



Department of the  
**Environment**

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# **REVIEW OF PLANNING FEES AND FUNDING**

***CONSULTATION ON PROPOSED CHANGES TO  
PLANNING FEES***

**April 2013**

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## **RESPONDING TO THIS CONSULTATION PAPER**

You are invited to send your responses to the questions in this consultation document and any additional comments you may have on either the proposed changes or on the accompanying Partial Regulatory Impact Assessment and Equality of Opportunity Screening Analysis Form attached at Annexes 1 and 2.

**Please refer to the relevant question number in setting out your responses and ensure that your comments reflect the structure of the document as far as possible.**

All responses should be made in writing and emailed to: [planning.reform@doeni.gov.uk](mailto:planning.reform@doeni.gov.uk) or sent by post to:

Planning Fees Consultation  
Planning Policy Division  
Department of the Environment  
Level 3 Millennium House  
17-25 Great Victoria Street  
Belfast BT2 7BN

**The consultation period will end on 14 June 2013.**

Additional copies of this document can be downloaded from the PlanningNI website at [http://www.planningni.gov.uk/index/news/news\\_consultation/common\\_news\\_consultation\\_proposed\\_changes\\_to\\_planning\\_fees\\_april\\_2013.htm](http://www.planningni.gov.uk/index/news/news_consultation/common_news_consultation_proposed_changes_to_planning_fees_april_2013.htm) or requested via the postal or email addresses above, or by telephone on (028) 90416 956 or by textphone on (028) 9054 0642.

The document is available in alternative formats; please contact us to discuss your requirements.

In keeping with our policy on openness, the Department intends to publish all responses received on its website. When publishing responses received on behalf of organisations, the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals, the Department will not publish details of the individual's name and address.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

## BACKGROUND AND LEGISLATIVE POSITION

1. This consultation paper seeks views on a package of proposed changes to the planning fees charged under the Planning (Fees) Regulations (Northern Ireland) 2005 (as amended) (“the Fees Regulations”).
2. The Department’s planning functions are funded jointly by income from fees and from money allocated by the Northern Ireland Executive and Assembly. Income relates to fees levied for planning and other consents and property certificates. The legislative power to charge planning fees is found in Article 127 of the Planning (Northern Ireland) Order 1991, as amended by the Planning Reform (Northern Ireland) Order 2006:

### ***Fees and Charges***

*127.—(1) The Department may by regulations make such provision as it thinks fit for the payment of a charge or fee of the prescribed amount in respect of—*

- (a) the performance by the Department of any function it has;*
- (b) anything done by the Department which is calculated to facilitate or is conducive or incidental to the performance of any such function.*

3. As set out in the Department of Finance and Personnel guidance document ‘*Managing Public Money, Northern Ireland*,’<sup>1</sup> all government departments are required to aim for full cost recovery when setting charges or fees for public services. However, in 2010/11 the Department recovered only 59.7% of its costs in relation to development management, with the cost recovery percentage for 2011/12 even lower at 53.8%.
4. The review of planning fees and funding, of which this consultation forms a part, is being taken forward on a two-stage basis: Phase 1 was completed in April 2011 and involved taking a number of immediate steps to address areas of under recovery and cross-subsidisation in the existing fee structure; Phase 2 of the review will consider more fundamental long term changes to how the planning system is resourced, along with the fee anomalies not addressed in Phase 1 of the review.

## AIMS OF THE REVIEW OF PLANNING FEES AND FUNDING

5. An efficient planning system is essential to delivering the Executive’s aim of sustainable economic growth. If it is to play its full part in supporting economic development and protecting our natural and built heritage, the planning system needs to be properly resourced and underpinned by fee levels which realistically reflect the costs of processing and deciding applications. The Executive’s decision to transfer planning functions to local government by April 2015 has reinforced the need to deliver a fairer and more robust funding framework for the planning system.
6. The aim of the review of planning fees and funding is therefore to develop a robust and fit for purpose charging system which will secure the

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<sup>1</sup> <http://www.dfpni.gov.uk/index/finance/afmd/afmd-key-guidance/afmd-mpmni.htm>

sustainability of the planning system in advance of the transfer of functions to local government. This will be achieved by ensuring that fee levels are more proportionate to the work involved in processing and making decisions on planning applications.

7. Despite the improvements made as part of Phase 1 of the review, in some areas the planning fee structure remains complex and difficult to interpret. For this reason, a number of the proposals in this paper are intended to make the structure easier for people to understand and apply, and easier for planning staff to administer.

## **SUMMARY OF THE PROPOSED CHANGES**

8. This set of consultation proposals is the first stage of the work involved in Phase 2 of the review to be brought forward and focuses on the following specific areas:
  - the introduction of reduced fees for applications to renew planning permission;
  - the introduction of a revised methodology for calculating fees for mixed use applications;
  - the removal of the fee exemptions for resubmitted applications for Certificates of Lawful Use or Development (CLUDs) and consent to display advertisements;
  - the correction of an anomaly in the existing fee for two dwelling houses;
  - the removal of a fee for applications made by non-profit making organisations relating to the provision of community facilities (including sports grounds) and playing fields; and
  - the introduction of a revised methodology for calculating fees for minerals, gas and waste applications (category 8 of the Fees Regulations).

## **THE PROPOSED CHANGES**

### **Introduction of reduced fees for applications to renew planning permission**

9. The economic downturn has inevitably led to a reduction in the implementation rate of schemes that already have planning permission. If large numbers of permissions are not implemented and subsequently lapse, this could delay economic recovery. Developers would either put their plans on hold indefinitely or would have to make new planning applications for those schemes, which could lead to delay and additional costs.
10. Currently in Northern Ireland there is provision under the Planning (General Development) Order (NI) 2003 ("the GDO") for applications to renew planning permission where a planning permission was previously granted for development which has not yet begun and that permission was subject to a time limit which has not yet expired. However, in such cases

the applicant is required to pay the full fee for the relevant category of development.

11. In England there are reduced fees for applications to extend the duration of planning permission which was granted, subject to a time limit, on or before 1<sup>st</sup> October 2009<sup>2</sup>. The reduced fees, which are set out below, only apply where the development that was the subject of the planning application has not yet been commenced.

Householder applications - £50

Applications for major development - £500

In any other case - £170<sup>3</sup>

12. To assist developers who are considering applying to renew planning permission before the time limit imposed on that permission expires, the Department proposes that the fee for an application to renew planning permission made under Article 7(3) of the GDO should be 25% of the amount that would be payable if it were a new planning application. An application to renew a lapsed permission will continue to attract a full fee.

**Q1.** Do you agree with the proposal that the fee for an application to renew planning permission should be 25% of the amount that would be payable if it were a new planning application?

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<sup>2</sup> Introduced by regulation 2(5) of the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2010.

<sup>3</sup> Fee amounts as prescribed in the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 (as amended). These fee amounts will increase when the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 come into operation.

## **Introduction of a revised methodology for calculating fees for applications for mixed use development**

13. The methodology currently used for calculating the fee for applications for planning permission involving development which falls into more than one fee category is prescribed in paragraphs 7 and 8 of Part 1 of Schedule 1 to the Fees Regulations.
14. The first step is to calculate the fee separately under each of the fee categories which are relevant, having regard to any concession available. There are then different rules, according to whether the project includes new residential accommodation or not.

*Current approach to calculating fees for (full or reserved matter) applications to erect residential accommodation with other buildings*

15. The fee for an application which involves the erection of dwellings and other types of building (full or reserved matters) is calculated by adding together the fee appropriate to each development (Paragraph 7 of Schedule 1 of the Fees Regulations). This applies whether the two types of development are combined or in separate buildings.

Non Residential + Residential = Total Fee.

16. Where a mixed-use building includes common service floor space areas (for example, foyers) serving both the residential and other parts of the building, these areas are divided pro rata between the floor space of each type of development, for the purpose of calculating the fees.

*Current approach to calculating fees for (full and reserved matters) applications for other mixed use development excluding dwelling houses*

17. Where an application relates to two or more fee categories excluding dwelling houses, the fee is assessed separately for each fee category but only the highest fee is charged (Paragraph 8 of Part 1 of Schedule 1 to the Fees Regulations). The only exception is that fees for residential and non-residential buildings are added together. Otherwise fees for different categories are never added together.

*Proposed new method for calculating fees for (full and reserved matters) applications for mixed use development*

18. The current approach to calculating fees for applications for development which falls into more than one fee category does not enable the Department to fully recover its processing costs and such applications are in effect being cross-subsidised by applicants who pay full fees for development charged under one category of the Fees Regulations.
19. To address this issue, the Department proposes to calculate fees for the majority of mixed use applications on the basis of the sum of uses, with the fee for each component use still being subject to a maximum fee in the same way as the fee is calculated at present. This revised charging

methodology would also extend to hybrid applications where an application was for outline consent for part of a site and for full consent elsewhere within the same site.

20. Examples of the proposed new fees compared with the fees charged under the existing charging methodology are set out in Table 1 below.

Examples of Mixed Use Applications to which new charging methodology would apply				Current Fee – highest fee category charged	Proposed New Fee– all categories added	Difference
<b>Fee Cat 2</b> Erection of 10 dwellings £3,520		<b>Fee Cat 3</b> Extension of 10 Dwellings £2,810		£3,520	£6,330	+ £2,810
<b>Fee Cat 2</b> Erection of 100 dwellings £22,850	<b>Fee Cat 3</b> Extension to 20 dwellings £5,620	<b>Fee Cat 4</b> 1000 sq m of non-res floor space £4,928	<b>Fee Cat 11(a)</b> Change of use to 10 dwellings 2,924	£27,778 (£22,850 + £4928)	£36,322	+ £8,544
<b>Fee Cat 2</b> Erection of 300 dwellings £43,850	<b>Fee Cat 4</b> 10,000 sq m of non-residential floor space £26,520	<b>Fee Cat 9</b> Car Parks Access £249	<b>Fee Cat 12</b> £820	£70,370 (£43,850 + £26,520)	£71,439	+ £1,069

Table 1

21. An exception to the approach outlined above (i.e. calculating fees on the basis of the sum of uses) would need to be made for mixed use applications where the fee for one or more of the components was calculated according to the area of the red line. This involves fee categories 5 (plant and machinery), 7 (peat extraction) and 8 (minerals, gas, waste etc.). Where an application contains more than one of the red-line based categories, or at least one red-line based fee category and at least one non red-line based fee category, the Department proposes to charge for these applications in the same way as at present, i.e. to assess the fee for each separate component but only charge the highest fee.

22. This is to avoid double-charging where, for example, an application includes minerals extraction (category 8) and plant and machinery (category 5) and the relatively small site area for the latter category is situated within the boundary of the larger site area where the minerals extraction is proposed to take place. Another example would be where an application was made for plant and machinery (category 5) and office



buildings (category 4); in this case, the footprint of the buildings would attract a fee, but the area in question would also be included within the area of the red line as part of the plant and machinery calculation if the fee for such applications were to be based on the sum of uses.

23. Examples of the types of applications to which the existing charging methodology would continue to apply are set out in Table 2 below.

Examples of Mixed Use Applications to which current charging methodology would continue to apply				<b>Current Fee – highest fee category charged</b>	<b>Proposed Fee – highest fee category charged</b>	<b>Difference</b>
<b>Fee Cat 5</b> Plant & Machinery 1.5 ha site £5,280		<b>Fee Cat 8</b> Mineral Extraction 1.5 ha site £5,589		£5,589	£5,589	None
<b>Fee Cat 4</b> 500 sq m of non-residential floor space £2,464		<b>Fee Cat 5</b> Plant & Machinery 1.5 ha site £5,280	<b>Fee Cat 8</b> Mineral Extraction 1.5 ha site £5,589	£5,589	£5,589	None
<b>Fee Cat 4</b> 500 sq m of non-residential floor space £2,464	<b>Fee Cat 5</b> Plant & Machinery 20 ha site £33,345	<b>Fee Cat 8</b> Mineral Extraction £40,304 (max fee)	<b>Fee Cat 9</b> Car Parks Access £249	£40,304	£40,304	None

*Table 2*

**Q2.** Do you agree that fees for the majority of mixed use applications should be based on the sum of uses?

**Q3.** Do you agree that an exception should be made for applications containing more than one of the red-line based categories (categories 5, 7 and 8), or at least one red-line based fee category and at least one non red-line based fee category? If so, do you agree that the fee for each separate component should be assessed separately and only the highest fee charged?

## **Removal of fee exemptions for resubmitted applications for Certificates of Lawful Use or Development (CLUDs) and consent to display advertisements**

24. Under the current Fees Regulations, no fee is payable for an application for a CLUD or for consent to display advertisements where the application is made following the withdrawal (before notice of decision was issued) of an application made by or on behalf of the same person. These fee exemptions only apply where the following conditions are met:

- that the application is made within 12 months of the date when the application that was subsequently withdrawn was originally made;
- that the application relates to the same land or site as that to which the earlier application related;
- that the Department is satisfied that it relates to an advertisement(s) or to a use, operation or other matter of the same description as that to which the earlier application related;
- that the fee payable in respect of the earlier application was paid; and
- that no application made by or on behalf of the same person in relation to the same land, site or advertisement(s) has already been exempted from the fee.

25. The Department considers that the above fee exemptions are unjustified as they do not reflect the fact that the applications in question will incur the same resources to process as any other application and indeed, in certain circumstances, may be more administratively burdensome. It is for this reason that the Department removed the reduced fee for new planning applications following a previous approval or withdrawal as part of Phase 1 of the fees and funding review. The same logic applies in the case of the fee exemptions listed above.

26. Moreover, in 2011/12 the Department received no applications for CLUDs and only two applications for consent to display advertisements for which no fee was payable. Thus it is expected that the removal of these fee exemptions will affect very few applicants, and any additional costs for those who are affected must be balanced against the opportunity to remove these complex provisions and simplify the fee structure for all those who are required to interpret it.

**Q4.** Do you agree with the proposed removal of the fee exemptions for resubmitted applications for CLUDs and for consent to display advertisements?

## Removal of anomaly in Category 2 – fee for two or more dwelling houses

27. One of the changes made in Phase 1 of the fees and funding review was the introduction of a new charging methodology for applications for the erection of dwelling houses (category 2 of Part 2 of Schedule 1 to the Fees Regulations).
28. One of the unintentional consequences of this change was to make it cheaper to apply for (full and reserved matters) permission to build two dwelling houses than to build one (£704 for two as opposed to £840 for one). This anomaly arose because the fee for a single dwelling house was specified separately from the fee for 2 or more dwelling houses as shown in Table 3 below.

<i>Category of development</i>	<i>Fee payable</i>
2. The erection of a dwelling house	<p>(a) Reserved Matters</p> <p>Where the application is for a single dwelling house, £420.</p> <p>(b) Full</p> <p>Where the application is for a single dwelling house, £840.</p> <p>(c) Full and Reserved Matters</p> <p>For 2 or more dwelling houses—</p> <p>i) Where the number of dwelling houses to be created by the development is 50 or fewer, £352 for each dwelling house;</p> <p>(ii) Where the number of dwelling houses to be created by the development exceeds 50, £17,600; and an additional £105 for each dwelling house in excess of 50 dwelling houses, subject to a maximum in total of £262,395.</p>

*Table 3*

29. To address this inconsistency, the Department is proposing that the full and reserved matters fee for two dwelling houses should be increased but capped at £1,000 (£840 for the first dwelling house and £160 for the additional dwelling house as set out in Table 4 below). This amendment will result in an increase of £296 in the fee for any application to build two houses. The fee for a third house and those thereafter will be £352 for each additional dwelling house, with the fee for three houses increasing from £1,056 to £1,352, and the fee for 50 houses from £17,600 to £17,896. Once the threshold of 50 houses is reached, the current charging methodology will continue to apply: an additional £105 for each dwelling house in excess of 50 dwelling houses, subject to a maximum in total of £262,395.

<i>Category of development</i>	<i>Fee payable</i>
2. The erection of a dwelling house	<p>(a) Reserved Matters</p> <p>Where the application is for a single dwelling house, £420.</p> <p>(b) Full</p> <p>Where the application is for a single dwelling house, £840.</p> <p>(c) Full and Reserved Matters</p> <p>For 2 or more dwelling houses—</p> <p>i) Where the number of dwelling houses to be created by the development is 50 or fewer, <b>£840 for the first dwelling house</b>, £1,000 for two dwelling houses and £352 for each additional dwelling house;</p> <p>(ii) Where the number of dwelling houses to be created by the development exceeds 50, £17,896; and an additional £105 for each dwelling house in excess of 50 dwelling houses, subject to a maximum in total of £262,395.</p>

*Table 4*

**Q5.** Do you agree that the fee for applications for full and reserved matters permission for two or more dwelling houses should be based on the following calculation: where the number of dwelling houses to be created is 50 or fewer, £840 for the first dwelling house, £1000 for two dwelling houses and £352 for each additional dwelling house?

### **Removal of a fee for non-profit making organisations in respect of applications for the provision of community facilities (including sports grounds) and playing fields**

30. Under the current Fee Regulations (paragraph 3 of Part 1 of Schedule 1), a concessionary fee is available for clubs, societies and other organisations where the following conditions are met:

- the club, society or other organisation is not established or conducted for profit;
- the application relates to the provision of community facilities (including sports grounds) and playing fields; and
- the Department is satisfied that the development is to be carried out on land which is, or is intended to be, occupied by the club, society or other organisation and is to be used wholly or mainly for the carrying out of its objectives.

31. For applications meeting the above criteria, the fee is one half of the amount that would otherwise be payable.
32. In the other UK jurisdictions, there is a flat rate fee for applications made by non-profit making clubs, or other non-profit making sporting or recreational organisations, where the application relates to playing fields for their own use. The flat rate fee covers applications to change the use of the land to use as playing fields and associated operations such as earthmoving, draining, or levelling – it does not cover applications to erect buildings. In England and Wales, there is also a concessionary fee of one half the amount that would otherwise be payable for any application made by a parish council and in Scotland for any application made by a community council.
33. Until May 2005, the legislative provision for the concessionary fee in Northern Ireland was a direct read-across from the rest of the UK in that it was a flat rate fee for playing fields (subject to similar conditions to those listed above). However, in May 2005 the concession was extended to applications for 'community facilities' and the flat rate fee was replaced by a fee of one half the amount that would otherwise be payable. These changes have resulted in difficulties for both staff and applicants in interpreting the legislation.
34. The Department proposes that no fee is charged where an application is received for non-profit making organisations in respect of applications for the provision of community facilities (including sports ground) and playing fields. .

**Q6.** Do you agree that there should be no fee charged for non-profit making organisations in respect of applications for the provision of community facilities (including sports grounds) and playing fields?

### **Introduction of a revised methodology for calculating the fee for Category 8 applications (Minerals, Gas and Waste)**

35. Applications relating to minerals, gas and waste development are charged under Category 8 of the Fees Regulations. Category 8 consists of four sub-categories as set out below:
- (a) *The winning and working of minerals (other than peat).*
  - (b) *The carrying out of any operations connected with exploratory drilling for oil or natural gas.*
  - (c) *The use of land for the disposal of refuse or waste materials or for the deposit of materials remaining after minerals have been extracted from land or the use of land for storage of minerals in the open.*
  - (d) *The carrying out of any operation not coming within any of the above categories.*

36. The fee for any of the above works is currently £1,863 for each 0.5 hectare of the site area, subject to a maximum of £40,304.
37. Northern Ireland is the only UK jurisdiction to charge for this type of development per 0.5 hectare of the site area. In the other UK jurisdictions, the fee is calculated per 0.1 hectare of the site area as shown in Table 5 below.

<b>England</b>	Not more than 15 ha: £170 for each 0.1 ha. More than 15 ha: £25,315 + additional £100 for each 0.1 in excess of 15 ha up to a max of £65,000.
<b>Wales</b>	Not more than 15 ha: £166 for each 0.1 ha. More than 15 ha: £24,852 + £84 for each 0.1 ha (or part thereof) in excess of 15 ha up to a max of £65,000.
<b>Scotland</b>	£160 for each 0.1 ha, up to a maximum of £23,925.

*Table 5*

38. Changing the unit on which the fee calculation for Category 8 is based from 0.5 hectare to 0.1 hectare would bring Northern Ireland into line with the rest of the UK and ensure that the charging methodology does not penalise applicants whose applications only just exceed the 0.5 hectare unit area (in such cases they are currently obliged to pay £1,863 even where the additional site area covers significantly less than 0.5 hectare). The new fee would be £365 per 0.1 hectare (or part thereof) and the fee maximum would remain at its current level of £40,304 (subject to future inflationary increases).
39. Examples of how the proposed new charging methodology would affect fees for applications relating to various site areas are set out in Table 6 below.

<b>SITE AREA (CATEGORY 8 APPLICATIONS)</b>	<b>Current Fee – calculated per 0.5 ha</b>	<b>Proposed Fee – calculated per 0.1 ha</b>	<b>Difference</b>
0.6 ha	£3,726	£2,190	- £1,536
0.75 ha	£3,726	£2,920	- £806
2.1 ha	£9,315	£7,665	- £1,650
11 ha	£40,304 (fee maximum)	£40,304 (fee maximum)	None

*Table 6*

**Q7.** Do you agree that the fee for Category 8 applications should be calculated per 0.1 hectare unit of the site area?

## IMPACT ASSESSMENTS

40. Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights. The Department considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.
41. A partial Regulatory Impact Assessment (RIA) setting out the costs, benefits and risks of the proposed changes is included as part of the consultation at **Annex 1**. An Equality Impact Assessment (EQIA) screening form is also included and can be found at **Annex 2**.
42. The Department has undertaken rural proofing in relation to these proposals and considers that they would not have a differential impact on rural areas or on rural communities. An Anti-Poverty and Social Inclusion screening exercise has also been carried out and the Department considers that there are no significant poverty or social exclusion implications associated with the consultation proposals.
43. Responses to this consultation will be used to refine the impact assessments referred to in the paragraphs above.

**Q8.** Please provide any information you may have on the costs and/or benefits set out in the partial RIA at Annex 1.

**Q9.** Please provide any comments you may have on the EQIA screening form attached at Annex 2.

**PARTIAL RIA****PROPOSED CHANGES TO PLANNING FEES – SPRING 2013****Purpose and intended effect****(i) Background**

The Department's planning functions are funded jointly by income from fees and from money allocated by the Northern Ireland Executive and Assembly. Income relates to fees levied for planning and other consents and property certificates. The legislative power to charge planning fees is found in Article 127 of the Planning (Northern Ireland) Order 1991, as amended by the Planning Reform (Northern Ireland) Order 2006. Fee levels are prescribed in the Planning (Fees) Regulations (NI) 2005 (as amended).

If it is to play its full part in supporting economic development and protecting our natural and built heritage, the planning system needs to be properly resourced and fee levels need to realistically reflect the Department's costs in processing applications. Full cost recovery is the standard approach to setting charges/fees for public services and is set out in the DFP guidance document 'Managing Public Money Northern Ireland'. However, in 2011/12, the Department recovered only 53.8% of its costs in relation to development management.

It is in the context of this under recovery of costs that the Department is undertaking a review of planning fees and funding to ensure that the planning system is properly resourced, both before and after the transfer of the majority of planning functions to local government.

This review is being taken forward on a staged basis: Phase 1 was completed in April 2011 and involved taking a number of immediate steps to address areas of under recovery and cross-subsidisation in the existing fee structure; Phase 2 of the review will involve more fundamental changes to how the Department's planning functions are funded with the aim of developing a robust and fit-for-purpose charging system.

This set of proposals is the first stage of the work involved in Phase 2 of the review and focuses on the following specific areas:

- the introduction of reduced fees for applications to renew planning permission;
- the introduction of a revised methodology for calculating fees for mixed use applications;
- the correction of an anomaly in the existing fee for two dwelling houses;
- the removal of the fee exemptions for resubmitted applications for Certificates of Lawful Use or Development (CLUDs) and consent to display advertisements;



- the removal of the fee for applications made by non-profit making organisations; and
- the introduction of a revised methodology for calculating fees for minerals, gas and waste applications (category 8).

## **(ii) Objective**

The objective of the proposed changes is to develop a robust, fit for purpose charging system that will secure the sustainability of the planning system both before and after the transfer of planning functions to local government. This will be achieved by ensuring that fee levels are proportionate to the work involved in processing and making decisions on planning applications.

## **(iii) Effect**

The effect of the proposed changes would be to simplify the existing fee structure and to:

- reduce fees for applications to renew planning permission
- introduce a revised methodology for calculating fees for mixed use applications
- correct an anomaly in the existing fee for two dwelling houses
- remove fee exemptions for resubmitted applications for Certificates of Lawful Use or Development (CLUDs) and consent to display advertisements
- introduce a revised methodology for calculating fees for minerals, gas and waste applications (category 8)

The proposals will affect anyone submitting a planning application for:

- the renewal of planning permission
- mixed use development
- the erection of two dwelling houses
- a CLUD, where the application is made within 12 months of a previous withdrawal
- consent to display advertisements, where the application is made within 12 months of a previous withdrawal
- minerals, gas or waste development (category 8)

## **Options**

### **Option 1: Do nothing**

The charging methodology and fee levels set out in the current Fees Regulations would continue to apply. This option is not considered to be appropriate as it would not address the areas of cross-subsidisation inherent in the existing fee structure or the need to consider reduced fees for renewals in the context of the economic downturn.

## Option 2: Implement the proposed changes to planning fees

The Department would make a number of amendments to the Fees Regulations, including the introduction of a new category in respect of fees for applications to renew planning permission. Responses to the consultation would be taken into account in finalising the proposals to be taken forward.

### **Benefits**

#### **Option 1: Do nothing**

Overall, the benefits associated with this option are minimal as it would not in any way address the areas of cross-subsidisation inherent in the existing fee structure or the need to consider a new fee category for applications to renew planning permission.

#### **Option 2: Implement the proposed changes to planning fees**

Some of the proposals in the paper will simplify the planning fee structure, which in certain areas is complex and difficult to use. For example, removing the fee exemptions for re-submitted applications for CLUDs and consent to display advertisements would achieve this aim, as would the removal of the anomaly relating to applications for the erection of two dwelling houses.

In addition, a number of the proposals would align fees more closely with the costs involved in processing and deciding an application. For example, the fee for the following application types would be more proportionate to the processing costs incurred by the Department: applications for mixed use development; applications for the erection of two dwelling houses; re-submitted applications for CLUDs and consent to display advertisements.

A further proposal is to calculate the fee for category 8 applications per 0.1 ha unit area, as opposed to 0.5 ha. This is the charging methodology used in the other UK jurisdictions and would ensure that the fee amount was more proportionate to the site area; applicants would not face a significantly higher fee where the site area only slightly exceeded the 0.5 ha unit area (or multiple thereof). The table below compares current fee levels with the proposed new fees for three different site areas:

<b>Category 8 Application</b>	<b>Current Fee</b>	<b>Proposed Fee</b>	<b>Difference</b>
Site area – 0.6 ha	£3,726	£2,190	£1,536
Site area – 2.1 ha	£9,315	£7,665	£1,650
Site area – 11 ha	£40,304 (fee maximum)	£40,304 (fee maximum)	None

Finally, the proposal to reduce fees for renewals to 25% of the usual fee would assist developers in keeping planning permissions alive and would take account of the impact of the economic downturn on the construction industry. Reduced fees for applications to renew planning permission have already been introduced in England and were recently consulted upon in Scotland.

## **Costs**

### **Option 1: Do nothing**

Making no changes to the current Fees Regulations would result in:

- retention of the current overly complex fee structure;
- no reduction in fees for applications to renew planning permission to assist developers in the context of the economic downturn;
- fees for certain Category 8 applications continuing to be disproportionate to the site area involved; and
- a continuing gap in resources between income received and the costs of processing and making decisions in relation to applications for mixed use development, the erection of two dwelling houses, CLUDs and consent to display advertisements (where the application is made within 12 months of a previous withdrawal).

### **Option 2: Implement the proposed changes to planning fees**

If all of the consultation proposals were to be taken forward, costs would rise for developers submitting planning applications for the following types of development:

- the erection of two dwelling houses
- mixed use development
- Certificates of Lawful Use or Development, where the application is made within 12 months of a previous withdrawal
- consent to display advertisements, where the application is made within 12 months of a previous withdrawal

More details on the costs associated with each individual proposal are set out in the paragraphs below.

#### *Revision of the fee for the erection of two or more dwelling houses*

The proposal to amend the fee for an application for two or more dwelling houses is intended to correct an anomaly in the Fees Regulations whereby the fee for an application to erect two dwelling houses is **less** than the fee for a single dwelling house. While this amendment will result in an increase of £296 in the fee for an application to build 2 houses, the current fee for such applications is unjustifiably low. In any case, the additional amount represents only a small percentage of the total costs involved in housing construction projects and, as a result, is unlikely to have any impact on the viability of such projects.

*Introduction of a revised methodology for calculating fees for mixed use applications*

The proposal to change the way the fee is calculated for applications for mixed use development would lead to additional costs for developers in the order of those set out in Table 1. However, it should be noted that the revised charging methodology would not apply to applications for mixed use development where one or more of the components fell into fee category 5, 7 or 8 (i.e. categories in which the fee is based on the area of the red line). For such applications, the current charging methodology would continue to apply and fees would remain as they are at present (see Table 2).

EXAMPLES OF MIXED USE APPLICATIONS TO WHICH NEW CHARGING METHODOLOGY WOULD APPLY				Current Fee – highest fee category charged	Proposed New Fee– all categories added	Difference
<b>Fee Cat 2</b> Erection of 10 dwellings £3,520		<b>Fee Cat 3</b> Extension of 10 Dwellings £2,810		£3,520	£6,330	+ £2,810
<b>Fee Cat 2</b> Erection of 100 dwellings £22,850	<b>Fee Cat 3</b> Extension to 20 dwellings £5,620	<b>Fee Cat 4</b> 1000 sq m of non-res floor space £4,928	<b>Fee Cat 11(a)</b> Change of use to 10 dwellings £2,924	£27,778 (£22,850 + £4928)	£36,322	+ £8,544
<b>Fee Cat 2</b> Erection of 300 dwellings £43,850	<b>Fee Cat 4</b> 10,000 sq m of non-residential floor space £26,520	<b>Fee Cat 9</b> Car Parks Access £249	<b>Fee Cat 12</b> Miscellaneous £820	£70,370 (£43,850 + £26,520)	£71,439	+ £1,069

*Table 1*

EXAMPLES OF MIXED USE APPLICATIONS TO WHICH CURRENT CHARGING METHODOLOGY WOULD CONTINUE TO APPLY				Current Fee – highest fee category charged	Proposed Fee – highest fee category charged	Difference
<b>Fee Cat 5</b> Plant & Machinery 1.5 ha site £5,280		<b>Fee Cat 8</b> Mineral Extraction 1.5 ha site £5,589		£5,589	£5,589	None
<b>Fee Cat 4</b> 500 sq m of non-residential floor space £2,464		<b>Fee Cat 5</b> Plant & Machinery 1.5 ha site £5,280	<b>Fee Cat 8</b> Mineral Extraction 1.5 ha site £5,589	£5,589	£5,589	None
<b>Fee Cat 4</b> 500 sq m of non-residential floor space £2,464	<b>Fee Cat 5</b> Plant & Machinery 20 ha site £33,345	<b>Fee Cat 8</b> Mineral Extraction £40,304(max fee)	<b>Fee Cat 9</b> Car Parks Access £249	£40,304	£40,304	None

Table 2

In 2011/12, only 1.85% (253) of the total number of applications received by the Department (13,680) were for mixed use development. Of these 253 applications, it is unclear how many would have been affected by the revised charging methodology but the number is low enough to suggest a limited impact on any one business sector or industry.

*Removal of the fee exemption for re-submitted applications for CLUDs and consent to display advertisements*

This proposal would result in an increase in costs for anyone submitting an application for a CLUD or for consent to display advertisements where the application was made within 12 months of a previous withdrawal. However, in 2011/12, the Department received only two re-submitted applications for consent to display advertisements and no re-submitted applications for CLUDs. Therefore the costs associated with this proposal are expected to be minimal and significantly outweighed by the opportunity to simplify the existing fee structure.

*Introduction of a revised methodology for calculating fees for minerals, gas and waste applications (category 8)*

As described on page 18, this proposal will ensure that the fee amount will be more proportionate to the site area for category 8 applications. This is likely to mean that developers pay less in fees overall for this category; as a result, the Department's income from fees will reduce. Given the lack of related data

available at this time, it is not possible to estimate the monetary impact of this amendment on the Department. However, it is important to note that one of the key objectives of changing the fees is to try to ensure full cost recovery. Therefore, taken alongside the other changes to planning fees, the cost to the Department should be considered neutral.

#### *Reducing the fee for applications to renew planning permission*

As with the amendment to category 8 fees; this will have a negative impact on the level of fees collected by the Department. Given that fees for renewals will be reduced to 25%, income from renewals will decrease by 75%. The monetary cost of this amendment cannot be robustly estimated; however, it is generally accepted that the cost of processing an application to renew planning permission is the same as the cost of processing the original application and the costs incurred by the Department will depend on the number of applications received in the future. As one of the objectives of reviewing the fees is full cost recovery, it should be assumed that the changes to fees will be cost neutral to Government.

#### *Other costs*

In addition to the above impacts on various stakeholders, the proposed changes will result in additional costs for the Department in relation to the work involved in reconfiguring the electronic fee calculator and issuing revised guidance to staff. Whilst these costs cannot be estimated at this time, they are not thought to be excessive and are necessary to deliver an improved fees and funding regime for the planning system in Northern Ireland.

### **Business sectors affected**

The sectors most likely to be affected by the proposals are:

- all those who submit a planning application for mixed use and category 8 development (minerals, waste and gas); and
- businesses/developers seeking a renewal of planning permission.

### **Other Impact Assessments**

The proposals have been screened with regard to Section 75 of the Northern Ireland Act 1998 and it is considered that they are not likely to have any significant implications for equality of opportunity or community relations.

The Fees Regulations would continue to provide for 'no fee' where an application related to:

- operations providing facilities in the curtilage of an existing dwelling house to secure the greater safety, health or comfort of a disabled person; or
- operations for the provision of a means of access for disabled persons to or within a building or premises to which members of the public are admitted.

It is not considered that these proposals would have a disproportionate impact on rural areas or any implications for the anti-poverty and social exclusion strategy.

## **Monitoring and Review**

The Department will continue to monitor and review the cost of processing planning applications, and has committed to a further detailed study of the cost base of planning applications as part of the review of planning fees and funding.

## **Consultation**

### **(i) Within Government**

Colleagues in Local Planning Division and Strategic Planning Division were consulted about the proposals. Other Government Departments and Agencies will have the opportunity to comment as part of the consultation exercise.

### **(ii) Public Consultation**

The proposals are being subjected to 8 weeks of public consultation. The standard 3 month consultation period is not considered necessary in this case given the narrow range and limited impact of the proposals involved.

## **Summary and Recommendation**

The proposals to amend the Fees Regulations represent the first stage of the worked involved in Phase 2 of the review of planning fees and funding, the purpose of which is to develop a robust, fit for purpose charging system that will secure the sustainability of the planning system both before and after the transfer of planning functions to local government. The objective of Phase 2 is to ensure that the Department's planning functions are properly resourced and that fee levels are proportionate to the work involved in processing and making decisions on planning applications.

When undertaking a regulatory impact assessment it is normal practice to estimate a net present value (NPV) calculation, which would show the total economic cost or benefit of a proposal over a number of years. In this case it is not possible to calculate an NPV, given the lack of data and nature of the planning system, i.e. future costs and benefits will depend on the type of application received which cannot be foreseen or robustly modelled. However, it is clear that some applicants will benefit from the proposals and others will be negatively affected. This was always likely to be the case to ensure a fairer and more balanced fees and funding regime.

As regards the costs and benefits to Government, it is important to note that the Department has not been in a position to recover its costs over recent years, with only 53.8% of the costs of development management being recovered in 2011/12. As outlined in the DFP guidance document *'Managing Public Money Northern Ireland'*, the Department is expected to aim for full

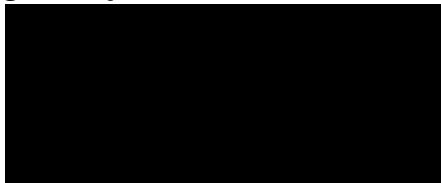
cost recovery when setting fees for public services; it is principally on this basis that the proposed changes to fees are justified.

In conclusion, it is recommended that, subject to consideration of the responses received as part of the public consultation exercise, the Department implements the proposed changes to planning fees outlined above (Option 2).

### **Declaration**

**I have read the Regulatory Impact Assessment and I am satisfied that the balance between cost and benefit is the right one in the circumstances.**

***Signed by a senior officer of the Department of the Environment***



***Fiona Mc Grady Planning Policy Division***

**9<sup>th</sup> April 2013**

**Contact point**

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**DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM**

Under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity between the groups listed at **Appendix A**. In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

This form is intended to help you to consider whether a new or revised policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the Annual Report to the Equality Commission. Reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

It is important that this screening form is completed carefully and thoughtfully. Your business area’s Equality Representative and the Department’s Equality Team (ext 37060/37061) will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

**All screening forms should be signed off by the policy maker, approved by a senior manager responsible for the policy and sent to the Equality Team who will arrange to have them posted on the Department’s website.**

<b>Policy Title:</b>	Review of Planning Fees and Funding: Proposed Changes to Planning Fees
<b>Business Area:</b>	Planning Policy Division
<b>Contact:</b>	Kate Rice (ext. 85956)

## Screening flowchart and template

### Introduction

**Part 1: Policy scoping:** – asks the Department to provide details about the policy, procedure, practice and/or decision being screened and what available evidence has been gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

**Part 2: Screening questions:** – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

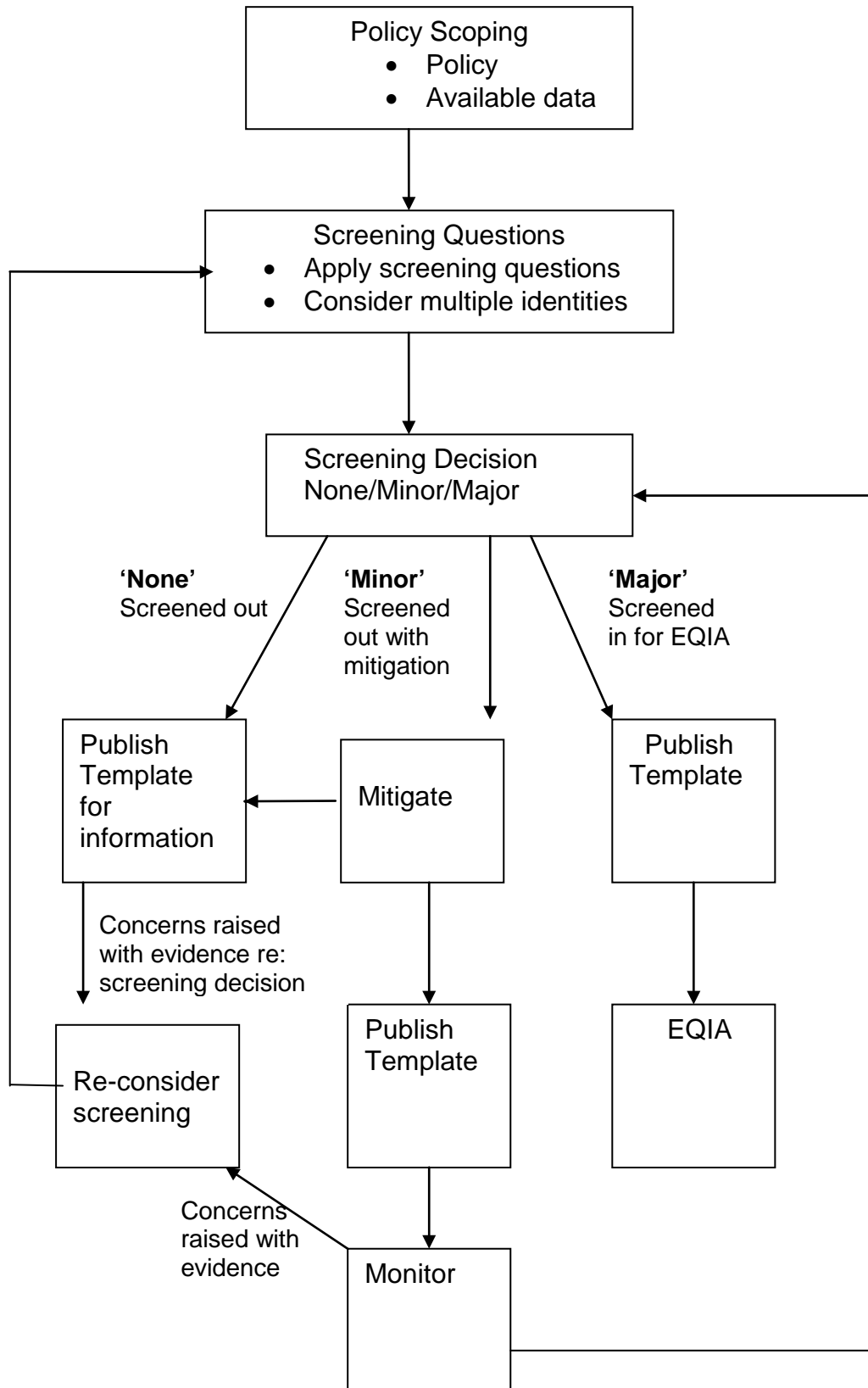
**Part 3: Screening decision:** – guides the Department to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

**Part 4: Monitoring:** – provides guidance on monitoring for adverse impact and broader monitoring.

**Part 5: Approval and authorisation:** – verifies the Department's approval of a screening decision by a senior manager responsible for the policy. All screening templates must be signed off by the relevant policy maker, approved by a senior manager responsible for the policy and forwarded to the Department's Equality Team for quality assurance, approval and publication on the Department's website.

**Part 6: Submission to the Departmental Equality Team:** – Contact details for the Equality Team can be found in this section.

# SCREENING FLOWCHART



## Part 1: Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Policy makers should remember that the Section 75 statutory duties apply to internal policies (relating to the Department's staff), as well as external policies (relating to those who are, or could be, served by the Department).

### Information about the policy

<b>Name of the policy</b>
Review of planning fees and funding: proposed changes to planning fees.
<b>Is this an existing, revised or a new policy?</b>
This package of proposals forms part of the second phase of a wider review of planning fees and funding that was initiated by the Department in 2010.
<b>What is it trying to achieve? (intended aims/outcomes) (Please give clear explanation of policy aims/outcomes)</b>
The objective of the proposed changes to planning fees is to develop a robust, fit for purpose charging system that will secure the sustainability of the planning system both before and after the transfer of planning functions to local government. This will be achieved by ensuring that fee levels are proportionate to the work involved in processing and deciding planning applications.
<b>Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.</b>
The proposed changes to planning fees will apply equally to anyone submitting an application for planning permission or seeking approval/consent from the Department where the application in question is in one of the existing or one of the proposed new fee categories that are the subject of the proposals. Thus, where there are benefits associated with the proposals, those benefits will apply equally to all Section 75 Categories.
<b>Who initiated or wrote the policy?</b>
The proposals were written by DOE Planning Policy Division.
<b>Who owns and who implements the policy?</b>
The proposals are owned by DOE Planning Policy Division and will be implemented by DOE Planning Policy Division, DOE Local Planning Division and DOE Strategic Planning Division.

## Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

Yes  No

If yes, are they:

- financial
- legislative
- other, please specify:

## Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify: building and quarrying industry

## Other policies with a bearing on this policy

- what are they? N/A
- who owns them? N/A

## Available evidence

Evidence to help inform the screening process may take many forms. Policy makers should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Please specify details for each of the Section 75 categories.

For further advice please contact Analytical Services Branch (ASB), (Gary Ewing, ext 40245) or the Equality Team (Laura McAleese, ext 37060, or Jeff Johnston, ext 37061).

<b>Section 75 category</b>	<b>Details of evidence/information</b>
Religious belief	The proposed changes will apply equally to anyone submitting a planning application for the relevant categories of development and therefore do not positively or negatively discriminate towards any religious belief. The Department sought views/evidence on any potential impact on Section 75 groups as part of a similar consultation exercise on proposed changes to planning fees in 2010/11. In addition, the Department carries out an EQIA screening exercise when making the legislation needed to give effect to the annual inflationary increase in planning fees. No differential impact on any of the Section 75 categories has been identified as a result of these exercises.
Political opinion	As above - the proposed changes will apply equally to anyone submitting a planning application for the relevant categories of development and therefore do not positively or negatively discriminate towards any political opinion.
Racial group	As above - the proposed changes will apply equally to anyone submitting a planning application for the relevant categories of development and therefore do not positively or negatively discriminate towards any racial group.
Age	As above - the proposed changes will apply equally to anyone submitting a planning application for the relevant categories of development and therefore do not positively or negatively discriminate towards any age group.
Marital status	As above - the proposed changes will apply equally to anyone submitting a planning application for the relevant categories of development and therefore do not positively or negatively discriminate towards any marital status.
Sexual orientation	As above - the proposed changes will apply equally to anyone submitting a planning application for the relevant categories of development and therefore do not positively or negatively discriminate towards any sexual orientation.
Men and women generally	As above - the proposed changes will apply equally to anyone submitting a planning application for the relevant categories of development and therefore do not positively or negatively discriminate towards men or women generally.
Disability	As above - the proposed changes will apply equally to anyone submitting a planning application for the relevant categories of development and therefore do not positively or negatively discriminate towards people with disabilities.
Dependants	As above - the proposed changes will apply equally to anyone submitting a planning application for the relevant categories of development and therefore do not positively or negatively discriminate towards those with or without dependants.

## Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories.

<b>Section 75 category</b>	<b>Details of needs/experiences/priorities</b>
Religious belief	none identified
Political opinion	none identified
Racial group	none identified
Age	none identified
Marital status	none identified
Sexual orientation	none identified
Men and women generally	none identified
Disability	none identified
Dependants	none identified

## Part 2: Screening questions

### Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, policy makers should consider the answers to the four screening questions.

If your conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then you may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, you should give details of the reasons for the decision taken.

If your conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If your conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:-

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

### In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

### In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by



making appropriate changes to the policy or by adopting appropriate mitigating measures;

- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

**In favour of none**

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

**Screening questions**

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	None identified ahead of the public consultation exercise. However, any S75 issues raised during the consultation process will be considered.	None
Political opinion	As above.	None
Racial group	As above.	None
Age	As above.	None

Marital status	As above.	None
Sexual orientation	As above.	None
Men and women generally	As above.	None
Disability	As above.	None
Dependants	As above.	None

<b>2</b> Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief		No evidence available of any opportunity to better promote equality of opportunity for any Section 75 group at this stage. To be further reviewed following analysis of responses to the public consultation.
Political opinion		No evidence available of any opportunity to better promote equality of opportunity for any Section 75 group at this stage. To be further reviewed following analysis of responses to the public consultation.
Racial group		No evidence available of any opportunity to better promote equality of opportunity for any Section 75 group at this stage. To be further reviewed following analysis of responses to the public consultation.
Age		No evidence available of any opportunity to better promote equality of opportunity for any Section 75 group at this stage. To be further reviewed following analysis of responses to the public consultation.
Marital status		No evidence available of any opportunity to better promote equality of opportunity for any Section 75 group at this stage. To

		be further reviewed following analysis of responses to the public consultation.
Sexual orientation		No evidence available of any opportunity to better promote equality of opportunity for any Section 75 group at this stage. To be further reviewed following analysis of responses to the public consultation.
Men and women generally		No evidence available of any opportunity to better promote equality of opportunity for any Section 75 group at this stage. To be further reviewed following analysis of responses to the public consultation.
Disability		No evidence available of any opportunity to better promote equality of opportunity for any Section 75 group at this stage. To be further reviewed following analysis of responses to the public consultation.
Dependants		No evidence available of any opportunity to better promote equality of opportunity for any Section 75 group at this stage. To be further reviewed following analysis of responses to the public consultation.

<b>3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none</b>		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	Evidence of possible impact to be considered following analysis of responses to public consultation.	None
Political opinion	Evidence of possible impact to be considered following analysis of responses to public consultation.	None
Racial group	Evidence of possible impact to be considered following analysis of responses to public consultation.	None

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief		No - evidence of possible impact to be considered following analysis of responses to public consultation.
Political opinion		No - evidence of possible impact to be considered following analysis of responses to public consultation.
Racial group		No - evidence of possible impact to be considered following analysis of responses to public consultation.

**Multiple identity**

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

*(For example: disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

Yes                       No

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

There is no evidence at this stage that the proposed changes to planning fees will have any impact on people with multiple identities but the Department will await responses to the public consultation to ascertain whether or not this is the case.

### Part 3: Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

There is no evidence at this stage that the proposed changes to planning fees will have any impact on groups relevant to the Section 75 categories but the Department will await responses to the public consultation to ascertain whether or not this is the case.

If the decision is not to conduct an equality impact assessment the policy maker should consider if the policy should be mitigated or an alternative policy be introduced.

There is no evidence at this stage that the proposed changes to planning fees will have any impact on groups relevant to the Section 75 categories but the Department will await responses to the public consultation to ascertain whether or not this is the case.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

#### Mitigation

When you conclude that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

The Department considers that the likely impact is 'none' and that mitigation measures are not required at this time. This will be reviewed if any impacts on Section 75 groups are identified as part of the public consultation exercise.

## Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment:-

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment:-

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	N/A
Social need	N/A
Effect on people's daily lives	N/A
Relevance to a public authority's functions	N/A

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment.

Is the policy affected by timetables established by other relevant public authorities?

Yes

No

If yes, please provide details.

## Part 4: Monitoring

You should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the Department should monitor more broadly than for adverse impact.

Effective monitoring will help you to identify any future adverse impact arising from the policy which may lead to completion of an equality impact assessment, as well as help with future planning and policy development.

## Part 5: Approval and authorisation (to be completed by Business Area)

Screened by:	Position/Job Title	Date
Sarah Malcolmson	DP	15/08/12
<b>Approved by:</b>		
Fiona Mc Grady	Grade 7	8/04/2013

Note: A copy of the Screening Template, for each policy screened should be 'signed off' by the policy maker, approved by a senior manager responsible for the policy and forwarded to the Department's Equality Team who will make the form available on the Department's website. Business areas should ensure that the form is made available on request.

## Part 6: Submission to Departmental Equality Team

PLEASE FORWARD AN ELECTRONIC COPY OF THE COMPLETED FORM TO:

[equality@doeni.gov.uk](mailto:equality@doeni.gov.uk)

QUERIES TO: DOE EQUALITY TEAM  
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## Appendix A

<b>Main Groups Relevant to the Section 75 Categories</b>	
<b>Category</b>	<b>Main Groups</b>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
“Men and women generally”	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians



### Freedom of Information Act 2000 – Confidentiality of Consultations

1. Please note that the Department may publish responses to this Consultation Document or a summary of responses. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.
2. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response.
3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
  - the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
  - the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature; and
  - acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
4. For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at: <http://www.informationcommissioner.gov.uk/>)

## List of Consultees

20:20 Architects  
 Action on Hearing Loss  
 Age NI  
 Archbishop of Armagh & Primate of All Ireland  
 Arcus Architects  
 Arqiva  
 Atlas Communications  
 B9 Energy Services Ltd  
 Bar Library  
 BBC Engineering Information Department  
 Belfast Civic Trust  
 Belfast Harbour Commissioners  
 Belfast Healthy Cities  
 Belfast Hills Partnership  
 Belfast Metropolitan College  
 Belfast International Airport  
 Belfast Metropolitan Residents Group  
 Belfast Solicitors' Association  
 Bishop of Down and Connor  
 Brennen Associates  
 British Telecom (NI)  
 Bryson House  
 Building Design Partnership  
 Cable & Wireless  
 Cabletel (NI) Ltd  
 Carers Northern Ireland  
 Catholic Bishops of NI  
 Central Services Agency for the HPSS  
 Chartered Institute of Environmental Health  
 Chartered Institute of Housing  
 Chief Executive NI Judicial Appointments Commission  
 Chinese Welfare Association  
 City of Derry Airport  
 Civil Law Reform Division  
 Coleraine Harbour Commissioners  
 Committee for the Administration of Justice  
 Community Places  
 Community Relations Council  
 Confederation of British Industry (NI)  
 Construction Employers Federation  
 Council for Catholic Maintained Schools  
 Council for Nature Conservation and the Countryside  
 Countryside Access & Activities Network for NI  
 Courts and Tribunal Services  
 Crown Castle UK Ltd  
 DCLG  
 Derryhale Residents' Association  
 Development Planning Partnerships  
 Departmental Solicitors' Office  
 Disability Action  
 Enniskillen Aerodrome  
 Environment and Planning Law Association of NI  
 Environmental Health Services Department  
 Equality Commission for NI  
 Federation of Small Businesses  
 Ferguson & McIlveen  
 Food Standards Agency NI  
 Forest of Belfast  
 Friends of the Earth  
 Geological Survey of Northern Ireland  
 George Best Belfast City Airport  
 Gingerbread Northern Ireland  
 Health and Social Care Board  
 Health and Social Care Trusts  
 Health & Safety Executive NI  
 HM Revenue & Customs  
 Human Rights Commission  
 Information Commissioners Office  
 Institute of Professional Legal Studies  
 Institute of Directors  
 Institute of Historic Building Conservation  
 Institution of Civil Engineers (NI)  
 International Tree Foundation  
 Invest NI  
 Kenneth Crothers, Deane & Curry  
 Lagan Valley Regional Park Officer  
 Landscape Institute NI  
 Larne Harbour Commissioners  
 Law Centre (NI)  
 Liz Fawcett Consulting  
 Londonderry Port & Harbour Commissioners  
 Lord Chief Justice Office  
 Lough Neagh and Lower Bann Management Committees  
 LPG Association  
 MAG  
 Marks and Spencer  
 McClelland/Saulter Estate Agents  
 Men's Action Network  
 Methodist Church in Ireland  
 Ministry of Defence HQNI  
 Mobile Operators Association  
 Mono Consultants Limited  
 Mourne Heritage Trust  
 Mournes Advisory Council  
 National Library of Ireland  
 National Trust  
 Newtownards Aerodrome  
 NIACRO  
 NI Agricultural Producers Association  
 NI Amenity Council  
 NI Association Engineering Employer's Federation  
 NI Association of Citizens Advice Bureau  
 NI Blood Transfusion Service Agency  
 NICARE

NI Chamber of Commerce and Industry  
 NI Chamber of Trade  
 NIC/ICTU  
 NICOD  
 NI Council for Ethnic Minorities  
 NI Council for Integrated Education  
 NI Court Service  
 NI District Councils  
 NIEA  
 NI Economic Council  
 NI Education and Library Boards  
 NI Electricity Plc  
 NI Environment Committee  
 NI Environment Link  
 NIFHA  
 NI Fire & Rescue Service  
 NI Government Departments  
 NI Health Promotion Agency  
 NI Housing Council  
 NI Housing Executive  
 NI Law Commission  
 NILGA  
 NI Members of the House of Lords  
 NI MPs, MEPs, Political Parties and MLAs  
 NIPSA  
 NI Publications Resource  
 NI Quarry Owners Association  
 NI Quarry Products Association  
 NI Regional Medical Physics Agency  
 NI Residents Coalition  
 NI Tourist Board  
 NI Water  
 NI Women's European Platform  
 Northern Builder  
 Northern Ireland 2000  
 North West Architectural Association  
 NTL Cabletel  
 O2  
 OFCOM  
 Office of Attorney General for NI  
 Orange  
 Ostick and Williams  
 Parkgate and District Community Group  
 Participation & the Practice of Rights  
 Project  
 Participation Network NI  
 Phoenix Natural Gas Ltd  
 Planning Appeals Commission  
 Planning Magazine  
 Playboard NI Ltd  
 POBAL  
 Policing Board of Northern Ireland  
 Pragma Planning  
 Presbyterian Church in Ireland  
 PSNI  
 Queen's University  
 RICS NI  
 Robert Turley Associates  
 Royal National Institute of Blind People  
 Royal Society for the Protection of Birds  
 Royal Society of Ulster Architects  
 Royal Town Planning Institute  
 Royal Town Planning Institute (Irish  
 Branch, Northern Section)  
 RPS Group PLC  
 RTPI Irish Branch (Northern Section)  
 Rural Community Network  
 Rural Development Council for NI  
 Scottish Government  
 SOLACE NI  
 Southern Waste Management Partnership  
 Sport NI  
 Statutory Advisory Councils  
 Strangford Lough Advisory Council  
 Strangford Lough Management Committee  
 Sustrans  
 The Boyd Partnership  
 The Executive Council of the Inn of Court  
 of NI  
 The General Consumer Council for NI  
 The Law Society of Northern Ireland  
 The NI Council for Voluntary Action  
 The Northern Ireland Ombudsman  
 The Utility Regulator NI  
 Three  
 T-Mobile  
 Todd Planning  
 Training for Women Network Ltd  
 Translink  
 Travellers Movement NI  
 TSO Bibliographic Department  
 Tyrone Brick  
 Ulster Angling Federation  
 Ulster Architectural Heritage Society  
 Ulster Community and Hospitals Trust  
 Ulster Farmers' Union  
 Ulster Society for the Preservation of the  
 Countryside  
 Ulster Wildlife Trust  
 University of Ulster  
 Urban and Rural Planning Associates  
 UTV Engineering Information Department  
 Vodafone Ltd  
 Warrenpoint Harbour Authority  
 WDR & RT Taggart  
 Wildfowl and Wetland Trust  
 Women's Forum NI  
 Woodland Trust  
 World Wildlife Fund (NI)  
 Youth Council for Northern Ireland