

EXPLANATORY MEMORANDUM TO THE

Town and Country Planning (Regional Planning Guidance as Revision of a Regional Spatial Strategy) Order 2004 No.2208

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

2. Description

2.1 Regional planning policies are currently contained in regional planning guidance (RPG), which is promulgated by the Secretary of State.

2.3 Part 1 of the Planning and Compulsory Purchase Act 2004 provides that for each region there is to be a regional spatial strategy (RSS), which will contain the Secretary of State's policies in relation to the development and use of land within the region.

2.4 Section 1(5) enables the Secretary of State by regulations to prescribe that so much of the RPG relating to a region will be the RSS for a region from the appointed day.

2.5 Some RPG are in the process of being revised. Section 10(7) and (8) enables the Secretary of State to provide by Order that part of the RPG shall have effect as a revision of the RSS where the Secretary of State thinks that a step taken in connection with a RPG corresponds to a step which must be taken under Part 1 of the Act in connection with the revision of the RSS.

2.6 This Order sets out the steps taken towards the revision of the RPG that correspond with a step required under Part 1 of the Act in connection with the revision of the RSS and provides that the revision of the RPG shall have effect as a revision of the RSS.

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 10(8) of the Planning and Compulsory Purchase Act 2004.

4.2 This enables the Secretary of State to provide by Order that part of the RPG shall have effect as a revision of the RSS where the Secretary of State thinks that a step taken in connection with a RPG corresponds to a step which must be taken under Part 1 of the Act in connection with the revision of the RSS.

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 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. (See the Town and Country (Initial Regional Spatial Strategy) Regulations 2004.) RSS will set out the regional policy context for local development documents made pursuant to Part 2 of the Act.

7.2 Some RPG are in the process of being revised following the procedure set out in Planning Policy Guidance Note 11 ("PPG11"). The procedure for revising RSS contained in the Town and Country Planning (Regional Planning) Regulations 2004 is very similar to the procedure for revising RPG in PPG11.

7.3 The policy objective of this instrument is to provide that work already carried out in the preparation of revisions to RPG should be regarded as work carried out towards the preparation of a revision to the RSS. Without making provision for this to happen, much of the work undertaken by the regional planning bodies and other stakeholders and the efforts made to involve the public in the process would be abortive.

7.4 Furthermore, the consequent delay in coming forward with an RSS revision if we did not provide for this would mean that local development documents and other relevant plans and programmes would not have the up-to-date regional planning context they need in order to be prepared.

7.5 This instrument is administrative in nature and there is unlikely to be much public interest in this instrument.

7.6 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 Functions)(National Parks) 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

Ed Stafford at the Office of the Deputy Prime Minister Tel: 020-7944-4922 and e-mail: Ed.Stafford@odpm.gsi.gov.uk can answer queries regarding this instrument.