



## TOWN AND COUNTRY PLANNING (APPLICATION AND APPEAL FEES) (NO. 2) ORDER 2016

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Statutory Document No. 2016/0163



*Fees and Duties Act 1989*

## TOWN AND COUNTRY PLANNING (APPLICATION AND APPEAL FEES) (NO. 2) ORDER 2016

*Approved by Tynwald:*

*Coming into Operation:*

*1 August 2016*

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 2016.

### 2 Commencement

If approved by Tynwald, this Order comes into operation on 1 August 2016<sup>1</sup>.

### 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 2013<sup>2</sup>;

“appellant” means a person by whom an appeal is brought under article 8;

“CLUD Regulations” means the Town and Country Planning (Certificates of Lawful use or Development) Regulations 2005<sup>3</sup>;

“Department” means the Department of Environment, Food and 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;

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

<sup>2</sup> SD 0434/13

<sup>3</sup> SD 253/05 as amended by SD 0674/05

“**Permitted Development Order**” means the Town and Country Planning (Permitted Development) Order 2012<sup>4</sup>;

“**Procedure Order**” means the Town and Country Planning (Development Procedure) (No.2) Order 2013<sup>5</sup>;

“**Registered Buildings Regulations**” means the Town and Country Planning (Registered Buildings) Regulations 2013<sup>6</sup>;

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

“**Telecommunications Order**” means the Town and Country Planning (Permitted Development) (Telecommunications) Order 2013<sup>7</sup>.

#### 4 Fees for certain planning applications

- (1) Subject to articles 5 and 6, if an application is made to the Department on or after 1 August 2016 and on or after 1 August 2017, a fee is payable in accordance with the relevant category of development as set out in the tables in Parts 2 and 3 to the Schedule.
- (2) A fee payable under article 4 is subject to a maximum planning application fee as set out in the tables in Parts 2 and 3 to the Schedule.
- (3) A fee payable under article 4 is non-refundable.

#### 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 tables in Parts 2 and 3 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;

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<sup>4</sup> SD 0254/12

<sup>5</sup> SD 0238/13

<sup>6</sup> SD 0432/13

<sup>7</sup> SD 0433/13

- (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)—
  - (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 tables in Parts 2 and 3 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 tables in Parts 2 and 3 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.
- (4) No fee is payable under this Order where an application for express consent under the Town and Country Planning (Control of Advertisements) Regulations 2013 is made by those persons described in article 6(1).

## 7 Fees to accompany planning appeals

If a planning appeal is made to the Department on or after 1 August 2016 and on or after 1 August 2017 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(1) 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(1) of the Registered Buildings Regulations.

## 8 Planning appeal fee payable

The fee payable under article 7 is £170 on or after 1 August 2016 and £175 on or after 1 August 2017 for each appellant making an appeal to which that article applies.

## 9 Refund of appeal fee

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

## 10 Revocation

- (1) The Town and Country Planning (Application and Appeal Fees) (No. 2) Order 2015<sup>8</sup> and the Town and Country Planning (Application and Appeal Fees) Order 2016<sup>9</sup> are revoked.

MADE

20/06/2016



**R RONAN**

*Minister for Environment, Food and Agriculture*

<sup>8</sup> SD 2015/0226

<sup>9</sup> SD 2016/0076

SCHEDULE

[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 tables in Parts 2 and 3, 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 tables in Parts 2 and 3, 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 tables in Parts 2 and 3, 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.
- (6) The maximum fee payable in respect of the submission of a planning application is £90,000 on or after 1 August 2016 and £91,800 on or after 1 August 2017.

**PART 2**

FEEs FOR APPLICATIONS MADE ON OR AFTER 1 AUGUST 2016

No.	Category of development	Fee
<b>1</b>	<b>Application for approval in principle and/or of reserved matters</b>	
(a)	Application for approval in principle where all matters are reserved for later approval	£155 for first 5,000m <sup>2</sup> (0.5 ha) of site area plus £155 for each additional 1,000m <sup>2</sup> (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"> <li>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.</li> <li>b) Access only - £155 for first 5,000m<sup>2</sup> (0.5 ha) of site area plus £155 for each additional 1,000m<sup>2</sup> (0.1 ha) (or part thereof) of site area.</li> <li>c) Landscaping only - £90 for first 5,000m<sup>2</sup> (0.5 ha) of site area plus £155 for each additional 1,000m<sup>2</sup> (0.1 ha) (or part thereof) of site area.</li> </ul> <p>For the submission of one or more reserved matters in a single application the highest fee would be payable.</p>



2	<b>Full application for approval of building, rebuilding, engineering, mining or other operations</b>	
(a)	The erection of, or conversion of a building to, one or more residential units.	£275 for each residential unit with a gross floor space up to 300m <sup>2</sup> plus £275 for each additional 300m <sup>2</sup> (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, £90.  For development creating up to 15m <sup>2</sup> of gross floor space, £155.  For development exceeding 15m <sup>2</sup> and up to 300m <sup>2</sup> , of gross floor space, £275 plus £155 for each additional 100m <sup>2</sup> (or part thereof) of gross floor space.
(c)	Agriculture The erection of buildings to be used for agricultural purposes.	£155 for development up to 500m <sup>2</sup> of gross floor space plus £155 for each additional 100m <sup>2</sup> (or part thereof) of gross floor space.
(d)	Equestrian The erection of buildings to be used for equestrian purposes.	£155 for development up to 300m <sup>2</sup> of gross floor space plus £155 for each additional 100m <sup>2</sup> (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.	£275 for every 1000m <sup>2</sup> (0.1ha) (or part thereof) of gross site area.
(f)	The erection, alteration or replacement of	If no floor space is to be created



**SCHEDULE**

	plant or machinery other than for use for power generation purposes.	by the development, £275.  For development, £120 for every 20m <sup>2</sup> (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).	£275 for every 1000m <sup>2</sup> (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.	<ul style="list-style-type: none"> <li>a) If the gross site area does not exceed 5 hectares, £275 for each 0.1 hectare (or part thereof) of the gross site area;</li> <li>b) If the gross site area exceeds 5 hectares, £13,260; and an additional £155 for each 0.1 hectare (or part thereof) in excess of 5 hectares.</li> </ul>
(i)	Any operation not falling within (a) to (h) above.	<ul style="list-style-type: none"> <li>a) If no floor space or site area is to be created by the development, £155.</li> <li>b) If floor space is to be created by the development £275 for up to 300m<sup>2</sup> plus £120 for each additional 20m<sup>2</sup> (or part thereof) of gross floor space.</li> <li>c) If site area is to be created by the development £120 for up to 300m<sup>2</sup> plus £120 for each additional 300m<sup>2</sup> (or part thereof) of gross site area.</li> </ul>
<b>3</b>	<b>Application for change of use of a building or land</b>	
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).	£275 for every 1000m <sup>2</sup> (or part thereof) of gross floor space.
b)	Application involving change of use of land	£120 for up to 300m <sup>2</sup> plus £120



	(other than a change of use coming within any of the other categories of development in this table).	for each additional 300m <sup>2</sup> (or part thereof) of gross site area.
4	<b>Application for a certificate of lawful use or development made under regulation 2 of the CLUD Regulations –</b>  (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	<b>Telecommunications</b>  Application to determine whether the Department's prior approval is required (for any telecommunication apparatus) under Schedule 1, paragraph 3(7) of the Telecommunications Order	£395
6	<b>Advertisements.</b>  Application made under regulation 9 of the Advertisements Regulations for express consent to display an advertisement	£155 for each site on which an advertisement is displayed.
7	<b>Variation or removal of condition</b>	
(a)	Variation or removal of condition (except for extension of time limit to planning approval).	£275
(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	<b>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.</b>	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	<b>Application for certificate of alternative development value under paragraph 5(1), Part 2, Schedule 1 of the Acquisition of Land Act 1984</b>	£155 for first 5,000m <sup>2</sup> (0.5 ha) of site area plus £155 for each additional 1000m <sup>2</sup> (0.1 ha) (or part thereof) of site area.

**SCHEDULE**Notes

1. For the avoidance of doubt, square metres (m<sup>2</sup>) are calculated as width multiplied by length ie an area of 4m by 5m would be 20 square metres.
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), 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.
4. The maximum fee payable in respect of the submission of a planning application is £90,000.



**PART 3**

**FEEES FOR APPLICATIONS MADE ON OR AFTER 1 AUGUST 2017**

No.	Category of development	Fee
<b>1</b>	<b>Application for approval in principle and/or of reserved matters</b>	
(a)	Application for approval in principle where all matters are reserved for later approval	£160 for first 5,000m <sup>2</sup> (0.5 ha) of site area plus £160 for each additional 1,000m <sup>2</sup> (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"> <li>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.</li> <li>b) Access only - £160 for first 5,000m<sup>2</sup> (0.5 ha) of site area plus £160 for each additional 1,000m<sup>2</sup> (0.1 ha) (or part thereof) of site area.</li> <li>c) Landscaping only - £95 for first 5,000m<sup>2</sup> (0.5 ha) of site area plus £160 for each additional 1,000m<sup>2</sup> (0.1 ha) (or part thereof) of site area.</li> </ul> <p>For the submission of one or more reserved matters in a single application the highest fee would be payable.</p>

2	<b>Full application for approval of building, rebuilding, engineering, mining or other operations</b>	
(a)	The erection of, or conversion of a building to, one or more residential units.	£285 for each residential unit with a gross floor space up to 300m <sup>2</sup> plus £285 for each additional 300m <sup>2</sup> (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, £95. For development creating up to 15m <sup>2</sup> of gross floor space, £160. For development exceeding 15m <sup>2</sup> and up to 300m <sup>2</sup> , of gross floor space, £285 plus £160 for each additional 100m <sup>2</sup> (or part thereof) of gross floor space.
(c)	Agriculture The erection of buildings to be used for agricultural purposes.	£160 for development up to 500m <sup>2</sup> of gross floor space plus £160 for each additional 100m <sup>2</sup> (or part thereof) of gross floor space.
(d)	Equestrian The erection of buildings to be used for equestrian purposes.	£160 for development up to 300m <sup>2</sup> of gross floor space plus £160 for each additional 100m <sup>2</sup> (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.	£285 for every 1000m <sup>2</sup> (0.1ha) (or part thereof) of gross site area.
(f)	The erection, alteration or replacement of	If no floor space is to be created

	plant or machinery other than for use for power generation purposes.	by the development, £285.  For development, £125 for every 20m <sup>2</sup> (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).	£285 for every 1000m <sup>2</sup> (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.	<ul style="list-style-type: none"> <li>a) If the gross site area does not exceed 5 hectares, £285 for each 0.1 hectare (or part thereof) of the gross site area;</li> <li>b) If the gross site area exceeds 5 hectares, £13,530; and an additional £160 for each 0.1 hectare (or part thereof) in excess of 5 hectares.</li> </ul>
(i)	Any operation not falling within (a) to (h) above.	<ul style="list-style-type: none"> <li>a) If no floor space or site area is to be created by the development, £160.</li> <li>b) If floor space is to be created by the development £285 for up to 300m<sup>2</sup> plus £125 for each additional 20m<sup>2</sup> (or part thereof) of gross floor space.</li> <li>c) If site area is to be created by the development £125 for up to 300m<sup>2</sup> plus £125 for each additional 300m<sup>2</sup> (or part thereof) of gross site area.</li> </ul>
<b>3</b>	<b>Application for change of use of a building or land</b>	
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).	£285 for every 1000m <sup>2</sup> (or part thereof) of gross floor space.

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b)	Application involving change of use of land (other than a change of use coming within any of the other categories of development in this table).	£125 for up to 300m <sup>2</sup> plus £125 for each additional 300m <sup>2</sup> (or part thereof) of gross site area.
4	<b>Application for a certificate of lawful use or development made under regulation 2 of the CLUD Regulations –</b>  (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	<b>Telecommunications</b>  Application to determine whether the Department's prior approval is required (for any telecommunication apparatus) under Schedule 1, paragraph 3(7) of the Telecommunications Order	£405
6	<b>Advertisements.</b>  Application made under regulation 9 of the Advertisements Regulations for express consent to display an advertisement	£160 for each site on which an advertisement is displayed.
7	<b>Variation or removal of condition</b>	
(a)	Variation or removal of condition (except for extension of time limit to planning approval).	£285
(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	<b>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.</b>	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	<b>Application for certificate of alternative development value under paragraph 5(1), Part 2, Schedule 1 of the Acquisition of Land Act 1984</b>	£160 for first 5,000m <sup>2</sup> (0.5 ha) of site area plus £160 for each additional 1000m <sup>2</sup> (0.1 ha) (or part thereof) of site area.

Notes

1. For the avoidance of doubt, square metres (m<sup>2</sup>) are calculated as width multiplied by length ie an area of 4m by 5m would be 20 square metres.
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), 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.
4. The maximum fee payable in respect of the submission of a planning application is £91,800.



*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 and Appeal Fees) (No. 2) Order 2015 (SD 2015/0226) and the Town and County Planning (Application and Appeal Fees) Order 2016 (SD 2016/0076).

This Order details the various fees which are applied to planning applications and appeals made under Town and Country Planning legislation.

