(c)	Agriculture - The erection of buildings to be used for agricultural purposes.	£165 for development up to 500m ² of gross floor space plus £165 for each additional 100m ² (or part thereof) of gross floor space.
(d)	Equestrian - The erection of buildings to be used for equestrian purposes.	£165 for development up to 300m ² of gross floor space plus £165 for each additional 100m ² (or part thereof) of gross floor space.
(e)	Wastes 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 materials in the open; (iii) operations for the winning and working of minerals.	£300 for every 1,000m ³ (0.1 ha) (or part thereof) of gross site area.
(f)	The erection, alteration or replacement of plant or machinery other than for use for power generation purposes -	
	(i) if no floor space or site area is to be created by the development; or	£300.
	(ii) for a development creating floor space or site area.	£130 for every 20m ² (or part thereof) of gross floor space or site area.



No.	Category of development	Fee
(g)	The erection, alteration or replacement of plant or machinery used for power generation purposes (excluding wind turbines and wind farms).	£300 for every 1,000m ² (0.1 ha) (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.	
	(i) If the gross site area does not exceed 5 Hectares.	£300 for each 1,000m ² (0.1 ha) (or part thereof) of the gross site area.
	(ii) If the gross site area exceeds 5 Hectares.	£14,125 plus £165 for each additional 1,000m ² (0.1 ha) (or part thereof) of gross site area.
(i)	Any operation not falling within (a) to (h) above.	
	(i) If no floor space or site area is to be created by the development.	£165.
	(ii) If floor space is to be created by the development.	£300 for the first 300m ² of gross floor space plus £130 for each additional 20m ² (or part thereof) of gross floor space.
	(iii) If site area is to be created by the development.	£130 for the first 300m ² of gross site area plus £130 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 a change of use of a building other than a change of use coming within any of the other categories of development in this table.	£300 for every 1,000m ² (or part thereof) of gross floor space.
(b)	Application involving a change of use of land other than under (c) below.	£300.
(c)	Application for a change of use of land for provision of vehicular parking or storage.	£130 for up to 300m ² plus £130 for each additional 300m ² (or part thereof) of gross site area.
4	Application for a certificate of lawful use or development made under regulation 2 of the Town and Country Planning (Certificates of Lawful Use or Development) Regulations 2005².	

² SD 253/05 as amended by SD 674/05.

SCHEDULE

No.	Category of development	Fee
(a)	Existing use or development.	Fee to be double the amount payable according to the category of development in this table.
(b)	Proposed use or development.	50% of the above fee.
5	Telecommunications	
	Application to determine whether the Department's prior approval is required (for any telecommunications apparatus) under paragraph 3(7) of Schedule 1 to the Town and Country (Permitted Development) (Telecommunications) Order 2013 ³ .	£425.
6	Advertisements	
	Application for express consent made further to regulation 9 of the Town and Country (Control of Advertisements) Regulations 2013 ⁴ .	£165 for each site on which an advertisement is displayed.
7	Variation or removal of condition	
(a)	Variation or removal of condition (except for extension to time limit to planning approval).	£300.
(b)	Variation or removal of condition for extension of time to planning approval.	Fee to be the amount payable according to the relevant category of development in this table.
8	Second planning application made within 12 months of the granting, refusal or withdrawal of the first application, provided that the application is for – (i) the same site; and (ii) a development of the same character or description of the first 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 a certificate of alternative development value under paragraph 5(1) of Part 2 to Schedule 1 to the Acquisition of Land Act 1984.	£165 for first 5,000m ² (0.5 ha) of site area plus £165 for each additional 1,000m ² (0.1 ha) (or part thereof) of site area.

	Notes
1.	To avoid doubt, square metres (m ²) are calculated as width multiplied by length. For example, an area of 4m by 5m would be 20 square meters.
2.	To avoid doubt, floor space means the total gross floor space (which is the total floor area) of all storeys to be created, measured externally.

³ SD 0433/13.

⁴ SD 0434/13.



	Notes
3.	Under category 2(h), gross site area means all land within the site area including — (a) any area that could potentially be covered by the rotating blades of a turbine; (b) access tracks, roads or paths; (c) cable trenches; (d) control rooms, substations and transformers; (e) meteorological masts; and (f) any other engineering works, buildings or sub-structures ancillary to the windfarm.
4.	The maximum fee payable in respect of the submission of a planning application is £95,840.

EXPLANATORY NOTE***(This note is not part of the Order)***

This Order amends the Town and Country Planning (Application and Appeal Fees) (No. 2) Order 2016 [SD 2016/0163] (the “substantive Order”) to provide for the new planning fees that are to be applied to planning applications and appeals under the Town and Country Planning Act 1999 with effect from 1st April 2019.