



Agenda Item 5: Planning Fees Charter

Planning Committee Meeting

24 November 2025

Paper for information and decision

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1. Purpose

- 1.1. This Report introduces the National Park’s Planning Fees Charter. The Fees Charter has been produced in response to the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 which introduced local authority powers to waive and reduce planning fees and to introduce discretionary fees.
- 1.2. The Fees Charter sets out the statutory planning fees and the discretionary fees that the National Park Authority has elected to apply and explains the circumstances when planning fees for applications within the National Park can be reduced or waived – which the Regulations require must be set out in a Fee Charter.
- 1.3. The publication of a Fees Charter is an action identified within the National Park’s National Planning Improvement Framework ‘Improvement Action Plan 2025’ which is an annual report on performance submitted to Ministers under The Planning (Scotland) Act 2019.

2. Recommendation(s)

2.1. It is recommended that the Committee:

1. **Notes** the content of this report in respect of the changes introduced by The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022, the circumstances in which reduced planning fees will apply within the National Park and the discretionary fees the planning authority has elected to charge.
2. **Approves** the publication of the National Park Planning Fees Charter (copy at Appendix 1) which introduces the following changes:
 - a. Introduction of fees for retrospective applications.
 - b. Reduced fees for applications which contribute to not-for-profit and/or social enterprise (extended to local reviews and appeals).
 - c. Reduced fees for applications that contribute to improving the health of residents in the area (extended to local reviews and appeals); and
 - d. Waived fees for Repeat applications submitted within 12 months of a written request to withdraw a previous application.

3. Background

- 3.1. Planning Fees are set nationally and the most recent legislative update is set out in The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 (the “Regulations”) (copy at Appendix 2) which came into force on 1 April 2022.
- 3.2. Separately, The Town and Country Planning (Fees for Local Reviews) (Scotland) Regulations 2025 and the Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025 introduced fees for planning appeals and local reviews which came into effect from 09 June 2025.
- 3.3. Fees are now subject to annual review with inflationary-linked uplift taking effect from April 1st of each year with the Regulations amended accordingly. Planning fees are used to contribute to the operational cost of fulfilling our statutory planning function.
- 3.4. The Regulations (as subsequently amended) raise the statutory fee levels for most planning application types and introduce discretionary charges. They also allow planning authorities to waive or reduce any planning fees that would otherwise be payable under the Regulations. Under the Regulations (Regulation 5) a planning authority may only reduce (or waive) a fee following

the publication of a charter (this Fees Charter) setting out the circumstances in which the planning authority will consider waiving or reducing a fee payable to them.

- 3.5. The primary purpose of preparing the Fee Charter is to allow the National Park Authority, in its statutory planning role, to introduce reduced fees in the circumstances permitted by Regulation 5. However, we have widened its scope to incorporate information on discretionary fees and the statutory fees payable to provide a single source of information on applicable planning fees to assist applicants and the wider public.
- 3.6. This Report focusses specifically on the National Park Authority's response to the Regulations in respect of the introduction of:
- a) Discretionary fees; and
 - b) Reduced fees.
- 3.7. These are discussed in turn.

4. Discretionary Fees

- 4.1. The Regulations introduce powers to enable discretionary charging for:
- Pre-application advice
 - Processing agreements
 - Surcharge on retrospective planning applications (25% of the planning fee)¹.
 - Non-material variations to planning permissions (fee set at £238 per variation application)
 - Discharge or confirmation of compliance with a planning condition (fee set at £119 per request – which can cover one or more conditions)
- 4.2. Discretionary fees (the amounts) are set by the Regulations except for fees for pre-application advice and processing agreements which, if introduced, are set locally by the planning authority.

Non-Material Variations

- 4.3. In common with the majority of planning authorities across Scotland, the National Park introduced the discretionary charge for non-material variations (NMV) to planning permissions and we have published information about the charge on our website (which has been applied since 01 April 2022), as

¹ There are also discretionary charges for Masterplan Consent Areas however there are no such areas within the National Park.

required by the Regulations. We do not currently have a process to effectively monitor the additional fee income from non-material variations. However, this is something we are looking at as part of wider administrative changes to the NMV process in the coming year as part of our National Planning Improvement Framework Actions.

Retrospective Surcharge

- 4.4. It is proposed to introduce the 25% surcharge for retrospective applications within the National Park. In 2023 the planning authority received 30 applications that were retrospective or part-retrospective, in 2024 we received 22 such applications and 11 to date in 2025. Based on this, we calculate that a 25% surcharge could generate an additional c. £3,000 in planning fees on average annually². We will publish information about the additional charge on our website as required under the Regulations.
- 4.5. The majority of planning authorities across Scotland have introduced the 25% discretionary charge for retrospective applications. We do not consider that the 25% surcharge will present a barrier to submission of retrospective applications. Instead, we hope the introduction of the charge will encourage prospective applicants to note and follow due process.
- 4.6. The other discretionary fee options remain under consideration.

5. Waived and Reduced Fees

- 5.1. The Regulations (Regulation 5) allow a planning authority to waive or reduce any planning fees that would otherwise be payable under the Regulations. This could be, for example, where an authority wishes to seek to encourage certain types of development in order to meet a policy objective/outcome, where the viability of development would otherwise be significantly and demonstrably affected, or where the type of development was not envisaged or provided for by the Regulations. It is up to authorities to determine what types of development shall fall into these categories.
- 5.2. The regulations require that where a planning authority wishes to waive or reduce any planning fees, they must set these out in a charter. If a charter is introduced, then the Regulations state that it must include, but is not limited to, the circumstances-
 - (a) where the application relates to development which, in the opinion of the planning authority, has the primary purpose of contributing to a not-for-profit enterprise or a social enterprise, and

² 25% on retrospective applications would have generated £3,300 in 2023, £3,325 in 2024 and £1,450 to date in 2025.

(b) where the application relates to development which, in the opinion of the planning authority, is likely to contribute to improving the health of residents of the area to which the application relates.

- 5.3. The terms: “not for profit enterprise” and “social enterprise” are defined in section 252(1F) of The Town and Country Planning (Scotland) Act 1997.
- 5.4. There are identical provisions within Regulation 4 of both The Town and Country Planning (Fees for Local Reviews) (Scotland) Regulations 2025 and The Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025 which similarly enable a planning authority to waive or reduce planning fees for local reviews and appeals.

Reduced fees for ‘not for profit’ and ‘social enterprise’

- 5.5. In accordance with the provisions of the Regulations under (a) above, it is proposed to introduce a reduced fee (of 50%) for applications where the development would contribute to a ‘not-for-profit enterprise’ or a ‘social enterprise’. This might include, for example, applications by a Community Development Trust or a charity.
- 5.6. The proposed 50% reduction would align fees with the current statutory reduction of 50% afforded to development by or on behalf of Community Councils.
- 5.7. The Appendix to the Fee Charter includes a form for applicants to complete if they wish to apply for the reduced fee under this category.
- 5.8. The 50% reduction would follow through to apply to any fees due as part of a local review or appeal.

Reduced fees for developments that contribute to the health of residents in the area

- 5.9. In accordance with the provisions of the Regulations under (b) above the National Park Authority proposes to introduce a reduced fee (of 50%) for applications for developments that contribute to improving the health of residents in the area. This might include, recreation and/or active travel proposals or improvements, for example, skate parks, bike trails and improvements to core paths.
- 5.10. The scope of development types that could potentially qualify under (b) is wide and so applicants are asked to explain how their proposal would contribute to the health of residents within the area when they make their application.
- 5.11. The Appendix to the Fee Charter includes a form for applicants to complete if they wish to apply for the reduced fee under this category.

- 5.12. The 50% reduction would follow through to apply to any fees due as part of a local review or appeal.

Reduced fees for other applications and developments

- 5.13. We have elected not to introduce reduced fees for any other development types at this time. Anecdotally, there may be situations where planning fees (often calculated on area) are disproportionate compared to development value which could discourage prospective applicants (an example might be a change of use of a field to a campsite solely for tents or touring pitches). However, it is considered any decisions to reduce a fee (for example to assist the viability or to encourage certain development types) ought to be evidence based. The current Local Development Plan Review may provide valuable insights in this regard.

Waived Fees

- 5.14. Using the provisions under Regulation 5, we have elected to waive the fee for repeat applications where the original application has been withdrawn at our request. Currently there are statutory fee exemptions for repeat applications under Regulations 11 and 12 which provide that the same applicant may submit, without paying a fee, one further application for the same character or description of development on the same site. This is on condition that the application is made within 12 months of the date:

- (i) when the earlier application was made, in the case of a withdrawn application,
- (ii) of the relevant grant of planning permission,
- (iii) of the refusal.

- 5.15. This provision is widely known as the 'free go'.

- 5.16. We wish to work constructively with applicants to achieve a positive outcome for their application proposals (approval). In some cases, we may ask an applicant to withdraw an application that we are not able to support, whilst amended proposals are negotiated. However, in cases where discussions on a live application have become protracted, the period for the 'free go' under (i) will often be too short to permit the applicant to use their 'free go'. This acts as a disincentive to withdrawal. The result can be extensively protracted determination periods whilst live applications are adjusted. This can give rise to lack of clarity for the public as well as procedural issues associated with successive public re-consultations on amended plans.

- 5.17. In respect of (i) above we therefore propose to waive the fee that would have been payable for a Repeat application under (i) subject to the Repeat

application being made within 12 months of our first written request to withdraw.

6. Next steps

- 6.1. Subject to Committee approval, the intention would be to publish the Fee Charter on our website (as required by the Regulations) as soon as possible. The new charges will be implemented with immediate effect following publication.
- 6.2. Discretionary fees will be kept under review and adjustments to the Fee Charter made accordingly if and when any new charges are introduced.
- 6.3. The Fee Charter will be updated annually (April) when the annualised inflationary fee increases take effect.

7. Appendices

Appendix 1 – National Park Fees Charter

Appendix 2 - The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022

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