

## **STATUTORY INSTRUMENTS LAID BEFORE THE STATES**

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 113 of 2019

### **The Land Planning and Development (Fees) (Amendment) Regulations, 2019**

In pursuance of section 12 of the Land Planning and Development (Fees and Commencement) Ordinance, 2008 and section 89 of the Land Planning and Development (Guernsey) Law, 2005, the "Land Planning and Development (Fees) (Amendment) Regulations, 2019", made by the Development and Planning Authority on 20<sup>th</sup> November, 2019, are laid before the States.

### **EXPLANATORY NOTE**

These Regulations amend the Land Planning and Development (Fees and Commencement) Ordinance, 2008 ("the 2008 Ordinance"). They replace the whole of Schedule 1 to the 2008 Ordinance with the new Planning Fees Schedule set out in Schedule 1 to these Regulations. The Table of building control Fees in Part I of Schedule 2 to the 2008 Ordinance is also replaced with the new Table set out in Schedule 2 to these Regulations.

The Schedules to these Regulations set out new fees to accompany an application for planning permission or an application for approval of reserved matters under a planning permission (Schedule 1) and new fees to accompany a deposit of full plans made under building regulations (Schedule 2).

The new fees will apply to an application for planning permission, an application for approval of reserved matters or a deposit of full plans made under building regulations which is made on or after 1<sup>st</sup> January, 2020 (see regulation 3(1) of these Regulations).

The planning fee categories in Schedule 1 are also restructured and simplified. In particular, categories 3 and 4 in relation to domestic and non-domestic development are amended to include certain minor development included in former fee category 6 and definitions of "domestic development" and "non-domestic development" are included in Part II of the Schedule. Fees for placement of caravans and similar vehicles on land are now included in categories 3 and 4 where within the curtilage of a dwelling or a non-domestic building and in category 9 where not within the curtilage of a building.

Category 4, in relation to non-domestic development, no longer provides for separate fees for a list of specific development (former category 4B). Any such development will now generally fall under category 4H.

Development in relation to shop fronts is also now included in category 4 and removed from the category related to advertisements (now category 6).

Two categories relating to provision of public utility services and street furniture and development in relation to mobile telephone masts and antennas have been combined to form new category 5.

Consequential amendments, in relation to the restructuring and simplification of fee categories, have also been made to the notes in Part II of the Planning fees Schedule.

A change has also been made to the note 3 in Part II of the Planning fees Schedule which adjusts the fee payable where an application is for revised development which is still

substantially the same as that already approved. The condition that the application must be made within 12 months of the original grant has been replaced by a requirement that the original permission is still in effect i.e. development has started or the permission has not expired.

The building control fees in Schedule 2 are also increased and changes made to amalgamate former categories 2D and E and to split former category 2G into two categories with a higher fee for extensions of 50 square metres or more in floor area.

In accordance with section 4B and 4C of the 2008 Ordinance, the new fees also apply in relation to an appeal to the Planning Tribunal in relation to a planning decision or to an Adjudicator against a rejection of full plans under the building regulations, for which a fee is payable under the 2008 Ordinance.

The new fees will apply where the appeal fee is required to be calculated, under section 4B(2) or 4C(2) of the 2008 Ordinance, as if the appeal were made on or after 1<sup>st</sup> January, 2020 (see regulation 3(2) of these Regulations).

These Regulations come into force on the 1<sup>st</sup> January, 2020.

The full text of the legislation can be found at:

<http://www.guernseylegalresources.gg/article/90621/Statutory-Instruments>