

Statutory Document No. 20XX/XXXX

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*Interpretation Act 2015*

## **TOWN AND COUNTRY PLANNING (APPLICATION AND APPEALS FEES) (AMENDMENT) ORDER 2024**

*Laid before Tynwald:*

*Coming into operation in accordance with article 2*

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The Department of Environment, Food and Agriculture, with concurrence of the Treasury<sup>1</sup>, makes the following Order under section 81 of the Interpretation Act 2015<sup>2</sup>.

### **1 Title**

This Order is the Town and Country Planning (Application and Appeals Fees) (Amendment) Order 2024.

### **2 Commencement**

This Order comes into operation on 1 May 2024.

### **3 Amendment of the Town and Country Planning (Application and Appeal Fees) Order 2021.**

(1) The Town and Country Planning (Application and Appeal Fees) Order 2021<sup>3</sup> is amended as follows.

(2) In article 3 (interpretation) —

(a) in the appropriate places, insert —

«“**fossil fuel**” means coal, lignite peat, natural gas (gas derived from natural strata), crude liquid petroleum, bitumen, or any substance which is directly or indirectly produced from any of these for use as a fuel, and when burned produces a greenhouse

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<sup>1</sup> Under section 83 of the Interpretation Act 2015, the general fee power under section 81 may be exercised by a Department only with the concurrence of the Treasury.

<sup>2</sup> This Order is made, subject to the negative Tynwald procedure, under section 81(1) of the Interpretation Act 2015. If Tynwald at the sitting at which this Order is laid or the next subsequent sitting resolves that this Order is to be annulled it ceases to have effect.

<sup>3</sup> SD 2021/0062.

- gas (within the meaning given in section 4 of the Climate Change Act 2021);»; and
- (b) for the definition of “Development Procedure Order” substitute —  
«**“Development Procedure Order”** means the Town and Country planning (Development Procedure) Order 2019<sup>4</sup> or any order made under section 8(2A) of the Act;».
- (3) In article 7(1) (relevant fee) —
- (a) in paragraph (d) for “(No. 7)”, substitute «(No. 6)»;
- (b) in paragraph (e) for “(No. 8)”, substitute «(No. 7)»; and
- (c) in paragraph (f) for “(No. 10)”, substitute «(No. 9)».
- (4) In article 8 (relevant conditions), after sub-paragraph (f) insert —  
«(g) is for a minor change application which only relates to the provision of a non-fossil fuel heating system in a proposed building that has a fossil fuel heating system in the approved plans (entry No. 9 in the Fees Table).».
- (5) In Part 1 of the Schedule, for paragraph 3 (“full” applications), substitute —  
«**3. “Full” applications**
- (1) Applications relating to developments referred to in sub-paragraphs (2) and (3) require the highest fee to be paid in each case.
- (2) A full application for approval of building, rebuilding, engineering, mining or other operations (entry No.2 in the Fees Table) where the type of development which is the subject of that application falls within more than one of paragraphs (a) to (j) of that entry.
- (3) A full application where a variation of conditions (entry No. 6 in the Fees Table) or a change of use application (entry No. 3 in the Fees Table), or both, are made together with a full approval application (entry No. 2 in the Fees Table) relating to a single planning unit will be charged the highest of the 3 separate potential fees, not the combined total.
- (4) A full application for multi-building sites where some phases are made in full and some have reserved matters are charged the highest fee for each phase under (entries Nos. 1 and 2 in the Fees Table) and aggregated.
- (5) For the purposes of paragraph (4) a “full application for a multi-building site” means where there is more than one

<sup>4</sup> SD 2019/0423.

building (excluding extensions and buildings which are outbuildings within the curtilage of another building) within the same red line boundary.».

(6) In Part 2 of the Schedule for the Fees Table substitute —

«

Column 1 Entry No.	Column 2 Matter	Column 3 Fee on or after 1 May 2024
1	<b>Application for approval in principle and/or of reserved matters —</b>	
	(a) where the application is for approval in principle and all matters are reserved for later approval;	£210 for first 5000m <sup>2</sup> (0.5 ha) of site area plus £210 for each additional 1000m <sup>2</sup> (0.1 ha) (or part thereof) of site area;
	(b) where reserved matters are proposed, either as part of the approval in principle or as a separate application for reserved matters (following the approval of an application for approval in principle) and those reserved matters are matters of —  (i) siting, design, external appearance and layout;  (ii) access only;	(i) the fee relating to the categories of development 2(a)-(j) inclusive in this table;  (ii) £210 for first 5000m <sup>2</sup> (0.5 ha) of site area plus £210 for each additional 1000m <sup>2</sup> (0.1 ha) (or part thereof) of site area;
	(iii) landscaping only; or  (iv) any combination of reserved matters referred to in 1(i)-(iii).	(iii) £130 for first 5000m <sup>2</sup> (0.5 ha) of site area plus £210 for each additional 1000m <sup>2</sup> (0.1 ha) (or part thereof) of site area;  (iv) the highest fee payable for a single reserved matter specified in that application.
2	<b>Full application for approval of building, rebuilding, engineering, mining or other operations for —</b>	

Column 1 Entry No.	Column 2 Matter	Column 3 Fee on or after 1 May 2024
	(a) the erection of, or conversion of a building to, one or more residential units;	£385 for each residential unit with a gross floor space up to 300m <sup>2</sup> plus £385 for each additional 300m <sup>2</sup> (or part thereof) of gross floor space for each residential unit created;
	(b) a development relating to a residential unit or within the curtilage thereof (including an extension, a garage whether attached or detached, another building, the erection of fences, the erection of walls, the erection of other means of enclosure), the erection of satellite dishes, the laying of hard standing or landscaping works) where —  (i) no floor space is to be created by the development;  (ii) up to 15m <sup>2</sup> of gross floor space is to be created by the development; or  (iii) gross floor space exceeding 15m <sup>2</sup> is to be created by the development;	(i) £130;  (ii) £210;  (iii) £385 for first 300m <sup>2</sup> plus £210 for each additional 100m <sup>2</sup> (or part thereof) of gross floor space;
	(c) the erection of buildings to be used for agricultural purposes;	£210 for development up to 500m <sup>2</sup> of gross floor space plus £210 for each additional 100m <sup>2</sup> (or part thereof) of gross floor space;
	(d) the erection of buildings to be used for equestrian purposes;	£210 for development up to 300m <sup>2</sup> of gross floor space plus £210 for each additional 100m <sup>2</sup> (or part thereof) of gross floor space;

Column 1 Entry No.	Column 2 Matter	Column 3 Fee on or after 1 May 2024
	<p>(e) a development involving –</p> <p>(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;</p> <p>(ii) the storage of materials in the open; or</p> <p>(iii) operations for the winning and working of minerals;</p>	<p>£385 for every 1000m<sup>2</sup> (0.1 ha) (or part thereof) of gross site area;</p>
	<p>(f) the erection, alteration or replacement of plant or machinery other than for use for power generation purposes –</p> <p>(i) if no floor space or site area is to be created by the development; or</p> <p>(ii) for a development creating floor space or site area;</p>	<p>(i) £385;</p> <p>(ii) £170 for every 20m<sup>2</sup> (or part thereof) of gross floor space or site area;</p>
	<p>(g) the erection, alteration or replacement of plant or machinery used for power generation purposes (excluding wind turbines, wind farms and solar farms);</p>	<p>£385 for every 1000m<sup>2</sup> (0.1 ha) (or part thereof) of site area;</p>
	<p>(h) the erection, alteration or replacement of plant or machinery used for purposes in connection with wind turbines, wind farms and solar farms –</p> <p>(i) where the gross site area does not exceed 5 Hectares;</p> <p>(ii) where the gross site area exceeds 5 Hectares;</p>	<p>(i) £385 for each 1000m<sup>2</sup> (0.1 ha) (or part thereof) of the gross site area;</p> <p>(ii) £17,575 plus £210 for each additional 1000m<sup>2</sup> (0.1 ha) (or part thereof) of gross site area;</p>

Column 1 Entry No.	Column 2 Matter	Column 3 Fee on or after 1 May 2024
	(i) a development relating to telecommunications;	£555;
	(j) any operation not falling within 2(a)-(i) –  (i) where no floor space or site area is to be created by the development;  (ii) where floor space is to be created by the development;  (iii) where site area is to be created by the development.	(i) £210;  (ii) £385 or the first 300m <sup>2</sup> of gross floor space plus £170 for each additional 20m <sup>2</sup> (or part thereof) of gross floor space;  (iii) £170 for the first 300m <sup>2</sup> of gross site area plus £170 for each additional 300m <sup>2</sup> (or part thereof) of gross site area.
<b>3</b>	<b>Application for change of use of a building or land where –</b>	
	(a) the application involves a change of use of a building other than a change of use coming within any of the other categories of development in this table;	£385 for every 1000m <sup>2</sup> (or part thereof) of gross floor space;
	(b) the application involves a change of use of land other than under (c) below;	£385;
	(c) the application is for a change of use of land for the provision of vehicular parking or storage.	£170 for up to 300m <sup>2</sup> plus £170 for each additional 300m <sup>2</sup> (or part thereof) of gross site area.
<b>4</b>	<b>Application for a certificate of lawful use or development –</b>	
	(a) existing use or development;	fee to be double the amount payable according to the category of development in this table;
	(b) proposed use or development.	50% of the amount payable according to the category of development in this table.
<b>5</b>	<b>Advertisements Regulations –</b>	

<b>Column 1 Entry No.</b>	<b>Column 2 Matter</b>	<b>Column 3 Fee on or after 1 May 2024</b>
	(a) Application for express consent made further to regulation 9 of the Town and Country (Control of Advertisements) Regulations 2013 <sup>5</sup> .	£210 for each site on which an advertisement is displayed.
<b>6</b>	<b>Variation or removal of condition –</b>	
	(a) other than a condition relating to the time limit for planning approval;	£385;
	(b) relating to the time limit for planning approval.	fee to be the amount payable according to the relevant category of development in this table.
<b>7</b>	<b>Second planning application –</b>	
	(a) Second planning application made within 12 months of the granting, refusal or withdrawal of the first application, provided that the application is for –  (i) the same site; and  (ii) a development of the same character or description of the first application.	50% of the fee under this Order that would have been due had a first application for planning approval been granted, refused or withdrawn.
<b>8</b>	<b>Acquisition of Land Act 1984 certificate –</b>	
	(a) Application for a certificate of alternative development value under paragraph 5(1) of Part II to Schedule 1 to the Acquisition of Land Act 1984.	£210 for first 5000m <sup>2</sup> (0.5 ha) of site area plus £210 for each additional 1000m <sup>2</sup> (0.1 ha) (or part thereof) of site area.
<b>9</b>	<b>Development Procedure Order –</b>	
	(a) Application for minor changes to a grant of planning approval under the Development Procedure Order.	The lesser of –  (i) £130; or  (ii) the fee specified as payable in this table according to the category of development.
<b>10</b>	<b>Development Procedure Order Appeal –</b>	

<sup>5</sup> SD 0434/13.

Column 1 Entry No.	Column 2 Matter	Column 3 Fee on or after 1 May 2024
	(a) Appeal fee in respect of an appeal under Part 2 of the Development Procedure Order.	£355.
<b>11</b>	<b>Development Procedure Order Inquiry –</b>	
	(a) Election to have an appeal dealt with by means of an inquiry under Part 2 of the Development Procedure Order.	£130.
<b>12</b>	<b>Amendment to an application or submission of additional information</b>	
	<p>(a) Amendment to an application or submission of additional information for any of the following purposes –</p> <p>(i) the provision of information is required by the Development Procedure Order or an application form issued by the Department for the purposes of that Order;</p> <p>(ii) an Article 5(6) Direction under the Development Procedure Order;</p> <p>(iii) a Regulation 9(1)(b) Direction (for applications under the Advertisements Regulations);</p> <p>(iv) a Regulation 2(4) application under the Town and Country Planning (Certificates of Lawful Use or Development) Regulations 2005<sup>6</sup>; or</p> <p>(v) changes to an application, except where those changes are being made as the result of an agreement with the Department regarding that application.</p>	<p>The lesser of –</p> <p>(i) £210; or</p> <p>(ii) 50% of the original fee.</p>
<b>13</b>	<b>Maximum fee.</b>	£115,320.

<sup>6</sup> SD 2005/0253.



	Notes
1.	To avoid doubt, square metres (m <sup>2</sup> ) are calculated as width multiplied by length. For example, an area of 4m by 5m would be 20 square metres.
2.	To avoid 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 entry No. 2(h), gross site area means all land within the site area including — (a) any area that could potentially be covered by the rotating blades of a turbine; (b) access tracks, roads or paths; (c) cable trenches; (d) control rooms, substations and transformers; (e) meteorological masts; and (f) any other engineering works, buildings or sub-structures ancillary to the windfarm.
4.	Under entry No. 2(j)(iii), site area means the combined area of land covered by operational development within the redline boundary.

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#### 4 Transitional provisions

Any applications submitted but not determined prior to 1 May 2024 will be subject to the fees set out in the Town and Country Planning (Application and Appeal Fees) Order 2021, as if this Order had not been made.

**MADE**

**CLARE BARBER**

*Minister for Environment, Food and Agriculture*

*EXPLANATORY NOTE*

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Application and Appeal Fees) Order 2021 (“the 2021 Order”).

The 2021 Order sets out the fees that may be charged by the Department for the different types of planning applications and planning appeals, and also provides for exemptions from fees and refunds of fees.