

1984 No. 224

TOWN AND COUNTRY PLANNING

Planning (Fees) (Amendment) Regulations (Northern Ireland) 1984

Made 27th June 1984

Coming into operation 8th August 1984

The Department of the Environment, in exercise of the powers conferred on it by Article 105A(a) of the Planning (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf, makes the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1984, and the Planning (Fees) Regulations (Northern Ireland) 1983(c) and these regulations may be cited together as the Planning (Fees) Regulations (Northern Ireland) 1983 and 1984.

(2) These regulations shall come into operation on 8th August 1984.

Amendment

2. The Planning (Fees) Regulations (Northern Ireland) 1983 are amended as follows:—

- (a) in regulation 6(1), for “Regulation 4” substitute “Regulation 4(2)”;
- (b) in regulations 7(1)(b) and 8(1)(d), delete “reserved” where it secondly occurs and for “authorised by” substitute “reserved in”;
- (c) in regulation 10(11), for “grounds (b) to (e)” substitute “grounds (b) to (f)”.
- (d) In Part I of Schedule 1:—
 - (i) in paragraphs 1 and 5(2), for “paragraphs 6 to 11” substitute “paragraphs 6 to 10”;
 - (ii) in paragraph 2(1)(c), delete “reserved” where it secondly occurs and, for “authorised by” substitute “reserved in”;
 - (iii) in paragraph 7(3), for “300 square metres” substitute “375 square metres”.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 27th June 1984.

(L.S.)

R. H. Mackenzie

Assistant Secretary

(a) As inserted by Article 13 of The Planning (Amendment) (Northern Ireland) Order 1982 (S.I. 1982/1537 (N.I. 20))

(b) S.I. 1972/1634 (N.I. 17)

(c) S.R. 1983 No. 329

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Planning (Fees) Regulations (Northern Ireland) 1983 which require the payment of fees to the Department of the Environment in respect of applications made under Part IV of the Planning (Northern Ireland) Order 1972 (referred to below as the Order of 1972) for planning permission for development, or for approval of matters reserved by an outline planning permission; in respect of applications for consent for the display of advertisements; and for the payment of fees to the Planning Appeals Commission for applications deemed to have been made by virtue of the provisions of Article 43(B) 3 of the Order of 1972 (in consequence of an appeal under Article 43 of that Order against an enforcement notice).

The main amendments are:—

- (a) the reference in regulation 6(1) to regulation 4 has been amended so as to refer to regulation 4(2). Consequently, regulation 4(1), which requires the payment of a fee for a planning application, will apply to the development described in regulation 6 and a fee of £7 is payable as prescribed by regulation 9 (regulation 2(a)).
- (b) regulation 10(11) has been amended to include an additional case where the fee paid in respect of a deemed application shall be refunded. This is where the Planning Appeals Commission allows an appeal against an enforcement notice on ground (f) in Article 43(2) of the Order of 1972 (inserted by Article 8 of The Planning (Amendment) (Northern Ireland) Order 1982). This ground allows an appeal where copies of the enforcement notice were not served as required by Article 42(5) of the Order of 1972 (regulation 2(b)).

The regulations also make a few minor drafting amendments.