

EXPLANATORY MEMORANDUM TO THE

Town and Country Planning (Regions)(National Parks)(England)Order 2004 No. 2207

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament.

2. Description

2.1 Part 1 of the Planning and Compulsory Purchase Act 2004 requires the to be a regional spatial strategy (RSS) for each region, which will set out the Secretary of State's policy in relation to the development and use of land within the region. (Section 1)

2.2 Some regions include the areas of National Parks. Where the area of a National Park falls within more than one region, this Order directs that the area of the National Park shall be treated as falling wholly within the region specified in the Order.

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 The Secretary of State is exercising the powers conferred upon him by section 12(2) of the Planning and Compulsory Purchase Act 2004.

4.2 This enables the Secretary of State to direct by Order that where part of the area of a National Park falls within more than one region it is treated as falling wholly within the region specified in the order.

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

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7.1 Section 1(1) of the Planning and Compulsory Purchase Act 2004 states that for each region there is to be a regional spatial strategy. ("RSS"). The RSS will set out the Secretary of State's policies in relation to the development and use of land within the region and a region is one specified in Schedule 1 to the Regional Development Agencies Act 1998. At present the Secretary of State's policies are set out in regional planning guidance ("RPG"). Pursuant to section 1(5) of the Act, most RPG will be prescribed by the Secretary of State as RSS.

7.2 The policy objective of section 12(2) of the Act is to make clear which region is to be treated, for purposes of a regional spatial strategy (RSS), as the region which covers a National Park, where the National Park straddles more than one region.

7.3 Without this provision the relevant National Park would be split between the regions concerned. This would be undesirable for the proper strategic planning of a National Park in the context of an RSS. Treating a National Park as falling wholly within the area of a specified region will ensure that strategic planning policies are formulated and considered in respect of the whole area of a National Park.

7.4 There are only three National Parks at present where this is an issue:

- the North York Moors National Park (which falls within Yorkshire and the Humber region and North East region);
- the Yorkshire Dales National Park (which falls within Yorkshire and the Humber region and North West region), and
- the Peak District National Park (which falls within East Midlands region, West Midlands region, North West region and Yorkshire and the Humber region).

7.5 In each case for purposes of an RSS the National Park is treated in this instrument as falling wholly within the region within which the majority of the area of the National Park sits. The existing RPG in that parent region has been prepared on that basis with the agreement of the National Park and the regional planning bodies concerned.

7.6 The instrument is purely administrative in nature, recognising the position which has existed now for sometime. There is unlikely, therefore, to be much public interest in the content of this instrument.

7.7 The instrument [is not politically important and its only legal importance is that it and]in essence, confirms existing regional planning arrangements in relation to the boundaries of National Parks for the purpose of preparing the Secretary of State's planning policies for a region.

7.8 This Order is linked to the following subordinate legislation:

- Town and Country Planning (Regional Planning) (England) Regulations 2004
- Town and Country Planning (Local Development) (England) Regulations 2004
- Town and Country Planning (Regional Planning Guidance as Revision of a Regional Spatial Strategy) Order 2004
- Town and Country Planning (Initial Regional Spatial Strategy)(England) Regulations 2004
- The Town and Country Planning (Regional Spatial Strategies) (Examinations in Public)(Remuneration and Allowances)(England) Regulations 2004

which all implement the provisions of Part 1 of the Planning and Compulsory Purchase Act 2004, regional functions.

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 Part 1 of the Bill. The findings of the RIA noted that policies resultant from the Bill will be 'broadly deregulatory in effect' and that 'significant benefits will accrue from a radical reform of the planning system'.

9. Contact

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