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GLASGOW CITY COUNCIL

PLANNING FEE CHARTER

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.

Items 1-3 will take effect from 1 January 2023.

1. Discretionary Charging – Waived or Reduced Fees

1.1 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. Glasgow City Council will reduce the required fee by 25%. For example, a £300 fee would be reduced to £225.

The full statutory fee should be paid when the application is submitted. On receipt of an application, the Council will make a decision 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.

A) 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.

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B) 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.

1.2 In order to support repurposing of buildings, meanwhile uses of existing buildings for period of less than 2 years will be charged a reduced rate for any change of use. The Council will reduce the application fee to 50% of calculated fee or £1,000 (whichever is smaller).

2. 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 helping to recover the costs of undertaking enforcement investigations.

Glasgow City 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 extension would attract a surcharge of £75. This is 25% of the normal fee of £300, so the total fee payable would be £375.

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

3. Discretionary Charging – Pre-Application fees

The scale of fees for pre-application discussions is as set out on our website [Pre-Application Advice](#)

4. Discretionary Charging – Non Material Variations (s64 of the 1997 Act) and Discharge of Conditions.

The fees set out in the 2022 Regulations will be charged by Glasgow City Council from 1 April 2023. Further guidance will be provided in due course.

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