

EXPLANATORY MEMORANDUM TO THE

Town and Country Planning (Local Development)(England) Regulations 2004 No.2204

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 2 of the Planning and Compulsory Purchase Act 2004 (PCPA) establishes a new system of local development planning. It applies only to England.

2.2 Local planning of the development and use of land within an area is presently dealt with by the preparation of local plans, unitary development plans and structure plans. Part 2 provides that these plans will be replaced by the preparation of local development documents.

2.3 Part 2 also provides that mineral and waste planning authorities are to prepare comparable documents dealing with mineral and waste development planning (in the form of mineral and waste development documents).

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 powers in Part 2 PCPA (Local Development). It is the first time these powers have been exercised. They deal with the exercise of powers for the preparation of local development documents under Part 2. Related regulations (The Town and Country Planning (Transitional Arrangements)(England) Regulations 2004 provide for the continued preparation of development plans under the Town and Country Planning Act 1990.

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 (Transitional Arrangements) (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 2 PCPA and these Regulations implement the policy behind the operation of the new local planning system. The key aims of the new system, enshrined in these Regulations, are:

- Strengthening the principle of the plan-based system, whereby development plans provide the essential framework for decisions on development in a local planning authority's area;
- Flexibility, for local authorities to respond to changing circumstances, so that spatial plans are prepared and reviewed more quickly than development plans under the old system;
- Strengthening community and stakeholder involvement in the development of local communities, especially early in the process;
- Ensuring that local development documents are prepared with the objective of contributing to the achievement of sustainable development;
- Efficient programme management of the preparation of local development documents in accordance with the local development scheme; and
- The preparation of soundly based plans that have a firm evidence base.

7.2 These regulations, the associated transitional regulations and policy guidance was 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 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 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.