

EXPLANATORY MEMORANDUM TO THE
Town and Country Planning (Transitional Arrangements)(England)
Regulations 2004 No. 2205

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 Schedule 8 to the Planning and Compulsory Purchase Act 2004 (PCPA) provides for transitional arrangements to be made about the various development plans made under current arrangements (under the Town and Country Planning Act 1990 (TCPA)).

2.2 These arrangements have effect from commencement of the relevant provisions of the PCPA about the new development planning system, until the end of the transitional period (three years) or the adoption of a new-style replacement development plan policy.

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 Schedule 8 of the PCPA, which sets out transitional arrangements. It is the first time these powers have been exercised. The transitional arrangements relate to the stage of preparation a development plan has reached under the TCPA when the relevant provisions of the PCPA are commenced.

4.2 These Regulations are linked to the following subordinate legislation, which deals with the implementation of Part 2 PCPA:

The Town and Country Planning (Local Development) (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 Schedule 8 PCPA and these Regulations implement the policy behind the operation of the transitional arrangements for the new local planning system, the objective being to ensure a smooth switch to the new system. The key aims, enshrined in these Regulations, are that:

- 7.2 These Regulations allow development plans started under the provisions of the Town and Country Planning Act 1990 to be completed either in their entirety or with modifications to procedures, according to how far they had progressed by the commencement of the PCPA. They also set out procedural requirements, so that work done by local planning authorities, as if pursuant to the new local planning system, prior to commencement of the PCPA, can have effect as if carried out for the purposes the Town and Country Planning (Local Development)(England) Regulations 2004.
- 7.3 These draft regulations, the associated Town and Country Planning (Local Development)(England) Regulations 2004 and policy guidance were consulted upon in draft from 17 October 2003 to 16 January 2004. 387 representations were received on the package. 65% of responses came from local authorities; 9% from statutory bodies, and 8% from business sector. The remainder came from interest groups, the voluntary sector, individuals and other bodies.

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 in detail the constituent development planning processes and the effects of the revised planning system. 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 processes described in Schedule 8 of the Act and provide detail on them, with which local planning authorities must comply in order to fulfil the Act's requirements. These regulations impose no financial costs on business, charities or voluntary bodies, nor should they impose any additional financial costs on the public sector. A Regulatory Impact Assessment has not been prepared for this instrument, therefore.

9. Contact

John Hack at the Office of the Deputy Prime Minister (Tel: 020-7944-5269 and e-mail: John.Hack@odpm.gsi.gov.uk) can answer queries regarding this instrument.