



## 2011 CHAPTER 25

### **Part 13**

#### Financial provisions

##### **Fees and charges**

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

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

(2) Without prejudice to the generality of subsection (1), regulations made under that subsection may provide for the payment of a charge or fee in respect of a function mentioned in subsection (3)(a) to be a multiple of the charge or fee payable in respect of a function mentioned in subsection (3)(b).

(3) The functions are—

- (a) functions relating to the determination of an application for planning permission for development begun before the application was made;
- (b) functions relating to the determination of an application for planning permission other than an application referred to in paragraph (a).

(4) Without prejudice to the generality of subsection (1), regulations made under that subsection may provide for the payment of a charge or fee in respect

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of a function mentioned in subsection (5)(a) to be a multiple of the charge or fee payable in respect of a function mentioned in subsection (5)(b).

(5) The functions are—

- (a) functions relating to the determination of an application for an approval under a development order for development begun before the application was made;
- (b) functions relating to the determination of an application for an approval under a development order other than an application referred to in paragraph (a).

(6) Section 63(2) shall apply in determining for the purposes of this section when development shall be taken to be begun.

(7) The Office of the First Minister and deputy First Minister may by regulations make such provision as it thinks fit for the payment of a charge or fee of the prescribed amount in respect of—

- (a) an application for planning permission which is deemed to be made to the planning appeals commission under this Act;
- (b) an appeal to the planning appeals commission under this Act.

(8) Without prejudice to the generality of subsection (7), regulations made under that subsection may provide for the payment of a charge or fee in respect of an application mentioned in paragraph (a) of that subsection to be a multiple of the charge or fee to be paid under regulations made under subsection (1) in relation to the determination by a council or the Department of an application for planning permission for development not begun before the application was made.

(9) Regulations under this section may prescribe—

- (a) the person by whom any charge or fee is payable;
- (b) provision as to the calculation of any charge or fee (including provision as to who is to make the calculation);
- (c) circumstances in which no charge or fee is to be paid;
- (d) circumstances in which any charge or fee paid is to be remitted or refunded (in whole or in part);
- (e) circumstances in which a charge or fee is to be transferred from one council to another.

**Modifications etc. (not altering text)**

- C1** S. 223 applied with modification(s) (1.4.2015) by [The Planning \(Conservation Areas\) \(Demolition\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/107\)](#), regs. 1, **11**
- C2** [Ss. 223224: transfer of functions \(8.5.2016\) by The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

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- C3** S. 223(7): transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 1 Pt. 5** (with art. 9(2))
- C4** S. 223(7)(b) applied with modification(s) (15.3.2016) by [The Emissions Performance Standard Monitoring and Enforcement Regulations \(Northern Ireland\) 2016 \(S.R. 2016/28\)](#), regs. 1, 12, **Sch. 1 para. 4**
- C5** S. 223(7)(b) modified (12.11.2020) by [The Greenhouse Gas Emissions Trading Scheme Order 2020 \(S.I. 2020/1265\)](#), art. 2(1), **Sch. 10 para. 1(2)** (with art. 76)
- C6** S. 223(7)(b) modified (31.12.2020 immediately before IP completion day) by S.I. 2012/3038, Sch. 12 para. 4 (as amended by [The Greenhouse Gas Emissions Trading Scheme \(Withdrawal Agreement\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1369\)](#), regs. 1(2), **42(c)** (with reg. 46))

#### Commencement Information

- I1** S. 223 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 223 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Grants for research and bursaries

**224.**—(1) The Department may, with the consent of the Department of Finance and Personnel, make grants for assisting establishments engaged in promoting or assisting research relating to, and education with respect to, the planning and design of the physical or built environment.

(2) For the purpose of enabling persons to undertake a course in town planning, the Department may, with the consent of the Department of Finance and Personnel, make provision for the payment by the Department of sums by way of bursaries in respect of those persons.

#### Modifications etc. (not altering text)

- C2** [Ss. 223-224](#): transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

#### Commencement Information

- I3** S. 224 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I4** S. 224 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Grants to bodies providing assistance in relation to certain planning policy or development proposals

**225.**—(1) The Department may make grants to any body of persons (not being a body carried on for profit) which appears to the Department to have among its principal objectives—

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- (a) furthering an understanding of planning policy proposals and of the planning and other technical aspects of other proposals made by any body or person for the development, redevelopment or improvement of land; and
- (b) providing assistance to the community, or to a section of the community, in relation to such proposals.

(2) The Department may make grants to any body of persons (not being a body carried on for profit) which appears to the Department to have among its principal objectives furthering the preservation, conservation and regeneration of historic buildings.

(3) Grants under subsection (1) or (2) shall be of such amounts and subject to such terms and conditions as the Department thinks fit.

**Modifications etc. (not altering text)**

- C7** S. 225(1): transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))
- C8** S. 225(2): transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))
- C9** S. 225(3): transfer of functions (8.5.2016 for specified purposes) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))
- C10** S. 225(3): transfer of functions (8.5.2016 for specified purposes) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))

**Commencement Information**

- I5** S. 225 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I6** S. 225 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Contributions by councils and statutory undertakers**

**226.**—(1) Any statutory undertaker may contribute towards any expenses incurred by a council for the purposes of carrying out a review under section 3.

(2) Any council may contribute towards any expenses incurred by any other council for the purposes of carrying out a review under section 3.

(3) Any statutory undertaker may contribute towards any expenses incurred by a council in or in connection with the performance of any of its functions under—

- (a) Part 3;
- (b) Part 4;

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- (c) Part 5 (except for sections 161, 164, 176 and 177);
- (d) Part 6;
- (e) Part 7.

(4) Any council may contribute towards any expenses incurred by any other council in or in connection with the performance of the second mentioned council's functions under any of the provisions mentioned in subsection (3)(a) to (e).

(5) Where any expenses are incurred by a council in the payment of compensation payable in consequence of anything done under any provision mentioned in section 227(2) (except for anything done under section 176 or 177), the Department may, if it appears to it to be expedient to do so, require any other council to contribute towards those expenses such sum as appears to the Department to be reasonable, having regard to any benefit accruing to that council by reason of the proceeding giving rise to the compensation.

**Modifications etc. (not altering text)**

- C11** S. 226(5): transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

**Commencement Information**

- I7** S. 226 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I8** S. 226 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Contributions by departments towards compensation paid by councils**

**227.—(1)** Where—

- (a) compensation is payable by a council under this Act or the Act of 1965 in consequence of any decision or order to which this section applies, and
- (b) that decision or order was given or made wholly or partly in the interest of a service which is provided by a Northern Ireland department and the cost of which is defrayed by money provided by the Assembly,

the department responsible for the administration of that service may pay to that council a contribution of such amount as that department may with the consent of the Department of Finance and Personnel determine.

(2) This section applies to any decision or order given or made under Part 3, 4, 5 or 7.

**Commencement Information**

- I9** S. 227 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**

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**110** S. 227 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49, art. 3](#), [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#))

**Changes to legislation:**

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