

**To: Planning and Climate Change Policy Board**

**On: 23 May 2023**

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**Report by: Chief Executive**

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**Heading: Discretionary Planning Fees**

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## **1. Summary**

- 1.1 This report seeks to introduce the first phase of discretionary charging in relation to planning applications.
  - 1.2 The report recommends that discretionary fees are introduced in relation to requests for non-material variations, discharge of conditions and retrospective applications.
  - 1.3 A further report will be prepared for consideration at a future meeting of the Planning and Climate Change Policy Board for the introduction of further discretionary charging.
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## **2. Recommendations**

- 2.1 It is recommended that the Board:
    - (i) Approve the discretionary charging in respect of requests for non-material variations, discharge of conditions and retrospective applications as detailed in Appendix 1 of this report.
    - (ii) Note that a further report will be prepared for consideration at a future meeting of the Planning and Climate Change Policy Board relating to the introduction of further discretionary charging.
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### **3. Proposed Discretionary Charging**

- 3.1. The Town and Country Planning (Fees for Applications)(Scotland) Regulations 2022 came into force on 1<sup>st</sup> April 2022 and prescribe the fees for planning applications made on or after that date.
- 3.2. In light of the 2022 Regulations, statutory planning fees were amended and fees associated with planning applications were increased.
- 3.3. In addition, the 2022 Regulations included the ability of planning authorities to introduce a discretionary charge for a number of other aspects of the service not covered by the statutory planning application.
- 3.4. It is therefore proposed, as a first phase and given the anticipated return to a full complement of staff with the Development Standards Team (following recent vacancies), to introduce discretionary charging for the following instances from 1<sup>st</sup> July 2023:
  - Non-Material Variation: where a request is received under S64 of the Town and Country Planning (Scotland) Act 1997 to vary a previously approved scheme. There is currently no fee attached to such a request.
  - Discharge of Condition: where a request is received for written confirmation of compliance with a planning condition. There is currently no fee attached to such a request.
  - Retrospective Applications: where an application for planning permission is received after the development has started. There is currently no fee attached to such a request.
- 3.5. Appendix 1 sets out the proposed fees associated with the instances noted above and as such it is significant to note that the fee levels detailed are set by The Scottish Government.

### **4. Next Steps**

- 4.1. The discretionary charging scheme as outlined in Appendix 1 will be published online and applicants and developers made aware of the charging scheme which will come into effect on 1<sup>st</sup> July 2023.
  - 4.2. Further consideration will be given to other aspects of discretionary charging which could be introduced, with appropriate reports being prepared and considered at future meetings of the Planning and Climate Change Policy Board
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## Implications of the Report

1. **Financial** – The introduction of discretionary charging will result in an increase in the fees received by the Development Standards Team. These are monitored on an ongoing basis by the Finance Team and reports are brought to Board periodically.
2. **HR & Organisational Development** – None.
3. **Community/Council Planning** –
4. **Legal** – None.
5. **Property/Assets** – None.
6. **Information Technology** – None.
7. **Equality & Human Rights** -
  - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – None.
9. **Procurement** – None.
10. **Risk** – None.
11. **Privacy Impact** – None.
12. **COSLA Policy Position** - None.
13. **Climate Risk** – None.

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## Appendix 1: Discretionary Charging Phase 1

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## APPENDIX 1: DISCRETIONARY CHARGING PHASE 1

Type	Fee
<b>Non-Material Variation</b> Request made under S64 of the Town and Country Planning (Scotland) Act 1997 to vary a previously approved scheme.	£200 per each request
<b>Discharge of Condition</b> Request for written confirmation with compliance with a condition.  NOTE: a request may include more than one condition.	£100 per request
<b>Retrospective Applications</b> Where an application for planning permission is made after the development has started.	25% increase in applicable planning fee as defined with the Fee Regulations.