

<p>Title: The Crossrail (Fees for Requests for Planning Approval) Regulations 2008</p> <p>PIR No: DfTPIR0089</p> <p>Original IA/RPC No: Click here to enter text.</p> <p>Lead department or agency: DfT</p> <p>Other departments or agencies: Click here to enter text.</p> <p>Contact for enquiries: Rachel Bain</p>	Post Implementation Review
	Date: 27/02/2024
	Type of regulation: Domestic
	Type of review: Statutory
	Date measure came into force: 10/12/2008
	Recommendation: Keep
	RPC Opinion: Choose an item.

1. What were the policy objectives of the measure?

The Regulations specify fees for Crossrail planning applications submitted under the Crossrail Act 2008 (the Act) by nominated undertakers to local planning authorities. The Act contains provisions for the nominated undertaker (see Crossrail (Nomination Order 2008(2008/2036)) to construct and maintain Crossrail within the limits within which those works can take place, to remove or realign street works and other utilities. Crossrail Ltd, a wholly owned subsidiary of Transport for London, was incorporated to be a single purpose delivery body and the nominated undertaker on Crossrail. London Underground Ltd is also a nominated undertaker but only for the purposes of upgrade works to its existing Bond Street and Tottenham Court Road stations. Significantly, the fees were agreed between the nominated undertaker and the local authorities affected by the Act. This enabled a more streamlined, quicker and bespoke fee structure than the national system, under which fees are imposed nationally. Creating a simpler fee structure enabled applications to be considered and approved quicker whilst ensuring that local authorities were not left out of pocket for the work carried out on applications.

Schedule 7 to the Act provides for the planning regime under which the nominated undertaker will carry out works in the areas of affected local Councils. Section 12 of the Act disapplies current legislation on planning fee regimes used by local planning authorities to charge for planning applications.

Section 12 also provides that the appropriate ministers (the Secretaries of State for Communities and Local Government and Transport acting together) may make provision by regulations for fees applicable to planning applications under the Act. These are generally more streamlined than full planning appeals and accordingly the fees process is intended to be consistent with that. When the Regulations were made the estimated amount of total fees payable during the lifetime of the project was £700,000-£750,000.

The objectives of the Regulations were to ensure that the costs of considering planning applications for Crossrail were transferred to the applicant i.e. the nominated undertaker applicant. It was also necessary to ensure fees applicable to Crossrail planning applications were proportionate and appropriate and that planning authorities were able to progress applications in a timely manner, therefore avoiding unnecessary delay to the project. As set out below, differences of opinion do exist on the level of the fee, however, the fees regime in the Regulations was designed to underpin the Schedule 7 applications which it has done.

2. What evidence has informed the PIR?

In making the Regulations, there was consultation with relevant local authorities, the Department of Communities and Local Government (as it then was), the Crossrail planning forum and the Planning Inspectorate. To prepare this PIR we sought the views of Transport for London and Crossrail Ltd. In addition, we sought the views of two relevant councils, Westminster and City of London. In seeking responses from councils that were part of the fees regime, we were mindful to choose councils more likely to respond to the request and give helpful comments on how they saw it working. Crossrail Ltd were helpful in informing us which councils would have comments - positive or negative - on the application of the Regulations.

Westminster Council made the point that the fees are too low for the complexity of some of the applications and therefore don't reflect the work that is put into such applications by the Council. The City of London however, felt the fees were appropriate and adequate in respect of applications to the City of London. These comments highlight that, although conscious efforts had been made to ensure the fees were proportionate to the work undertaken by councils, there are, as Westminster highlight, certain complex applications where the fee level may not have been appropriate. However, overall, the fees regime has ensured that the Schedule 7 planning applications process was effective.

3. To what extent have the policy objectives been achieved?

The regulations have fully achieved their objectives, which was to support the Schedule 7 planning application process. However, not all affected authorities considered the fee levels to be proportionate and appropriate, as stated above, there were differing opinions as to the level of the fee and the Regulations did not therefore satisfy all stakeholders. The fee structure provided by the Regulations has been applied by authorities in relation to many planning applications and the fees are accepted as the fee to accompany a request for planning approval. The Schedule 7 planning regime has been one of the key areas for the Crossrail scheme and the fact that construction is now complete is an indication of the effectiveness of the Regulations. Schedule 7 will still be needed to deal with applications relating to the maintenance of the operational railway and accordingly, so will the fee structure. Therefore, there remains a need for these Regulations.

Sign-off for Post Implementation Review: Chief economist/Head of Analysis and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: ***Jenna O'Byrne***

Date: 05/04/2024

Further information sheet

Please provide additional evidence in subsequent sheets, as required.

4. What were the original assumptions?

An impact assessment was prepared for these Regulations. The overall conclusion was that they do not create net costs as they transfer the costs of considering planning applications from the planning authorities themselves to the nominated undertakers. Aside from the cost transfer, it was considered that the Regulations would be minimal. As stated above, the overall costs of the fees regime is approximately £750,000 and this amount was allowed for in the overall project costs. There were no wider impacts as a result of these Regulations.

5. Were there any unintended consequences?

There were no unintended consequences as a result of these Regulations.

6. Has the evidence identified any opportunities for reducing the burden on business?

As there is no impact on business there are no opportunities to reduce the burden on business.

7. How does the UK approach compare with the implementation of similar measures internationally, including how EU member states implemented EU requirements that are comparable or now form part of retained EU law, or how other countries have implemented international agreements?

The Regulations do not transpose European Law and derive from domestic planning law. Accordingly, it is not possible nor relevant to ascertain how member states implement similar measures.