EXPLANATORY MEMORANDUM TO THE SELECT COMMITTEE ON THE MERITS OF STATUTORY INSTRUMENTS

TOWN AND COUNTRY PLANNING (LONDON BOROUGH OF CAMDEN) SPECIAL DEVELOPMENT (AMENDMENT ORDER) 2004 No.2355

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Select Committee on the Merits of Statutory Instruments. It should be read in conjunction with the Memorandum prepared for the Town and Country Planning (London Borough of Camden) Special Development Order 2004 (S.I. 2004/1231) (the Special Development Order) which is attached as Annex A.

2. Description

2.1 This Order amends the Special Development Order to correct a defect in drafting. It amends article 4 of the Special Development Order to include a modification to paragraph (6) of article 8 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) (the 1995 Order). This modification is required to reflect changes made by the Special Development Order to the publicity requirements for planning applications set out in the 1995 Order

3. Matters of special interest to the Select Committee on the Merits of Statutory Instruments

3.1 The JCSI's 22nd Report of Session 2003-04 (published 28 June 2004) identified the defect in the Special Development Order. The Office of the Deputy Prime Minister accepted that a modification should have been made to paragraph (6) of article 8 of the 1995 Order and that this error was due to an oversight.

3.2 The Select Committee on the Merits of Statutory Instruments also brought the Special Development Order to the attention of the House because they were of the opinion that it "imperfectly achieves its policy objectives" (8th Report from the Merits Committee). The Special Development Order was subsequently prayed against and an adjournment debate took place in the House of Lords on 23 June 2004.

3.3 An independent review report by Arup commissioned by the Office of the Deputy Prime Minister and published on the same day, looked at publicity arrangements for all types of applications to establish whether they are cost effective and provide value for money. The report

also made recommendations for how the statutory requirements could be changed and evaluated ways of maintaining and improving public awareness of planning applications.

3.4 One of the findings of the report was that "local newspaper advertisements are considered to be the least effective form of publicity for any type of application by local planning authorities, advisors and non-statutory consultees."

3.5 During the debate it was also pointed out that the provisions of the Special Development Order are intended as a 3-year pilot scheme to establish whether the findings of the Arup report and Camden's own findings were true in practice.

3.6 The policy reasons behind the Special Development Order were accepted and the prayer against it was withdrawn. Details of the debate can be found at the following web address: http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds04/text/40623-08.htm#40623-08_dl0

4. Legislative Background

4.1 Paragraph (6) of article 8 of "the 1995 Order deals with the consequences of the removal, obstruction or defacement of site notices publicising a planning application. Site notices are required to be in place for a period of 21 days from the date of first publication. Paragraph (6) provides that if a notice is removed, obscured or defaced within this period through no fault of the authority it will be treated as having complied with this requirement provided it has taken reasonable steps for the protection of the notice and, if need be, its replacement.

4.2 The date of first publication is defined by reference to the provisions requiring the notice to be given. The relevant provisions in the 1995 Order are paragraphs (3)(a), (4)(a)(i) and (5)(a) of article 8. The corresponding provisions of article 8, as substituted by article 4 of the Special Development Order in relation to land within the London Borough of Camden, are paragraphs (3)(a), (3A)(a), (4)(a) and (5)(a). This Order modifies paragraph (6) of article 8 of the 1995 Order to include the references to paragraphs (3A)(a) and (4)(a) of the Special Development Order.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

Not applicable

7. Policy background

7.1 As the Order will simply correct the defect identified by the JCSI (see above) it has no policy implications beyond those identified for the Special Development Order (see Annex A attached).

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Relwyn Reffell at the Office of the Deputy Prime Minister Tel: 020 7944 4817 can answer any queries regarding the instrument.

ANNEX A

EXPLANATORY MEMORANDUM BY THE OFFICE OF THE DEPUTY PRIME MINISTER

The Town and Country Planning (London Borough of Camden) Special Development Order 2004

Purpose of Instrument

1. The Town and Country Planning (General Development Procedure) Order 1995 (the 1995 Order) includes a requirement for local planning authorities to give publicity to applications for planning permission. This Special Development Order will vary these requirements to permit the London Borough of Camden (Camden) to advertise some planning applications on its internet website.

Powers

2. The Order is made under section 59 and section 333 (7) of the Town and Country Planning Act 1990. The instrument is subject to negative resolution.

Policy background

3. Article 8 of the 1995 Order sets out the current requirements for the publicity of planning applications. Certain categories of application are required to be advertised by local advertisement. Presently this is defined in the1995 Order as by notice in a local newspaper and also on a local authority website if one is maintained by the local planning authority for the purpose of advertising planning applications.

4. The Order will apply only to planning applications relating to land within the borough of Camden. It will allow Camden to advertise planning applications made to it as local planning authority on its website instead of in a local newspaper with the exception of "EIA" applications accompanied by an environmental statement. This type of application must still be advertised in a local newspaper even if it is also advertised on the website. Other publicity requirements relating to planning applications will continue to apply although Camden will be able to use its website as an additional method of advertising applications.

5. Publicising planning applications on a website accords with e-government strategy and will help to achieve delivery of the policy objectives set out in Camden's Local Public Service Agreement (LPSA). It is considered that using this method will improve present publicity requirements and it should also lead to an increased public awareness of planning applications within Camden. However, the Order will be reviewed after 3 years to assess the overall effect of the new arrangements.

6. The First Secretary of State is also in the process of reviewing the publicity arrangements for other types of applications e.g. listed building and conservation area consents to see whether or not it is appropriate to make changes to reflect the advances in electronic communications.

7. All other provisions of the 1995 Order will continue to apply to Camden.

Financial Implications

8. The Order is deregulatory in nature and will release financial resources for other purposes, thus fulfilling the commitments set out in Camden's LPSA. It is estimated that removing the requirement to publicise applications in the local press will make a saving of £25,000 per annum for Camden.

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