

Island of



Guernsey

Ordinance of the States

XLI
2008

Made26th November, 2008

Coming into Operation6th April, 2009

The Land Planning and Development (Fees and Commencement) Ordinance, 2008

The Land Planning and Development (Fees and Commencement) Ordinance, 2008

ARRANGEMENT OF SECTIONS

PART I

FEEES TO ACCOMPANY APPLICATIONS IN RELATION TO PLANNING PERMISSION

1. Fee to accompany application for planning permission.
2. Fee to accompany application for approval of reserved matters.

PART II

FEEES TO ACCOMPANY DEPOSITING OF FULL PLANS UNDER THE BUILDING REGULATIONS

3. Fee to accompany depositing of full plans.
4. Refund of part of fee.

PART III

FEEES TO ACCOMPANY REQUESTS FOR PROPERTY SEARCHES

5. Fee to accompany request for domestic property search.
6. Fee to accompany request for non-domestic property search.

PART IV

EXEMPTIONS AND MISCELLANEOUS

7. Exemptions from fees payable under Parts I and II.

8. Exemptions from fees payable under Part I.
9. Exemption from fees payable under Part II for certain building work in relation to controlled services or fittings.
10. Application not duly made for the purposes of section 68(8) of the Law.
11. Power of Department to charge a fee for supply of plans and other documents.
12. Power of Department to amend Schedules by regulations.
13. Interpretation.
14. Amendment of the Plans and Appeals Ordinances.
15. Commencement of the Law.
16. Citation and commencement.

SCHEDULE 1 Fees to accompany an application for planning permission.

SCHEDULE 2 Fees to accompany depositing of full plans under the building regulations.

SCHEDULE 3 Exemption from fees payable under Part II for certain building work in relation to controlled services or fittings.

The Land Planning and Development (Fees and Commencement) Ordinance, 2008

THE STATES, in pursuance of their Resolutions of the 27th June 2002, the 26th January 2005 and the 26th September 2007^a, and in exercise of the powers conferred on them by sections 12(1) and (2), 16(6), 17(3), 29(4), 31(2)(c), 33(6), 35(2)(c), 81, 89 and 96 of the Land Planning and Development (Guernsey) Law, 2005^b, hereby order:-

PART I

FEES TO ACCOMPANY APPLICATIONS IN RELATION TO PLANNING PERMISSION

Fee to accompany application for planning permission.

1. (1) An application for planning permission made on or after the 5th October, 2009 must, subject to the following provisions of this Ordinance, be accompanied by a fee calculated in accordance with Schedule 1.

(2) Where an application for planning permission is made in respect of development which has been carried out without planning permission required under the Law or in breach of any term (including any condition or limitation) of a planning permission, the fee payable, to the extent that the application relates to such development, is double that calculated in accordance with Schedule 1.

^a Billet d'État No. XI of 2002, Article I of Billet d'État No. I of 2005 and Articles III and XV of Billet d'État No. XX of 2007.

^b Order in Council No. XVI of 2005 as amended by Ordinances Nos. XXI, XXII, XXV, XXVII and XXVIII of 2007.

Fee to accompany application for approval of reserved matters.

2. (1) An application for approval of reserved matters made on or after the 5th October, 2009 must, subject to the following provisions of this Ordinance, be accompanied by a fee.

(2) The fee payable shall be that payable in accordance with section 1 for an application for full planning permission for the development to which the reserved matters application relates.

PART II

FEES TO ACCOMPANY DEPOSITING OF FULL PLANS UNDER THE
BUILDING REGULATIONS

Fee to accompany depositing of full plans.

3. (1) Full plans deposited under regulation 10(1)(b) or 14 of the Building Regulations 1992^c on or after 8th June, 2009 must, subject to the following provisions of this Ordinance, be accompanied by a fee, calculated in accordance with Schedule 2.

(2) Where full plans are deposited in respect of building work or a material change of use which has been carried out without approval of full plans required under the building regulations or without complying with any other relevant requirement of the building regulations, the fee payable, to the extent that such plans relate to such work or change of use, is double that calculated in accordance with Schedule 2.

^c G.S.I. No. 27 of 1992 as amended by G.S.I. No. 39 of 2006.

Refund of part of fee.

4. Where the Department rejects full plans deposited under the Building Regulations it shall, as soon as reasonably practicable after such rejection, refund to the person by whom or on whose behalf such plans were deposited fifty per cent of the fee paid in accordance with section 3.

PART III

FEEES TO ACCOMPANY REQUESTS FOR PROPERTY SEARCHES

Fee to accompany request for domestic property search.

5. (1) Any request for a standard property search relating to -
- (a) a building or other land in domestic use,
 - (b) subject to paragraph (c), a building or other land part of which is in domestic use and part of which is in any use other than domestic use, where the request relates primarily to the part in domestic use, or
 - (c) a building containing flats in domestic use where the request arises primarily in relation to one or more such flats contained within that building and not to the building as a whole,

must be made in writing and accompanied by a fee of £80 for each site in respect of which the request is made or such other fee as the Department may by regulations prescribe.

- (2) Any request for an enhanced property search relating to any

land of a description set out in subsection (1)(a) to (c) must be made in writing and accompanied by a fee of £120 for each site in respect of which the request is made or such other fee as the Department may by regulations prescribe.

(3) The Department may, where it allows the supervised viewing of any file of the Department relating to any land of a description set out in subsection (1)(a) to (c), charge a fee of £65 per half hour for each site in respect of which such a viewing is made, or such other fee as the Department may by regulations prescribe.

(4) The Department may refuse to allow such a supervised viewing of any file if a fee has not been paid in advance to cover the estimated time of the viewing.

Fee to accompany request for non-domestic property search.

6. (1) Any request for a standard property search relating to -
- (a) a building or other land in any use other than domestic use,
 - (b) subject to paragraph (c), a building or other land, part of which is in any use other than domestic use and part of which is in domestic use, where the request relates primarily to the part in any use other than domestic use, or
 - (c) a building containing flats in domestic use where the request arises primarily in relation to that building as a whole and not to one of more of such flats contained within that building,

must be made in writing and accompanied by a fee of £120 for each site in respect of which the request is made or such other fee as the Department may by regulations prescribe.

(2) Any request for an enhanced property search relating to any land of a description set out in subsection (1)(a) to (c) must be made in writing and accompanied by a fee of £200 for each site in respect of which the request is made or such other fee as the Department may by regulations prescribe.

(3) The Department may, where it allows the supervised viewing of any file of the Department relating to any land of a description set out in subsection (1)(a) to (c), charge a fee of £100 per half hour for each site in respect of which such a viewing is made, or such other fee as the Department may by regulations prescribe.

(4) The Department may refuse to allow such a supervised viewing of any file if a fee has not been paid in advance to cover the estimated time of the viewing.

PART IV

EXEMPTIONS AND MISCELLANEOUS

Exemptions from fees payable under Parts I and II.

7. (1) Sections 1 to 3 shall not apply where the Department is satisfied that the application or deposit of plans in question relates solely to -

- (a) the provision of a means of access for, or
- (b) other facilities designed to secure the greater safety,

health or comfort of,

a disabled person.

(2) Sections 1 and 2 shall not apply in relation to an application for planning permission or approval of reserved matters made in respect of development to be carried out -

- (a) for or on behalf of the States and solely or substantially in the public interest, or
- (b) for or on behalf of another person who is acting in partnership with the States for the purposes of a programme, policy or other initiative, however named, which has been approved by the States.

(3) Section 3 shall not apply in relation to a deposit of full plans made in respect of building work or a material change of use which is to be carried out as set out in subsection (2)(a) or (b).

Exemptions from fees payable under Part I.

8. Sections 1 and 2 shall not apply where an application for planning permission or approval of reserved matters is made to the Department which seeks to revise development in respect of which a prior application for planning permission or approval of reserved matters has been refused, subject to the following conditions being met -

- (a) the Department is satisfied that the revision in question is made primarily to overcome the reasons for the previous refusal,

- (b) the refusal of planning permission or refusal of approval of reserved matters to which the revision relates was given within a period of six months ending with the date on which the application is received by the Department,
- (c) the application can reasonably be said to be in respect of substantially the same land and development as the application previously refused, and
- (d) there has been no significant change in any material circumstances since that refusal.

Exemption from fees payable under Part II for certain building work in relation to controlled services or fittings.

9. Section 3 shall not apply to a deposit of full plans to the extent that the building work to which those plans relate falls within Schedule 3.

Application not duly made for purposes of section 68(8) of the Law.

10. For the purposes of section 68(8) of the Law (calculation of periods for purposes of certain appeals) a planning application or a reserved matters application shall not be considered to be duly made until the Department has received the fee payable in accordance with this Ordinance.

Power of Department to charge a fee for supply of plans and other documents.

11. Where the Department supplies a plan or any other document to any person in connection with -

- (a) any planning or other application made or to be made

under the Law,

- (b) the deposit or proposed deposit of full plans under the building regulations, or
- (c) any other provision under the Law,

it may charge a fee to cover the reasonable administrative, printing, photocopying and other costs of so doing.

Power of Department to amend Schedules by regulations.

12. The Department may by regulations amend the Schedules.

Interpretation.

13. (1) In this Ordinance, unless the context requires otherwise -

"**application for full planning permission**" means an application for planning permission not subject to the reservation of particular matters for subsequent approval,

"**building**" where used in relation to -

- (a) a deposit of full plans under the building regulations, or
- (b) a standard property search or an enhanced property search insofar as it relates to building control history,

shall have the meaning in the Building Regulations, 1992^d,

"building control history" means details of any action taken by the Department, or any committee (however called) of the States which previously carried out functions under the building regulations, the Building (Guernsey) Law, 1956^e or the Building Regulations, 1957^f, in relation to requirements imposed under those regulations including, without limitation, details of -

- (a) approval or rejection of full plans and issuing of licences to carry out building works under such regulations, and
- (b) any enforcement action in respect of the requirements of such regulations taken under such regulations, the Law or the Building (Guernsey) Law, 1956,

"building regulations" means regulations made by the Department under section 17 of the Law^g,

"building work" shall have the meaning in the Building Regulations, 1992,

^d Guernsey S.I. No. 27 of 1992, as amended by Guernsey S.I. No. 39 of 2006.

^e Ordres en Conseil Vol. XVII, p. 56.

^f Guernsey S.I. No. 24 of 1957 (revoked by Guernsey S.I. No. 27 of 1992).

^g By virtue of section 93(7) of the Law, the Building Regulations, 1992, as amended, have effect as if made under section 17 of the Law.

"Department" means the States of Guernsey Environment Department,

"development" shall be construed in accordance with section 13(1) of the Law and Part I of the Land Planning and Development (General Provisions) Ordinance, 2007^h,

"disabled person" means a person with a physical or mental impairment which has a significant adverse effect on their ability to carry out normal day-to-day activities,

"domestic use" means a use falling within any of residential use classes 1 to 5 in the Land Planning and Development (Use Classes) Ordinance, 2007ⁱ,

"employee" shall have the meaning in section 1(1) of the Health and Safety at Work etc. (Guernsey) Law, 1979^j,

"enactment" means any Law, Ordinance or subordinate legislation,

"enhanced property search" means a search by the Department to provide information held by it, in connection with its functions under the Law, including insofar as it relates to -

^h Ordinance No. XXI of 2007.

ⁱ Ordinance No. XXVI of 2007.

^j Ordres en Conseil Vol. XXVII p. 155 as amended by Order in Council No. XIV of 1993.

- (a) the planning history of the land, information from any date before 1st January 2002, or
- (b) the building control history of the land, information from any date before 1st January, 2002,

"flat" where used in relation to -

- (a) a planning application, a standard property search or enhanced property search insofar as it applies to planning history, means a self-contained dwelling comprising part of a building and lying wholly or partly above or below some other part of that building,
- (b) a deposit of full plans under the building regulations or a standard property search or an enhanced property search insofar as it applies to building control history, shall have the meaning in the Building Regulations, 1992,

"full plans" shall have the meaning in the Building Regulations, 1992,

"glasshouse" means a structure made predominantly of glass or other transparent or translucent material, which is not attached to a dwelling-house, and which is designed and used for growing plants,

"the Law" means the Land Planning and Development (Guernsey)

Law, 2005,

"material change of use" -

- (a) where used in relation to an application for planning permission or approval of reserved matters, shall be construed in accordance with section 13(3) of the Law, or
- (b) where used in relation to the deposit of full plans under the building regulations, shall have the meaning in the Building Regulations, 1992,

"outline permission" means planning permission subject to the reservation of particular matters for subsequent approval,

"planning permission" means the permission which is required under section 14 of the Law for the carrying out of any development of land,

"the public" includes any section of the public,

"standard property search" means a search made by the Department to provide information held by it, in connection with its functions under the Law, only including, insofar as it relates to -

- (a) the planning history of the land, information from any date on or after 1st January, 2002, or
- (b) the building control history of the land, information

from any date on or after 1st January, 2002,

"States" means the States of Guernsey,

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, warrant, byelaw or other instrument made under any enactment and having legislative effect, and

"under the Law" includes provisions made under the Law.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Amendment of the Plans and Appeals Ordinances.

14. (1) In section 17(1) (interpretation) of the Land Planning and Development (Plans) Ordinance, 2007^k, in the definition of **"Plans Regulations"** for "2007" substitute "2008".

(2) In section 21(1) (interpretation) of the Land Planning and Development (Appeals) Ordinance, 2007^l, in the definition of **"Appeals Regulations"** for "2007" substitute "2008".

Commencement of the Law.

15. The Land Planning and Development (Guernsey) Law, 2005 shall come into force on the 6th April, 2009.

^k Ordinance No. XXII of 2007.

^l Ordinance No. XXVIII of 2007.

Citation and Commencement.

16. This Ordinance may be cited as the Land Planning and Development (Fees and Commencement) Ordinance, 2008 and shall come into force on the 6th April, 2009.

S. M. D. ROSS,
Her Majesty's Deputy Greffier

SCHEDULE 1

section 1

FEES TO ACCOMPANY AN APPLICATION FOR PLANNING PERMISSION

PART I

Fee payable.

1. The fee payable is to be calculated in accordance with the Table below and the notes in Part II.

TABLE OF FEES

CATEGORY	DEVELOPMENT TO WHICH APPLICATION RELATES OR TYPE OF APPLICATION	FEE (£)
1	An application for outline permission.	
A	in respect of a site of 2.47 verges (1 acre or 0.4 of a hectare) in area or less	475
B	in respect of a site exceeding 2.47 verges in area, for each 2.47 verges (1 acre or 0.4 of a hectare) and for any additional part remaining of less than 2.47 verges	475
2	The erection of a new dwelling or the change of use of a building to form a dwelling (including in either case any associated works).	
A	for each flat erected or formed	265
B	for each dwelling-house erected or formed	475
3	The erection of a new building or the extension of an existing building -	

	<p>(a) not falling within category 2 or 4, and</p> <p>(b) including any associated works, and any other material alteration to a building not falling within category 5 to this Table.</p>	
A	for the erection of a building or an extension to a building of less than 20 square metres in floor area	85
B	for the erection of a building or an extension to a building of 20 square metres or more but less than 50 square metres in floor area	160
C	for the erection of a building or an extension to a building of 50 square metres or more but less than 100 square metres in floor area	265
D	for the erection of a building or an extension to a building of 100 square metres or more but less than 250 square metres in floor area	475
E	for the erection of a building or an extension to a building of 250 square metres or more in floor area, for each 250 square metres and for any additional part remaining of less than 250 square metres	475
F	for a material alteration to a building where the estimated cost of the alteration is less than £10,000	85
G	for a material alteration to a building where the	160

	estimated cost of the alteration is £10,000 or more	
4	Operations for specified purposes including any associated works.	
A	for the erection of or an extension to a glasshouse, polytunnel or similar structure for agricultural or horticultural purposes - <p style="margin-left: 40px;">(a) of less than 500 square metres, or</p> <p style="margin-left: 40px;">(b) of 500 square metres or more, for each 500 square metres and for any additional part remaining of less than 500 square metres</p>	160
B	for the erection of or an extension to a structure, other than a glasshouse, polytunnel or similar structure, for agricultural or horticultural purposes - <p style="margin-left: 40px;">(a) of less than 500 metres, or</p> <p style="margin-left: 40px;">(b) of 500 square metres or more, for each 500 square metres and for any additional part remaining of less than 500 square metres</p>	265
C	for operations consisting of mineral extraction or working or the storage of minerals in the open or operations in preparation for or otherwise enabling the carrying out of such operations -	790

	<p>(a) in respect of a site of 2.47 vergées (1 acre or 0.4 of a hectare) in area or less, or</p> <p>(b) in respect of a site exceeding 2.47 vergées in area, for each 2.47 vergées (1 acre or 0.4 of a hectare) and for any additional part remaining of less than 2.47 vergées</p>	
D	<p>for operations consisting of the disposal or depositing of waste or in preparation for or otherwise enabling the carrying out of such operations -</p> <p>(a) for a site of 2.47 vergées (1 acre or 0.4 of a hectare) in area or less, or</p> <p>(b) in respect of a site exceeding 2.47 vergées in area, for each 2.47 vergées (1 acre or 0.4 of a hectare) and for any additional part remaining of less than 2.47 vergées</p>	790
5	The carrying out of certain minor and other specified development not carried out as associated works described as falling within any other category to this Table.	
A	for the erection, alteration or demolition of a	42

	wall, fence or other similar structure, for each such structure, alteration or removal	
B	for the formation or alteration of a vehicular access, for each such access	85
C	for the creation, extension or alteration of a domestic car parking area on land within the curtilage of a dwelling-house, flat or of a building containing one or more flats for the use of the occupants of that dwelling-house, flat, or flats, for each such car parking area	85
D	for the installation of - <p style="margin-left: 40px;">(a) an unenclosed swimming-pool or an unenclosed spa, or</p> <p style="margin-left: 40px;">(b) any other pool or pond,</p> and the creation of any associated landscaping, for each such pool or pond	160
E	for the installation or material alteration of a container for the storage of any type of fuel, for each such container	42
F	for the installation of a satellite dish antenna, for each antenna	42
G	for the replacement of existing doors or windows within an existing aperture, for any number of such doors or windows	42
H	for the installation of a flag-pole, for each flag-	42

	pole	
I	for attaching to or painting or otherwise exhibiting on the exterior of any structure, or placing on any land an advertisement or sign, for each advertisement or sign	42 (up to a maximum of £210 per application)
J	for the replacement or material alteration of a shop front, for each shop front	160
K	for the erection or installation of a mobile phone antenna or other telecommunications apparatus which has a similar function, including any structure supporting such antenna or apparatus and any associated works, for each such antenna or apparatus	265 (up to a maximum of £790 per application)
L	for the placing on land of a moveable structure, for each such structure	125
M	for the erection of a structure for the support of plants, for each such structure	42
N	for the creation, extension or re-surfacing of a hard-surfaced area, including timber decking, not falling within any other sub-category to this category, for each such area	42
O	for the demolition of a hedge, for each such hedge demolished	42
P	for the installation of a traffic mirror including any means of fixing, for each such mirror	42
Q	for the installation of an air conditioning unit including any means of fixing, for each such unit	42
R	for the installation of-	42

	<p>(a) a solar panel or similar solar-powered apparatus on a dwelling house or within the curtilage of a dwelling-house, for each such panel or apparatus</p> <p>(b) a domestic wind-turbine within the curtilage of a dwelling-house, for each such wind-turbine</p>	
6	The carrying out of operations not falling within any other category to this Table.	
A	in respect of a site of 0.62 of a vergee ($\frac{1}{4}$ of an acre or 0.1 of a hectare) in area or less	125
B	in respect of a site exceeding 0.62 of a vergee in area but less than 2.47 vergees (1 acre or 0.4 of a hectare) in area	265
C	in respect of a site exceeding 2.47 vergees in area, for each 2.47 vergees (1 acre or 0.4 of a hectare) and for any additional part remaining of less than 2.47 vergees	265
7	Material changes of use other than to use as a dwelling.	
A	for a material change of use of a building or other land other than to - <p>(a) use as a dwelling, or</p> <p>(b) a use falling within paragraphs B</p>	265

	or C of this category	
B	<p>for each material change of use of a building or other land to use for mineral extraction or working or for the storage of minerals in the open-</p> <p>(a) in respect of a site of 2.47 verges (1 acre or 0.4 of a hectare) in area or less, or</p> <p>(b) in respect of a site exceeding 2.47 verges in area, for each 2.47 verges (1 acre or 0.4 of a hectare) and for any additional part remaining of less than 2.47 verges</p>	790
C	<p>for a material change of use of a building or other land to use for the disposal or depositing of waste-</p> <p>(a) in respect of a site of 2.47 verges (1 acre or 0.4 of a hectare) in area or less, or</p> <p>(b) in respect of a site exceeding 2.47 verges in area, for each 2.47 verges (1 acre or 0.4 of a hectare) and for any additional part</p>	790

	remaining of less than 2.47 verges	
--	------------------------------------	--

PART II

NOTES TO TABLE

General notes to Table.

2. (1) For the avoidance of doubt, a lettered sub-category must also be construed by reference to the numbered category of which it forms part.

(2) Where an application for outline permission is made the only fee payable is that payable under category 1.

(3) Where an application for full planning permission is made in respect of more than one sub-category of development listed in the Table the fee payable is, subject to the following provisions of this Schedule, the aggregate of all the fees payable in respect of the development in question.

(4) Notwithstanding subparagraph (3), where a category or sub-category of development is described as including works associated with that development a separate fee shall not be payable in respect of those associated works where they also fall within another category or sub-category of the Table.

(5) Where demolition is necessary to carry out other development falling within categories 2 to 6 of this Table no additional fee shall be payable in respect of that demolition.

Adjustment of fee payable in specified circumstances.

3. (1) Where an application for planning permission or approval of reserved matters is made to the Department which seeks to revise development in

respect of which planning permission or approval of reserved matters has been given ("**revised application**"), the fee payable shall, subject to the following conditions being met, be calculated as if the application were made only in respect of the revised part of the development -

- (a) the planning permission or approval to which the revised part of the development relates was given within a period of twelve months ending with the date on which the revised application is received by the Department,
- (b) the revised application can reasonably be said to be in respect of substantially the same land and development as the development previously approved, and
- (c) there has been no significant change in any material circumstances since that approval.

(2) No fee shall be payable in respect of an application to the extent that it relates to development which is such only by virtue of that development falling within -

- (a) section 1 (operations in relation to protected monuments) or 2 (operations in relation to protected buildings), or
- (b) section 5 (operations in relation to protected trees),

of the Land Planning and Development (General Provisions) Ordinance, 2007 but, for the avoidance of doubt, a fee is payable, subject to subparagraph (3), in respect

of an application relating to such development where it also falls within another description of development under the Law.

(3) Where an application is made for the carrying out of development in relation to or within the curtilage of a protected monument or a protected building no fee shall be payable in respect of that application where such development would not constitute development or would be exempt development if it were carried out other than in relation to or within the curtilage of a protected monument or a protected building.

Category 3.

4. In Category 3 to the Table -

(a) the "**extension to a building**" -

- (i) includes, for the avoidance of doubt, the extension of an existing building by the creation of a balcony area or an extension thereto and any extension to an existing carport,
- (ii) includes, for the avoidance of doubt, the formation of an extension by the conversion of an existing loft, roofspace, basement or cellar area, integral garage, non-integral garage or outbuilding to form any habitable, office or other accommodation for purposes ancillary to the principal use of the existing building,

but in calculating the fee payable for an application in respect of the conversion of an existing loft or roofspace a multiplier of 50% shall be applied to the fee payable in accordance with the Table and the other paragraphs of this Schedule, and

- (b) the "**erection of a building**" includes the erection of a carport.

Categories 3 and 4.

5. For the avoidance of doubt, where an application relates to more than one extension to the same building the fee shall be calculated by aggregating the floor area of all extensions created or formed by the development.

Interpretation of Schedule 1.

6. In this Schedule, unless the context requires otherwise -

"**associated works**" means any works which can reasonably be regarded as necessary in order to carry out the description of development in question and related terms shall be construed accordingly,

"**estimated cost**" means such reasonable amount as may be charged by a person in business to carry out the development in question,

"**exempt development**" means development which is exempted from the requirement for planning permission under the Land Planning and Development (Exemptions) Ordinance, 2007^m,

^m Ordinance No. XXV of 2007.

"floor area" means the gross aggregate of the area of all new floors created or formed by the development, measured internally, including any floor area covered by internal walls or partitions,

"protected building" means a building, or any part of a building, which is of special historic, architectural, traditional or other interest and which is listed on the protected buildings list,

"protected monument" means a monument, structure, artefact, cave, ruin or remains which are of archaeological, historic, traditional, artistic or other special interest and which is listed on the protected monuments list,

"protected tree" means any tree, group or area of trees or woodlands in relation to which a tree protection order has been made,

"the Table" means the Table in Part I,

"waste" includes -

- (a) scrap material, effluent or other unwanted surplus arising from any process, and
- (b) anything which requires to be disposed of as being broken, worn out, contaminated, spoiled or redundant,

and other terms used in this Schedule which are not defined in it but are defined in the Law shall have the same meaning as in the Law.

SCHEDULE 2

section 3

FEES TO ACCOMPANY DEPOSITING OF FULL PLANS UNDER THE
BUILDING REGULATIONS

PART I

Fee payable.

1. The fee payable is to be calculated in accordance with the Table below and the notes in Part II.

TABLE OF FEES

CATEGORY	BUILDING WORK OR MATERIAL CHANGE OF USE TO WHICH FULL PLANS RELATE	FEE (£)
1	<p>The creation of a new dwelling (whether by its erection or by a material change of use) including-</p> <p style="text-align: center;">(a) any detached garage or parking area which is for purposes ancillary to the enjoyment of the dwelling as such, and</p> <p style="text-align: center;">(b) any other associated building work.</p>	
A	for each flat created up to and including 20	490
B	for each additional flat created up to and including 40	375
C	for each additional flat created over 40	260
D	for each dwelling-house created up to and including 20	770
E	for each additional dwelling-house up to and including 40	555
F	for each additional dwelling-house created over 40	325
2	The extension of or other alteration to a dwelling, not	

	falling within category 1, and other specified building work in relation to a dwelling and any associated building work.	
A	for the extension of a dwelling, not falling within sub-category C, D, E or K of this category, by less than 20 square metres in floor area	330
B	for the extension of a dwelling, not falling within sub-category C, D, E or K of this category, by 20 square metres or more in floor area	555
C	for the extension of a dwelling by the conversion of an existing loft or roofspace to form habitable accommodation	375
D	for the extension of a dwelling by the conversion of an existing basement or cellar area to form habitable accommodation	375
E	for the extension of a dwelling by the conversion of an existing integral or non-integral garage to form habitable accommodation	375
F	for the erection of or an extension to a garage, shed or garden store (which in each case is predominantly for purposes ancillary to the enjoyment of a dwelling as such) of less than 20 square metres in floor area	110
G	for the erection of or extension to a garage, shed or garden store (which in each case is predominantly for purposes ancillary to the enjoyment of a dwelling as such) of 20 square metres or more in floor area	220
H	for an alteration to a dwelling, other than an alteration falling within any other sub-category to this category, where the estimated cost of the building work is less than £5,000	125
I	for an alteration to a dwelling, other than an alteration falling within any other sub-category to this category, where the	215

	estimated cost of the building work is at least £5,000 but no more than £20,000	
J	for an alteration to a dwelling, other than an alteration falling within any other sub-category to this category, where the estimated cost of the building work is more than £20,000	480
K	for the erection of a conservatory or a sun lounge	115
L	for the replacement of existing windows within an existing aperture, for any number of such windows	63
3	<p>Building work or a material change of use -</p> <p style="padding-left: 40px;">(a) not falling within category 1 or 2, for the erection of or extension to a building for purposes ancillary to the enjoyment of a dwelling as such, and</p> <p style="padding-left: 40px;">(b) other than in relation to a dwelling,</p> <p>and any associated building work.</p>	
A	for the erection of or an extension to a building of less than 20 square metres in floor area for purposes other than storage	325
B	for the erection of or an extension to a building of 20 square metres or more but less than 50 square metres in floor area for purposes other than storage	555
C	for the erection of or an extension to a building of 50 square metres or more but less than 100 square metres in floor area for purposes other than storage	775
D	for the erection of or an extension to a building of 100 square metres or more but less than 250 square metres in floor area for purposes other than storage	1260

E	for the erection of or an extension to a building of 250 square metres or more in floor area for purposes other than storage, for each 250 square metres and for any additional part remaining of less than 250 square metres	1260
F	for the erection of or an extension to a building of less than 20 square metres for storage purposes	260
G	for the erection of or an extension to a building of 20 square metres or more but less than 50 square metres in floor area for storage purposes	375
H	for the erection of or an extension to a building of 50 square metres or more but less than 100 square metres in floor area for storage purposes	490
I	for the erection of or an extension to a building of 100 square metres or more but less than 250 square metres in floor area for storage purposes	890
J	for the erection of or an extension to a building of 250 square metres or more in floor area for storage purposes, for each 250 square metres and for any additional part remaining of less than 250 square metres	890
K	for the alteration of a building, other than an alteration falling within any other sub-category to this Table, where the estimated cost of the building work is less than £10,000	165
L	for the alteration of a building, other than an alteration falling within any other sub-category to this Table, where the estimated cost of the building work is £10,000 or more but less than £50,000	480
M	for the alteration of a building, other than an alteration falling within any other sub-category to this Table, where the estimated cost of the building work is £50,000 or more but	610

	less than £100,000	
N	for the alteration of a building, other than an alteration falling within any other sub-category to this Table, where the estimated cost of the building work is £100,000 or more	1000
O	for the material change of use of a building other than to use as a dwelling	555
4	The carrying out of specified building work not carried out as part of any building work falling within any other category to this Table.	
A	for the provision or alteration of a drainage system including the installation of a cesspit, for each such drainage system	105
B	for the provision or alteration of a controlled service or fitting not falling within any other sub-category of this category, for each such controlled service or fitting	80
C	for the erection of a retaining wall, for each such wall	330
D	for building work involving the underpinning of a building, for each building underpinned	330
E	for the replacement or alteration of a shop front, for each shop front	165
F	for the erection of a garden or boundary wall, for each such wall	105
G	for the installation of a swimming-pool or a reservoir, for each such pool or reservoir	105
H	for the erection of or extension to a glasshouse, for each such extension or glasshouse - (a) of less than 500 square metres, or	105

	(b) of 500 square metres or more, for each 500 square metres and for any additional part remaining of less than 500 square metres	
I	for the construction of a service or an estate road, for each such road - (a) of less than 250 square metres, or (b) of 250 square metres or more, for each 250 square metres and any additional part remaining of less than 250 square metres	105
J	for the demolition of any building	105

PART II

NOTES TO TABLE

General notes to Table.

2. (1) For the avoidance of doubt, a lettered sub-category must also be construed by reference to the numbered category of which it forms part.

(2) Where the deposit of full plans is made in respect of more than one sub-category of building work or material change of use listed in the Table, the fee payable is, subject to the following provisions of this Schedule, the aggregate of all the fees payable in respect of the building work or material change of use in question.

(3) Notwithstanding subparagraph (2), where a category or sub-category of building work or material change of use is described as including works

associated with that building work or material change of use a separate fee shall not be payable in respect of those associated works where they also fall within another category or sub-category of the Table.

Adjustment of fee payable in specified circumstances.

3. Where a person seeks to revise full plans approved by the Department by depositing such plans with revisions, the fee payable shall be calculated as if the depositing of plans were made only in respect of the revision in question to the building work or material change of use proposed.

Categories 1 and 2.

4. (1) For the avoidance of doubt, the sub-categories in category 1 must be applied progressively to building work or a material change of use so that the first 20 flats or dwelling-houses created by any such works or material change of use will be subject to the fee for up to and including 20 flats or dwelling-houses, as the case may be, and the next 20 at the rate shown for the next sub-category and so on up to the last sub-category.

(2) Building work to convert a building containing two or more dwellings to one containing a single dwelling shall be treated as falling within category 2 and not within category 1.

Category 2.

5. (1) Where the deposit of plans relates to -
- (a) building work falling within category 2 in relation to more than one dwelling, a separate fee is payable in respect of each dwelling,
 - (b) building work falling within more than one sub-

category of category 2 in relation to the same dwelling, the fee payable in respect of that building work shall be as if the deposit of plans were made only in relation to the building work for which the highest fee is specified in the Table, or

- (c) the conversion of an integral garage or a garage attached to a dwelling to form a habitable room the deposit of plans shall be treated, for the purposes of calculating the fee payable, as if made in relation to an alteration to a dwelling falling within category 2H, I or J, as the case may be.

(2) For the avoidance of doubt building work to convert a building containing two or more dwellings to one containing a single dwelling shall be treated as an alteration to a dwelling falling within category 2H, I or J, as the case may be.

(3) In category 2A and B "**the extension of a dwelling**" includes, for the avoidance of doubt, the extension of a dwelling by the creation of a balcony area or an extension thereto.

Categories 2 and 3.

6. In categories 2 and 3, where a deposit of plans relates to more than one extension to the same building the fee shall be calculated by aggregating the floor area of all extensions created or formed by the building work or material change of use.

Category 3.

- 7. (1) In category 3, where the deposit of plans relates to building

work or a material change of use in relation to more than one building, a separate fee is payable in respect of each building.

(2) In category 3 -

(a) an "**extension to a building**" includes, for the avoidance of doubt -

(i) the extension of an existing building by the creation of a balcony area or an extension thereto or the extension of an existing carport,

(ii) the formation of an extension by the conversion of an existing loft, roofspace, basement or cellar area or outbuilding to form any office or other accommodation, as the case may be, for purposes ancillary to the principal use of the building,

(b) the "**erection of a building**" includes the erection of a carport,

except that this shall not be construed as inferring that category 3 extends to any such extensions in relation to a dwelling falling within category 2.

Category 4.

8. Where the deposit of plans relates to -

(a) building work falling within category 4 in respect of more than one building, a separate fee is payable in

respect of each building,

- (b) building work falling within more than one sub-category of category 4 in respect of the same building, the fee payable in respect of that building work shall be as if the deposit of plans were made only in relation to the sub-category for which the highest fee is specified in the Table.

Interpretation of Schedule 2.

9. (1) In this Schedule, unless the context requires otherwise -

"**associated building work**" means any building work which can reasonably be regarded as necessary to carry out the description of building work or material change of use in question and related terms shall be construed accordingly,

"**conservatory**" means a structure -

- (a) which is attached to a dwelling,
- (b) the roof of which is more than 75 per cent formed of translucent material,
- (c) the walls of which are more than 50 per cent formed of translucent material, and
- (d) which is separated from the rest of that dwelling by a door,

"estimated cost" means such reasonable amount as may be charged by a person in business to carry out the work in question,

"sun lounge" means a structure -

- (a) which is attached to a dwelling,
- (b) the walls of which are more than 75 per cent formed of translucent material, and
- (c) which is separated from the rest of that dwelling by a door, and

"the Table" means the Table in Part I.

(2) In this Schedule, unless the context requires otherwise, **"controlled service or fitting"**, **"demolition"**, **"dwelling"**, **"estate road"**, **"extension"**, **"floor area"** and **"service road"** shall have the same meaning as in the Building Regulations, 1992.

SCHEDULE 3

section 9

**EXEMPTION FROM FEES PAYABLE UNDER PART II FOR CERTAIN
BUILDING WORK IN RELATION TO CONTROLLED SERVICES OR
FITTINGS**

The building work referred to in section 9 is that specified in Column 1 of the Table where carried out by a person specified in the corresponding entry in Column 2 of the Table.

Column 1-building work	Column 2-person carrying out work
<p>The installation of -</p> <p style="padding-left: 40px;">(a) a heat producing gas appliance or a liquefied petroleum gas fuelled storage facility, or</p> <p style="padding-left: 40px;">(b) a heating system or a hot water service system connected to a heat producing gas appliance or the installation of controls associated with either such a system.</p>	<p>A person, or an employee of a person, who is a member of a class of persons approved for the time being for the purposes of section 3(3) of the Health and Safety (Gas) (Guernsey) Ordinance, 2006ⁿ.</p>

ⁿ Ordinance No. XIV of 2006.

<p>The installation of -</p> <p>(a) a heat producing oil-fired appliance which has a rated heat output of 100 kilowatts or less or a fixed storage tank for the storage of fuel oil,</p> <p>(b) a heating system or hot water service system connected to a heat producing oil-fired combustion appliance or the installation of controls associated with either such a system.</p>	<p>An individual registered under the Oil Firing Registration Scheme by the Oil Firing Technical Association for the Petroleum Industry Limited in respect of that type of building work.</p>
<p>The installation of a hot water storage vessel which does not incorporate a vent pipe to the atmosphere.</p>	<p>A person, or an employee of a person, who is a member of a class of persons approved for the time being for the purposes of section 3(3) of the Health and Safety (Gas) (Guernsey) Ordinance, 2006, or an individual registered under the Oil Firing Registration Scheme by the Oil Firing Technical Association for the Petroleum Industry Limited in respect of that type of building work.</p>

<p>The installation of -</p> <p>(a) a heat producing solid fuel burning appliance which has a rated heat output of 50 kilowatts or less,</p> <p>(b) a heating system or a hot water service system connected to a heat producing solid fuel burning combustion appliance or the installation of controls associated with either such a system.</p>	<p>An individual registered under the Registration Scheme for Companies and Engineers involved in the Installation and Maintenance of Domestic Solid Fuel Fired Equipment by HETAS Ltd in respect of that type of building work.</p>
--	--

**Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.**

PRICE £8.00

Printed by Image Group, Caslon Court, Pitronnerie Road, St Peter Port, Guernsey GY1 3NE