

EXPLANATORY MEMORANDUM TO THE

The Town and Country Planning (Regional Spatial Strategies) (Examinations in Public) (Remuneration and Allowances) (England) Regulations 2004 No.2209

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.

2. Description

2.1 Section 1 of the Planning and Compulsory Purchase Act 2004 provides that there is to be a regional spatial strategy ("RSS") for each region setting out the Secretary of State's policies in relation to the development and use of land within the region. Each region's RSS is reviewed by the regional planning body, which may prepare a draft revision of the RSS for submission to the Secretary of State. On receipt of a draft revision, the Secretary of State may decide that an examination in public should be held into the draft revision. Where he decides to do so, the examination must be held before a person appointed by the Secretary of State.

2.2 This Instrument provides for the remuneration and allowances payable by the Secretary of State to such appointed persons.

3. Matters of special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments]

None

4. Legislative Background

The Secretary of State is exercising his power under section 11(2)(h) of the Planning and Compulsory Purchase Act 2004. This provision enables him to make regulations for the remuneration and allowances payable to a person appointed to carry out an examination in public under section 8.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

This instrument is subject to the negative procedure and does not amend primary legislation. Therefore no statement as to compatibility has been given.

7. Policy background

7.1 The policy objective of this instrument is to facilitate the smooth running of examinations in public into revisions of RSS by ensuring that the appropriate fees and allowances are paid to those conducting those examinations. The fees, and travel and subsistence rates set out within these regulations are similar to those prescribed in Statutory Instrument 1716/2004 for work undertaken by those appointed to structure plan examinations in public.

7.2 This Order is linked to the following subordinate legislation:

- Town and Country Planning (Regional Planning) (England) Regulations 2004
- Town and Country Planning (Regional Planning Guidance as Revision of a Regional Spatial Strategy) Order 2004
- Town and Country Planning (Regional Functions)(National Parks) Order 2004
- Town and Country Planning (Initial Regional Spatial Strategy)(England) Regulations 2004

which all implement the provisions of Part 1 of the Planning and Compulsory Purchase Act 2004, regional functions.

7.3 This instrument is administrative in nature and there is unlikely to be much public interest in this instrument.

8. Impact

A Regulatory Impact Assessment (RIA) was completed for the Planning and Compulsory Purchase Bill. It addressed the regulatory impact of all of the measures contained in the Bill, including the regional planning arrangements in Part 1 of the Bill. The findings of the RIA noted that policies resultant from the Bill will be 'broadly deregulatory in effect' and that 'significant benefits will accrue from a radical reform of the planning system'.

9. Contact

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