

EXPLANATORY MEMORANDUM TO
THE TOWN AND COUNTRY PLANNING (REGIONAL SPATIAL STRATEGIES)
(EXAMINATIONS IN PUBLIC) (REMUNERATION AND ALLOWANCES)
(ENGLAND) (REVOCATION) REGULATIONS 2006

2006 No. 3320

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. Description

2.1 The Town and Country Planning (Regional Spatial Strategies) (Examinations in Public) (Remuneration and Allowances) (England) Regulations 2004¹ (“the 2004 Regulations”) provided for the remuneration and allowances for persons appointed to carry out an examination in public of a draft regional spatial strategy.

2.2 These Regulations revoke the 2004 Regulations.

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

3.1 None

4. Legislative Background

4.1 Section 1 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) 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 she decides to do so, the examination must be held before a person appointed by the Secretary of State.

4.2 Section 11(2)(h) of the 2004 Act enables the Secretary of State to make regulations for the remuneration and allowances payable to a person appointed to carry out an examination in public under section 8. The 2004 Regulations made such provision.

5. Extent

5.1 This instrument applies to England.

¹ S.I. 2004/2209.

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

7.1 The person conducting an examination in public into a draft revision of a RSS is appointed by the Secretary of State. Similar types of appointment to conduct inquiries into such matters as planning appeals, and planning applications to be decided by the Secretary of State, are not the subject of regulation for remuneration or allowances. As such, it is considered that the Regulations governing the remuneration and allowances of those appointed to conduct examinations are unnecessary and can be revoked. Remuneration and allowances can then be dealt with on a contractual basis for each appointment.

7.2 Remuneration and allowances for those appointed to conduct examinations into RSS revisions are met from central government funds, which are currently held by the Planning Inspectorate Executive Agency, who appoint persons on behalf of the Secretary of State to conduct examinations.

7.3 On revocation of the Regulations, the Planning Inspectorate will set remuneration and allowances in line with those applicable to Consultant Inspectors.

7.4 There are Regulations in force for examinations into other matters², but these enable the same level of remuneration and allowances to apply where others, such as local planning authorities, are responsible for remunerating the person appointed. The reason why the Regulations have been revoked is that an increase in fees was planned. However, having looked at the Regulations, it was concluded that this could be achieved through contractual means rather than further amendments to the Regulations and that in fact the Regulations were unnecessary.

7.5 No formal consultation on the revocation of the Regulations has been carried out.

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

Bob Wiggins at the Planning Inspectorate Tel: 0117 3728751 or e-mail: bob.wiggins@pins.gsi.gov.uk can answer any queries regarding the instrument.

² See, for example, section 303A of the Town and Country Planning Act 1990 and the Town and Country Planning (Costs of Inquiries etc) (Standard Daily Amount) (England) Regulations 2004 (SI 2004/421).