



# Charging Charter Guidance 2023

Aberdeenshire  
COUNCIL



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## Fees Charter and Scale of Fees as of 9 October 2023

### 1. Planning Application Fees

[The Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022 \(the Fee Regulations\)](#) set out the level of fees required as part of the submission of planning applications and other associated applications. Current [fees](#) are set out on our website. Planning application fees can be paid on the [E Development Scotland National Portal \(the National Portal\)](#) at the time of making your application or paid to the Council using an online payment, by telephone or by BACS.

Full details on how to make a payment to the Council can be found on the [Council website](#). The National Portal also has a fee calculator which you can use to work out how much your application fee will be.

### 2. Advert Fees

An additional fee is required for some planning applications which need to be advertised in the local press. This additional advertisement fee will be requested from the applicant/agent where necessary, as part of the validation of the planning application.

All advert fees must be paid to the Council, by making an online payment, by telephone or by BAC.

### 3. Discretionary Fees

The Fee Regulations introduced new categories of fees to enable the planning authority to apply discretionary charges for certain services (Regulation 4), to reduce or waiver fees in certain cases (Regulation 5), and to apply a surcharge for retrospective applications (Regulation 6). As part of a phased roll out of discretionary fees, commencing on 9 October 2023, the planning authority will charge under Regulations 4 and 6 for large scale energy, transmission and infrastructure development only. Phases 2 and 3 of charging will follow later in 2024 and will roll out further discretionary charges, introduce waived/reduced fees and surcharges for other development types.

The Fee Regulations require the planning authority to set out which services a fee is to be charged and how the fees are to be calculated for those services. This information is set out below.

All discretionary charges must be paid to the Council, by making an online payment, by telephone or by BACS. The fees for discretionary charging are set out below.

#### 4. Non-Material Variations – Regulation 4

A request can be made to the planning authority to amend a planning permission where the changes are minor in nature. These requests will generally be granted if it appears that the amendment is not a ‘material’ change to the original permission. Please note that only planning applications (i.e. Detailed Permission, Planning Permission in Principle, or Matters Specified in Conditions) can be subject to non-material variations. It does not apply to Listed Building Consents, Conservation Area Consents, Advertisement applications or Prior Approvals/Notifications.

Requests can be made by the applicant, agent, or new applicants providing they have permission in writing from the previous applicants.

Requests should be made in writing using the Council form, outlining all the proposed amendments and the plans that accompany the NMV should clearly highlight the change whether that be by using an alternative colour or graphic/writing identifying the changes sought.

The fee is a set amount laid down in Part 2 of the Regulations which the planning authority is permitted to charge for this service. There is no limit on the number of requests.

A completed form and payment are required for each request. A form and further information on [requesting a non-material variation](#) can be found on the Council website.

| Non-Material Variation  | Fee              | Exemptions |
|---|------------------|------------|
| Large scale energy, transmission, and infrastructure development  |                  |            |
| Large Scale Energy, Transmission and Infrastructure applications<br><br>Target Response – 28 days from receipt/validation | £200 per request | None       |
| All other development   |                  |            |
| To be introduced in Phases 2 and 3 of the charging regime.  |                  |            |

### 5. Compliance with Conditions and Discharge of Conditions – Regulation 4

Compliance with conditions applies to planning applications only (i.e Detailed Permission, Planning Permission in Principle, or Matters Specified in Conditions) where a letter is required stating that the development has been completed in accordance with the approved details.

Discharge (or satisfaction) of conditions refers to Detailed Permissions that contain suspensive planning conditions that require to be agreed before work commences on site, or prior to occupation, or within a certain time period.

The fee is a set amount laid down in Part 2 of the Regulations which the planning authority is permitted to charge for the service. There is no limit on the number of requests.

A Priority Service is also provided for more time critical developments.

A completed form and payment is required for each request. One or multiple conditions can be applied for per request. Further information can be found on the [Council website](#).

| Application Type   | Fee  | Exemptions |
|--|--|------------|
| <b>Large scale energy, transmission, and infrastructure development</b>  |  |            |
| <p><i>Compliance with Conditions</i> – where an applicant seeks confirmation that the terms set out in a condition have been met.</p> <p><i>Target Response</i> – 3 months from receipt/validation</p> | £100 per request   | None       |
| <p><i>Compliance with Conditions – Priority Service</i></p> <p><i>Target Response</i> – 6 weeks from receipt/validation</p>  | <p>£5000 first request</p> <p>£2500 additional requests thereafter</p> | None       |

|  |  |             |
|--|--|-------------|
| <p><i>Discharge of Conditions</i> – where an applicant seeks approval of information submitted in respect of a condition attached to a planning permission, for the approval of the Planning Authority.</p> <p><i>Target Response</i> – 3 months from receipt/validation</p> | <p>£100 per request</p>  | <p>None</p> |
| <p><i>Discharge of Conditions – Priority Service</i></p> <p><i>Target Response</i> – 6 weeks from receipt/validation</p>   | <p>£5000 first request</p> <p>£2500 additional requests thereafter</p> | <p>None</p> |

| Application Type  | Fee | Exemption |
|---|-----|-----------|
| <p>All other development types</p>                                |     |           |
| <p>To be introduced as Phases 2 and 3 of the charging regime.</p> |     |           |



**6. Requests for Pre-Application Advice – Regulation 4**

Part 1 and Part 2 of the Regulations provide the statutory basis allowing the planning authority to charge for providing pre-application advice. The time and resources spent on pre-application advice can be significant, particularly for large scale energy and infrastructure development and often over a long period. Charges are based on the scale of the development being proposed, reflecting the greater cost associated with providing advice on larger and often complex developments.

The new charges will ensure that the pre-application service can be resourced. The charges are independently set and are subject to review on an annual basis. Charging will commence with pre-application advice for large scale energy, transmission and infrastructure development and will address a need in the energy and transmission sector for a resourced and efficient pre-application service.

| Pre-Application Type  | Fee                              | Exemption |
|---|----------------------------------|-----------|
| <b>Large scale energy, transmission, and infrastructure development</b>   |                                  |           |
| Advice, written evaluation, consultee input, site visit, meeting/workshop and review meetings.<br><br>Refer to pre-application advice guidance for process. | £ 7200 (£6000 + VAT) per request | None      |
| <b>All Other national and major development</b>   |                                  |           |
| To be introduced as Phases 2 and 3 of the charging regime.  |                                  |           |

A completed form and payment are required for each request.

More information on the pre-application service and forms can be found on the [Council website](#).

## 7. Waived or Reduced Fees – Regulation 5

Regulation 5 of the Fee Regulations provides Local Authorities with the discretionary power to waive or reduce fees in certain 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 criteria to benefit from a waived or reduced fee. The full statutory fee should be paid when the application is submitted. The Council will decide on receipt of the application as to whether a reduction up to 25% is applicable and will refund the fee accordingly.

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 existing 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 is consistent with its social objects

Where 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 supporting statement should refer to the criteria described above and be accompanied by supporting evidence.

There is no statutory definition of a proposal which is ‘improving the health of residents. Applicants should provide supporting information on why they consider the proposal will improve the health of residents in the local area.



**NOTE – Regulation 5 provisions (Waived or Reduced fees) do not form part of the current Phase of Charging.**

| Waived or Reduced Fees                                     | Fee | Exemption |
|--|-----|-----------|
| To be introduced as Phases 2 and 3 of the charging regime. |     |           |

### 8. Surcharges – Regulation 6

Regulation 6 of the Fee Regulations provides the planning authority with the power to levy a surcharge of up to 25% on retrospective applications. Where an application for planning permission is retrospect (i.e. work carried out without first having planning permission) a surcharge will be applied. This will also apply where development has been applied for and has been started but not yet completed. The fees below are in relation to planning applications only (i.e. Detailed Permission, Planning Permission in Principle, or Matters Specified in Conditions. Retrospective applications can result from enforcement enquiries or other factors.

A surcharge on retrospective applications is intended to help cover the costs of undertaking any enforcement investigations should they arise.

The surcharge will not necessarily be calculated at the time of the submission unless the applicant highlights this. This is because applications submitted through the National Portal do not consider individual charges levied by Local Authorities, and therefore the levy will be requested when the application is received by the Council.

If the surcharge is not paid, applications will not be determined.

| Type of Retrospective Application                                       | Fee                     | Exemption |
|---|-------------------------|-----------|
| <b>Large scale energy, transmission, and Infrastructure development</b> |                         |           |
| Large Scale Energy, Transmission, and Infrastructure applications       | Statutory fee plus 25%. | None      |
| <b>All other types of applications</b>                                  |                         |           |
| To be introduced as Phases 2 and 3 of the charging regime.              |                         |           |

### 9. Priority Services

The Council offer two ‘priority services’ as part of the consenting process for large scale energy, transmission, and infrastructure developments. These are not statutory requirements and developers may submit applications without using the services. However, the paid services will ensure that staffing resources can be provided to deal with these larger and often more complex applications and ensure efficient decision making.

The *Priority Determination Service* provides an enhanced processing agreement between the Council and the applicant to project manage the application at the formal consenting stage ensuring a better quality of application and certainty of a determination date, without compromising other work streams and ensuring service continuity. There is no guarantee of a positive recommendation, but it can provide the certainty of a when a decision will be reached, subject to meeting certain criteria.

The *Priority Discharge of Conditions Service* will process requests for discharge of conditions within a shorter time period of 6 weeks as opposed the standard target of 3 months. Refer to Chapter 5 for more information on this service.

The charges are independently set and are subject to review on an annual basis.

| Priority Determination Service  | Fee                       | Exemption |
|---|---------------------------|-----------|
| <b>Large scale energy, transmission, and Infrastructure development</b>   |                           |           |
| Advice, review meetings, project management framework between the Council and developer using a Planning Processing Agreement (PPA), including key milestone dates, managing internal consultees, and how and when the application is determined. | 50% of the statutory fee. | None      |
| <b>All other types of applications</b>  |                           |           |
| To be reviewed in later phases of the charging regime.  |                           |           |

A completed form, payment and gate checklist are required for this service. More information on the priority services and forms can be found on the [Council website](#).

### 10. Payment of Fees

An application is not valid, and the Council will not start considering it, until the full application fee has been paid. Once an application is valid, an acknowledgement letter will be issued which acts as a receipt for payment.

Discretionary or priority services will not commence until the appropriate fee has been paid.

### 11. How to Pay

A reminder, that all **planning application fees** can be paid at the time of submitting your application to,

- the [E Development Scotland National Portal \(the National Portal\)](#), or
- the [Council](#) by making an online payment, by telephone or by BAC.

All **advert fees and discretionary fees** ( for pre-application advice, non-material variations, discharge of conditions, compliance with conditions, and priority services) must be paid to the [Council](#), by making an online payment, by telephone or by BACS. The fees are paid only once an application or form has been submitted and an application reference number has been provided to allow the payment to be made.

### 12. VAT

All discretionary fees include VAT where applicable.

### 13. Frequently Asked Questions

| FAQ's |   |
|-------|---|
| 1.    | <b>If I pay for any discretionary services, such as pre-application advice, will I receive a refund if my planning application is ultimately refused?</b>   |
|       | No. Pre-application advice is provided strictly without prejudice to the Council's determination of any subsequent planning application, or view reached on a consultation under the Electricity Acts. The fees for discretionary services are a step towards cost recovery of the services provided and do not guarantee an outcome or certain decision.                                   |
| 2.    | <b>If I proceed to submit a planning application, are the costs of the pre-application advice deducted from the planning fee?</b>   |
|       | No. Charges for discretionary services such as pre-application advice as entirely separate from statutory planning fees.  |
| 3.    | <b>If I pay for the priority determination service, will I receive a refund if my application is delayed beyond the agreed determination date?</b>  |
|       | No. The Council will work on best endeavours to process the application in accordance with the timescales set out in the 'Planning Process Agreement' (agreed between the applicant and the Council) and will endeavour to meet its obligations in the agreement. The Council cannot be held responsible for any unknown or unexpected delays, delays borne by the applicant or consultees. |
| 4.    | <b>Can I pay for a lower or higher category of discretionary services or priority services?</b>   |
|       | No. The level of service reflects the input from Council officers judged necessary to enable an adequate and timely service to be provided.   |
| 5.    | <b>Can I pay for services using cash or cheque?</b>   |
|       | For accounting reasons, the Council cannot accept payment by cash or cheque. Payment can be made using online services, over the phone, or using BACS.  |
| 6.    | <b>Under what powers have discretionary charges been introduced?</b>  |

The relevant legislation is the Town and Country (Fees for Applications) (Scotland) Regulations 2022. Further Guidance is contained in Scottish Government Planning Circular 2/2022. In addition, the “power to advance wellbeing” granted by the Local Government in Scotland Act 2003 enable Council’s to provide services and to impose reasonable charges for them.





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