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**THE TOWN AND COUNTRY PLANNING (FEES FOR
APPLICATIONS)
(SCOTLAND) REGULATIONS 2022**

FEES CHARTER AND SCALE OF FEES

The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 set out the level of fees required as part of the submission of planning applications and other associated applications.

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. The Regulations require us, as planning authority, to set out what we will charge for these services, when and by how much fees will be reduced and clarify the level of surcharges applied. This information is set out below in the Fees Tables.

Planning applications and associated submissions will not be considered 'valid' until the fee has been received in full. Fees will be checked at the final point of validation, rather than the point of submission, as changes during the validation process can affect fees payable.

Planning applications, discretionary service requests and associated submissions may be returned if the required fee is not received within five working days of the submission being lodged, and there are no other outstanding matters.

WAYS TO PAY

Pay by telephone using credit/debit card

Call **03001234561** between 08:00 and 17:00 Monday to Friday. Please quote your reference number of 'Pre application advice' or 'Development Enquiry' and your name and address as your reference.

Pay by cheque

Make payable to **Moray Council**

Pay by BACS

Moray Council, Development Services

Bank Details are

Bank: Bank of Scotland

Sort Code:

80 06 66

Account:

00111222

Please quote **your reference number for payment**. If you do not have a reference number, please quote '**Pre-application Advice Service**' or '**Development Enquiry**' and your name and address for your reference.

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| TABLE 1 | |
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| FEEES FOR APPLICATIONS FOR PLANNING PERMISSION AND FOR APPLICATIONS FOR MATIERS SPECIFIED BY CONDITION ON A PLANNING PERMISSION IN PRINCIPLE | |
| Category Of Development | Fee Payable |
| Residential Development | |
| New dwellings | |
| 1 | <p>Construction of buildings, structures or erections for use as residential accommodation (other than development within categories 2- 6).</p> <p>(a) where the number of dwelling houses to be created by the development does not exceed 10, £600 for each dwelling house,</p> <p>(b) where the number of dwelling houses to be created by the development is fewer than 50, £600 for the first 10 dwellinghouses, and £450 for each dwellinghouse thereafter,</p> <p>(c) where the number of dwellinghouses to be created by the developer is 50 or more, £600 for the first 10 dwellinghouses, £450 for each dwellinghouse in excess of 10 up to 49 dwellinghouse, and £250 for each dwellinghouse in excess of 50, subject to a maximum total of £150,000.</p> |
| Existing dwellings | |
| 2 | <p>The carrying out of operations which will result in the enlargement, improvement or other alterations of an existing dwelling</p> <p>(a) One dwelling, £300</p> <p>(b) 2 or more dwellings, £600</p> |
| 3 (a) | £300 |
| (b) | £300 |

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| | existing dwellinghouse. | |
| Non-residential buildings | | |
| 4 | The construction of buildings, structures or erections including extensions (other than construction within categories 1, 5 and 6) | <p>(a) Where no floor area is created or the gross floor space created does not exceed 50 square metres, £300,</p> <p>(b) Where the gross floor space created exceeds 50 square metres, £600 in respect of any gross floor area up to 100 square metres,</p> <p>(c) Where the gross floor space exceeds 100 square metres, £600 plus £600 per 100 square metres in respect of any gross floor space exceeding 100 square metres and up to 4,000 square metres,</p> <p>(d) Where the gross floor space exceeds 4,000 square metres, £24,000 plus £300 per 100 square metres in respect of any gross floor area exceeding 4,000 square metres, subject to a maximum of £150,000.</p> <p>(e) Where no buildings are to be created, £600 per 0.1 hectare of the site area, subject to a maximum of £150,000.</p> |

| Agricultural buildings | | | |
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| 5 | The erection, on land used for the purposes of agricultural, of buildings to be used for agricultural purposes (other than buildings in Category 6). | (a) | Where the ground area to be covered by development does not exceed 500 square metre, £500 |
| | | (b) | Where the ground area to be covered by the development exceeds 500 square metres, £500 plus £500 for each 100 square metres in excess of 500 square metres, subject to a maximum of £25,000 . |
| 6 | Glasshouses and polytunnels The erection of glasshouses or polytunnels to be used for agricultural purposes | | £100 for each 100 square metres of ground area to be covered by the development subject to a maximum of £5,000 |
| Energy Generation | | | |
| 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 of installation or any means of access to the generating station, pipes or other conduits, and overhead lines. | (a) | Where the number of turbines does not exceed 3 – |
| | | (i) | where none of the turbines have a ground to hub height exceeding 15 metre, £1,250 , |
| | | (ii) | where one or more of the turbines has a ground to hub height exceeding 15 metres, but does 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 of site area, subject to a maximum of £150,000 |

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| 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 | £500 for each 0.1 hectare of the site area, subject to a maximum of £25,000 . |
| 9 | The construction of a solar electricity generating station and carrying out of any other operations in connection with the construction or installation of a generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines. | £500 for each 0.1 hectare of site area, subject to a maximum of £25,000 . |
| 10 | The carrying out of any operations connected with the exploratory drilling for oil or natural gas. | (a) Where the site area does not exceed 0.1 hectares, £1,000 , (b) Where the site area exceeds 0.1 hectares. £1,000 in respect of the first 0.1 hectares of the site area, plus £500 for each 0.1 hectare of site area in excess of 0.1 hectares, subject to a maximum of £150,000 . |
| Fish and Shellfish Farming | | |
| 11 | The placing or assembly of equipment in any part of any marine waters for the purpose of fish farming. | £200 for each 0.1 hectare 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 of the sea bed to be used in relation to such development, subject to a maximum of £25,000 . |

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| 12 | The placing or assembly of equipment in any part of any amrine waters for the purpose of shellfish farming. | £200 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purpose of shellfish farming, subject to a maximum of £25,000 |
| 13 | The erection, alreation or replacement of plant and machinery' | <p>(a) Where the site area does not exceed 5 hectares, £500 for each 0.1 hectare of site area</p> <p>(b) Where the site area exceed 5 hectares, £25,000 plus £250 for each 0.1 hectare of the site area in excess of 5 hectares, subject to a maximum of £150,000</p> |
| 14 | The construction of car parks, Service roads and other means of access on land for the purposes of a single undertaking, where the development is required for the purposes incidental to the exisitng use of the land. | £500 |
| 15 | Operations for the winning and working of minerals (not including peat). | <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 0.1 hectare of the site area in excess of 0.1 hectare.</p> <p>(c) Where the site area exceeds 15 hectares, £75,000, plus £250 for each 0.1 hectare of site area in excess of 15 hectares, subject to a maximum of £150,000.</p> |

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| 16 | Operations for the extraction of peat. | (a) | £500 for each 0.1 hectare of site area, subject to a maximum of £6,000 . |
| 17 | The carrying out of any operations not coming within any of the above categories | (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, £1000 plus £500 for each 1 hectare of the site area in excess of 0.1 hectare. |
| | | (c) | Where the site area exceeds 15 hectares, £8,500 plus £250 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £150,000 . |
| Use of land | | | |
| 18 | The use of the land for the disposal of refuse or waste materials or for the disposal of materials remaining after minerals have been extracted from land | (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 1 hectare of the site area in excess of 0.1 hectare, |
| | | (c) | Where the site area exceeds 15 hectares, £8,500 plus £250 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £150,000 . |
| 19 | The use of the land for the storage of minerals in the open. | (a) | Where the area does not exceed 0.1 hectare, £1,000 , |
| | | (b) | Where the area exceeds 0.1 Hectare, but does not exceed 15 hectares, £1,000 plus £500 for each 1 hectare of the site in exceed of 0.1 hectares, |
| | | (c) | Where the area exceeds 15 hectares, £25,500 plus £250 |

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| | | | for each 0.1 hectare of the site in excess of 15 hectares 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 dwellinghouses. | (a) | Where the number of dwellinghouses to be created by the development does not exceed 10, £600 for each dwellinghouse, |
| | | (b) | Where the number of dwellinghouses to be created by the development is fewer than 50, £600 for the first 10 dwellinghouse, and £450 for each dwellinghouse thereafter, |
| | | (c) | Where the number of dwellinghouses to be created by the development is 50 or more, £23,550 plus £250 for each dwellinghouse in excess of 50. |
| 21 | A material change in the use of a building (other than a change of use referred to in category 20) | (a) | Where the gross floor space does not exceed 100 square metres, £600 , |
| | | (b) | Where the gross floor space exceeds 100 square metres, £600 plus £600 per 100 square metres up to 4,000 square metres, |
| | | (c) | Where the gross floor space exceeds 4,000 square metres, £24,000 plus £300 per 100 square metres in respect of any gross floor space exceeding 4,000 square metres, subject to a maximum of £150,000 . |
| 22 | A material change of use of land (other than- a) a change of use within category 21 b) a change of use within categories 18 or 19, or | | £500 per 0.1 hectare of site subject to a maximum of £5,000 . |

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| | c) a change in the use of equipment placed or assembled in marine waters for the purposes of fish farming or shellfish farming) | | |
| TABLE 2 | | | |
| Category Of Development | | Fee Payable | |
| FEES FOR APPLICATIONS FOR PLANNING PERMISSION IN PRINCIPLE | | | |
| Residential Development | | | |
| New dwellings | | | |
| 1 | Construction of buildings, structures or erections for use as residential accommodation | (a) (b) (c) | Where only one dwellinghouse is to be created, £600 , 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 of the site area, Where more than one dwellinghouse is to be created and the 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 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £75,000 . |
| Non-Residential Buildings | | | |
| 21 | The construction of buildings, structures or erection including extensions. | | £600 for each 0.1 hectare up to 2.5 hectares of the site area, and then £300 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £75,000 . |

| TABLE 3 | | |
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| Category Of Dedevlopment | | Fee Payable |
| FEES FOR APPLICATIONS FOR A CERTIFICATE OF LAWFUL USE OR DEVELOPMENT UNDER SECTION 150 OR A CERTIFICATE OF PROPOSED USE OR DEVELOPMENT UNDER SECTION 151 OF THE 1997 ACT | | |
| CERTIFICATE 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 Of 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 dwellinghouse) | £600 for each dwellinghouse, subject to a maximum of £150,000 |
| TABLE 4 | | |
| Category Of Dedevlopment | | Fee Payable |
| Other Applications | | |
| | Display of advertisements (not the advert publicity fee). | £300 |
| | High Hedge Notice | £401 |
| Hazardous Substance Consent | | |
| | When the quantity specified in the application as the maximum quantity proposed to be present is twice the controlled quantity or less | £600 |
| | When the quantity specified in the application as the maximum quantity proposed to | £1200 |

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| | be present exceeds twice the controlled quantity | |
| | Removal of conditions attached to an existing hazardous substance consent | £600 |
| | Continuation of hazardous substance consent where there has been a change in the person in control of any part of the land | £600 |
| TABLE 5 | | |
| Category Of Dedevlopment | | Fee Payable |
| Consessionary Fees And Exceptions | | |
| 1 | Works to improve a disabled person's access to a public building, or to improve their access, safety, health or comfort at their house | No fee |
| 2 | Applications (including advertisement applications) by Community Councils. | Half the normal fee |
| 3 | Playing Fields (for non-profit making sporting or recreational organisations). | £600 |
| 4 | Applications required because the removal of permitted development rights by a condition or by an Article 4 direction | No fee |
| 5 | Applications required because of the removal of a condition of a right to make a change of use within the Use Classes Order | No fee |
| 6 | Applications within a Conservation Area | Where permitted development rights have been removed by article 3(1) where a dwellinghouse is in a designated Conservation Area the reduction in fee would be reduced by 25%” This applies to alterations of a dwellinghouse (not extensions), and other operations within the curtilage. |
| 7 | Revised or fresh applications for development or advertisements of the same | No fee |

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| | character or description within 12 months of refusal, or of the making of the earlier applications if withdrawn, or within 12 months of expiry of the statutory 8 weeks period where the applicant has appealed to the Secretary of State on the grounds of non-determination | |
| 8 | Revised or fresh application for development of the same character or description within 12 months of receiving permission | No Fee |
| 9 | Certificate of Lawfulness - The withdrawal (before notice of decision was issued) of an earlier application or a refusal of the earlier applications by the same applicant within 12 months of the date when the earlier application was made (in the case of a withdrawn application) or refusal in any other case | No Fee |
| 10 | Playing fields (for non-profit making sporting or recreational organisations) | £600 |
| 11 | Alternative schemes | Highest of the fees applicable for each option and a sum equal to half of the rest |
| 12 | Matters Specified in Conditions | <p>Where an applicant has submitted an application and paid fees for an approval of matters specified in conditions (AMSC) under a planning permission in principle and the fee paid are equal to the amount which would apply if they were applying for all condition as one AMSC application, the fee payable is £500.</p> <p>This provision only applies where no application has been made under that planning permission in principle other than by the applicant.</p> |
| 13 | Development crossing planning authority boundaries requiring several applications | The fee shall be to the Authority whose area the larger or largest part of the land to which the applications relate is |

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| | | situated. The amount payable in respect of all the applications shall be one and a half times the amount which would have been payable if application had been made to a single authority in respect of the whole development or the sum of the amounts which would have been payable, whichever is the lesser. |
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TABLE 6

Surcharges (Applicable From 1st October 2022)

| Category of development | Fee payable |
|--|---|
| Applications made in part retrospect Where an application for planning permission is made after the whole development being applied for has been carried out in full. | Fee calculated in accordance with tables above, plus one quarter. |
| Applications made in part retrospect 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. | Fee calculated in accordance with tables above, plus one quarter. |

TABLE 7

Advert Charges

| Category of development | Fee payable |
|--|---------------------------|
| Neighbour Notification advert fee and Departure Advert fee | £122.00 |
| Schedule 3 Bad neighbour Development | £199 |
| EIA Advert | Charged as cost of advert |
| Hazardous Substance Consent | Charged at cost of advert |

TABLE 8

Prior Notification Approval

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 188 of Part 6 (agricultural buildings and operations). | £500 |
| 4 | An application made by virtue of paragraph (5) of Class 1BC 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 228 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 9

Discretionary Fees, Exemptions And Surcharges Applicable From 20 June 2022

| Category of development | Fee payable | |
|-------------------------|---|------------------|
| 1 | Pre-application advice on Major Development proposals | £1,607.00 |
| 2 | Pre-application advice on all Local Development proposals (except single houses in the town or countryside) | £536.00 |
| 3 | Pre-application advice on single houses in the town or countryside | £161.00 |
| 4 | Pre-application advice on commercial developments and changes of use (max. floor space 500 sqm) | £161.00 |
| 5 | Development enquiry fees for proposed householder | £64.00 |

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| | developments only. All other development types require a Certificate of Lawfulness of Proposed Use or Development | |
| 6 | Enquiries relating to proposed works to Listed Buildings (only one fee payable if it relates to a householder, local and or major development enquiry) | £64.00 |
| 7 | Requests for Non-material Variation of previously approved scheme: | £200 |
| 8 | Pre-application advice for Community Developments | Free |
| 9 | Pre-application advice for Town Centre Developments | Free |
| 10 | Pre application advice for Proposals supporting the Council's food growing strategy | Free |
| 11 | Pre application advice and Planning Applications for Works or alterations to improve access, safety, health or comfort for a disabled person at their home | Free |
| 12 | <p>Compliance with conditions Where an applicant seeks confirmation that the terms set out in a condition attached to a planning permission have been met.</p> <p><i>Note: there is no charge in respect of conditions attached to listed building consent or conservation area consent.</i></p> <p>Where an enquiry relates to a householder development, 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>£100 for each request No limit on number of request</p> <p>Fee Waived in Full <i>Reduced and waived fees subject to agreement by Council</i></p> <p>Fee reduced by half. <i>Reduced and waived fees subject to agreement by Council</i></p> |
| 13 | <p>Discharge of conditions Where an applicant seeks approval of information submitted in respect of a condition attached to a planning permission, for the agreement of the planning authority.</p> <p><i>Note: there is no charge in respect of conditions attached to listed building consent or conservation area consent.</i></p> <p>Where an enquiry relates to a householder development, which would benefit from planning application fee exemption under Reg 7 (means of access, etc. for disabled persons).</p> | <p>£100 for each request No limit on number of request</p> <p>Fee Waived in Full <i>Reduced and waived fees subject to agreement by Council</i></p> |

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| | Where an enquiry relates to a development, which would benefit from planning application fee reduction under Schedule 1, Art 7, (Community Councils). | Fee reduced by half. <i>Reduced and waived fees subject to agreement by Council</i> |
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NOTE:

Brief non-specific or general pre-application advice which can be given over the telephone.