

Note by the Clerk: negative instruments

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instruments (SSIs), which are subject to the negative procedure. The Committee is invited to consider the instruments and decide what, if any, recommendations to make.
2. Further information about each instrument is provided in the Annexes to this paper:
 - [Town and Country Planning \(Fees for Appeals\) \(Scotland\) Amendment Regulations 2026 \(SSI 2026/47\)](#) – Annexe A
 - [Town and Country Planning \(Fees for Local Reviews\) \(Scotland\) Amendment Regulations 2026 \(SSI 2026/48\)](#) - Annexe B
 - [Town and Country Planning \(Fees for Applications\) \(Scotland\) Amendment Regulations 2026 \(SSI 2026/49\)](#) - Annexe C

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).
6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Committee consideration

7. So far, no motion recommending annulment of any of the instruments has been lodged.

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8. Members are invited to consider each instrument and decide whether there are any points they wish to raise. If there are points to raise on an instrument, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.
9. It would then be for the Committee, at its next meeting, to consider any additional information gathered and decide whether to make recommendations in relation to the instrument.
10. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
11. However, should a motion recommending annulment of one of the instruments be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
February 2026

Annexe A: Town and Country Planning (Fees for Appeals) (Scotland) Amendment Regulations 2026 (SSI 2026/47)

Laid under: Sections 252 and 275 of the [Town and Country Planning \(Scotland\) Act 1997](#)

Laid on: 5 February 2026

Procedure: Negative

Deadline for committee consideration: 9 March 2026 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 16 March 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 1 April 2026

Delegated Powers and Law Reform Committee consideration

The DPLR Committee considered the instrument on 17 February 2026 and [reported on it in its 19th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

The regulations implement an inflation-linked increase to fees payable to Scottish Ministers for certain planning appeals, in line with the Consumer Price Index (CPIH) Annual Rate for 2025 of 3.9%.

The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:

- [Business and Regulatory Impact Assessment \(BRIA\)](#)
- [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)

Scottish Government Policy Note

Town and Country Planning (Fees for Appeals) (Scotland) Amendment Regulations 2026 (SSI 2026/47)

The above instrument was made in exercise of the powers conferred by sections 252 and 275 of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

The Town and Country Planning (Fees for Appeals) (Scotland) Amendment Regulations 2026 implement an inflation-linked increase to fees payable to Scottish Ministers for certain planning appeals, in line with the Consumer Price Index (CPIH) Annual Rate for 2025 of 3.9%.

Policy Objectives

A robust, well-resourced and streamlined planning service is vital to improve development delivery and support our economy, environment and people. Previously, the appeals process administered by Scottish Ministers via the Planning and Environmental Appeals Division (DPEA) respectively was provided free of charge. In June 2025, fees were introduced for submitting planning appeals to Scottish Ministers.

It is necessary for the Scottish Government to receive the necessary resource required to support Scottish Ministers' consideration and determination of appeals, without drawing resource from the taxpayer. Therefore, an inflationary increase to appeal fees is required.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Town and Country Planning (Fees for Appeals) (Scotland) Amendment Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

From February to May 2024, we sought views from stakeholders on a range of proposals to improve the resourcing, skills and capacity of the planning system. Overall, there was general support for the introduction of fees for appeals, which were subsequently introduced through legislation in June 2025. A [Policy Note for the introduction of fees for appeals was produced](#) and provides further background on consultation. There was also general support for the annual inflationary increase to planning fees.

Impact Assessments

A full suite of impact assessments was considered during both the consultation process and in the drafting of the regulations to introduce fees for appeals, including: Business and Regulatory Impact Assessment; Child Rights and Wellbeing Impact Assessment; Data Protection Impact Assessment; Equality Impact Assessment;

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Fairer Scotland Duty Assessment; Island Communities Impact Assessment.; Rural Assessment, and; Strategic Environmental Assessment.

Consideration has been given, and relevant assessments have been completed, when drafting these regulations.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business will be that the fee for appealing to Scottish Ministers will increase. This will be the first inflation-linked increase to appeal fees since the introduction of such fees in June 2025. To provide consistency with the cost of planning applications, the fees for appeals are being increased in line with the Consumer Price Index for 2025. The Scottish Government should see an increase in financial provision as a result of these changes which should, in turn, help to support and improve the quality of the planning system and appeals process in Scotland.

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February 2026

Annexe B: Town and Country Planning (Fees for Local Reviews) (Scotland) Amendment Regulations 2026 (SSI 2026/48)

Laid under: Sections 252 and 275 of the [Town and Country Planning \(Scotland\) Act 1997](#)

Laid on: 5 February 2026

Procedure: Negative

Deadline for committee consideration: 9 March 2026 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 16 March 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 1 April 2026

Delegated Powers and Law Reform Committee consideration

The DPLR Committee considered the instrument on 17 February 2026 and [reported on it in its 19th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

The Regulations implement an inflation-linked increase, in line with the Consumer Price Index (CPIH) Annual Rate for 2025 of 3.9%, to fees payable for local reviews conducted by virtue of section 43A(8)(a) or (b) of the Town and Country Planning (Scotland) Act 1997.

The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:

- [Business and Regulatory Impact Assessment \(BRIA\)](#)
- [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)

Scottish Government Policy Note

Town and Country Planning (Fees for Local Reviews) (Scotland) Amendment Regulations 2026 (SSI 2026/48)

The above instrument was made in exercise of the powers conferred by sections 252 and 275 of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

The Town and Country Planning (Fees for Local Reviews) (Scotland) Amendment Regulations 2026 implement an inflation-linked increase, in line with the Consumer Price Index (CPIH) Annual Rate for 2025 of 3.9%, to fees payable for local reviews conducted by virtue of section 43A(8)(a) or (b) of the Town and Country Planning (Scotland) Act 1997.

Policy Objectives

A robust, well-resourced and streamlined planning service is vital to improve development delivery and support our economy, environment and people. Previously, the local review process delivered through Local Review Bodies was provided free of charge. In June 2025, we introduced legislation which saw the introduction of fees for requesting a local review of a delegated decision on a planning application.

It is necessary for local authorities to receive the necessary resource required to support Local Review Bodies in considering and determining cases for review, without drawing resource from the taxpayer. Therefore, an inflation linked increase to local review fees is also required.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Town and Country Planning (Fees for Local Reviews) (Scotland) Amendment Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

From February to May 2024, we sought views from stakeholders on a range of proposals to improve the resourcing, skills and capacity of the planning system. Overall, there was general support for the introduction of fees for local reviews, which were subsequently introduced through legislation in June 2025. A [Policy Note for the introduction of fees for local reviews was produced](#) and provides further background on the consultation. There was also general support for the annual inflationary increase to planning fees.

Impact Assessments

A full suite of impact assessments was considered during both the consultation process, and the drafting of the regulations to introduce fees for local reviews, including: Business and Regulatory Impact Assessment; Child Rights and Wellbeing

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Impact Assessment; Data Protection Impact Assessment; Equality Impact Assessment; Fairer Scotland Duty Assessment; Island Communities Impact Assessment.; Rural Assessment, and; Strategic Environmental Assessment.

Consideration has been given, and relevant assessments have been completed, when drafting these regulations.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business will be that the fee for requesting a review by a Local Review Body of a planning decision, will increase. This will be the first inflation linked increase to local review fees since the introduction of such fees in June 2025. To provide consistency with the cost of planning applications, the fees for local reviews are being increased in line with the Consumer Price Index for 2025. Authorities should see an increase in financial provision as a result of these changes which should, in turn, help to support and improve the quality of the planning system across Scotland.

Scottish Government
Planning, Architecture and Regeneration Directorate
February 2026

Annexe C: Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2026 (SSI 2026/49)

Laid under: Sections 252 and 275 of the [Town and Country Planning \(Scotland\) Act 1997](#)

Laid on: 5 February 2026

Procedure: Negative

Deadline for committee consideration: 9 March 2026 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 16 March 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 1 April 2026

Delegated Powers and Law Reform Committee consideration

The DPLR Committee considered the instrument on 17 February 2026 and [reported on it in its 19th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

The Regulations implement an inflation-linked increase to the fees for which a planning authority can charge for the submission of a planning, and similar, applications.

The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:

- [Business and Regulatory Impact Assessment \(BRIA\)](#)
- [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)

Scottish Government Policy Note

Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2026 (SSI 2026/49)

The above instrument was made in exercise of the powers conferred by sections 252 and 275 of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

The Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2026 implement an inflation-linked increase to the fees for which a planning authority can charge for the submission of a planning, and similar, applications.

Policy Objectives

A robust, well-resourced and streamlined planning service is vital to improve development delivery and support our economy, environment and people. Whilst the overall resourcing of the planning service is a matter for local authorities, we need to ensure that planning authorities are financially resourced to deliver in the immediate future and for years to come, without drawing resource from the taxpayer.

Planning fees have been increased in line with inflation in December 2024 and June 2025, and by continuing with an annual increase, greater certainty will be provided to authorities about the forthcoming budgets and to applicants on the regularity and scale of any increases.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

From February to May 2024, we sought views from stakeholders on a range of proposals to improve the resourcing, skills and capacity of the planning system. There was general support for an annual inflationary increase to planning fees.

Impact Assessments

A full suite of impact assessments was considered during both the consultation process, and the drafting of the regulations to introduce an inflation-linked increase to the cost of application fees, including: Business and Regulatory Impact Assessment; Child Rights and Wellbeing Impact Assessment; Data Protection Impact Assessment; Equality Impact Assessment; Fairer Scotland Duty Assessment; Island Communities Impact Assessment.; Rural Assessment, and; Strategic Environmental Assessment.

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Consideration has been given, and relevant assessments have been completed, when drafting the regulations for this inflation-linked increase.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business will be that the fee for applying for planning permission will increase. This will be the third inflation linked increase to planning fees, in line with the Consumer Price Index – which for 2025 is 3.9%. This will provide much needed financial resource to planning authorities, reduce the burden on the taxpayer, and help deliver a better service to applicants.

Scottish Government
Planning, Architecture and Regeneration Directorate
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