EXPLANATORY MEMORANDUM TO

THE TOWN AND COUNTRY PLANNING (REVOCATIONS) REGULATIONS 2014

2014 No. 692

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument is made to revoke a number of Regulations identified in the Government's Red Tape Challenge as redundant. The specific reasons for each revocation are outlined in Section 4 below.

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

3.1 None.

4. Legislative Context

4.1 These Regulations revoke the following Regulations:

- The Fees for Inquiries (Standard Daily Amount) Regulations 1988
- The Fees for Inquiries (Standard Daily Amount) Regulations 1990
- The Fees for Inquiries (Standard Daily Amount) Regulations 1994
- The Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) Regulations 1996
- The Fees for Inquiries (Standard Daily Amount) Regulations 1998
- The Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) Regulations 1999
- The Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) (England) Regulations 2000
- The Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) (England) Regulations 2002
- The Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) (England) Regulations 2003
- The Town and Country Planning (Transitional Arrangements) (England) Regulations 2004
- The Infrastructure Planning (National Policy Statement Consultation) Regulations 2009

4.2 These Regulations are part of a series of revocations arising as a result of redundant statutory instruments identified as part of the Government's Red

Tape Challenge. The other negative S.I being made at this time is the Town and Country Planning (Revocations) Order 2014.

5. Territorial Extent and Application

5.1 This instrument applies in relation to the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 In January 2013 the Department of Communities and Local Government published a list of statutory instruments applying to the planning sector as part of the Government's 'Red Tape Challenge' initiative, inviting comments on whether each instrument should be revoked, retained or improved. The Department appointed two Sector Champions to raise the profile of the Red Tape Challenge for the planning administration theme and act as a link with the private, public and voluntary sectors. The Department also chaired a roundtable discussion representing around 20 key organisations.

7.2 Following detailed examination, it was concluded that over half of the instruments were suitable for either revocation or improvement. The final list was published in October 2013. These 11 sets of Regulations were identified as suitable for revocation.

7.3 *The Fees for Inquiries (Standard Daily Amount) Regulations 1988* applied where a Minister was authorised under or by virtue of specified provisions to recover his costs in connection with the holding of an inquiry. The Regulations specified a standard amount which may have been charged for each day on which the inquiry sat or the person appointed to hold the inquiry was otherwise engaged on work connected with it. These Regulations have been superseded (SI 1990/2027).

7.4 *The Fees for Inquiries (Standard Daily Amount) Regulations 1990* applied where a Minister was authorised under or by virtue of specified provisions to recover his costs in connection with the holding of an inquiry. The Regulations specified a new standard amount. These Regulations have been superseded (SI 1994/642).

7.5 *The Fees for Inquiries (Standard Daily Amount) Regulations 1994* applied where a Minister was authorised under or by virtue of specified provisions to recover his costs in connection with the holding of an inquiry. The Regulations specified a new standard amount. These Regulations have been superseded (SI 1998/2864).

7.6 *The Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) Regulations 1996* prescribed the standard daily amount that could be charged where the Secretary of State was authorised to recover costs borne by him in connection with unitary development plan, local plan or simplified planning zone inquiries or other hearings or examinations in public in respect of structure plans. They set a historic fee level and have now been superseded (SI 1999/327).

7.7 *The Fees for Inquiries (Standard Daily Amount) Regulations 1998* applied where a Minister was authorised under or by virtue of specified provisions to recover his costs in connection with the holding of an inquiry. The Regulations specified a new standard amount. These Regulations have been superseded (SI 2000/2307).

7.8 *The Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) Regulations 1999* prescribed the rates which could be charged where the Secretary of State was authorised to recover costs borne by him in connection with unitary development plan, local plan or simplified planning zone inquiries or other hearings or examinations in public in respect of structure plans. They set a historic fee level and have now been superseded (SI 2000/3089).

7.9 *The Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) (England) Regulations 2000* set the daily rate for the recovery of costs where the Secretary of State was authorised to recover costs borne by him in connection with unitary development plan, local plan or simplified planning zone inquiries or other hearings or examinations in public in respect of structure plans. These Regulations have been superseded (SI 2002/452).

7.10 *The Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) (England) Regulations 2002* prescribed the rates which could be charged where the Secretary of State was authorised to recover costs borne by him in connection with unitary development plan, local plan or simplified planning zone inquiries or other hearings or examinations in public in respect of structure plans. They set a historic fee level and have now been superseded (SI 2003/464).

7.11 *The Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) (England) Regulations 2003* prescribed the rates which could be charged where the Secretary of State was authorised to recover costs borne by him in connection with unitary development plan, local plan or simplified planning zone inquiries or other hearings or examinations in public in respect of structure plans. They set a historic fee level and have now been superseded (SI 2004/421).

7.12 *The Town and Country Planning (Transitional Arrangements) (England) Regulations 2004* sets out transitional arrangements to be applied to structure plans, unitary development plans and local plans as the changes of the Planning and Compulsory Purchase Act 2004 are brought into effect. The Town and Country Planning (Local Planning) (England) Regulations 2012

makes provision for the operation of the local development planning system established under the Planning and Compulsory Purchase Act 2004, SI 2004/2205, has become obsolete since the introduction of the Town and Country Planning (Local Planning) (England) Regulations 2012. Any elements of plans to which these regulations applied will have been saved and/ or superseded, so these regulations should therefore be revoked in their entirety. Revoking the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004 also has the effect of revoking the saved parts of the Town and Country Planning (Development Plan) (England) Regulations 1999. These are saved by Articles 3, 4(2) and 5(2) of the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004 and would otherwise have lapsed on the repeal of the enabling authority for the SI 1999/3280.

7.13 *The Infrastructure Planning (National Policy Statement Consultation) Regulations 2009* prescribes persons who the Secretary of State must consult before designating a statement as a national policy statement (for infrastructure) for the purposes of the Planning Act 2008 and the circumstances in which they must be consulted. The requirements in the regulations can be achieved through non-regulatory means. Once the regulations are revoked the Department for Communities and Local Government will make it clear to all Government Departments preparing National Policy Statements that they should continue to consult the bodies that were previously set out in regulations. The general duty to consult set out in the Planning Act 2008 will remain in place.

- Consolidation

7.14 This instrument revokes 11 sets of Regulations and no consolidation is required.

8. Consultation outcome

8.1 The public consultation on the planning administration theme ran from 31 January - 7 March 2013 on the Red Tape Challenge package, which included the 4 Orders of this instrument. Approximately 150 comments were received, via the Red Tape Challenge website, the private in-box and the Planning Portal website, which have been considered as part of the development of the Department's propositions for the regulations. There were a mixture of comments from private, public and voluntary sector bodies, a number of which were representative organisations or interest groups, and the general public.

8.2 The Red Tape Challenge was positively received, and the general consensus indicated that planning administration regulations should be more orderly, streamlined and consolidated.

8.3 No specific comments were made in relation to these instruments being revoked.

9. Guidance

9.1 Specific guidance on this Statutory Instrument is unnecessary because it is revoking legislation which is either redundant, has been superseded or is no longer considered to be required.

10. Impact

10.1 A full regulatory impact assessment has not been produced for the measure in this instrument as no impact on the private, public or voluntary sector is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This instrument revokes 11 sets of Regulations so no monitoring or review is necessary.

13. Contact

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