

## EXPLANATORY MEMORANDUM

### The Town and Country Planning (Regional Planning)(England) Regulations 2004 No. 2203

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 Part 1 of the Planning and Compulsory Purchase Act 2004 (PCPA) establishes a new system of regional development planning. It applies only to England.
- 2.2 Regional planning of the development and use of land within a region is at present dealt with by administrative means. Part 1 PCPA and these Regulations place regional planning on a statutory footing.

#### 3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments

None

#### 4. Legislative Background

- 4.1 These Regulations are made pursuant to Part 1 PCPA (Regional Functions). It is the first time these powers have been exercised.
- 4.2 These Regulations are linked to the following subordinate legislation, which deals with the implementation of Part 1 PCPA:

The Town and Country Planning (Initial Regional Spatial Strategy)(England) Regulations 2004;

The Town and Country Planning (Regions)(National Parks)(England) Order 2004;

The Town and Country Planning (Regional Planning Guidance as Revision of Regional Spatial Strategy) Order 2004;

The Town and Country (Regional Spatial Strategies)(Examinations in Public)(Remuneration and Allowances) (England) Regulations 2004;

The Planning and Compulsory Purchase Act 2004 (Commencement No.2, Transitional Provisions and Savings) Order 2004.

## **5. Extent**

This instrument applies to England.

## **6. European Convention on Human Rights**

This Order is subject to the negative procedure and does not amend primary legislation. Therefore no statement as to compatibility has been given.

## **7. Policy background**

7.1 Part 1 PCPA and these Regulations implement the policy behind the operation of the new regional planning system, which is to strengthen the role and importance of regional planning. The key provisions of the Regulations are about:

- publication and availability of documents,
- recognition criteria for regional planning bodies,
- an annual monitoring report,
- a regional participation statement,
- certain contents of an RSS revision,
- sub-regional working,
- matters to which regard must be had,
- consultation,
- examination in public including a panel report,
- submission to the Secretary of State,
- proposed changes published by the Secretary of State, and
- withdrawal of proposals.

7.2 These are procedural matters, which elaborate on the regional planning process described in the PCPA. The requirements of the regulations broadly reflect the guidance for preparation of existing regional planning guidance (RPG) as set out in planning policy guidance note 11 (PPG11) and are therefore not new. Where they develop existing guidance on RPG preparation (for example in respect of sub-regional working and a regional participation statement) these reflect policy changes enshrined in the Act.

7.3 These regulations were consulted upon in draft from 17 October 2003 to 16 January 2004. 23 representations were received on them. 43% of responses came from local authorities; 22% from voluntary and interest groups, 9% from the business sector, 9% from RPBs, and 4% from statutory bodies. The

remainder came from bodies such as government departments and agencies.

## **8. Impact**

- 8.1 A Regulatory Impact Assessment (RIA) was completed for the Planning and Compulsory Purchase Bill. It addressed the regulatory impact of all of the measures contained in the Bill, including the regional planning arrangements in its Part 1. The findings of the RIA noted that policies resulting from the Bill will be 'broadly deregulatory in effect' and that 'significant benefits will accrue from a radical reform of the planning system'.
- 8.2 These regulations serve to elaborate on the regional planning process described in the Act and closely follow the non-statutory procedures followed at present in preparing RPG. They impose no financial costs on business, charities or voluntary bodies. Since they largely follow existing best practice by regional planning bodies in preparing RPG, they should not impose any additional financial costs on the public sector. A Regulatory Impact Assessment has not been prepared for this instrument, therefore.

## **9. Contact**

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