

GUERNSEY STATUTORY INSTRUMENT

2012 No. 47

**The Land Planning and Development (Fees)
(Amendment) Regulations, 2012**

<i>Made</i>	25 th September, 2012
<i>Coming into operation</i>	1 st October, 2012
<i>Laid before the States</i>	, 2012

THE ENVIRONMENT DEPARTMENT, in exercise of the powers conferred on it by section 12 of the Land Planning and Development (Fees and Commencement) Ordinance, 2008^a and section 89 of the Land Planning and Development (Guernsey) Law, 2005^b and of all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of the 2008 Ordinance.

1. (1) The Land Planning and Development (Fees and Commencement) Ordinance, 2008 ("the 2008 Ordinance") is amended as follows.

(2) For Schedule 1 to the 2008 Ordinance (fees to accompany an application for planning permission) substitute the Schedule 1 set out in Schedule 1 to these Regulations.

^a Recueil d'Ordonnances Tome XXXIII, p. 171 as amended by Ordinance No. XVIII of 2011, G.S.I. No. 6 of 2010 and G.S.I. No. 11 of 2012.

^b Order in Council No. XVI of 2005 to which there are amendments not relevant to these Regulations.

(3) For Schedule 2 to the 2008 Ordinance (fees to accompany depositing of full plans under the building regulations) substitute the Schedule 2 set out in Schedule 2 to these Regulations.

Interpretation.

2. (1) In these Regulations, "the 2008 Ordinance" means the Land Planning and Development (Fees and Commencement) Ordinance, 2008 and, unless the context requires otherwise, other terms have the same meaning as in the 2008 Ordinance.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

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

Application of new fees.

3. (1) For the avoidance of doubt, the new fees substituted by these Regulations apply, in accordance with sections 1, 2 and 3 of the 2008 Ordinance, in relation to -

- (a) an application for planning permission,
- (b) an application for approval of reserved matters, and
- (c) a deposit of full plans under the building regulations,

^c Ordres en Conseil Vol. XIII, p. 355.

as the case may be, made on or after the 1st October, 2012.

(2) For the avoidance of doubt, the new fees substituted by this Ordinance apply, in accordance with section 4B and 4C of the 2008 Ordinance, in relation to an appeal to the Planning Tribunal or to an Adjudicator -

- (a) to which Part IIA of the 2008 Ordinance applies, and
- (b) where the fee is required to be calculated, under section 4B(2) or 4C(2) of the 2008 Ordinance, as the case may be, as if the appeal were made on or after 1st October, 2012.

Citation and commencement.

4. These Regulations may be cited as the Land Planning and Development (Fees) (Amendment) Regulations, 2012 and shall come into force on the 1st October, 2012.

Dated this 25th day of September, 2012



Roger Domaille

Minister of the States Environment Department

For and on behalf of the Department

SCHEDULE 1

section 1(2)

"SCHEDULE 1

section 1

FEE 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 0.62 verges ($\frac{1}{4}$ of an acre or 0.1 of a hectare) in area or less	560
B	in respect of a site exceeding 0.62 verges in area, for each 0.62 verges ($\frac{1}{4}$ acre or 0.1 of a hectare) and for any additional part remaining of less than 0.62 verges	560
2.	The erection of a dwelling or the material change of use of a building to	

	form a dwelling (including in each case any associated works).	
A	for each flat erected or formed	320
B	for each dwelling-house erected or formed	560
3.	Development in relation to, or within the curtilage of, a dwelling-house, not falling within category 2, 5, 6, 8 or 10 to 13, and including any associated works.	
A	for the erection of - (a) a building, or (b) an extension to a dwelling-house or other building, within the curtilage of a dwelling-house	
i	of less than 20 square metres in floor area	120
ii	of 20 square metres or more but less than 50 square metres in floor area	200
iii	of 50 square metres or more but less than 100 square metres in floor area	320
iv	of 100 square metres or more but less than 250 square metres in floor area	540
v	of 250 square metres or more in floor area	540 for the first 250 square metres, and

		180 for each additional 50 square metres and for any additional part remaining of less than 50 square metres, up to a maximum of £1,440 per application
B	for any other development in relation to, or within the curtilage of, a dwelling-house not falling within sub-category A	£100
4.	Development - (a) other than in relation to a dwelling-house or within the curtilage of a dwelling-house, and (b) not falling within category 2 or 5 to 13, and including any associated works.	
A	for the erection of - (a) a building, or (b) an extension to a building,	

	including any associated works	
i	of less than 20 square metres in floor area	180
ii	of 20 square metres or more but less than 50 square metres in floor area	320
iii	of 50 square metres or more but less than 100 square metres in floor area	500
iv	of 100 square metres or more but less than 250 square metres in floor area	840
v	of 250 square metres or more in floor area	840 for the first 250 square metres, and 500 for the each additional 250 square metres and for any additional part remaining of less than 250 square metres
B	for the carrying out of specified development - (a) other than in relation to a dwelling-house or within the curtilage of a dwelling-house, and (b) not falling within sub-category 4A	
i	for the installation of an air conditioning unit including any means of fixing	160
ii	for the installation of external cladding to	160

	a roof or wall	
iii	for the creation, extension or alteration of an unenclosed car parking area	160
iv	for the formation or alteration of a vehicular access	160
v	for the erection, alteration, demolition or removal of a wall, fence, gate, hedge, earthbank or other means of enclosure	160
vi	for the creation, extension or re-surfacing of a hard-surfaced area, including timber decking, not falling within any other sub-category of category 4B	160
vii	for the installation or material alteration of a container for the storage of any type of fuel	160
viii	for the placing on land of a moveable structure including a portacabin or marquee but not including a caravan or a motor home, campervan or other motorised vehicle made for human habitation	160
ix	for the replacement of existing doors or windows within an existing aperture	160
x	for the installation of an unenclosed pool or pond including any associated landscaping	160
xi	for the installation of a flag-pole excluding any advert or sign flown or	160

	otherwise attached to the pole	
xii	for the installation of a roof-light	160
xiii	for any - (a) material alteration to a building, other than a dwelling-house, or (b) other development in relation to or within the curtilage of a building, other than a dwelling-house, not falling within any other sub-category of category 4B	160
5.	The installation of renewable energy apparatus.	
A	for the installation of - (a) a solar panel or similar solar-powered apparatus on a building or within the curtilage of a building, or (b) a wind turbine within the curtilage of a building, not carried out as associated works	50

	falling within any other category to this Table, for any number of the same	
6.	Other specified minor development (domestic or non-domestic) not carried out as associated works falling within any other category to this Table.	
A	for the installation of a traffic mirror including any means of fixing, for any number of such mirrors	70
B	for the installation of a satellite dish antenna, for any number of such antennas	70
C	for the placing on land of a caravan or a motor home, campervan or other motorised vehicle made for human habitation, for any number of the same	70
7.	Specified development in relation to - (a) provision of a public utility service not falling within category 8, or (b) installation of street furniture	
A	for the installation of street furniture	100
B	for the carrying out of development - (a) by, or on behalf of, a person providing a public utility service,	100

	<p>and</p> <p>(b) which is necessary for the installation of minor equipment used for the purpose of providing that service,</p> <p>but not including the erection of a building necessary for the same</p>	
8.	Development in relation to mobile telephone masts and antennas.	
A	<p>for the erection, installation or substantial alteration of a mobile telephone mast or other telecommunications apparatus which has a similar function, including -</p> <p>(a) the erection, installation or substantial alteration of any structure supporting such mast or apparatus and any associated antennas and cabinets, and</p> <p>(b) any other associated works,</p> <p>for each such mast or apparatus</p>	1500
B	for the erection, installation or	360

	<p>substantial alteration of a mobile telephone antenna, or other telecommunications apparatus which has a similar function, not falling within sub-category A, including -</p> <p>(a) the erection, installation or substantial alteration of any structure supporting such antenna or apparatus and any associated cabinets, and</p> <p>(b) any associated works,</p> <p>for each such antenna or apparatus</p>	
9.	Development in relation to advertisements and shop fronts.	
A	for attaching to or painting or otherwise exhibiting on the exterior of any structure (except on an awning falling within sub-category B), or placing on any land an advertisement or sign, for each advertisement or sign	100 (up to a maximum of £500 per application)
B	for the installation of an awning including any advertisement or sign attached to, painted or otherwise exhibited on that awning, for each awning	160

C	for the replacement, or substantial alteration, of a shop front, for each shop front	310
D	for any alteration to a shop front not falling within sub-category C, for each such alteration	220
10.	The carrying out of operational development in relation to agriculture, minerals and waste.	
A	for the erection of or an extension to a glasshouse, polytunnel or similar structure for agricultural purposes in the course of a trade or business - <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>	240
B	for the erection of or an extension to a structure, other than a glasshouse, polytunnel or similar structure, for agricultural purposes in the course of a trade or business -	320

	<p>(a) of less than 500 metres, or</p> <p>(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>	
C	<p>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 -</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>	1000
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>	1000

	<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>	
11.	Operations in relation to protected trees.	
A	for an operation constituting development only under section 5 of the Land Planning and Development (General Provisions) Ordinance, 2007 where carried out in relation to a protected tree (including cutting down, uprooting, topping, lopping and cutting of roots)	50
12.	The carrying out of operational development not falling within any other category to this Table.	
A	in respect of a site of 0.62 of a vergee (¼ of an acre or 0.1 of a hectare) in area or less	160

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	320
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	320
13.	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 - (a) use as a dwelling, or (b) a use falling within paragraphs B or C of this category	320
B	for a 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 - (a) in respect of a site of 2.47 vergees (1 acre or 0.4 of a hectare) in area or less, or (b) in respect of a site	1000

	<p>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>	
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 remaining of less than 2.47 verges</p>	1000

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) -

(a) 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 to the Table,

(b) where demolition is necessary to carry out other development falling within categories 2 to 10 or 12 of this Table no additional fee shall be payable in respect of that demolition, and

(c) where an application is in respect of development -

(i) in category 3 or 4, and

(ii) in category 5 or 6,

no additional fee shall be payable in respect of the development falling within category 5 or 6.

(5) For the avoidance of doubt, unless the context otherwise requires, where a category or sub-category of development includes -

- (a) the erection of a dwelling or building, or of an extension to the same, it includes the erection of a new or replacement dwelling, building or an extension,
- (b) the installation or creation of anything (other than where it relates only to replacements), it includes the installation or creation of a new or replacement thing, or
- (c) the placement on land of a moveable structure, it includes the placement of a new or replacement moveable structure.

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 granted 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
- (b) section 2 (operations in relation to protected buildings),

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 2.

4. For the avoidance of doubt, in category 2 the material change of use of a building to form a dwelling includes, in accordance with section 13(3) of the Law -

- (a) the forming of a dwelling on a material change in the use of a building, or part of a building, to use as a dwelling, and
- (b) the forming of a dwelling through subdivision of a building.

Categories 3 and 4.

5. In category 3A and 4A to the Table -

- (a) the extension to a dwelling-house or other building includes, for the avoidance of doubt, the extension of an existing building by -
 - (i) the creation of a balcony, basement or cellar area, or an extension thereto and any extension to an existing carport,
 - (ii) the creation of a pitched roof, or an extension thereto, containing new or additional accommodation,

but in calculating the fee payable for an application in respect of development falling within sub-item (ii) a

multiplier of 50% shall be applied to the additional floor area created in the roofspace, and

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

Category 4.

6. Notwithstanding paragraph 2(3), where an application relates to development falling within more than one sub-category of category 4B -

- (a) in respect of -

- (i) the same building or land within the curtilage of the same building, or
- (ii) where the development does not fall within sub-item (i), the same site,

the fee payable is £160 in total for all such development, or

- (b) in respect of -

- (i) more than one building or land within the curtilage of more than one building, or
- (ii) where the development does not fall within sub-item (i), more than one site,

a separate fee of £160 is payable in respect of each

such building or site, as the case may be.

Categories 3, 4 and 10.

7. For the avoidance of doubt, in categories 3A, 4A and 10 where an application relates to more than one extension to the same building or structure the fee shall be calculated by aggregating the floor area of all extensions created or formed by the development.

Interpretation of Schedule 1.

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

"**agriculture**" includes dairy farming, livestock breeding and keeping, horticulture, fruit growing, seed growing, market gardens and nursery grounds, the use of land as an orchard or as grazing land, osier land or meadow land,

"**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,

"**dwelling-house**" means a house which is used as a single private dwelling-house and for no other principal use,

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

"**floor area**" means the gross aggregate of the area of all new floors

^d Ordinance No. XXV of 2007.

created or formed by the development, measured internally (from the eaves in the case of additional floor area in a roofspace), including any floor area covered by internal walls or partitions,

"minor equipment" includes -

- (a) overhead lines, cables, surface wiring, street cabinets, block terminals and dish aerials to be used for the purpose of providing telecommunications services or supplying electricity, and
- (b) roadside distribution pillars, high voltage switchgear and transformers and poles to be used for the purpose of supplying electricity,

"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,

"public highway" means any vehicular or pedestrian road, street, lane or clos, track or path, however named, used by the public,

"public utility service" means the supply to the public of water, gas, electricity, telecommunications or sewerage disposal services,

"street furniture" includes lamp standards and other street lighting, public seating, cycle racks, signposts, signs, refuse bins, bollards, rails, fences and barriers for safeguarding persons using the public highway,

"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 1(3)

"SCHEDULE 2

section 3

FEE 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.	The creation of a dwelling (whether by its erection or by a material change of use) including - (a) any detached garage or parking area which is for purposes ancillary to the enjoyment of the dwelling as such, and (b) any other associated building work.	
A	for each flat created up to and including 20	560
B	for each additional flat created up to and including 40	430
C	for each additional flat created over 40	295
D	for each dwelling-house created up to and including 20	880

E	for each additional dwelling-house created up to and including 40	635
F	for each additional dwelling-house created over 40	370
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 L of this category, by less than 20 square metres in floor area	375
B	for the extension of a dwelling, not falling within sub-category C, D, E or L of this category, by 20 square metres or more in floor area	635
C	for the extension of a dwelling by the conversion of an existing loft or roofspace to form habitable accommodation	430
D	for the extension of a dwelling by the conversion of an existing basement or cellar area to form habitable accommodation	430
E	for the extension of a dwelling by the conversion of an existing integral or non-integral garage to form habitable accommodation	430
F	for the erection of or an extension to a garage, shed, garden room 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	125
G	for the erection of or extension to a garage, shed, garden room 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	250

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 £1,000	70
I	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 at least £1,000 but not more than £5,000	145
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 at least £5,000 but no more than £20,000	245
K	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	550
L	for the erection of a conservatory or a sun lounge	130
M	for the replacement of existing windows within an existing aperture, for any number of such windows	70
N	for the erection of domestic stables of up to and including 20 square metres in floor area	150
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 an agricultural building, other than a glasshouse, of less than 10 square metres in floor area	70
B	for the erection of or an extension to an agricultural building, other than a glasshouse, of 10 square metres or more but less than 100 square metres in floor area	125
C	for the erection of or an extension to an agricultural building, other than a glasshouse, of 100 square metres or more but less than 250 square metres in floor area	250
D	for the erection of or an extension to an agricultural building, other than a glasshouse, 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	250
E	for the extension of a building by the installation of a mezzanine floor	540
F	for the erection of or an extension to a building, other than an erection or extension falling within any other sub-category to this Table, for purposes other than storage, for each square metre of floor area	13
G	for the erection of or an extension to a building, other than an erection or extension falling within any other sub-category to this Table, for storage purposes, for each square metre of floor area	8
H	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	190
I	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	550

	but less than £50,000	
J	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 less than £100,000	695
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 £100,000 or more	1140
L	for the material change of use of a building other than to use as a dwelling	635
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	120
B	for the provision or alteration of a controlled service or fitting not falling within any other sub-category to this category, for each such controlled service or fitting	90
C	for the erection of a retaining wall, for each such wall	375
D	for building work involving the underpinning of a building, for each building underpinned	375
E	for the replacement or alteration of a shop front, for each shop front	190
F	for the erection of a garden or boundary wall, for each such wall	120
G	for the installation of a swimming-pool (including any plant room, pool room or other room required in relation to such swimming pool) or a reservoir, for each such pool or reservoir	120

H	<p>for the erection of or extension to a glasshouse, for each such extension or glasshouse -</p> <p>(a) of less than 500 square metres, or</p> <p>(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>	120
I	<p>for the construction of a road, for each such road -</p> <p>(a) of less than 250 square metres, or</p> <p>(b) of 250 square metres or more, for each 250 square metres and any additional part remaining of less than 250 square metres</p>	120
J	for the renovation of a thermal element	100
K	for the demolition of any building	120
L	<p>for the fitting out of a shop or office -</p> <p>(a) of less than 500 square metres in floor area, or</p> <p>(b) of 500 square metres or more in floor area, for each 500 square metres and for any additional part remaining of less than 500 square metres</p>	550

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 to the Table.

(4) For the avoidance of doubt, unless the context requires otherwise, where a category or sub-category of building work includes -

- (a) the creation or erection of a dwelling or building or other structure, or of an extension to the same, it includes the creation or erection of a new or replacement dwelling, building, structure or an extension, or
- (b) the installation, construction or provision of anything (other than where it relates only to replacements), it includes the installation, construction or provision of

a new or replacement thing.

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) For the avoidance of doubt, building work to convert a building containing one or more dwellings to one containing a greater number of dwellings shall be treated as falling within category 1 and the fee shall be for each new dwelling created.

(3) Building work to convert a building containing two or more dwellings to one containing a lower number of dwellings shall be treated as an alteration to a dwelling falling within category 2H, I, J or K, as the case may be, 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, or

- (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.

(2) 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.

(3) Category 2N only covers domestic stables of up to 20 square metres in floor area and other stables shall be treated as falling within category 3G.

Categories 2 and 3.

6. In categories 2A, 2B, 2F and 2G and 3A to 3D, 3F and 3G 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, and
 - (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, and
- (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.

(3) The erection of a domestic stable, of more than 20 square metres in floor area, and of a non-domestic stable shall be treated as falling within category 3G.

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, or

- (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 -

"**agricultural building**" means a building used for the purposes of agriculture,

"**agriculture**" includes dairy farming, livestock breeding and keeping, horticulture, fruit growing, seed growing, market gardens and nursery grounds, the use of land as an orchard or as grazing land, osier land or meadow land,

"**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,

"domestic stables" means stables used for housing horses or other equines for purposes ancillary to the enjoyment of a dwelling as such and related expressions shall be construed accordingly,

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

"garden room" means a summer house, spa pool or swimming pool enclosure or other garden outbuilding (other than a glasshouse) used for recreational purposes,

"mezzanine floor" means an extra, self-supporting floor erected between two other floors or between a floor and a roof,

"retaining wall" means a wall built to support a mass of earth, soil or rocks on one side of it where the difference in level supported is greater than 450 millimetres,

"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"**, **"extension"**, **"floor area"**, **"road"** and **"thermal element"** shall have the same meaning as in the Building Regulations, 2012. "

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Land Planning and Development (Fees and Commencement) Ordinance, 2008 ("the 2008 Ordinance").

They replace Schedules 1 and 2 of the 2008 Ordinance with the Schedules set out in Schedules 1 and 2 to these Regulations. The Schedules to these Regulations set out new fees to accompany an application for planning permission or an application for approval of reserved matters under a planning application (the new Schedule 1) and new fees to accompany a deposit of full plans made under building regulations (the new Schedule 2).

The new fees will apply to -

- an application for planning permission or an application for approval of reserved matters; or
- a deposit of full plans made under building regulations,

made on or after 1st October, 2012 (see regulation 3(1) of these Regulations).

In accordance with section 4B and 4C of the 2008 Ordinance, the new fees also apply in relation to an appeal -

- to the Planning Tribunal; or

- an Adjudicator in respect against a rejection of full plans under building regulations,

for which a fee is payable under the 2008 Ordinance.

They will apply where the appeal fee is required to be calculated, under section 4B(2) or 4C(2) of the 2008 Ordinance, as if the appeal were made on or after 1st October, 2012 (see regulation 3(2) of these Regulations).

These Regulations come into force on the 1st October, 2012.