**Discretionary Charging Charter– Waived or Reduced Fees**

Regulation 5 of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 provides local authorities with the discretionary power to waive or reduce fees in the following circumstances:

• 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

• Where the application relates to development which, in the opinion of the planning authority, is likely to contribute to improving the health of residents in the area to which the application relates.

Applications must meet both the above criteria to be considered for an exemption.

East Lothian Council will reduce the required fee by 50% for planning applications, certificates of lawful use or development, certificates of proposed use or development, advertisement consents, applications made under Section 42 of The Town and Country Planning (Scotland) Act 1997 (as amended) and determinations as to whether the planning authority’s prior approval is required. The amount levied will depend on the type of application. For example, a £200 fee would be reduced to £100. The full statutory fee should be paid when the application is submitted. The Council will make a decision on receipt of an application as to whether a 50% reduction is applicable and will refund the applicant accordingly.

Prospective applicants should make clear in their supporting information if they are seeking a reduction in the application fee. Clear justification should be given for why the applicant believes that a reduction in the fee is applicable.

The statutory definition of what constitutes a ‘not for profit’ or ‘social’ enterprise is set out within the Town and Country Planning (Scotland) Act 1997 (as amended) as follows:

• “not for profit enterprise” means an organisation which a person might reasonably consider to exist wholly or mainly to provide benefits for society,

 • “social enterprise” means an organisation whose activities are wholly or mainly activities which a person might reasonably consider to be activities carried on for the benefit of society (“its social objects”), and which— generates most of its income through business or trade -- reinvests most of its profits in its social objects, is independent of any public authority, and is owned, controlled and managed in a way that is consistent with its social objects

If prospective applicants are of the opinion that their organisation meets the above criteria to be considered a not for profit or social enterprise, they should provide a supporting statement outlining why. Any statement should clearly cover the criteria described above. Supporting evidence should also be supplied.

There is no statutory definition of a proposal which is ‘improving the health of residents’. Prospective applicants should provide supporting information with any application detailing why they are of the opinion that their proposal will improve the health of residents in the local area.

If a required fee is not paid, the application will not be progressed to determination.

The final decision on the fee to be charged rests with the Council’s Chief Planning Officer.

|  |  |
| --- | --- |
| Category | Charge |
| Where an 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 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.Note: “not for profit enterprise” and “social enterprise” have the meanings in section 252(1F) of the Town and Country Planning (Scotland) Act 1997 (as amended). | Fee reduced by 50% for planning applications, certificates of lawful use or development, certificates of proposed use or development, advertisement consents, and applications made under Section 42 of The Town and Country Planning (Scotland) Act 1997 (as amended). Reduced fees subject to agreement by the Planning Authority |