

Fees for Planning and Related Applications

Updated 1 April 2024

1. Scope of guidance

1.1.

This guidance applies to the following types of planning and associated applications.

- Planning applications
 - Detailed planning permission (PP, HH, MAR)
 - Planning permission in principle (PIP)
- Approval of matters specified in conditions (AMC)
- Variation or removal of a planning condition (section 42 variation) (VR)
- Advertisement consent (AD)
- Certificate of lawfulness (existing use or development, CLEUD)
- Certificate of lawfulness (proposed use or development, CLOPUD)
- Some prior notification and prior approval (PN, APN)
- Application for High Hedge Notice
- Request for Non-Material Variation (NMV)

1.2.

The following types of application do not require a fee and are therefore not covered by this guidance.

- Conservation area consent (CAC)
- EIA screening opinion requests (SCR)
- EIA scoping opinion requests (SCO)
- Listed building consent (LB)
- Modification or discharge of planning obligations (OBL)
- Pre-application screening notice
- Proposal of application notice (PREAPP)
- Tree works (TC, TCA)

1.3.

Planning fees are set by the Scottish Government. The relevant legislation is [The Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022](#).

1.4.

Enquiries regarding fees can be directed to – Development Management, Council Offices, School Place, Kirkwall, KW15 1HQ. planning@orkney.gov.uk

1.5. Payment of fees

An application is not valid, and the Council will not start considering it until the full application fee has been paid.

1.6. Calculation of fees

1.6.1. Site area

Where a fee is based on site area, that area is to be taken as consisting of the area of land to which the application relates. This must include the area of land that will be developed or built on and/or any land for which the use will change. On the submitted location plan, the boundary of the site must be outlined clearly in red.

1.6.2. Floor space

Where a fee is based on floor space (including change of use), the measurement is based on the gross floor space (gross external area) of all storeys of the building measured externally (to the external face of the external/perimeter walls) at each floor level.

1.6.3. Part units of measurement for calculating fee

Where floor space or site area is not an exact multiple of the unit of measurement provided by the fees scale, the amount remaining is taken as a whole unit for the purposes of calculating the fee.

1.6.4. Multiple fee categories

Where an application relates to two or more categories, an amount is calculated for each category of development and then only the highest of the amounts calculated under those categories is the fee charged.

1.6.5. Replacement buildings

To demolish an existing building and rebuild on the same site (including for a 'matching' building), the fee payable is based on the floor space of the new building.

1.7. Retrospective applications

1.7.1.

A surcharge is applied to applications for planning permission where the application relates to development carried out without permission (Section 33 of the 1997 Act). The total fee is that **charged for the application** for planning permission for that development, as set out in the tables below, **plus a surcharge of 25%**.

1.7.2.

This applies where an application for planning permission is made after a development has been carried out in full, or where an application for planning permission is made for a development that has been started but not completed, including a revised design of a previous approval.

1.7.3.

It should be highlighted at the time of submission that an application is retrospective, as the surcharge will not be calculated when an application is submitted using e-planning. If it is noted by the Council after validation that a development has been started, the surcharge will be applied then. If the required surcharge is not paid, **the application will not be progressed to determination**, and the development may be vulnerable to formal enforcement action to resolve the matter.

1.8. Disputes

If there is a disagreement between the applicant and the Council about the amount of the fee payable, the Council will seek to resolve the dispute with the applicant with as little delay to the processing of the application as possible. There is no formal disputes procedure laid down in the Regulations and the ultimate recourse is to the courts.

2. Detailed planning permission

Approval of matters specified in conditions

Residential development	
New dwellings	
Category 1. Construction of buildings, structures or erections for use as residential accommodation (other than development within categories 2 to 6).	(a) where the number of dwellinghouses to be created by the development does not exceed 10, £600 for each dwellinghouse, (b) where the number of dwellinghouses to be created by the development is fewer than 50, £600 for the first 10 dwellinghouses, and £450 for each dwellinghouse thereafter, (c) where the number of dwellinghouses to be created by the development is 50 or more, £600 for the first 10 dwellinghouses, £450 for each dwellinghouse in excess of 10 up to 49 dwellinghouses, and £250 for each dwellinghouse in excess of 50, subject to a maximum total of £150,000.
Existing dwellings	
Category 2. The carrying out of operations which will result in the enlargement, improvement or other alteration of an existing dwelling.	Where the application relates to— (a) one dwelling, £300, (b) 2 or more dwellings, £600.
Category 3. (a) The carrying out of operations, including the erection of a building within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse as such, or (b) the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse.	£300.

Non-residential buildings

Buildings, structure or erections

Category 4.

The construction of buildings, structures or erections including extensions (other than construction within categories 1, 5, and 6).

(a) where no floor area is created or the gross floor space created does not exceed 50 square metres, £300,

(b) where the gross floor space created exceeds 50 square metres, £600 in respect of any gross floor space up to 100 square metres,

(c) where the gross floor space exceeds 100 square metres, £600 plus £600 per 100 square metres in respect of any gross floor space exceeding 100 square metres and up to 4,000 square metres,

(d) where the gross floor space exceeds 4,000 square metres, £24,000 plus £300 per 100 square metres in respect of any gross floor space exceeding 4,000 square metres, subject to a maximum of £150,000,

(e) where no buildings are to be created, £600 per 0.1 hectare of site area, subject to a maximum of £150,000.

Agricultural buildings

Category 5.

The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 6).

(a) Where the ground area to be covered by the development does not exceed 500 square metres, £500,

(b) Where the ground area to be covered by the development exceeds 500 square metres £500 plus £500 for each 100 square metres in excess of 500 square metres, subject to a maximum of £25,000.

Glasshouses and polytunnels

Category 6.

The erection of glasshouses or polytunnels to be used for agricultural purposes.

£100 for each 100 square metres of ground area to be covered by the development subject to a maximum of £5,000.

Glasshouse and polytunnel means a building which –

(a) has not less than three-quarters of its total external area comprised of glass or other translucent material,

(b) is designed for the production of flowers, fruit, vegetables, herb or other horticultural produce, and

(c) is used, or is to be used, solely for the purposes of agriculture.

Energy generation

Wind energy

Category 7.

The erection of wind turbines and the carrying out of other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines

(a) Where the number of turbines does not exceed 3—

(i) where none of the turbines have a ground to hub height exceeding 15 metres, £1,250,

(ii) where one or more of the turbines has a ground to hub height exceeding 15 metres, but not exceeding 50 metres, £2,500,

(iii) where one or more of the turbines has a ground to hub height exceeding 50 metres, £5,000.

(b) Where the number of turbines does exceed 3, £500 for each 0.1 hectare of site area, subject to a maximum of £150,000.

Hydro energy

Category 8.

The construction of a hydro-electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.

£500 for each 0.1 hectare of site area, subject to a maximum of £25,000.

Solar energy

Category 9.

The construction of a solar electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.

£500 for each 0.1 hectare of site area, subject to a maximum of £25,000.

Oil and gas	
<p>Category 10.</p> <p>The carrying out of any operations connected with the exploratory drilling for oil or natural gas.</p>	<p>(a) Where the site area does not exceed 0.1 hectares, £1,000,</p> <p>(b) Where the site area exceeds 0.1 hectares, £1,000 in respect of the first 0.1 hectares of site area, plus £500 for each 0.1 hectare of site area in excess of 0.1 hectares, subject to a maximum of £150,000.</p>
Fish and shellfish farming	
Fish farming	
<p>Category 11.</p> <p>The placing or assembly of equipment in any part of any marine waters for the purposes of fish farming.</p>	<p>£200 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of fish farming and £75 for each 0.1 hectare of the seabed to be used in relation to such development, subject to a maximum of £25,000.</p>
Shellfish farming	
<p>Category 12.</p> <p>The placing or assembly of equipment in any part of any marine waters for the purposes of shellfish farming.</p>	<p>£200 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of shellfish farming, subject to a maximum of £25,000.</p>
Other operations	
Plant or machinery	
<p>Category 13.</p> <p>The erection, alteration or replacement of plant or machinery.</p>	<p>(a) Where the site area does not exceed 5 hectares, £500 for each 0.1 hectare of site area,</p> <p>(b) Where the site area exceeds 5 hectares, £25,000 plus £250 for each 0.1 hectare of the site area in excess of 5 hectares, subject to a maximum of £150,000.</p>
Car parks, service roads and accesses	
<p>Category 14.</p> <p>The construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.</p>	<p>£500</p>

Minerals and peat	
<p>Category 15.</p> <p>Operations for the winning and working of minerals (not including peat).</p>	<p>(a) Where the site area does not exceed 0.1 hectare, £1,000,</p> <p>(b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,000 plus £500 for each 0.1 hectare of the site area in excess of 0.1 hectare,</p> <p>(c) Where the site area exceeds 15 hectares, £75,000, plus £250 for each 0.1 hectare of site area in excess of 15 hectares, subject to a maximum of £150,000.</p>
<p>Category 16.</p> <p>Operations for the extraction of peat.</p>	<p>£500 for each 0.1 hectare of site area, subject to a maximum of £6,000.</p>
Other operations	
<p>Category 17.</p> <p>The carrying out of any operations not coming within any of the above categories.</p>	<p>(a) Where the site area does not exceed 0.1 hectare, £1,000,</p> <p>(b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,000 plus £500 for each 1 hectare of the site area in excess of 0.1 hectare,</p> <p>(c) Where the site area exceeds 15 hectares, £8,500 plus £250 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £150,000.</p>
Use of land	
Waste	
<p>Category 18.</p> <p>The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land.</p>	<p>(a) Where the site area does not exceed 0.1 hectare, £1,000,</p> <p>(b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,000 plus £500 for each 1 hectare of the site area in excess of 0.1 hectare,</p> <p>(c) Where the site area exceeds 15 hectares, £8,500 plus £250 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £150,000.</p>

Mineral storage	
<p>Category 19.</p> <p>The use of land for the storage of minerals in the open.</p>	<p>(a) Where the site area does not exceed 0.1 hectare, £1,000,</p> <p>(b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,000 plus £500 for each 1 hectare of the site area in excess of 0.1 hectare,</p> <p>(c) Where the site area exceeds 15 hectares, £25,500 plus £250 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £150,000.</p>
Change of use of buildings or land	
Buildings – residential use	
<p>Category 20.</p> <p>The change of use of a building to use as one or more dwellinghouses.</p>	<p>(a) Where the number of dwellinghouses to be created by the development does not exceed 10, £600 for each dwellinghouse,</p> <p>(b) Where the number of dwellinghouses to be created by the development is fewer than 50, £600 for the first 10 dwellinghouses, and £450 for each dwellinghouse thereafter,</p> <p>(c) Where the number of dwellinghouses to be created by the development is 50 or more, £23,550 plus £250 for each dwellinghouse in excess of 50.</p>
Buildings – non-residential uses	
<p>Category 21.</p> <p>A material change in the use of a building (other than a change of use referred to in category 20).</p>	<p>(a) Where the gross floor space does not exceed 100 square metres, £600,</p> <p>(b) Where the gross floor space exceeds 100 square metres, £600 plus £600 per 100 square metres up to 4,000 square metres*,</p> <p>(c) Where the gross floor space exceeds 4,000 square metres, £24,000 plus £300 per 100 square metres in respect of any gross floor space exceeding 4,000 square metres, subject to a maximum of £150,000.</p> <p>*i.e., if the gross floor space is 200 square metres, the fee is calculated as: £600 plus (2 x £600) = £1800</p>

Land	
<p>Category 22.</p> <p>A material change in the use of land (other than—</p> <p>(a) a change of use within category 21, or</p> <p>(b) a change of use within categories 18 or 19, or</p> <p>(c) a change in the use of equipment placed or assembled in marine waters for the purposes of fish farming or shellfish farming).</p>	<p>£500 per 0.1 hectare of site area subject to a maximum of £5,000.</p>

3. Planning permission in principle

Residential development	
<p>Category 1.</p> <p>Construction of buildings, structures or erections for use as residential accommodation.</p>	<p>(a) where only one dwellinghouse is to be created, £600,</p> <p>(b) where more than one dwellinghouse is to be created and the site area does not exceed 2.5 hectares, £600 for each 0.1 hectare of the site area,</p> <p>(c) where more than one dwellinghouse is to be created and site area exceeds 2.5 hectares, £600 for each 0.1 hectare up to 2.5 hectares of the site area, and then £300 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £75,000.</p>
Non-residential buildings	
<p>Category 2.</p> <p>The construction of buildings, structures or erections including extensions.</p>	<p>£600 for each 0.1 hectare up to 2.5 hectares of the site area, and then £300 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £75,000.</p>

4. Variation of removal of a planning condition (Section 42)

Variation of removal of a planning condition	
<p>The development of land without complying with conditions subject to which a previous planning permission was granted.</p>	<p>£300.</p>

5. Exemptions to fees for planning applications

Applications made in the following circumstances do not require a fee. Please ensure it is clear on submission that you wish to benefit from a fee exemption by highlighting this in a covering letter or email.

5.1. Means of access etc. for disabled persons

5.1.1.

Applications which relate solely to the carrying out of the following operations do not require a fee.

- Operations in the curtilage or for the alteration or extension of a dwellinghouse, other than the erection of a dwellinghouse, for the purpose of providing means of access to or within the dwellinghouse for a disabled person who resides or proposes to reside in that dwellinghouse, or of providing facilities designed to secure that person's greater safety, health or comfort; or
- Operations for the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted.

5.1.2.

"Disabled person" means someone who has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

5.1.3.

Applicants carrying out such alterations to their home will be required to provide written confirmation from a health professional (for example a doctor or physiotherapist) that they meet the criteria.

5.2. Restrictions on permitted development rights (Article 4 directions)

5.2.1.

Where a planning application is required to be made only because a direction under Article 4 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 is in force, the application is exempt from fees.

5.2.2.

Article 4 directions currently in force in Orkney are within Kirkwall and Stromness Conservation Areas. Contact Development Management to determine whether the work proposed would be exempt.

5.3. Restrictions on permitted development rights (planning conditions)

Where an application is required to be made only because the right to carry out development permitted by The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 has been removed by a planning condition attached to a planning permission, that application is exempt from fees. Similarly, applications required only because the right to make a change of use within a class of The Town and Country Planning (Use Classes) (Scotland) Order 1997 has been removed by a condition are exempt.

5.4. Repeat applications for planning permission

5.4.1.

Where an application has been withdrawn, approved, refused, is subject of an appeal to Scottish Ministers on the grounds of non-determination, or is subject of a notice of review to the Local Review Body on the grounds of non-determination, one further application may be made without paying a fee, subject to the conditions below.

5.4.2.

The conditions are that the repeat application must –

- be made by the same applicant,
- relate to the same site as that to which the earlier application related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site,
- be the same application type as the earlier application, and
- be for development of the same character or description as development to which the earlier application related and for no other development.

5.4.3.

An applicant may benefit from this exemption only once for any given site or part of that site.

5.4.4.

In the case of applications for approval of matters specified in conditions, the repeat application must relate to the same matters as the earlier application.

5.4.5.

In all the cases, the revised application must be made within the timescales below.

Circumstances of earlier application.	Time limit.
Withdrawn.	12 months from date of submission of the earlier application.
Approved or refused.	12 months from decision date of the earlier application.
Appeal to Scottish Ministers or requirement to review by Local Review Body on grounds of non-determination	12 months from the expiry date of the period within which the planning authority were required to determine the application, or such extended period as may at any time have been agreed upon in writing between the applicant and the authority.

6. Reduced fees for planning applications

Applications made in the following circumstances benefit from a reduced fee. Please ensure it is clear on submission that you wish to benefit from a reduced fee by highlighting this in a covering letter/email.

6.1. Community councils

Where an application is made by a community council established under Section 51 of the Local Government (Scotland) Act 1973, the fee payable shall be 50% of the amount that would otherwise be payable.

6.2. Householder development within conservation areas

A fee is reduced by 25% where all the following apply –

- the application relates solely to –
 - the alteration of a dwellinghouse, or
 - other operations within the curtilage of a dwellinghouse,
- the dwellinghouse is in a conservation area,
- the application relates solely to development within one or more of the classes specified in schedule 1 of the General Permitted Development Order, and
- the only reason planning permission is not granted by the General Permitted Development Order is that the development would be in a conservation area.

The reduction does not apply to the extension of a dwellinghouse or the erection of a new dwellinghouse.

6.3. Sports or recreational clubs, societies, trusts or other organisations

Where an application is made by a club, society, trust or other organisation which is not established or conducted for profit and whose objects are the provision of facilities for sport or recreation, and the following conditions are satisfied, the fee payable shall be £600. The conditions are that –

- the application relates to either (i) the making of a material change in the use of land to use as a playing field or (ii) the carrying out of operations (such as earth-moving, draining or levelling) other than the erection of a building containing floor space, for purposes ancillary to the use of land as playing field, and to no other development.
- the development must be carried out on land which is, or is intended to be, occupied by the club, society, trust or organisation and used wholly or mainly for the carrying out of its objectives.

6.4. Approval of matters specified in conditions

6.4.1.

Where an applicant has submitted an application and paid fees for an approval of matters specified in conditions under a planning permission in principle and the fees already paid are equal to or more than the amount which would apply if they were applying for all conditions as one application, the fee payable shall be £500.

6.4.2.

This provision only applies where no application has been made under that planning permission in principle other than by the applicant.

7. Advertisement consent

Advertisement consent	
One or more advertisements within one site.	£300.

7.1.

Where the application relates to the display of advertisements on parking meters, litter bins, public seating benches or bus shelters within a specified area, the whole of the area to which the application relates shall be treated as one site.

7.2. Fee exemptions

7.2.1.

No fee is payable for an advertisement consent application if the application is required by a direction under regulation 11 of the control of advertisement regulations which excludes the advert as one which may be displayed without express consent.

7.2.2.

As of April 2022, there are no regulation 11 directions in force within Orkney. However, a direction may be finalised and applied.

8. Certificate of lawfulness (existing and proposed use or development)

Certificate of lawfulness (existing use or development)	
Category 1. An application under section 150(1)(a) or (b) of the 1997 Act (or both as the case may be).	The amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).
Category 2. An application under section 150(1)(c) of the 1997 Act.	£300.

Certificate of lawfulness (proposed use or development)	
Category 3. An application under section 151(1) of the 1997 Act (apart from one within category 4).	Half the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).
Category 4. An application under section 151(1)(a) where the use specified is use as one or more separate dwellinghouses.	£600 for each dwellinghouse, subject to a maximum of £150,000.

9. Prior notification and approval

Prior notification and approval		
Class name	Class number	Fee
Domestic wind turbines	Class 6G	£100
Biomass development on agricultural or forestry land	Class 6K and 6L	£100
Agricultural buildings and operations	Class 18	£100
Agricultural private ways	Class 18	No fee
Conversion of agricultural building to residential use	Class 18B	£500
Conversion of agricultural building to commercial use	Class 18C	£500
Peatland restoration schemes	Class 20A	£100
Forestry buildings and operations	Class 22	£100
Forestry private ways	Class 22	No fee
Conversion of forestry building to residential use	Class 22A	£500
Conversion of forestry building to commercial use	Class 22B	£500
Development under local or private acts or orders	Class 29	£100
Public gas transporters	Class 39	£100
Electricity undertakings	Class 40	£100
Development by electronic communications code operators	Class 67	£500
Demolition	Class 70	£100

10. Request for non-material variation

10.1

This is a request for a non-material variation to a planning permission, under Section 64 of the Town and Country Planning (Scotland) Act 1997. A non-material variation can only relate to a planning permission that has been approved; it is not possible to apply for a non-material variation in relation to any other type of application

Request for Non-Material Variation	
First application, if within 12 months of the date of the decision notice.	No fee
Any subsequent application within 12 months of the date of the decision notice, or any application later than 12 months from the date of the decision notice.	£200.

11. Application for High Hedge Notice

Application for High Hedge Notice	
Per application.	£400.

12. Charges for press advertisement of applications

12.1 Standard press advertisement

12.1.1.

Some planning applications will require to be advertised in the local press (The Orcadian), for example where they are a departure from the development plan, where there are no premises on neighbouring land to which a notification can be sent, where owners cannot be identified, or where the development is classified as a project of public concern. Where an advert fee is required, this is in addition to the application fee and unless submitted with the planning application, will be requested/invoiced following validation of the planning application.

12.1.2.

An advertisement required under Regulation 20 of the 2013 Development Management Regulations is charged at **£82.50**.

12.2. Environmental impact assessment advertisements

Applications subject of environmental impact assessment require to be advertised in the local press and the Edinburgh Gazette. There are different requirements from standard advertisement and the costs will vary between applications. The cost of the advertisement will be requested/invoiced after the advertisement has been placed in the local press and is limited to the cost of placing the advertisement.