

Midlothian Council Planning Fees Charter

Introduced - July 2023

Planning Fees Charter

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.

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.

Ways to Pay

Cheque – Please make cheques payable to 'Midlothian Council' and write the application reference number (**/*****/***), or the address of the application site and 'planning application' or 'pre-application enquiry' on the back of the cheque.

Card – Please call (0131) 271 3147. If paying by card please ensure you also provide us with the planning application reference number and the site address. Please note this telephone line is only staffed on a Monday, Wednesday or Friday.

BACS - Sort code: 83-17-26 Account number: 00128568 Once a payment is made please email revenues.cash.collection@midlothian.gov.uk with confirmation of the planning application reference number, cash amount and the customer/company name. Please copy dutyplanningofficer@midlothian.gov.uk into the email.

Fees for Planning Applications

The fees associated with the submission of planning applications are set out in The Town and Country (Fees for Applications) (Scotland) Regulations 2022 (or subsequent amendments) and can be found via:

[The Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Pre-Application Advice Charging

Below is the scale of fees related to pre-application enquiries:

Category	Definition	Charge	Standard Service Level	Additional service options	Required information
Householder (including change of use of land to private garden ground); and advertisement and signage proposals		£80 + VAT (£96)	Unaccompanied site visit to the site by the case officer; consultation with relevant internal consultees; and a written response provided within 30 working days based on the information provided, unless an alternative timescale is agreed.		<ul style="list-style-type: none"> • Completed pre-application form • Location plan with red line; • Block plan existing and proposed; • Existing/proposed elevations; • Existing/proposed floor plans; • Draft outline design/access statement. <p>* all drawings to be provided at a scale to show the extent of the proposed development.</p>
Small Local Scale development	<ul style="list-style-type: none"> • 1 to 10 residential units; • Up to 999 sqm of gross floor space; 	£150 + VAT (£180)	Unaccompanied site visit to the site by the case officer; consultation with		<ul style="list-style-type: none"> • Completed pre-application form • Location plan with red line;

	<ul style="list-style-type: none"> • Agricultural buildings; • Glasshouses and polytunnels • Other development sites up to 0.49ha. 		relevant consultees; and a written response provided within 30 working days based on the information provided, unless an alternative timescale is agreed.		<ul style="list-style-type: none"> • Block plan existing and proposed; • Existing/proposed elevations; • Existing/proposed floor plans; • Draft outline design/access statement. <p>* all drawings to be provided at a scale to show the extent of the proposed development.</p>
Larger Local Scale	<ul style="list-style-type: none"> • 11 to 49 residential units; • Between 1000 sqm and 9999 sqm of gross floor space; • Other development sites above 0.5ha but below major scale development. 	£500 + VAT (£600)	Unaccompanied site visit to the site by the case officer; consultation with relevant consultees; and a written response provided within 35 working days based on the information provided, unless an alternative timescale is agreed.		<ul style="list-style-type: none"> • Completed pre-application form • Location plan with red line; • Block plan existing and proposed; • Existing/proposed elevations; • Existing/proposed floor plans; • Draft outline design/access statement. <p>* all drawings to be provided at a scale to show the extent of the proposed development.</p>
Major Scale	Major scale development as set out in The Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009	£1200 + VAT (£1440)	Unaccompanied site visit to the site by the case officer; consultation with relevant consultees; and a written response provided within 35 working days based on the	Up to two meetings with case officer £500; £200 for each meeting	<ul style="list-style-type: none"> • Completed pre-application form • Location plan with red line; • Block plan existing and proposed; • Existing/proposed elevations; • Existing/proposed floor plans; • Draft outline design/access statement.

			information provided, unless an alternative timescale is agreed.	after the first two.	* all drawings to be provided at a scale to show the extent of the proposed development.
Listed Buildings	Proposals for alterations to listed buildings not covered by the categories above.	£80 + VAT (£96)	Unaccompanied site visit to the site by the case officer (access may be required); consultation with relevant consultees; and a written response provided within 30 working days based on the information provided, unless an alternative timescale is agreed.		<ul style="list-style-type: none"> • Completed pre-application form • Location plan with red line; • Block plan existing and proposed; • Existing/proposed elevations; • Existing/proposed floor plans; • Draft outline design/access statement. <p>* all drawings to be provided at a scale to show the extent of the proposed development.</p>
Section 75 modifications		£80 + VAT (£96)	Consultation with relevant consultees; and a written response provided within 35 working days based on the information provided, unless an alternative timescale is agreed.		<ul style="list-style-type: none"> • Completed pre-application enquiry form.

Exemptions from the above Pre-Application Enquiry Charging

Pre-application enquiries to alter or extend an existing dwellinghouse, or to carry out operations within the curtilage of an existing dwellinghouse, are exempt from payment of a fee if the planning authority is satisfied that the proposed development is intended to improve access, safety, health or comfort for a disabled person who is living in the house as their principal residence.

Community Councils - pre-application enquiries from a community council are exempt from payment of a fee if the planning authority is satisfied that the proposed development is intended solely for community benefit.

Pre-application enquiries for local scale renewable energy projects are exempt. This exemption does not apply if the proposals form part of a wider development proposal.

Pre-application enquiries that are part of a collective or wider Planning Service funding arrangement are exempt – the Planning Service can advise applicants if their proposal falls within this exemption.

Do I need planning permission enquiries are not classed as pre-application enquiries and are therefore exempt.

Non-Material Variations

A fee of £200 for each request for a non-material variation to a planning permission under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Condition Compliance Fee (excludes AMSC applications relating to planning permission in principle)

A fee of £100 to provide written confirmation that a condition has been complied with. An applicant may wish to seek written confirmation of compliance with more than one condition pertaining to the same application within a submitted request, which will result in a single fee of £100 being payable. Each subsequent written confirmation request pertaining to the same application will attract a further fee of £100. 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) it will be exempt from this fee.

Requests that are part of a collective or wider Planning Service funding arrangement are exempt – the Planning Service can advise applicants if their proposal falls within this exemption.

Discharge of Conditions (excludes AMSC applications relating to planning permission in principle)

A fee of £100 to provide written confirmation that a condition can be discharged. Applicants will require to seek written confirmation of the discharge of conditions related to a grant of planning permission or other form of consent. Each submitted request will result in a single fee of £100 being payable. Each subsequent written request pertaining to the same application will attract a further fee of £100. Where a request relates to a householder development, which would benefit from planning application fee exemption under Reg 7 (means of access, etc. for disabled persons) it will be exempt from this fee.

Requests that are part of a collective or wider Planning Service funding arrangement are exempt – the Planning Service can advise applicants if their proposal falls within this exemption.

Retrospective Applications Surcharge

A surcharge will be applied to applications for planning permission where the application relates to development carried out or commenced without permission (Section 33 of the Town and Country Planning (Scotland) Act 1997). The surcharge will be applied both where development is complete, and where development has commenced but has not yet been completed. The fee shall be calculated for the development in accordance with the Regulations and then a surcharge of 25% will be added. (If an officer of the Planning Authority sees that development has commenced on a development while conducting a site visit the application will be made invalid until the additional fee is paid).

High Hedge Applications

High Hedge applications attract a fee of £300. However, the difference between cost of work involved in assessment and the £300 fee will be refunded if less than £300. Please note that there is no pre-application advice service in relation to High Hedge applications.

Charge for Advertising a (non-EIA) Application

Where applications have to be advertised in the local press on account of neighbour notification, bad neighbour development or potential departure from the development plan a charge of £80 will be required to cover the planning authority's costs. The application will not be determined until the advert fee has been settled.

Charge for Advertising an EIA Application

The advert fee for EIA applications is calculated based on the space required in the newspaper.

Section 50 Licence Applications/Certificate

A section 50 license application fee will be set at £60.

Property Search

A property search fee will be set at £60.

Property Enquiry Certificate

A property enquiry certificate fee will be set at £116.

Monitoring Planning Obligations

Council agreed in 2016 that the planning authority would charge for monitoring obligations.

Charges for the monitoring and management of Planning Obligations are as follows:

Form of Development	Charge
Householder applications or local applications relating to the erection of a single dwellinghouse.	£105+VAT (=£126)
Local developments relating to more than a single dwellinghouse where the planning obligation relates only to the payment of financial contributions.	£525+VAT (=£630)
Local developments where the planning obligation relates to the payment of financial contributions and the provision of affordable housing and/or other infrastructure.	£1050+VAT (=£1260)
Major development where the planning obligation relates only to the payment of financial contributions	£1575+VAT (=£1890)
Major developments where the planning obligation relates to the payment of financial contributions and the provision of affordable housing and/or other infrastructure.	£2100+VAT (=£2520)
National and Major developments where the planning obligation relates to the payment of financial contributions and the provision of affordable housing and/or other infrastructure over a period of 10 years or more.	£5250+VAT (=£6350)