

**EXPLANATORY MEMORANDUM TO THE
THE TOWN AND COUNTRY PLANNING (TIMETABLE FOR DECISIONS)
(ENGLAND) ORDER 2005**

2005 No. 205

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 This Order specifies which planning decisions of the Secretary of State are not to be subject to a statutory timetable.

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 55 of, and Schedule 2 to, the Planning and Compulsory Purchase Act 2004 require the Secretary of State to set a timetable for his decision on “called in” planning applications and recovered appeals (i.e. where the Secretary of State makes the decision rather than an inspector appointed by him), together with any other decisions for which he is responsible and which are connected to those decisions (for example, decisions on enforcement notice appeals and decisions on listed building consent appeals). Paragraph 3 of Schedule 2 allows the Secretary of State to exclude, by order, certain specified decisions from the timetabling requirements of Schedule 2.

4.2 If the Secretary of State fails to take any step in accordance with the applicable timetable he must give written reasons to the applicant or appellant, the local planning authority and any person who has requested to be notified of the timetable (paragraph 7 of Schedule 2). The Secretary of State is required to make an annual report to Parliament (paragraph 8).

4.3 The provisions of section 55 and Schedule 2 will be commenced on 1st April 2005 (see the Planning and Compulsory Purchase Act 2004 (Commencement No.4 and Savings) Order 2005 (S.I. 2005/ 204 (C.8)).

5. Extent

5.1 This instrument applies in relation to England.

6. European Convention on Human Rights

Not applicable

7. Policy background

7.1 The Secretary of State has the power to call-in planning applications for his own determination. He does so where he considers that the application raises issues of more than local importance. In addition, he also has the power to recover for his own determination planning appeals because they meet certain criteria in relation to their scale or issues raised. The criteria for such cases are set down in the Parliamentary answers by the Rt. Hon. Richard Caborn M.P. on 16 June 1999 in response to a question by Mr Bill Michie M.P. (Hansard 16 June 1999, column 138), and by the Rt. Hon. Nick Raynsford M.P. on 25 July 2000 in response to a question by Angela Smith M.P. (Hansard 25 July 2000, column 594W).

7.2 The Secretary's target is to ensure that decisions on at least 80% of these cases are issued within 16 weeks from the close of the inquiry.

7.3 The Planning and Compulsory Purchase Act 2004 requires the Secretary of State to set timetables for all the planning cases that he decides himself. This will provide a greater degree of certainty, for all those parties who are involved in called-in planning applications and recovered planning appeals, as to when decisions will be made.

7.4 The Act also provides for the Secretary of State to specify the types of decision, or descriptions of decision to which timetabling should not apply.

7.5 This Order details those cases which, under paragraph 3 of Schedule 2 of the 2004 Act, will not be required to be subject to a timetable. It excludes from timetabling those decisions over which the Secretary of State does not exercise full control because they are reliant, in whole, or in part, on decisions made by others. It also excludes those decisions taken by Planning Inspectors on his behalf.

7.6 The requirement to set timetables will apply to those cases to be decided by the Secretary of State where the inquiry closes on or after 1 April 2005.

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

8.2 There is no impact on the public sector.

9. Contact

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