

EXPLANATORY MEMORANDUM TO THE

The Town and Country Planning (Costs of Inquiries etc.) (Examination in Public) (England) Regulations **2004 No.1716**

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 Joint Committee on Statutory Instruments.

Description

The above-mentioned Regulations, which are laid today by the First Secretary of State, concern the increase in fees, and travel and subsistence rates given to those appointed to conduct a structure plan examination in public, more commonly referred to as panel chairs. Structure plan examinations in public are a form of administrative hearing which are usually held before the adoption of proposals for the alteration or replacement of a structure plan. The panel chairs are those people who are charged with conducting the independent examination and producing a Panel Report with recommendations on the proposed plan.

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

Increases in fees payable to panel chairs have historically been linked to increases in fees for consultant inspectors on senior level Development Plan casework. Unfortunately the Planning Inspectorate (PINS) had yet to finalise the annual increment for consultant inspectors at the time the Department went out to consultation on these increases and were unable to wait until PINS had finalised their offer considering the increases were to be in place as soon as possible after 1st April 2004. However, at the time PINS had proposed an offer of 2.8% to salaried inspectors but this was yet to be accepted by the Union. It was agreed that an 2.8% increase for panel chair fees based on the PINS offer to salaried inspectors should be proposed. This compares to an increase of 3.1% to panel chairs fees in 2003.

Increases in travel and subsistence payable to panel chairs have previously been linked to the rates set by the Office of the Deputy Prime Minister. Through these regulations, it is the aim of the Department to bring panel chairs travel and subsistence in line with current ODPM rates.

The daily rate for panel chairs will be increased from £333 to £342 and is anticipated that the additional costs of fee increases will be in the order of £1000 for each local authority conducting a structure plan examination. It is difficult to predict the additional costs deriving from increasing the travel rates but these are expected to be small. There are no changes to the rates of

subsistence and other allowances prescribed in S.I. 2003/2948. As the rate for travelling by motorcycle will no longer depend on the cylinder capacity of the motor cycle or the type of insurance, Schedule 1 of S.I. 2003/2948 has been omitted from the new Regulations and a single rate is provided to such travel. Increasing both fees and travel expenses of panel chairs demonstrates the Department's commitment to ensuring that the planning system is properly resourced.

Legislative and policy background

A different approach has been taken in the application of these Regulations than that adopted in previous Regulations (S.I. 2000/2311, 2003/1179 and 2003/2948) specifying the standard daily amounts and travelling and other allowances. The Regulations have been drafted so that they apply to work done by the appointed person in connection with his appointment in relation to any day which falls on or after the date on which the Regulations come into force. Previously the increases only applied in respect of panel chairmen appointed after the Regulations came into force which meant that some panel chairs were missing out on the increases as they did not start work for several months after their appointment. The previous Regulations have not been revoked as there are a number of outstanding claims; the Department will however, keep the old Regulations under review and will revoke any that become completely spent at an appropriate point.

Extent

The Regulations apply in England only.

Impact

A consultation exercise was conducted between March and April 2004 with structure plan authorities, national park authorities, the Planning Inspectorate, the Planning Officers Society and the Royal Town Planning Institute being consulted over the proposed fee and travel and subsistence increases. Only a handful of responses were received all of which indicated agreement to these increases.

Contact

Keren Rakkar at the Office of the Deputy Prime Minister can be contacted on 0207 944 5629 or kerenpaul.rakkar@odpm.gsi.gov.uk to answer any queries on the proposed legislation.