

2013 No. 498

INFRASTRUCTURE PLANNING

**The Infrastructure Planning (Fees) (Amendment) Regulations
2013**

<i>Made</i> - - - -	<i>6th March 2013</i>
<i>Laid before Parliament</i>	<i>12th March 2013</i>
<i>Coming into force</i> - -	<i>6th April 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 4 and 232(3) of the Planning Act 2008(a), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Infrastructure Planning (Fees) (Amendment) Regulations 2013 and come into force on 6th April 2013.

Amendment of the Infrastructure Planning (Fees) Regulations 2010

2.—(1) The Infrastructure Planning (Fees) Regulations 2010(b) are amended as follows.

(2) For regulation 9(3) (meaning of relevant day), substitute—

“(3) In this regulation “relevant day” means a day in the period beginning with the start day referred to in section 98(2) (timetable for examining, and reporting on, application) and ending with the completion of the examination, excluding—

- (a) a Saturday or a Sunday, Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England and Wales, unless any such day was required for the handling of the application;
- (b) any day in respect of which in relation to the application there was a suspension under section 108 (suspension during review of national policy statement) or regulation 16 or 17 (accepted applications) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009(c); or
- (c) any day which, in relation to the application, the Secretary of State notifies the applicant under regulation 9(1) was not a relevant day due to sickness or such other circumstances as he may notify to the applicant.”

Signed by authority of the Secretary of State for Communities and Local Government

(a) 2008 c.29.

(b) S.I. 2010/106. As amended by S.I. 2012/635.

(c) S.I. 2009/2263. Regulations 16 and 17 are amended by S.I.s 2012/635 and 2012/787.

6th March 2013

Nick Boles
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Infrastructure Planning (Fees) Regulations 2010 (“the 2010 Regulations”) and are intended to provide clarity about the days that can be counted in calculating the final payment for the handling of an application for development consent. Regulation 2(2) provides that any day during the examination period is a relevant day, subject to the stated exceptions. The amendment is not intended or expected to require any change to the current practice, in relation to application fees, of the Planning Inspectorate. That practice is consistent with that of the (now abolished) Infrastructure Planning Commission which also operated under the 2010 Regulations, and with the Secretary of State’s guidance on the 2010 Regulations.

No Impact Assessment has been prepared for this instrument as no impact on the private or voluntary sectors is expected.

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