

Appeal and Fee Regulations

- Normal town planning appeal and fee regulations do not apply to Schedule 17
- Schedule 17 allows for specific statutory instruments
 - Fee regulation – paragraph 17(1)
 - Appeal regulation – paragraph 22(5)
- These cannot be made until after Royal Assent
- Not begun drafting them yet
- Initial engagement on the principles
- Comments sought by **8th July**

Fee regulation

- Principles developed from the Crossrail Fee Regulation
http://www.legislation.gov.uk/ukxi/2008/2175/pdfs/ukxi_20082175_en.pdf
- Fees for Plans and Specs calculated on area – based on 'normal planning' fee calculation
- Flat rate charges for CAs, BIU and site restoration
- Ability to not have fees when alternative arrangements are in place

Fee regulation

TABLE OF FEES PAYABLE

Category of development for which approval is sought: Fee Payable

1. PLANS AND SPECIFICATIONS FOR THE FOLLOWING WORKS

A.	(a) Where no gross floor space is to be created by the development, £170;
(i) The erection, construction, alteration or extension of a building (including any transformer or telecommunications mast) excluding anything in C below	(b) where the area of gross floor space to be created by the development does not exceed 40 square metres, £170;
(ii) The erection, construction, alteration or extension of any fences, walls or other barriers (including bunds) for visual or noise screening or dust suppression, or any other fences or walls	(c) where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £335;
(iii) The erection, construction or installation of lighting equipment	(d) where the area of gross floor space to be created by the development exceeds 75 square metres but does not exceed 3750 square metres £335 for each 75 square metres or part thereof of that area; and
B. Where no gross floor space is to be created by the development	e) where the area of gross floor space to be created by the development exceeds 3750 square metres, £16,565 and an additional £100 for each 75 square metres or part thereof subject to a maximum of £250,000.
C. Construction, alteration or extension of any terracing, cuttings, embankments or other earth works.	£170;
D. The erection, construction, alteration or extension of a pedestrian access to the railway line.	£170 for each 0.1 hectares or part thereof of the site, subject to a maximum of £1,700.
E. The disposal of waste or spoil or the excavations of bulk materials from borrow pits.	£170
F. Additional Details Request	£170 for each 0.1 hectare or part thereof of the site area, subject to a maximum of £25,500.

2. CONSTRUCTION ARRANGEMENTS

Road transport	£85
Handling of re-usable spoil or top soil	£170
Storage sites	£170
Construction camps	£170
Screening	£170
Artificial lighting	£170
Suppression of dust	£170
Mud on highway	£170

Appeal regulation

- Principles developed from the Crossrail Appeal (Written Representations Procedure) Regulations
http://www.legislation.gov.uk/uksi/2008/2908/pdfs/uksi_20082908_en.pdf
- Crossrail Guidance
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/472114/crossrail_planning-appeals-guidance.pdf
- Essentially the same steps as for normal written representations appeal process but with shorter durations

Appeal regulation

- Appeal to appropriate ministers
- Role of the Planning Inspectorate – appointed person
- Steps in process:
 - Notice of appeal
 - Notice of receipt of appeal
 - Notice to, and representations by, third parties
 - Submission of questionnaire and statement by the authority
 - Representations by the appellant and by the authority
 - Closing representations in respect of new matters
 - Power of determiner