

SCHEDULE 1

Regulations 10, 19 and 55

Consultation and notification

Table

<i>Column 1; Consultee</i>	<i>Column 2; Circumstances when that person must be consulted about a proposed application.</i>	<i>Column 3; Circumstances when that person must be notified about an application.</i>
The Welsh Ministers	All proposed applications likely to affect land in Wales	All applications likely to affect land in Wales
The Scottish Executive	All proposed applications likely to affect land in Scotland	All applications likely to affect land in Scotland
The relevant Northern Ireland Department	All proposed applications likely to affect land in Northern Ireland	All applications likely to affect land in Northern Ireland
The Health and Safety Executive	All cases	All cases
The relevant Strategic Health Authority	All proposed applications likely to affect land in England and Wales	All applications likely to affect land in England
The relevant Health Board(1)	All proposed applications likely to affect land in Scotland	All applications likely to affect land in Scotland
Natural England(2)	All proposed applications likely to affect land in England	All applications likely to affect land in England
The Historic Buildings and Monuments Commission for England	All proposed applications likely to affect land in England	All applications likely to affect land in England
The relevant fire and rescue authority	All cases	All cases
The relevant police authority	All cases	All cases
The relevant parish council, or, where the application relates to land in Wales or Scotland the relevant community council	All cases	All cases
The Environment Agency	All proposed applications likely to affect land in England and/or Wales	All applications likely to affect land in England and/or Wales
The Scottish Environment Protection Agency	All proposed applications likely to affect land in Scotland	All applications likely to affect land in Scotland

Note to Table

“relevant”, in relation to a body, shall mean the body which has responsibility for the location where the development to which an application is sited or has responsibility for an area which neighbours that location.

(1) See section 2 of the National Health Service (Scotland) Act 1978 (c.29).

(2) See section 1 of the Natural Environment and Rural Communities Act 2006 (c.16).

Status: This is the original version (as it was originally made).

<i>Column 1; Consultee</i>	<i>Column 2; Circumstances when that person must be consulted about a proposed application.</i>	<i>Column 3; Circumstances when that person must be notified about an application.</i>
The Commission for Architecture and the Built Environment	All proposed applications likely to affect land in England	All applications likely to affect land in England
The relevant Regional Development Agency	All proposed applications likely to affect land in England and/or Wales	All applications likely to affect land in England and/or Wales
The Equality and Human Rights Commission	All proposed applications likely to affect land in England and Wales	All applications likely to affect land in England and Wales
The Scottish Human Rights Commission	All proposed applications likely to affect land in Scotland	All applications likely to affect land in Scotland
The Commission for Sustainable Development	All cases	All cases
AONB Conservation Boards	All proposed applications likely to affect an AONB that is managed by a Conservation Board	All applications likely to affect an AONB that is managed by a Conservation Board.
Royal Commission on Ancient and Historical Monuments of Wales	All proposed applications likely to affect the historic environment in Wales	All applications likely to affect the historic environment in Wales
The Countryside Council for Wales	All proposed applications likely to affect land in Wales	All applications likely to affect land in Wales
The Homes and Communities Agency(3)	All proposed applications likely to have an effect on its areas of responsibility	All applications likely to have an effect on its areas of responsibility
The Joint Nature Conservation Committee	All proposed applications likely to affect the marine environment	All applications likely to affect the marine environment.
The Commission for Rural Communities	All proposed applications likely to affect rural communities in England	All applications likely to affect rural communities in England
Scottish Natural Heritage	All proposed applications likely to affect land in Scotland	All applications likely to affect land in Scotland
The Maritime and Coastguard Agency	All proposed applications likely to affect the maritime or coastal environment, or the shipping industry	All applications likely to affect the maritime or coastal environment, or the shipping industry.

Note to Table

“relevant”, in relation to a body, shall mean the body which has responsibility for the location where the development to which an application is sited or has responsibility for an area which neighbours that location.

(3) See section 2 of the Housing and Regeneration Act 2008 (c.17).

<i>Column 1; Consultee</i>	<i>Column 2; Circumstances when that person must be consulted about a proposed application.</i>	<i>Column 3; Circumstances when that person must be notified about an application.</i>
The Civil Aviation Authority	All proposed applications relating to airports or which are likely to affect an airport or its current or future operation	All applications relating to airports or which are likely to affect an airport or its current or future operation
The Highways Agency	All proposed applications likely to affect road or transport operation and/or planning on roads for which the Secretary of State for Transport is the highway authority.	All applications likely to affect road or transport operation and/or planning on roads for which the Secretary of State for Transport is the highway authority.
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	All proposed applications likely to affect transport within, to or from the relevant integrated transport area of the ITA or PTE	All applications likely to affect transport within, to or from the relevant integrated transport area of the ITA or PTE
The relevant highway authority	All proposed applications likely to have an impact on the road network or the volume of traffic in the vicinity of the proposal	All applications likely to have an impact on the road network or the volume of traffic in the vicinity of the proposal
Transport for London	All proposed applications likely to affect transport within, to or from Greater London	All applications likely to affect transport within, to or from Greater London
Passenger Focus	All proposed applications likely to affect rail passenger transport	All applications likely to affect rail passenger transport
The Disabled Persons Transport Advisory Committee	All proposed applications likely to affect access to transport for disabled people	All applications likely to affect access to transport for disabled people
The Coal Authority	All proposed applications that lie within areas of past, present or future coal mining	All applications that lie within areas of past, present or future coal mining.
The Office of Rail Regulation and approved operators ⁽⁴⁾	All proposed applications likely to affect the rail transport industry	All applications likely to affect the rail transport industry

Note to Table

“relevant”, in relation to a body, shall mean the body which has responsibility for the location where the development to which an application is sited or has responsibility for an area which neighbours that location.

(4) For the definition of “approved operators” see section 25 of the Planning Act 2008.

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<i>Column 1; Consultee</i>	<i>Column 2; Circumstances when that person must be consulted about a proposed application.</i>	<i>Column 3; Circumstances when that person must be notified about an application.</i>
The Gas and Electricity Markets Authority	All proposed applications likely to affect gas and electricity markets	All applications likely to affect gas and electricity markets
The Water Services Regulation Authority	All proposed applications likely to affect the water industry in England and Wales	All applications likely to affect the water industry in England and Wales
The Water Industry Commission of Scotland	All proposed applications likely to affect the water industry in Scotland	All proposed applications likely to affect the water industry in Scotland
The relevant waste regulation authority	All proposed applications likely to affect waste infrastructure	All applications likely to affect waste infrastructure
The relevant internal drainage board	All proposed applications likely to increase the risk of flooding in that area or where the proposals relate to an area known to be an area of flood risk	All applications likely to increase the risk of flooding in that area or where the proposals relate to an area known to be an area of flood risk
The British Waterways Board	All proposed applications likely to have an impact on inland waterways or land adjacent to inland waterways	All applications likely to have an impact on inland waterways or land adjacent to inland waterways
Trinity House(5)	All proposed applications likely to affect navigation in tidal waters	All applications likely to affect navigation in tidal waters
The Health Protection Agency	All proposed applications likely to involve chemicals, poisons or radiation which could potentially cause harm to people	All applications likely to involve chemicals, poisons or radiation which could potentially cause harm to people
The relevant local resilience forum	All cases	All cases
Relevant statutory undertakers	All proposed applications likely to affect their functions as statutory undertakers	All applications likely to affect their functions as statutory undertakers
The Crown Estate Commissioners	All proposed applications likely to impact on the Crown Estate	All applications likely to impact on the Crown Estate

Note to Table

“relevant”, in relation to a body, shall mean the body which has responsibility for the location where the development to which an application is sited or has responsibility for an area which neighbours that location.

(5) The Corporation of Trinity House of Deptford Strond.

<i>Column 1; Consultee</i>	<i>Column 2; Circumstances when that person must be consulted about a proposed application.</i>	<i>Column 3; Circumstances when that person must be notified about an application.</i>
The Forestry Commission	All proposed applications likely to affect the protection or expansion of forests and woodlands	All applications likely to affect the protection or expansion of forests and woodlands

Note to Table

“relevant”, in relation to a body, shall mean the body which has responsibility for the location where the development to which an application is sited or has responsibility for an area which neighbours that location.

SCHEDULE 2

Regulation 18

Fees

Interpretation

- 1.—(1) In this Schedule “application” has the same meaning as in regulation 9 .
- (2) Any reference in this Schedule to a paragraph is a reference to a paragraph of this Schedule.
- (3) In this Schedule any reference to the receipt by the Commission of a payment by way of a fee is a reference to the Commission having received cleared funds in respect of the full amount of the fee.
- (4) In these Regulations any reference to a failure to pay a fee is a reference to the Commission not having received cleared funds in respect of the full amount of the fee or having received payment of the full amount by cheque which has subsequently been dishonoured.

Fee to accompany an application

- 2.—(1) At the same time that an application for an order under paragraph 3(1) of Schedule 6 to the Act is made to the Commission the fee specified in sub-paragraph (3) must be paid to the Commission.
- (2) If the applicant fails to pay the fee, the Commission need not consider the application until payment is received by the Commission.
- (3) The fee payable on making an application is £4,500.

Pre-examination fee

- 3.—(1) The Commission must charge the applicant a pre-examination fee.
- (2) Following a decision under regulation 22, the Commission must notify the applicant as soon as reasonably practicable, of the pre-examination fee.
- (3) The pre-examination fee is—
 - (a) where a single Commissioner will handle the application, £8,500;
 - (b) where two or three Commissioners will handle the application, £25,500;
 - (c) where more than three Commissioners will handle the application, £38,500.

Status: This is the original version (as it was originally made).

(4) The pre-examination fee must be received by the Commission within the period of 28 days beginning with the date of the notice referred to in sub-paragraph (2).

(5) If the applicant fails to pay the pre-examination fee within the period specified in sub-paragraph (4), the Commission need take no further steps in relation to the application until payment has been received by the Commission.

Fee in respect of the handling of an application

4.—(1) The Commission must charge the applicant a fee in respect of its examination of the application.

(2) The fee payable is the sum of —

- (a) an initial payment calculated in accordance with paragraph 5; and
- (b) a final payment calculated in accordance with paragraph 6.

Initial payment in respect of the handling of an application

5.—(1) Following the preliminary meeting under regulation 28, the Commission must, as soon as reasonably practicable, give the applicant notice in writing of—

- (a) the number of estimated relevant days;
- (b) whether the application is to be examined by a single Commissioner, or 2 or more Commissioners, and in the latter case, the number of Commissioners who are to be appointed; and
- (c) the initial payment.

(2) In this paragraph—

“estimated relevant day” means a day estimated by the Commission as required for its examination of the application;

“initial payment” in relation to a notice under sub-paragraph (1) means—

- (a) where the examination is to be handled by a single Commissioner, £615 for each estimated relevant day;
- (b) where the examination is to be handled by 2 or 3 Commissioners, £1,340 for each estimated relevant day;
- (c) where the examination is to be handled by more than 3 Commissioners, £2,040 for each estimated relevant day.

(3) The initial payment must be received by the Commission within the period of 28 days beginning with the date of the notice referred to in sub-paragraph (1).

(4) If the applicant fails to pay the initial payment within the period specified in sub-paragraph (3), the Commission need take no further steps in relation to the application until payment has been received by the Commission.

Final payment in respect of the handling of an application

6.—(1) Following notification of the completion of the examination, the Commission must, as soon as reasonably practicable, give the applicant notice of the final payment.

(2) The final payment is—

- (a) where a single Commissioner has examined the application, £1,230 for each relevant day;
- (b) where two or three Commissioners have examined the application, £2,680 for each relevant day;

- (c) where more than three Commissioners have examined the application, £4,080 for each relevant day;

less the initial payment referred to in paragraph 5.

(3) In this paragraph “relevant day” means a day on which the Commission examined the application.

(4) The final payment must be received by the Commission within the period of 28 days beginning with the date of the notice referred to in sub-paragraph (1).

(5) If the applicant fails to pay the fee within the period specified in sub-paragraph (4), the Commission need take no further steps in relation to the application until payment has been received by the Commission.

Fee in respect of venue costs

7.—(1) Where the applicant does not provide a venue for a hearing the Commission may charge a fee in respect of the venue costs.

(2) In sub-paragraph (1) “venue costs” means—

- (a) where the Commission causes a hearing to be held, the costs reasonably incurred by the Commission in respect of that hearing; or
- (b) where the Commission makes arrangements for a hearing to be held but it does not take place, the costs reasonably incurred by the Commission in respect of those arrangements.

(3) The Commission must notify the applicant of the amount of the fee.

(4) The fee must be received by the Commission within the period of 28 days beginning with the date of the notice referred to in sub-paragraph (3).

(5) If the applicant fails to pay the fee within the period specified in sub-paragraph (4), the Commission need take no further steps in relation to the application until payment has been received by the Commission.

(6) In this paragraph “hearing” means a hearing held in accordance with these Regulations.