Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 3

PLANNING

CHAPTER 1

PLANNING DATA

84 Power in relation to the processing of planning data

(1) Regulations made by an appropriate authority under this Chapter ("planning data regulations") may make provision requiring a relevant planning authority, in processing such of its planning data as is specified or described in the regulations, to comply with any approved data standards which are applicable.

(2) "Planning data", in relation to a relevant planning authority, means any information which is provided to, or processed by, the authority—

(a) for the purposes of a function under a relevant planning enactment, or

(b) for any other purpose relating to planning or development in England.

(3) "Approved data standards", in relation to planning data, are such written standards, containing technical specifications or other requirements in relation to the data, or in relation to providing or processing the data, as may be published by an appropriate authority from time to time.

(4) A devolved authority may only publish approved data standards in relation to planning data about which the devolved authority acting alone could make planning data regulations.

85 Power in relation to the provision of planning data

(1) A relevant planning authority may by publishing a notice require a person, or persons of a particular description, in providing to the authority such planning data as is specified or described in planning data regulations, to provide the data—

(a) in any form and manner, or

(b) in a particular form and manner,

which complies with any approved data standards which are applicable.

(2) A relevant planning authority may not impose a requirement under subsection (1)—

(a) on the Crown,

(b) on a court or tribunal, or

(c) in relation to the provision of planning data for the purposes of, or in contemplation of, legal proceedings before a court or tribunal.

(3) If a relevant planning authority imposes a requirement under subsection (1) on a person, provision in a relevant planning enactment does not apply to the extent that it requires or permits the person to provide the planning data to the authority in a form or manner which is inconsistent with the requirement imposed under subsection (1).

(4) Subsections (5) to (7) apply if—

(a) in providing planning data to a relevant planning authority, a person fails to comply with a requirement imposed under subsection (1), and

(b) the authority does not consider that the person has a reasonable excuse for the failure.

(5) The authority may serve a notice on the person rejecting for such purposes as may be specified in the notice—

(a) all or any part of the planning data, and

(b) if the authority considers it appropriate to do so, any other information provided with the planning data or any document in or with which the planning data is provided.

(6) Any planning data, other information or document rejected under subsection (5) is to be treated as not having been provided to the authority for the purposes specified in the notice.

(7) If the planning data, other information or document is subsequently provided to the authority in a form and manner which complies with the requirement under subsection (1), the authority may treat the planning data, other information or document as having been provided at the time that it would have been provided had it not been rejected under subsection (5).

(8) Planning data regulations may include provision about how the powers in this section are to be exercised, including provision about—

(a) the provision or publication of notices or other documents;

(b) the form and content of notices or other documents (and, for these purposes, the regulations may confer a discretion on a relevant planning authority);

(c) time limits;

(d) any other procedural matters.

86 Power to require certain planning data to be made publicly available

(1) Planning data regulations may make provision requiring a relevant planning authority to make such of its planning data as is specified or described in the regulations available to the public under an approved open licence.

(2) The power under subsection (1) does not include power to require a relevant planning authority to make planning data available in breach of—

(a) any obligation of confidence owed by the authority, or

(b) any other restriction on making the planning data available (however imposed).

(3) An "approved open licence", in relation to a planning authority's planning data, means a licence—

(a) which sets out terms and conditions under which the planning data may be used by the public free of charge, and

(b) which is in such form and has such content as is, for the time being, specified or described in a document published by the Secretary of State.

87 Power to require use of approved planning data software in England

(1) Planning data regulations made by the Secretary of State may make provision restricting or preventing a relevant planning authority in England from using or creating, or having any right in relation to, planning data software which—

(a) is specified or described in the regulations for the purposes of this subsection, but

(b) is not approved in writing by the Secretary of State.

(2) "Planning data software" means software which is capable of being used for the purposes of enabling or facilitating the provision of planning data to, or the processing of planning data by, relevant planning authorities.

88 Disclosure of planning data does not infringe copyright in certain cases

(1) A relevant planning authority that makes planning data available to a person does not, in doing so, infringe copyright if making the data available is necessary for the purposes of enabling or facilitating—

(a) the development of planning data software which is to be submitted for approval under section 87(1), or

(b) the upgrade, modification or maintenance of, or the provision of technical support in respect of, planning data software which is approved under section 87(1).

(2) The person to whom the planning data is made available does not infringe any copyright by using it for the purpose mentioned in subsection (1) for which it is made available.

89 Requirements to consult devolved administrations

(1) The Secretary of State may only make planning data regulations which contain provision—

(a) within Scottish devolved legislative competence, or

(b) which could be made by the Scottish Ministers,

with the consent of the Scottish Ministers, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence.

(2) The Secretary of State may only make planning data regulations which contain provision that confers a function on, or modifies or removes a function of, the Scottish Ministers after consulting the Scottish Ministers, unless—

(a) that provision is contained in regulations which require the consent of the Scottish Ministers by virtue of subsection (1), or

(b) that provision is merely incidental to, or consequential on, provision that would be outside Scottish devolved legislative competence.

(3) Provision is "within Scottish devolved legislative competence" where, if the provision were included in an Act of the Scottish Parliament, it would be within the legislative competence of that Parliament.

(4) The Secretary of State may only make planning data regulations which contain provision within Welsh devolved legislative competence with the consent of the Welsh Ministers, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence.

(5) The Secretary of State may only make planning data regulations which contain provision that could be made by the Welsh Ministers or that confers a function on, or modifies or removes a function of, the Welsh Ministers or a devolved Welsh authority after consulting the Welsh Ministers, unless—

(a) that provision is contained in regulations which require the consent of the Welsh Ministers by virtue of subsection (4), or

(b) that provision is merely incidental to, or consequential on, provision that would be outside Welsh devolved legislative competence.

(6) "Devolved Welsh authority" has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).

(7) Provision is "within Welsh devolved legislative competence" where, if the provision were included in an Act of Senedd Cymru, it would be within the legislative competence of the Senedd (including any provision that could be made only with the consent of a Minister of the Crown).

(8) The Secretary of State may only make planning data regulations which contain provision within Northern Ireland devolved legislative competence with the consent of the relevant Northern Ireland department, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence.

(9) The Secretary of State may only make planning data regulations which contain provision that could be made by a Northern Ireland department or that confers a function on, or modifies or removes a function of, a Northern Ireland department after consulting the relevant Northern Ireland department, unless—

(a) that provision is contained in regulations which require the consent of the relevant Northern Ireland department by virtue of subsection (8), or

(b) that provision is merely incidental to, or consequential on, provision that would be outside Northern Ireland devolved legislative competence.

(10) The "relevant Northern Ireland department" is such Northern Ireland department as the Secretary of State considers appropriate having regard to the provision which is to be contained in the regulations concerned.

(11) Provision is within "Northern Ireland devolved legislative competence" where the provision—

(a) would be within the legislative competence of the Northern Ireland Assembly, if contained in an Act of that Assembly, and

(b) would not, if contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State.

(12) In this section "Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975.

90 Planning data regulations made by devolved authorities

Schedule 13 contains restrictions on the exercise of the powers under this Chapter by devolved authorities.

91 Interpretation of Chapter

In this Chapter—

"appropriate authority" means—

(a) the Secretary of State,

(b) a devolved authority, or

(c) the Secretary of State acting jointly with one or more devolved authorities;

"approved data standards" has the meaning given in section 84(3);

"devolved authority" means—

(a) the Scottish Ministers,

(b) the Welsh Ministers, or

(c) a Northern Ireland department;

"planning data" has the meaning given in section 84(2);

"planning data regulations" has the meaning give in section 84(1);

"planning data software" has the meaning given in section 87(2);

"process", in relation to information, means to perform an operation or set of operations on information, or on sets of information, such as—

(a) collection, recording, organisation, structuring or storage,

(b) adaptation or alteration,

(c) retrieval, consultation or use,

(d) disclosure by transmission, dissemination or otherwise making available,

(e) alignment or combination, or

(f) restriction, erasure or destruction;

"provided" includes submitted, issued, served, notified and published (and related expressions are to be construed accordingly);

"public authority" means any person certain of whose functions are of a public nature;

"relevant planning authority" means—

(a) a local planning authority (within the meaning given in section 15LH of PCPA 2004),

(b) a minerals and waste planning authority (within the meaning given in section 15LH of PCPA 2004),

(c) a hazardous substances authority (within the meaning given in the Hazardous Substances Act) in relation to land in England,

(d) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,

(e) a combined county authority established under section 9 of this Act,

(f) the Greater London Authority,

(g) the Mayor of London,

(h) a Mayoral development corporation in relation to which a decision of the Mayor under any of subsections (2) to (5) of section 202 of the Localism Act 2011 has effect,

(i) an urban development corporation established, for an area in England, under section 135 of the Local Government, Planning and Land Act 1980,

(j) a development corporation established, in relation to a site in England, under section 3 of the New Towns Act 1981,

(k) the Secretary of State when exercising a function under a relevant planning enactment,

(l) a Panel or person who, pursuant to a decision of the Secretary of State under section 61(2) of the Planning Act 2008, is to handle an application for an order granting development consent,

(m) a public authority that has functions under Part 6 of this Act, or

(n) any other public authority prescribed by planning data regulations that has functions relating to—

(i) planning or development in England, or

(ii) nationally significant infrastructure projects (within the meaning given in the Planning Act 2008);

"relevant planning enactment" means any enactment comprised in or made under—

(a) the Local Government, Planning and Land Act 1980, so far as relating to planning or development in England,

(b) the New Towns Act 1981, so far as relating to planning or development in England,

(c) TCPA 1990,

(d) the Listed Buildings Act,

(e) the Hazardous Substances Act,

(f) the Planning (Consequential Provisions) Act 1990,

(g) Part 8 of GLAA 1999,

(h) PCPA 2004,

(i) the Planning Act 2008,

(j) the Localism Act 2011, so far as relating to planning or development in England,

(k) this Part or Part 4 or 6 of this Act, or

(l) any other enactment prescribed by planning data regulations to the extent that it confers functions on a public authority relating to—

(i) planning or development in England, or

(ii) nationally significant infrastructure projects (within the meaning given in the Planning Act 2008).

CHAPTER 2

DEVELOPMENT PLANS ETC

Development plans and national policy

92 Development plans: content

(1) Section 38 of PCPA 2004 (development plan) is amended as follows.

(2) In subsection (1), for "(2)" substitute "(2A)".

(3) For subsections (2) and (3) substitute—

"(2A) For the purposes of any area in England the development plan is—

(a) each spatial development strategy that is operative in relation to that area,

(b) each local plan which has effect in relation to that area,

(c) each minerals and waste plan which has effect in relation to that area,

(d) each supplementary plan which has effect in relation to that area,

(e) each neighbourhood development plan which has been made in relation to that area, and

(f) each policies map for that area."

(4) For subsection (9) substitute—

"(9A) In subsection (2A)—

(a) "spatial development strategy", "local plan", "minerals and waste plan" and "supplementary plan" have the same meaning as in Part 2 (see, in particular, section 15LH), and

(b) policies map must be construed in accordance with section 15LD."

93 Role of development plan and national policy in England

(1) Section 38 of PCPA 2004 (development plan) is amended as follows.

(2) After subsection (5) insert—

"(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

(a) the development plan, and

(b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy."

(3) In subsection (6), for "If" substitute "For the purposes of any area in Wales, if".

(4) After subsection (9A) (inserted by section 92(4) of this Act) insert—

"(9B) National development management policy must be construed in accordance with section 38ZA."

(5) Schedule 6 amends various Acts relating to planning so that they provide that, in making a determination, regard is to be had to the development plan and any national development management policies.

94 National development management policies: meaning

After section 38 of PCPA 2004 insert—

"**38ZA Meaning of "national development management policy"**

(1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.

(2) The Secretary of State may—
(a) revoke a direction under subsection (1);
(b) modify a national development management policy.

(3) The Secretary of State must have regard to the need to mitigate, and adapt to, climate change—
(a) in preparing a policy which is to be designated as a national development management policy, or
(b) in modifying a national development management policy.

(4) Before making or revoking a direction under subsection (1), or modifying a national development management policy, the Secretary of State must ensure that such consultation with, and participation by, the public or any bodies or persons as the Secretary of State thinks appropriate takes place.

(5) The only cases in which no consultation or participation need take place under subsection (4) are those where the Secretary of State thinks that none is appropriate because—
(a) a proposed modification of a national development management policy does not materially affect the policy or only corrects an obvious error or omission, or
(b) it is necessary, or expedient, for the Secretary of State to act urgently."

Spatial development strategy for London

95 Contents of the spatial development strategy

(1) Section 334 of GLAA 1999 (the spatial development strategy) is amended as follows.

(2) For subsections (2) to (6) substitute—

"(2A) The spatial development strategy must include a statement of the Mayor's policies (however expressed), in relation to the development and use of land in Greater London, which are—

(a) of strategic importance to Greater London, and

(b) designed to achieve objectives that relate to the particular characteristics or circumstances of Greater London.

(2B) The spatial development strategy may specify or describe infrastructure the provision of which the Mayor considers to be of strategic importance to Greater London for the purposes of—

(a) supporting or facilitating development in Greater London,

(b) mitigating, or adapting to, climate change, or

(c) promoting or improving the economic, social or environmental well-being of Greater London.

(2C) The spatial development strategy may specify or describe affordable housing the provision of which the Mayor considers to be of strategic importance to Greater London.

(2D) For the purposes of subsections (2A) to (2C) a matter—

(a) may be of strategic importance to Greater London if it does not affect the whole area of Greater London, but

(b) is not to be regarded as being of strategic importance to Greater London, unless it is of strategic importance to more than one London borough.

(2E) The Secretary of State may, by regulations under section 343 below, prescribe further matters the spatial development strategy may, or must, deal with."

(3) After subsection (8) insert—

"(9) The spatial development strategy must be designed to secure that the use and development of land in Greater London contribute to the mitigation of, and adaptation to, climate change.

(10) The spatial development strategy must take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to an area in Greater London, including in particular—

(a) the areas identified in the strategy as areas which—

(i) are, or could become, of particular importance for biodiversity, or

(ii) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,

(b) the priorities set out in the strategy for recovering or enhancing biodiversity, and

(c) the proposals set out in the strategy as to potential measures relating to those priorities.

(11) The spatial development strategy must not—

(a) include anything that is not permitted or required by or under subsections (2A) to (8),

(b) specify particular sites where development should take place, or

(c) be inconsistent with or (in substance) repeat any national development management policy."

96 Adjustment of terminology

(1) In section 337 of GLAA 1999 (publication of spatial development strategy)—

(a) for the heading substitute "Adoption.";

(b) in subsection (1), for "publish" substitute "adopt";

(c) after that subsection insert—

"(1A) The Mayor adopts the strategy by publishing it together with a statement that it has been adopted.";

(d) in subsection (2), for "published" substitute "adopted";

(e) in subsection (4), for "published", in both places it occurs, substitute "adopted";

(f) in subsection (5), for "publication" substitute "adoption";

(g) in subsection (6), for "published" substitute "adopted";

(h) in subsection (7), for "publish" substitute "adopt";

(i) in subsection (8), for "publish" substitute "adopt";

(j) in subsection (9), for "published" substitute "adopted".

(2) Also in GLAA 1999—

(a) in section 41(1)(c), for "published" substitute "adopted";

(b) in section 43(5)(a), for "published", in both places it occurs, substitute "adopted";

(c) in section 334(1), for "publish" substitute "adopt";

(d) in section 336—

(i) in subsection (1), for "publishes" substitute "adopts";

(ii) in subsection (4), for "publish" substitute "adopt";

(e) in section 338(1), for "publishing" substitute "adopting";

(f) in section 341—

(i) in subsection (1), for "publish" substitute "adopt";

(ii) in subsection (2), for "publish" substitute "adopt";

(iii) in subsection (3), for "publication", in both places it occurs, substitute "adoption";

(g) in section 343(1)(c), after "publication," insert "adoption,".

(3) In section 74(1C)(b) of TCPA 1990, for "published" substitute "adopted".

(4) Any reference in an enactment to a strategy, or alteration or replacement of a strategy, adopted under Part 8 of GLAA 1999 (or the adoption of it) includes reference to a strategy, alteration or replacement published under that Part before this section comes into force (or the publication of it).

Local planning

97 Plan making

Schedule 7 contains provision for, and in connection with, joint spatial development strategies, local plans, minerals and waste plans and supplementary plans.

Neighbourhood planning

98 Contents of a neighbourhood development plan

(1) Section 38B of PCPA 2004 (provision that may be made by neighbourhood development plans) is amended as follows.

(2) Before subsection (1) insert—

"(A1) A neighbourhood development plan may include—

(a) policies (however expressed) in relation to the amount, type and location of, and timetable for, development in the neighbourhood area in the period for which the plan has effect;

(b) other policies (however expressed) in relation to the use or development of land in the neighbourhood area which are designed to achieve objectives that relate to the particular characteristics or circumstances of that area, any part of that area or one or more specific sites in that area;

(c) details of any infrastructure requirements, or requirements for affordable housing, to which development in accordance with the policies, included in the plan under paragraph (a) or (b), would give rise;

(d) requirements with respect to design that relate to development, or development of a particular description, throughout the neighbourhood area, in any part of that area or at one or more specific sites in that area, which the qualifying body considers should be met for planning permission for the development to be granted."

(3) After subsection (2A) insert—

"(2B) So far as the qualifying body considers appropriate, having regard to the subject matter of the neighbourhood development plan, the plan must—

(a) be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change, and

(b) take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area, including in particular—

(i) the areas identified in the strategy as areas which—

(A) are, or could become, of particular importance for biodiversity, or

(B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,

(ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and

(iii) the proposals set out in the strategy as to potential measures relating to those priorities.

(2C) The neighbourhood development plan must not—

(a) include anything that is not permitted or required by or under subsections (A1) to (2A) or regulations under subsection (4), or

(b) be inconsistent with or (in substance) repeat any national development management policy."

(4) In subsection (4)(b), after "requiring" insert "or permitting".

99 Neighbourhood development plans and orders: basic conditions

(1) In paragraph 8(2) of Schedule 4B to TCPA 1990 (basic conditions for making neighbourhood development order or neighbourhood plan)—

(a) for paragraph (e) substitute—

"(ea) the making of the order would not have the effect of preventing development from taking place which—

(i) is proposed in the development plan for the area of the authority (or any part of that area), and

(ii) if it took place, would provide housing,";

(b) after paragraph (f) (but before the "and" at the end of that paragraph) insert—

"(fa) any requirements imposed in relation to the order by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with,".

(2) In section 38C(5) of PCPA 2004 (neighbourhood development plans: modifications of Schedule 4B to TCPA 1990), in paragraph (d), for the words from "if" to the end substitute "if—

(i) sub-paragraphs (2)(b) and (c) were omitted,

(ii) in sub-paragraph (2), for paragraph (ea) there were substituted—

"(ea) the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made,", and

(iii) sub-paragraphs (3) to (5) were omitted."

(3) In paragraph 11(2) of Schedule A2 to PCPA 2004 (modification of neighbourhood development plans: basic conditions)—

(a) for paragraph (c) substitute—

"(ca) the making of the plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the draft plan were not to be made,";

(b) after paragraph (d) (but before the "and" at the end of that paragraph) insert—

"(da) any requirements imposed in relation to the plan by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with,".

Requirement to assist with plan making

100 Requirement to assist with certain plan making

In Part 3 of PCPA 2004 (development), after section 39 (sustainable development) insert—

"Assistance with certain parts of development plan etc

39A Power to require assistance with certain plan making

(1) Subsection (2) applies if a plan-making authority notifies a prescribed public body in writing that the authority requires the body, under this section, to assist the authority in relation to the preparation or revision of a relevant plan by the authority.

(2) The prescribed public body must do everything that the plan-making authority reasonably requires of the body to assist the authority in relation to the preparation or revision of the relevant plan.

(3) The Secretary of State may by regulations make provision as to—

(a) what a plan-making authority must, may or may not require a prescribed public body to do under subsection (2);

(b) the procedure to be followed in doing anything under this section;

(c) the determination of the time by or at which anything must be done under this section;

(d) the form and content of a notification under subsection (1) or of any other document or information provided under this section.

(4) A "plan-making authority" is a body which, or other person who, is to prepare or revise (whether acting alone or jointly) a relevant plan.

(5) Each of the following is a "relevant plan"—

(a) a local plan, a minerals and waste plan, a supplementary plan or policies map under Part 2;

(b) a spatial development strategy under Part 8 of the Greater London Authority Act 1999 or Part 2 of this Act;

(c) an infrastructure delivery strategy under Part 10A of the Planning Act 2008;

(d) a marine plan under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions.

(6) A "prescribed public body" is a body which, or other person who, is prescribed or of a prescribed description and certain of whose functions are of a public nature.

(7) References in this section to the preparation or revision of a relevant plan include any activities that could reasonably be considered to prepare the way for the preparation or revision of the plan.

(8) In this section—

"the English inshore region" and "the English offshore region" have the same meaning as in the Marine and Coastal Access Act 2009;

"revision", in relation to a relevant plan, includes any alteration, amendment, replacement or other modification (and related expressions are to be read accordingly)."

Minor and consequential amendments

101 Minor and consequential amendments in connection with Chapter 2

Schedule 8 contains minor and consequential amendments in connection with Chapter 2.

CHAPTER 3

HERITAGE

102 Regard to certain heritage assets in exercise of planning functions

(1) After section 58A of TCPA 1990 insert—

"Regard to certain heritage assets

58B Duty of regard to certain heritage assets in granting permissions

(1) In considering whether to grant planning permission or permission in principle for the development of land in England which affects a relevant asset or its setting, the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the asset or its setting.

(2) For the purposes of subsection (1), preserving or enhancing a relevant asset or its setting includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset.

(3) For the purposes of this section—

(a) anything within an entry in the first column of the following table is a "relevant asset", and

(b) "significance", in relation to a relevant asset, has the meaning given by the corresponding entry in the second column of the table.

TABLE

"relevant asset"	*"significance"*
a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979 (see section 1(11) of that Act)	the national importance referred to in section 1(3) of that Act
a garden or other area of land included in a register maintained by the Historic Buildings and Monuments Commission for England under section 8C of the Historic Buildings and Ancient Monuments Act 1953	the special historic interest referred to in subsection (1) of that section
a site designated as a restricted area under section 1 of the Protection of Wrecks Act 1973	the historical, archaeological or artistic importance referred to in subsection (1)(b) of that section
a World Heritage Site (that is to say, a property appearing on the World Heritage List kept under paragraph (2) of article 11 of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage adopted at Paris on 16 November 1972)	the outstanding universal value referred to in that paragraph

(4) The reference in subsection (1) to a local planning authority includes the Mayor of London in relation to the grant of planning permission by Mayoral development order.

(5) Nothing in this section applies in relation to neighbourhood development orders (except as provided in Schedule 4B) or street vote development orders (except as provided by SVDO regulations within the meaning given by section 61QM)."

(2) In paragraph 8 of Schedule 4B to TCPA 1990 (matters to be considered in examining draft neighbourhood development order)—

(a) in sub-paragraph (2)—

(i) in paragraph (b), after "preserving" insert "or enhancing";

(ii) after paragraph (c) insert—

"(ca) having special regard to the desirability of preserving or enhancing anything that is a relevant asset for the purposes of section 58B or its setting, it is appropriate to make the order,";

(b) after sub-paragraph (4) insert—

"(4A) Sub-paragraph (2)(ca) applies in relation to anything that is a relevant asset for the purposes of section 58B only in so far as the order grants planning permission for development that affects the asset or its setting.

(4B) Subsections (2) and (3)(b) of section 58B apply for the purposes of sub-paragraphs (2)(ca) and (4A) as they apply for the purposes of that section."

(3) In section 16 of the Listed Buildings Act (decisions on applications for listed building consent), after subsection (2) insert—

"(2A) In relation to a listed building in England, "preserving" in subsection (2) is to be read as "preserving or enhancing"."

(4) In section 66 of the Listed Buildings Act (duty to have regard to listed buildings in the exercise of certain planning functions)—

(a) after subsection (1) insert—

"(1A) The reference in subsection (1) to a local planning authority includes the Mayor of London in relation to the grant of planning permission by Mayoral development order.";

(b) after subsection (2) insert—

"(2A) In relation to development in England, or the exercise of powers in England, "preserving" in subsection (1) or (2) is to be read as "preserving or enhancing"."

103 Temporary stop notices in relation to listed buildings

(1) The Listed Buildings Act is amended as follows.

(2) After section 44A insert—

"**44AA Temporary stop notices in England**

(1) This section applies where it appears to a local planning authority in England that—

(a) works have been or are being executed to a listed building in their area, and

(b) the works are such as to involve a contravention of section 9(1) or (2).

(2) The authority may issue a temporary stop notice if, having regard to the effect of the works on the character of the building as one of special architectural or historic interest, they consider it is expedient that the works (or part of them) be stopped immediately.

(3) A temporary stop notice must be in writing and must—

(a) specify the works in question,

(b) prohibit execution of the works (or so much of them as is specified in the notice),

(c) set out the authority's reasons for issuing the notice, and

(d) include a statement of the effect of section 44AB.

(4) A temporary stop notice may be served on a person who appears to the authority—

(a) to be executing the works or causing them to be executed,

(b) to have an interest in the building, or

(c) to be an occupier of the building.

(5) The authority must display a copy of the notice on the building; and the copy must specify the date on which it is first displayed.

(6) A temporary stop notice takes effect when the copy of it is first displayed in accordance with subsection (5).

(7) A temporary stop notice ceases to have effect—

(a) at the end of the period of 56 days beginning with the day on which the copy of it is first displayed in accordance with subsection (5), or

(b) if the notice specifies a shorter period beginning with that day, at the end of that period.

(8) But if the authority withdraws the notice before the time when it would otherwise cease to have effect under subsection (7), the notice ceases to have effect on its withdrawal.

(9) A local planning authority may not issue a subsequent temporary stop notice in relation to the same works unless the authority have, since issuing the previous notice, taken other enforcement action in relation to the contravention referred to in subsection (1)(b).

(10) The reference in subsection (9) to taking other enforcement action includes a reference to obtaining an injunction under section 44A.

(11) A temporary stop notice does not prohibit the execution of works of such description, or the execution of works in such circumstances, as the Secretary of State may by regulations prescribe.

44AB Temporary stop notices in England: offence

(1) A person is guilty of an offence if the person contravenes, or causes or permits a contravention of, a temporary stop notice—

(a) which has been served on the person under section 44AA(4), or

(b) a copy of which has been displayed in accordance with section 44AA(5).

(2) An offence under this section may be charged by reference to a day or to some longer period; and accordingly, a person may, in relation to the same temporary stop notice, be convicted of more than one offence under this section by reference to different periods.

(3) In proceedings against a person for an offence under this section, it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know, of the existence of the temporary stop notice.

(4) In proceedings against a person for an offence under this section, it is also a defence for the person to show—

(a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building,

(b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter,

(c) that the works carried out were limited to the minimum measures immediately necessary, and

(d) that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.

(5) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.

(6) In determining the amount of a fine to be imposed on a person convicted under this section, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

44AC Temporary stop notices in England: compensation

(1) A person who, on the day when a temporary stop notice is first displayed in accordance with section 44AA(5), has an interest in the building is, on making a claim to the local planning authority within the prescribed time and in the prescribed manner, entitled to be paid compensation by the authority in respect of any loss or damage directly attributable to the effect of the notice.

(2) But subsection (1) applies only if—

(a) the works specified in the notice are not such as to involve a contravention of section 9(1) or (2), or

(b) the authority withdraws the notice other than following the grant of listed building consent, after the day mentioned in subsection (1), which authorises the works.

(3) The loss or damage in respect of which compensation is payable under this section includes a sum payable in respect of a breach of contract caused by the taking of action necessary to comply with the notice.

(4) No compensation is payable under this section in the case of loss or damage suffered by a claimant if—

(a) the claimant was required to provide information under a relevant provision, and

(b) the loss or damage could have been avoided if the claimant had provided the information or had otherwise co-operated with the planning authority when responding to the notice.

(5) In subsection (4)(a), each of the following is a relevant provision—

(a) section 16 of the Local Government (Miscellaneous Provisions) Act 1976, and

(b) section 330 of the principal Act."

(3) In section 31 (general provisions as to compensation for depreciation under Part 1 of the Act), in subsection (2), after "29" insert ", 44AC".

(4) In the heading of section 44B (temporary stop notices in relation to listed buildings in Wales), at the end insert "in Wales".

(5) In section 44C (offence in relation to temporary stop notices in Wales)—

(a) in the heading, after "notices" insert "in Wales";

(b) in subsection (1)(a), after "person" insert "under section 44B(4)".

(6) In the heading of section 44D (compensation in relation to temporary stop notices in Wales), after "notices" insert "in Wales".

(7) In section 45 (concurrent enforcement functions in London of the Historic Buildings and Monuments Commission)—

(a) after "43" insert "and 44AA to 44AC";

(b) after "those provisions" insert ", and in any provision of this Act referring to anything done under those provisions,".

(8) In section 46 (concurrent enforcement functions of the Secretary of State)—

(a) after subsection (1) insert—

"(1A) If it appears to the Secretary of State to be expedient that a temporary stop notice should be issued in respect of any land in England, the Secretary of State may issue such a notice.";

(b) in subsection (2), after "(1)" insert "or (1A)";

(c) after subsection (3) insert—

"(3A) A temporary stop notice issued by the Secretary of State shall have the same effect as a notice issued by the local planning authority under section 44AA."

(9) In section 82A(2) (exceptions from Crown application), after paragraph (f) insert—

"(fza) section 44AB;".

(10) In section 88 (rights of entry)—

(a) after subsection (3) insert—

"(3ZA) Any person duly authorised in writing by the Secretary of State, a local planning authority in England or, where the authorisation relates to a building situated in Greater London, the Commission may at any reasonable time enter any land for any of the following purposes—

(a) securing the display of a temporary stop notice issued under section 44AA;

(b) ascertaining whether a temporary stop notice issued under that section is being complied with;

(c) considering any claim for compensation under section 44AC.";

(b) in subsection (3A)—

(i) in paragraph (a), for "(see section 44B)" substitute "issued under section 44B";

(ii) in paragraph (b), after "notice" insert "issued under that section";

(c) in subsection (4), after "29" insert ", 44AC".

(11) In section 88B (supplementary provision about rights of entry), after subsection (1) insert—

"(1ZA) Subsection (1) does not apply to a person authorised under section 88(3ZA) who intends to enter the land for either of the purposes mentioned in paragraphs (a) and (b) of that subsection."

(12) In Schedule 2 (lapse of building preservation notices)—

(a) in paragraph 2, after "43" insert ", 44AB";
(b) after paragraph 4 insert—

"4A Any temporary stop notice served under section 44AA(4) by the local planning authority with respect to the building while the building preservation notice was in force ceases to have effect.";

(c) in paragraph 5, after "served" insert "under section 44B(4)".

104 Urgent works to listed buildings: occupied buildings and recovery of costs

(1) The Listed Buildings Act is amended as follows.

(2) In section 54 (urgent works to preserve listed buildings)—
(a) omit subsection (4);
(b) in subsection (5A), omit "in Wales";
(c) after subsection (7) insert—

"(8) Section 6 of the Local Land Charges Act 1975 (general charge registrable pending specific charge) applies in relation to expenditure incurred in executing works under this section as if—
(a) the Commission and the Secretary of State were local authorities, and
(b) the giving of a notice under section 55 were the making of an order."

(3) In section 55 (recovery of expenses of urgent works)—
(a) after subsection (2) insert—

"(2A) A notice given under subsection (2) in relation to a building in England is a local land charge.";

(b) in subsection (5A)—
(i) after "Where" insert "the Secretary of State or";
(ii) after "local authority" insert "or the Commission";
(c) in subsection (5B)—
(i) for the words from "In" to "when the" substitute "As from the time when a";
(ii) for "the Welsh Ministers may prescribe" substitute "may be prescribed";
(d) after subsection (5B) insert—

"(5BA) An order under subsection (5B) may be made—
(a) by the Secretary of State, in relation to buildings in England;
(b) by the Welsh Ministers, in relation to buildings in Wales.";

(e) in subsection (5C), for "that time" substitute "the time mentioned in subsection (5B)";
(f) after subsection (5G) insert—

"(5H) If, after a notice is given under subsection (2) in relation to a building in England, there is a change in the owner of the building, a fresh notice may be given to the new owner at any time before the first notice becomes operative (and the provisions of this section apply again in relation to the fresh notice).

(5I) If a notice is given to the new owner under subsection (5H), the first notice referred to in that subsection ceases to have effect."

105 Removal of compensation for building preservation notice

(1) The Listed Buildings Act is amended as follows.

(2) In section 3 (temporary listing in England: building preservation notices), after subsection (1) insert—

"(1A) Before serving a building preservation notice under this section, the local planning authority must consult with the Commission.

(1B) Subsection (1A) does not apply where the Commission proposes to serve a building preservation notice under this section (see subsection (8))."

(3) In section 29 (compensation for loss or damage caused by service of building preservation notice where building not listed)—

(a) in the heading, after "damage" insert "in Wales";
(b) omit subsection (1);
(c) in subsection (1A), omit "also".

(4) The amendments made by subsection (3) do not apply in relation to a building preservation notice that has come into force before that subsection comes into force.

CHAPTER 4

GRANT AND IMPLEMENTATION OF PLANNING PERMISSION

106 Street votes

(1) TCPA 1990 is amended in accordance with subsection (2).

(2) After section 61Q (community right to build orders) insert—

"Street vote development orders

61QA Street vote development orders

(1) A process may be initiated by or on behalf of a qualifying group for the purpose of requiring the Secretary of State to make a street vote development order.

(2) A "street vote development order" is an order which grants planning permission in relation to a particular street area specified in the order—

(a) for development specified in the order, or
(b) for development of any description or class specified in the order.

61QB Qualifying groups

(1) A "qualifying group", in relation to a street vote development order, is a group of individuals—

(a) each of whom on the prescribed date meet the conditions in subsection (2), and

(b) comprised of at least—

(i) the prescribed number, or

(ii) the prescribed proportion of persons of a prescribed description.

(2) The conditions are that the individual—

(a) is entitled to vote in—

(i) an Authority election, where any part of the street area to which the street vote development order would relate is within the City of London, or

(ii) an election of councillors of any relevant council (other than the City of London) any part of whose area is within the street area to which the street vote development order would relate,

(b) has a qualifying address for that election which is in the street area that the street vote development order would relate to, and

(c) does not have an anonymous entry in the register of local government electors.

(3) A "relevant council" means—

(a) a district council,

(b) a London borough council,

(c) a metropolitan district council, or

(d) a county council in relation to any area in England for which there is no district council.

(4) For the purposes of this section—

(a) "anonymous entry" is to be construed in accordance with section 9B of the Representation of the People Act 1983;

(b) "Authority election" has the meaning given by section 203(1) of the Representation of the People Act 1983;

(c) the Inner Temple and the Middle Temple are to be treated as forming part of the City of London;

(d) "qualifying address" has the meaning given by section 9 of the Representation of the People Act 1983.

61QC Meaning of "street area"

(1) A "street area" means an area in England—

(a) which is of a prescribed description, and

(b) no part of which is within an excluded area.

(2) An "excluded area" means—

(a) a National Park or the Broads;

(b) an area comprising a world heritage property and its buffer zone as identified in accordance with the Operational Guidelines for the Implementation of the World Heritage Convention as published from time to time;

(c) an area notified as a site of special scientific interest under section 28 of the Wildlife and Countryside Act 1981;

(d) an area designated as an area of outstanding natural beauty under section 82 of the Countryside and Rights of Way Act 2000;

(e) an area identified as green belt land, local green space or metropolitan open land in a development plan;

(f) a European site within the meaning given by regulation 8 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);

(g) such other area as may be specified or described in regulations made by the Secretary of State.

(3) In this section, "a world heritage property" means a property appearing on the World Heritage List (published in accordance with Article 11 of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage adopted on 16 November 1972).

61QD Process for making street vote development orders

(1) The Secretary of State must make regulations ("SVDO regulations") which make provision about the preparation and making of a street vote development order.

(2) SVDO regulations must, in particular, make provision—

(a) for the appointment by the Secretary of State of a person to—

(i) handle proposals made under section 61QA(1) ("street vote proposals") or specified aspects of those proposals,

(ii) carry out the independent examination of such proposals, and

(iii) to make street vote development orders on the Secretary of State's behalf,

(and for the above purposes the same or different persons may be appointed);

(b) as to the circumstances in which a street vote development order may be made and in particular must make provision requiring a referendum under section 61QE to be held before an order may be made.

(3) SVDO regulations may, in particular, include provision as to—

(a) the functions of a qualifying group in relation to a street vote proposal and how those functions are to be discharged (including provision for a member of the group or another prescribed person to be responsible for discharging them);

(b) the form and content of a street vote proposal;

(c) the information and documents (if any) which must accompany a street vote proposal;

(d) the circumstances and the way in which a proposal may be withdrawn;

(e) the steps that must be taken, and the conditions that must be met, before a proposal falls to be considered by an appointed person;

(f) the circumstances in which an appointed person may or must decline to consider or reject a proposal;

(g) the steps that must be taken, and the conditions that must be met, before a proposal falls to be independently examined;

(h) the functions of the independent examination in relation to the proposal;

(i) the circumstances in which an appointed person may terminate the independent examination (including provision as to the procedure for doing so);

(j) the procedure to be followed at an examination (including provision regarding the procedure to be followed at any hearing or inquiry or provision designating the hearing or inquiry as a statutory inquiry for the purposes of section 9 of the Tribunals and Inquiries Act 1992);

(k) the power to summons witnesses at any inquiry (including by applying, with or without modifications, section 250(3) and (4) of the Local Government Act 1972);

(l) the award of costs in connection with an examination;

(m) the steps to be taken following the independent examination (including provision for prescribed modifications to be made to the draft street vote development order);

(n) the payment by a local planning authority of remuneration and expenses relating to the examination;

(o) the functions of local planning authorities, or other authorities, in connection with street vote development orders (including provision regulating the arrangements of authorities for the discharge of those functions);

(p) cases where there are two or more local planning authorities any of whose area falls within the area of the street area that the proposal relates to (including provision modifying functions of the local planning authorities under the regulations in such cases or provision applying, with or without modifications, any provision of Part 6 of the Local Government Act 1972 in cases where the provision would not otherwise apply);

(q) requirements about the giving of notice and publicity;

(r) the information and documents that are to be made available to the public;

(s) consultation with and participation by the public or prescribed persons;

(t) the making and consideration of representations;

(u) the determination of the time by or at which anything must be done in connection with street vote development orders;

(v) the provision by any person of prescribed information or documents or prescribed descriptions of information or documents in connection with a street vote development order;

(w) the making of reasonable charges for anything done in connection with street vote development orders;

(x) when a court may entertain proceedings for questioning prescribed decisions to act or any other prescribed matter.

61QE Referendums

(1) SVDO regulations may make provision about referendums held in connection with street vote development orders and may, in particular, include provision—

(a) as to the circumstances in which an appointed person or the Secretary of State may direct relevant councils to carry out a referendum in relation to a street vote development order;

(b) the functions of such councils in relation to the referendum;

(c) dealing with any case where there are two or more relevant councils any of whose area falls within the area in which a referendum is to take place (including provision for only one council to carry out functions in relation to the referendum in such a case);

(d) prescribing a date by which the referendum must be held or before which it cannot be held;

(e) as to the question to be asked in the referendum and any explanatory material in relation to that question;

(f) as to voter eligibility for the referendum;

(g) as to the publicity to be given in connection with the referendum;

(h) as to the provision of prescribed information to voters in connection with the referendum (including information about any infrastructure levy or community infrastructure levy which is chargeable in respect of development under a street vote development order);

(i) about the limitation of expenditure in connection with the referendum;

(j) as to the conduct of the referendum;

(k) as to when, where and how voting in the referendum is to take place;

(l) as to how the votes cast are to be counted;

(m) about certification as to the number of persons voting in the referendum and as to the number of those persons voting in favour of a street vote development order;

(n) about the combination of polls at the referendum with polls at another referendum or at any election;

(o) as to the threshold of votes that must be met before a street vote development order may be made.

(2) For the purposes of making provision within subsection (1), SVDO regulations may apply or incorporate (with or without modifications) any provision made by or under any enactment relating to elections or referendums.

(3) But where the regulations apply or incorporate (with or without modifications) any provision that creates an offence, the regulations may not impose a penalty greater than is provided for in respect of that provision.

(4) Before making provision within this section, the Secretary of State must consult the Electoral Commission.

(5) In this section "enactment" means an enactment, whenever passed or made.

61QF Regulations: general provision

SVDO regulations may—

(a) provide for exemptions (including exemptions which are subject to prescribed conditions);

(b) confer a function, including a function involving the exercise of a discretion, on any person.

61QG Provision that may be made by a street vote development order

(1) A street vote development order may make provision in relation to—

(a) all land in the street area specified in the order,

(b) any part of that land, or

(c) a site in that area specified in the order.

(2) A street vote development order may only provide for the granting of planning permission for any development that—

(a) is prescribed development or development of a prescribed description or class,

(b) is not excluded development, and

(c) satisfies any further prescribed conditions.

(3) A street vote development order may make different provision for different purposes.

61QH Meaning of "excluded development"

The following development is excluded development for the purposes of section 61QG(2)(b) —

(a) development of a scheduled monument within the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979;

(b) Schedule 1 development as defined by regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571);

(c) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008);

(d) development of a listed building within the meaning given by section 1(5) of the Planning (Listed Buildings and Conservation) Areas Act 1990;

(e) development consisting of the winning and working of minerals;

(f) such other development as may be specified or described in regulations made by the Secretary of State.

61QI Permission granted by street vote development orders

(1) The granting of planning permission by a street vote development order is subject to—

(a) any prescribed conditions or limitations or conditions or limitations of a prescribed description, and

(b) such other conditions or limitations as may be specified in the order (but see subsections (4) and (5)).

(2) The conditions that may be specified include a condition that unless a relevant obligation is entered into—

(a) the development authorised by the planning permission or any description of such development must not be begun, or

(b) anything created in the course of the development authorised by the planning permission may not be occupied or used for any purpose.

(3) A relevant obligation for the purposes of subsection (2) includes an obligation which involves the payment of money or affects any estate or interest in, or rights over, land.

(4) But an order may only specify a condition that a person enter into an obligation under section 106 if the obligation—

(a) is necessary to make the development specified in the order acceptable in planning terms,

(b) is directly related to the development,

(c) is fairly and reasonably related in scale and kind to the development, and

(d) satisfies such other requirements as may be specified in regulations made by the Secretary of State.

(5) The Secretary of State may by regulations provide that—

(a) conditions or limitations of a prescribed description may not be imposed under subsection (1)(b),

(b) conditions or limitations of a prescribed description may only be imposed under subsection (1)(b) in circumstances of a prescribed description, or

(c) no conditions or limitations may be imposed under subsection (1)(b) in circumstances of a prescribed description.

(6) A condition or limitation prescribed under subsection (1)(a) may confer a function on any person, including a function involving the exercise of a discretion.

(7) If—

(a) planning permission granted by a street vote development order for any development is withdrawn by the revocation of the order under section 61QJ, and

(b) the revocation is made after the development has begun but before it has been completed,

the development may, despite the withdrawal of the permission, be completed.

(8) But an order under section 61QJ revoking a street vote development order may provide that subsection (7) is not to apply in relation to development specified in the order under that section.

(9) In this section "relevant obligation" means—

(a) an obligation under section 106 (planning obligations), or

(b) an agreement under section 278 of the Highways Act 1980 (agreements as to execution of works).

61QJ Revocation or modification of street vote development orders

(1) The Secretary of State may by order revoke or modify a street vote development order.

(2) A local planning authority may, with the consent of the Secretary of State, by order revoke a street vote development order relating to a street area any part of which falls within the area of that authority.

(3) If a street vote development order is revoked, the person revoking the order must state the reasons for the revocation.

(4) An appointed person may at any time by order modify a street vote development order for the purpose of correcting errors.

(5) A modification of a street vote development order is to be done by replacing the order with a new one containing the modification.

(6) Regulations may make provision in connection with the revocation or modification of a street vote development order.

(7) The regulations may, in particular, include provision as to—

(a) the giving of notice and publicity in connection with a revocation or modification;

(b) the information and documents relating to a revocation or modification that are to be made available to the public;

(c) the making of reasonable charges for anything provided as a result of the regulations;

(d) consultation with and participation by the public in relation to a revocation or modification;

(e) the making and consideration of representations about a revocation or modification (including the time by which representations must be made).

61QK Financial assistance in relation to street votes

(1) The Secretary of State may do anything that the Secretary of State considers appropriate—

(a) for the purpose of publicising or promoting the making of street vote development orders and the benefits expected to arise from their making, or

(b) for the purpose of giving advice or assistance to anyone in relation to the making of street vote proposals or the doing of anything else for

the purposes of, or in connection with, such proposals or street vote development orders.

(2) The things that the Secretary of State may do under this section include, in particular—

(a) the provision of financial assistance (or the making of arrangements for its provision) to any body or other person, and

(b) the making of agreements or other arrangements with any body or other person (under which payments may be made to the person).

(3) In this section—

(a) the reference to giving advice or assistance includes providing training or education;

(b) any reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity).

61QL Street votes: connected modifications

The Secretary of State may by regulations make provision modifying the application of Schedule 7A (biodiversity gain in England) in relation to planning permission granted by a street vote development order.

61QM Interpretation

In sections 61QA to 61QL—

"an appointed person" means a person appointed in accordance with section 61QD(2)(a);

"excluded development" has the meaning given by section 61QH;

"qualifying group" has the meaning given by section 61QB;

"relevant council" has the meaning given by section 61QB(3);

"street area" has the meaning given by section 61QC;

"street vote development order" has the meaning given by section 61QA(2);

"street vote proposal" has the meaning given by section 61QD(2)(a)(i);

"SVDO regulations" has the meaning given by section 61QD(1)."

(3) Schedule 9 contains minor and consequential amendments in connection with this section.

107 Street votes: community infrastructure levy

(1) The Planning Act 2008 is amended as follows.

(2) In section 211(10) (amount of levy)—

(a) at the beginning insert "Except where subsection (11) applies,", and

(b) from ", 213" to the end substitute "to 213 and 214(1) and (2) apply in relation to a revision of a charging schedule as they apply in relation to a charging schedule."

(3) After section 211(10) insert—

"(11) Where the only provision made by a charging schedule or a revision of a charging schedule is provision for the purpose of determining the amount of CIL chargeable in respect of street vote development—

(a) sections 212 to 213 and 214(1) and (2) do not apply in relation to the charging schedule or the revision of the charging schedule, and

(b) CIL regulations may make provision about procedural requirements that must be met before the charging schedule or revision may take effect.

(12) "Street vote development" means development of land for which planning permission is granted by a street vote development order made under section 61QA of TCPA 1990."

(4) After section 212(11) (charging schedule: examination) insert—

"(12) For exceptions to this section see section 211(11)."

(5) After section 212A(7) (charging schedule: examiner's recommendations) insert—

"(8) For exceptions to this section see section 211(11)."

(6) After section 213(5) (charging schedule: approval) insert—

"(6) For exceptions to this section see section 211(11)."

(7) After section 214(6) (charging schedule: effect) insert—

"(7) For exceptions to subsections (1) and (2) of this section see section 211(11)."

(8) After section 214 (charging schedule: effect) insert—

"**214A Secretary of State: power to require review of certain charging schedules**

(1) This section applies where—

(a) a charging schedule makes provision for the purpose of determining the amount of CIL chargeable in respect of street vote development, and

(b) section 211(11) applied in relation to the charging schedule or the revision of the charging schedule in connection with making such provision.

(2) The Secretary of State may direct a charging authority to review the charging schedule if the Secretary of State considers that—

(a) the economic viability of street vote development in the charging authority's area is significantly impaired, or

(b) there is a substantial risk that it will become significantly impaired,

as a result of the CIL which is or will be chargeable in respect of street vote development in that area.

(3) If a charging authority is directed to review its charging schedule under subsection (2), it must—

(a) consider whether to revise the charging schedule under section 211(9), and

(b) notify the Secretary of State of its decision with reasons.

(4) If the charging authority decides to revise the charging schedule, it must do so within a reasonable time.

(5) If a charging authority has not complied with a direction given under subsection (2) within a reasonable time and to a standard which the Secretary of State considers adequate, the Secretary of State may appoint a person to do so on behalf of the charging authority.

(6) If a person appointed under subsection (5) decides that the charging schedule should be revised, the charging authority must revise the schedule accordingly within a reasonable time.

(7) If the charging authority fails to revise the charging schedule in accordance with subsection (4) or (6), the Secretary of State may appoint a person to do so on behalf of the charging authority.

(8) CIL regulations may make provision about—

(a) procedures for appointing a person under subsection (5) or (7),

(b) conditions which must be met before such an appointment may be made,

(c) procedures which must be followed by the person in complying with a direction given under subsection (2) or revising the charging schedule under subsection (7),

(d) circumstances in which the person may be replaced,

(e) duties of a charging authority where a person is appointed to act on its behalf under subsection (5) or (7),

(f) liability for costs incurred as a result of the appointment of the person, and

(g) what constitutes a reasonable time under subsections (4) to (6).

(9) In this section "street vote development" has the meaning given by section 211(12)."

(9) In section 216(2) (application), after paragraph (f) insert—

"(fa) where the CIL is chargeable in respect of street vote development, affordable housing."

(10) After section 216(7) insert—

"(8) In this section—

"affordable housing" means—

(a) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and

(b) any other description of housing that CIL regulations may specify;

"street vote development" has the meaning given by section 211(12)."

108 Street votes: modifications of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The Secretary of State may by regulations make provision modifying the application of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/517) in relation to the grant of planning permission by a street vote development order.

109 Crown development

(1) TCPA 1990 is amended as follows.

(2) After section 293A insert—

"**293B Urgent Crown development: applications to the Secretary of State**

(1) This section applies where—

(a) the appropriate authority intends to make a relevant application, and

(b) the authority considers—

(i) that the development to which the application relates is of national importance, and

(ii) that it is necessary that the development is carried out as a matter of urgency.

(2) The appropriate authority may make the application to the Secretary of State under this section.

(3) In this section, "relevant application" means—

(a) an application for planning permission for the development of land in England, or

(b) an application for approval of a matter that, as defined in section 92, is a reserved matter in the case of an outline planning permission for the development of land in England,

but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.

(4) An application under this section must include—

(a) such information, documents or other matters as may be required by a development order, and

(b) a statement of the appropriate authority's grounds for making the application.

(5) As soon as practicable after receiving the application, the Secretary of State must give notice to the appropriate authority either agreeing or refusing to determine the application.

(6) The Secretary of State may only agree to determine the application if the Secretary of State considers that—

(a) the development to which the application relates is of national importance, and

(b) it is necessary that the development is carried out as a matter of urgency.

(7) The Secretary of State must send a copy of a notice given under subsection (5) to the local planning authority to whom the application could otherwise have been made.

(8) The Secretary of State may by notice require the appropriate authority to provide such further information as is necessary for the purposes of—

(a) deciding whether to agree or to refuse to determine the application;

(b) determining the application.

(9) A development order may make provision—

(a) as to the form and manner in which an application must be made;

(b) requiring notice to be given of an application;

(c) as to the form, content and service of a notice required under paragraph (b);

(d) requiring that an application be publicised in such manner as the order may specify.

(10) A development order which makes provision under subsection (9) may include provision to ensure that the imposition of any requirement under that subsection does not result in the public disclosure of sensitive information.

(11) For the purposes of subsection (10), information is "sensitive" if the Secretary of State directs that—

(a) it relates to matters of national security or measures taken or to be taken to ensure the security of any premises or property, and

(b) its public disclosure would be contrary to the national interest.

(12) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.

(13) The Secretary of State may give directions requiring a local planning authority to do things in relation to an application made under section 293B that could otherwise have been made to that authority.

(14) Directions under subsection (13)—

(a) may relate to a particular application or to applications more generally;

(b) may be given to a particular authority or to authorities more generally.

293C Urgent Crown development: determination of applications by the Secretary of State

(1) This section applies where —

(a) the appropriate authority has made a relevant application to the Secretary of State under section 293B, and

(b) the Secretary of State has given notice under section 293B(5) agreeing to determine the application.

(2) Before determining the application, the Secretary of State must consult the following persons about the application—

(a) the local planning authority to which the application could otherwise have been made, and

(b) such other persons as the Secretary of State considers appropriate.

(3) A development order may make provision as to the consultation required by subsection (2) including—

(a) provision requiring the Secretary of State to consult other specified persons (or persons of a specified description);

(b) provision as to the manner in which persons may be consulted;

(c) different provision for different cases or classes of development.

(4) The Secretary of State may—

(a) grant the application, either unconditionally or subject to such conditions as the Secretary of State thinks fit, or

(b) refuse it.

(5) The Secretary of State must notify the local planning authority to whom the application could otherwise have been made of the Secretary of State's decision on the application.

(6) The decision of the Secretary of State on the application is final.

(7) Section 73A applies, with any necessary modifications, to an application for planning permission under section 293B as it applies to an application for planning permission which is to be determined by the local planning authority under Part 3.

(8) The following provisions do not apply for the purposes of determining an application for planning permission under section 293B—

(a) section 58B(1) of this Act;

(b) sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

293D Crown development: applications to the Secretary of State

(1) This section applies where—

(a) the appropriate authority intends to make a relevant application, and

(b) the authority considers that the development to which it relates is of national importance.

(2) The appropriate authority may make the application to the Secretary of State under this section.

(3) In this section and section 293E, "relevant application" means—

(a) an application for planning permission, or permission in principle, for the development of land in England, or

(b) an application for approval of a matter that, as defined by section 92, is a reserved matter in the case of an outline planning permission for the development of land in England,

but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.

(4) After receiving the application, the Secretary of State must give a notice to the appropriate authority stating whether the Secretary of State considers the development to be of national importance.

(5) If the Secretary of State considers the development to be of national importance, the Secretary of State must proceed to determine the application.

(6) If the Secretary of State considers that the development is not of national importance, the Secretary of State may take the steps referred to in either subsection (7) or, where it applies, subsection (9).

(7) The Secretary of State may—

(a) refer the application to the local planning authority to whom it could otherwise have been made, and

(b) direct that the application—

(i) is to be treated as having been made to the authority (and not to the Secretary of State under this section), and

(ii) is to be determined by that authority accordingly.

(8) Subsection (9) applies where—

(a) the application could otherwise have been made to the Secretary of State under section 62A, and

(b) the appropriate authority has given notice to the Secretary of State that the authority consents to the application being treated as having been made to the Secretary of State under that section.

(9) The Secretary of State may—

(a) direct that the application is to be treated as having been made to the Secretary of State under section 62A (and not to the Secretary of State under this section), and

(b) determine the application accordingly.

293E Crown development: connected applications to the Secretary of State

(1) This section applies where—

(a) the appropriate authority makes an application to the Secretary of State under section 293D, and

(b) the Secretary of State gives a notice to the appropriate authority under section 293D(4) stating that the development to which it relates is considered by the Secretary of State to be of national importance.

(2) The appropriate authority may make an application ("a connected application") under the planning Acts to the Secretary of State where the requirements of subsection (3) are met.

(3) The requirements are that—

(a) the application is—

(i) for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990,

(ii) for hazardous substances consent under the Planning (Hazardous Substances) Act 1990, or

(iii) of a prescribed description,

(b) it is considered by the person making the application to be connected to an application under section 293D,

(c) it is neither a relevant application nor an application of the kind described in section 73(1), and

(d) it relates to land in England.

(4) If a connected application is made under subsection (2), but the Secretary of State considers that it is not connected with the relevant application concerned, the Secretary of State may—

(a) refer the connected application to the local planning authority, or hazardous substances authority, to whom it could otherwise have been made, and

(b) direct that the connected application—

(i) is to be treated as having been made to that authority (and not to the Secretary of State under this section), and

(ii) is to be determined by that authority accordingly.

293F Applications under section 293D or 293E: supplementary matters

(1) The decision of the Secretary of State on an application made under section 293D or 293E is final.

(2) The Secretary of State may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made under section 293D or 293E that could otherwise have been made to that authority.

(3) Directions under subsection (2)—

(a) may relate to a particular application or to applications more generally;

(b) may be given to a particular authority or to authorities more generally.

293G Notifying parish councils of applications under section 293D(2)

(1) If an application is made to the Secretary of State under section 293D(2) and a parish council would be entitled under paragraph 8 of Schedule 1 to be notified of the application were it made to the local planning authority, the Secretary of State must notify the council of—

(a) the application, and

(b) any alteration of the application accepted by the Secretary of State.

(2) Paragraph 8(4) and (5) of Schedule 1 apply in relation to duties of the Secretary of State under subsection (1) as they apply to duties of a local planning authority under paragraph 8(1) or (3B) of that Schedule.

293H Provisions applying to applications made under section 293D or 293E

(1) Sections 62(3) and (4), 65(5), 70 to 70C, 72(1) and (5) and 73A apply, with any necessary modifications, to an application for planning permission made to the Secretary of State under section 293D as they apply to an application for planning permission which is to be determined by the local planning authority.

(2) Any requirements imposed by a development order by virtue of section 62, 65 or 71 or paragraph 8(6) of Schedule 1, or by regulations under paragraph 14(3) or 16 of Schedule 7A, may be applied by a development order, with or without modifications, to an application for planning permission made to the Secretary of State under section 293D.

(3) Sections 65(5) and 70 to 70C apply, with any necessary modifications, to an application for permission in principle made to the Secretary of State under section 293D as they apply to an application for permission in principle which is to be determined by the local planning authority.

(4) Any requirements imposed by a development order by virtue of section 62(1), (2) or (8), 65 or 71 or paragraph 8(6) of Schedule 1 may be applied by a development order, with or without modifications, to an application for permission in principle made to the Secretary of State under section 293D.

(5) Where an application is made to the Secretary of State under section 293E instead of to the authority to whom it could otherwise have been made, a development order may (with or without modifications) apply to the application any enactment that relates to applications of that kind when made to that authority.

(6) A development order which makes provision under this section to apply to an application under section 293D or 293E (with or without modifications) any requirement to disclose information may include provision to secure that the requirement would not result in the public disclosure of sensitive information.

(7) For the purposes of subsection (6), information is "sensitive" if the Secretary of State directs that—

(a) it relates to matters of national security or measures taken or to be taken to ensure the security of any premises or property, and

(b) its public disclosure would be contrary to the national interest.

293I Deciding applications made under section 293D or 293E

(1) An application made to the Secretary of State under section 293D or 293E ("a direct application") is to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State, subject to section 293J.

(2) Where a person has been appointed under subsection (1) or this subsection to determine a direct application then, at any time before the person has determined the application, the Secretary of State may—

(a) revoke the person's appointment;

(b) appoint another person to determine the application instead.

(3) A person appointed under this section to determine a direct application has the same powers and duties that the Secretary of State has under section 293H.

(4) Where a direct application is determined by a person appointed under this section, the person's decision is to be treated as that of the Secretary of State.

(5) Except as provided by Part 12, the validity of that decision is not to be questioned in any proceedings whatsoever.

(6) It is not a ground of application to the High Court under section 288 that a direct application ought to have been determined by the Secretary of State and not by a person appointed under this section unless the applicant challenges the person's power to determine the direct application before the person's decision on the direct application is given.

(7) Where any enactment (other than this section and section 319A)—

(a) refers (or is to be read as referring) to the Secretary of State in a context relating to or capable of relating to a direct application (otherwise than by referring to the application having been made to the Secretary of State), or

(b) refers (or is to be read as referring) to anything (other than the making of the application) done or authorised or required to be done by, to or before the Secretary of State in connection with any such application,

then, so far as the context permits, the enactment is to be read, in relation to an application determined or to be determined by a person appointed under this section, as if the reference to the Secretary of State were or included a reference to that person.

293J Applications under section 293D or 293E: determination by the Secretary of State

(1) The Secretary of State may direct that an application made to the Secretary of State under section 293D or 293E ("a direct application") is to be determined by the Secretary of State instead of by a person appointed under section 293I.

(2) Where a direction is given under subsection (1), the Secretary of State must serve a copy of the direction on—

(a) the person, if any, appointed under section 293I to determine the application concerned,

(b) the applicant, and

(c) the local planning authority.

(3) Where a direct application is to be determined by the Secretary of State in consequence of a direction under subsection (1)—

(a) in determining the application, the Secretary of State may take into account any report made to the Secretary of State by any person previously appointed to determine the application, and

(b) subject to that, the provisions of the planning Acts which are relevant to the application apply to it as if section 293I had never applied to it.

(4) The Secretary of State may by a further direction revoke a direction under subsection (1) at any time before the determination of the direct application concerned.

(5) Where a direction is given under subsection (4), the Secretary of State must serve a copy of the direction on—

(a) the person, if any, previously appointed under section 293I to determine the application concerned,

(b) the applicant, and

(c) the local planning authority.

(6) Where a direction is given under subsection (4) in relation to a direct application—

(a) anything done by or on behalf of the Secretary of State in connection with the application which might have been done by a person appointed under section 293I to determine the application is, unless the person appointed under section 293I to determine the application directs otherwise, to be treated as having been done by that person, and

(b) subject to that, section 293I applies to the application as if no direction under subsection (1) had been given in relation to the application."

(3) Schedule 10 contains consequential amendments.

110 Material variations in planning permission

(1) TCPA 1990 is amended as follows.

(2) After section 73A insert—

"**73B Applications for permission not substantially different from existing permission**

(1) An application for planning permission in respect of land in England is to be determined in accordance with this section if the applicant—

(a) requests that it be so determined,

(b) makes a proposal as to the conditions (if any) subject to which permission should be granted, and

(c) identifies an existing planning permission by reference to which the application is to be considered ("the existing permission").

(2) The existing permission must not have been granted—

(a) under section 73, section 73A or this section, or

(b) other than on application.

(3) The applicant may also identify, for the purposes of an application to be determined in accordance with this section, a planning permission—

(a) that was granted under section 73 or this section by reference to the existing permission, or

(b) that forms part of a sequence of planning permissions granted under section 73 or this section, the first of which was granted by reference to the existing permission.

(4) A development order must set out how an applicant is to do as mentioned in subsections (1) and (3).

(5) Planning permission may be granted in accordance with this section only if the local planning authority is satisfied that its effect will not be substantially different from that of the existing permission.

(6) Planning permission may not be granted in accordance with this section in a way that differs from the existing permission as to the time by which a condition requires—

(a) development to be started, or

(b) an application for approval of reserved matters (within the meaning of section 92) to be made.

(7) In determining an application in accordance with this section, the local planning authority must limit its consideration to those respects in which the permission being applied for would, if granted in accordance with the proposal under subsection (1)(b), differ in effect from—

(a) the existing permission, and

(b) each planning permission (if any) identified in accordance with subsection (3).

Section 70(2) is subject to this subsection.

(8) If the local planning authority decides not to grant planning permission in accordance with this section, it must refuse the application.

(9) For the purposes of this section, the effect of a planning permission is to be assessed by reference to both the development it authorises and any conditions to which it is subject.

(10) In assessing the effect of an existing planning permission for the purposes of subsection (5) (but not for the purposes of subsection (7)), any change to the permission made under section 96A is to be disregarded.

(11) The following provisions apply in relation to the condition under paragraph 13 of Schedule 7A (biodiversity gain condition)—

(a) nothing in this section authorises the disapplication of the condition;

(b) the condition is to be disregarded for the purposes of subsections (1)(b), (5) and (7);

(c) where—

(i) the existing planning permission is subject to the condition,

(ii) a biodiversity gain plan ("the earlier biodiversity gain plan") was approved for the purposes of the condition as it attaches to that permission,

(iii) planning permission is granted in accordance with this section, and

(iv) that planning permission is consistent with the post-development biodiversity value of the onsite habitat as specified in the earlier biodiversity gain plan,

the earlier biodiversity gain plan is to be regarded as approved for the purposes of the condition as it attaches to the planning permission granted in accordance with this section.

(12) Nothing in this section authorises the disapplication of the condition under section 90B (condition relating to development progress reports in England).

(13) In relation to an application for planning permission that is made to, or is to be determined by, the Secretary of State, a reference in this section to the local planning authority is to be read as a reference to the Secretary of State.

(14) The preceding provisions of this section apply in relation to an application for permission in principle as if—

(a) each reference to planning permission were a reference to permission in principle, and

(b) the provisions of this section relating to conditions were omitted.

(15) Permission in principle granted in accordance with this section is to be taken, for the purposes of section 70(2ZZC), as having come into force when the existing permission in principle identified under subsection (1)(c) came into force."

(3) In section 62A (applications that may be made directly to the Secretary of State)—

(a) in subsection (2), after "73(1)" insert ", an application that is to be determined in accordance with section 73B";

(b) in subsection (3)(d), after "73(1)" insert "nor an application that is to be determined in accordance with section 73B".

(4) In section 70A (power to decline to determine application similar to an earlier one)—

(a) in subsection (8), for "subsection (9)" substitute "subsections (9) to (11)";

(b) at the end insert—

"(10) An application that is to be determined in accordance with section 73B is not similar to an earlier application that was not determined in accordance with that section.

(11) An application that is to be determined in accordance with section 73B is similar to an earlier application that was determined in accordance with that section only if the local planning authority think that the difference of effect referred to in subsection (7) of that section is (both in kind and in degree) the same or substantially the same in the case of both applications."

(5) In section 70B (power to decline to determine application similar to a pending one)—

(a) in subsection (5), at the beginning insert "Subject to subsections (5A) and (5B),";

(b) after subsection (5) insert—

"(5A) An application that is to be determined in accordance with section 73B is not similar to another application that is not to be determined in accordance with that section.

(5B) An application that is to be determined in accordance with section 73B is similar to another application that is to be determined in accordance with that section only if the local planning authority think that the difference of effect referred to in subsection (7) of that section is (both in kind and in degree) the same or substantially the same in the case of both applications."

111 Development commencement notices

(1) TCPA 1990 is amended as follows.

(2) After section 93 insert—

"Commencement of development: England

93G Commencement notices

(1) This section applies where—

(a) planning permission has been granted under section 70 or 73 for the development of any land in England, and

(b) the development is of a prescribed description.

(2) Before the development is begun, the person proposing to carry it out must give a notice (a "commencement notice") to the local planning authority specifying the date on which the person expects the development to be begun.

(3) Once a person has given a commencement notice, the person—

(a) may give a further commencement notice substituting a new date for the date previously given, and

(b) must do so if the development is not commenced on the date previously given.

(4) A commencement notice must—

(a) include such information as may be prescribed, and

(b) be in such form and be given in such manner as may be prescribed.

(5) Where it appears to the local planning authority that a person has failed to comply with the requirements of subsection (2) or (3)(b), they may serve a notice on any relevant person requiring the relevant person to give the authority such of the information prescribed under subsection (4)(a) as the notice may specify.

(6) In subsection (5) "relevant person" means—

(a) the person to whom the requirements of subsection (2) or (3)(b) applied, and

(b) any person who is the owner or occupier of the land to which the planning permission relates or who has any other interest in that land.

(7) A person on whom a notice under subsection (5) is served is guilty of an offence if they fail to give the information required by the notice within the period of 21 days beginning with the day on which it was served.

(8) It is a defence for a person charged with an offence under subsection (7) to prove that they had a reasonable excuse for failing to provide the information required.

(9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) When granting planning permission under section 70 or 73 for the development of any land in England, a local planning authority must by notice inform the applicant of—

(a) the requirements of subsections (2) and (3)(b), and

(b) the consequences of non-compliance with those requirements."

(3) In section 56 (time when development begins), in subsection (3), after "92," insert "93G,".

(4) In section 69 (register of applications etc)—

(a) in subsection (1), after paragraph (f) (inserted by section 114(4)(a)) insert—

"(g) commencement notices under section 93G.";

(b) in subsection (2), after paragraph (c) (inserted by section 114(4)(b)) insert—

"(d) such information as is prescribed with respect to commencement notices under section 93G that are given to the local planning authority."

112 Completion notices

(1) TCPA 1990 is amended as follows.

(2) After section 93G insert—

"Termination of planning permission: England

93H Completion notices

(1) This section applies where—

(a) a planning permission relating to land in England is by virtue of section 91 or 92 subject to a condition that the development to which the permission relates must begin before the expiration of a particular period, and development has been begun within that period but has not been completed,

(b) development has begun in accordance with a simplified planning zone scheme in England but has not been completed by the time the area ceases to be a simplified planning zone,

(c) development has begun in accordance with planning permission under an enterprise zone scheme in England but has not been completed by the time the area ceases to be an enterprise zone,

(d) a planning permission under a neighbourhood development order is subject to a condition that the development to which the permission relates must begin before the expiration of a particular period, and development has begun within that period but has not been completed, or

(e) a planning permission under a street vote development order is subject to a condition that the development to which the permission relates must begin before the expiration of a particular period, and development has begun within that period but has not been completed.

(2) If the local planning authority are of the opinion that the development will not be completed within a reasonable period, they may serve a notice (a "completion notice") stating that the planning permission will cease to have effect at a specified time (the "completion notice deadline").

(3) The completion notice deadline must be—

(a) at least 12 months after the completion notice was served, and

(b) if the notice was served in a case within subsection (1)(a) or (d) before the end of the period referred to in that provision, at least 12 months after the end of that period.

(4) A completion notice must include—

(a) prescribed information in relation to the right of appeal against the notice, and

(b) any other prescribed information.

(5) A completion notice must be served on—

(a) the owner of the land,

(b) if different, the occupier of the land, and

(c) a person not falling within paragraph (a) or (b) with an interest in the land, being an interest which, in the opinion of the local planning authority, is materially affected by the notice.

(6) The local planning authority may withdraw a completion notice at any time before the completion notice deadline.

(7) If they do so they must immediately give notice of the withdrawal to every person who was served with the completion notice.

(8) If it appears to the Secretary of State to be expedient that a completion notice should be served in respect of any land in England, the Secretary of State may, after consulting the local planning authority, serve such a notice.

93I Appeals against completion notices

(1) Where a completion notice is served by a local planning authority under section 93H, any of the following may appeal to the Secretary of State against it (whether or not the notice was served on them)—

(a) the owner of the land,

(b) a person not within paragraph (a) with an interest in the land, and

(c) a person who occupies the land by virtue of a licence.

(2) An appeal may be brought on any of the following grounds—

(a) that the appellant considers that the development will be completed within a reasonable period;

(b) that the completion notice deadline is an unreasonable one;

(c) that the notice was not served on the persons on whom it was required to be served under section 93H(5).

(3) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under this section.

(4) The regulations may in particular include provision—

(a) as to the period within which an appeal must be brought;

(b) as to how an appeal is made;

(c) as to the information to be supplied by the appellant;

(d) as to how a local planning authority must respond to an appeal and the information to be supplied by the authority;

(e) for the purpose of securing that the appeal is brought to the attention of persons in the locality of the development.

(5) On an appeal under this section the Secretary of State may—

(a) quash the completion notice,

(b) vary the completion notice by substituting a later completion notice deadline, or

(c) uphold the notice with the original completion notice deadline.

(6) On an appeal under this section the Secretary of State may also correct any defect, error or misdescription in the completion notice if satisfied that the correction will not cause injustice to the appellant or the local planning authority.

(7) If, on an appeal made on the ground referred to in subsection (1)(c), the Secretary of State determines that the completion notice was not served on a person on whom it should have been served, the notice need not be quashed if it appears to the Secretary of State that neither that person nor the appellant has been substantially prejudiced by that fact.

(8) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) applies in relation to any proceedings before the Secretary of State on an appeal under this section as if those proceedings were an inquiry held by the Secretary of State under section 250.

93J Effect of completion notices

(1) The planning permission to which a completion notice relates becomes invalid at the completion notice deadline (whether as originally specified or substituted on appeal under section 93I).

(2) Where an appeal is brought under section 93H the completion notice is of no effect pending the final determination or withdrawal of the appeal.

(3) Subsection (1) does not affect any planning permission so far as relating to development carried out under it before the completion notice deadline."

(3) Schedule 11 contains consequential amendments.

(4) The amendments made by this section and Schedule 11 apply in relation to planning permission granted before, as well as to planning permission granted after, the coming into force of this section.

(5) But a completion notice may not be served under section 93H of TCPA 1990 in a case where—

(a) before the coming into force of this section, a completion notice was served under section 94(2) of TCPA 1990, and

(b) that completion notice is awaiting confirmation under section 95 of TCPA 1990.

113 Power to decline to determine applications in cases of earlier non-implementation etc

(1) TCPA 1990 is amended as follows.

(2) After section 70C insert—

"**70D Power to decline to determine applications in cases of earlier non-implementation etc**

(1) A local planning authority in England may decline to determine an application for planning permission for the development of any land if—

(a) the development is development of a prescribed description,

(b) the application is made by—

(i) a person who has previously made an application for planning permission for development of land all or any part of which is in the local planning authority's area at the time the current application is made ("the earlier application"), or

(ii) a person who has a connection of a prescribed description with the development to which the earlier application related ("the earlier development"),

(c) the earlier development was of a description prescribed under paragraph (a), and

(d) subsection (2) or (3) applies to the earlier development.

(2) This subsection applies to the earlier development if the earlier development has not begun.

(3) This subsection applies to the earlier development if—

(a) the earlier development has begun but has not been substantially completed, and

(b) the local planning authority is of the opinion that the carrying out of the earlier development has been unreasonably slow.

(4) In forming an opinion as to whether the carrying out of the earlier development has been unreasonably slow, the local planning authority must have regard to all the circumstances, including in particular—

(a) in a case where a commencement notice under section 93G has been given, whether the development—

(i) was begun by the date specified in the notice, and

(ii) was carried out in accordance with any timescales specified in it,

(b) whether a completion notice was served in respect of the earlier development under section 93H or (before the coming into force of section 93H) section 94 or 96 and, if so, whether the permission granted became invalid under section 93J or (as the case may be) section 95, and

(c) any prescribed circumstances.

(5) Where a person applies to a local planning authority for planning permission for development of a description prescribed under subsection (1)(a), the authority may by notice require the person to provide such information, being

information of a prescribed description, as the authority may specify in the notice for the purpose of its functions under this section.

(6) If a person does not comply with a notice under subsection (5) within the period of 21 days beginning with the day on which the notice was served, the local planning authority may decline to determine the application.

(7) If a person to whom a notice under subsection (5) is given—

(a) makes a statement purporting to comply with the notice which the person knows to be false or misleading in a material particular, or

(b) recklessly makes such a statement which is false or misleading in a material particular,

the person is guilty of an offence.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine.

(9) Subsection (1) does not permit a local planning authority to decline to determine an application for planning permission to which section 73, 73A or 73B applies."

(3) In section 56 (time when development begins), in subsection (3), after "61D(5) and (7)," insert "70D,".

(4) In section 76C (provisions applying to applications under section 62A), in subsection (1), for "70C" substitute "70D".

(5) In section 78 (right to appeal), in subsection (2)(aa), after "or 70C" insert "or 70D".

(6) In section 174 (appeal against enforcement notice), in subsection (2AA)(b) (as substituted by section 118 of this Act), for "or 70C" substitute ", 70C or 70D".

114 Condition relating to development progress reports

(1) TCPA 1990 is amended as follows.

(2) In section 56(3) (time when development begun), after "89," insert "90B,".

(3) Before section 91 (including the italic heading before that section) insert—

"Development progress reports

90B Condition relating to development progress reports in England

(1) This section applies where relevant planning permission is granted for relevant residential development in England.

(2) The relevant planning permission must be granted subject to a condition that a development progress report must be provided to the local planning authority in whose area the development is to be carried out for each reporting period.

(3) The first reporting period in relation to the development is to be a period—

(a) beginning at a prescribed time or by reference to a prescribed event, and

(b) during which the development is begun.

(4) A new reporting period is to begin immediately after the end of a reporting period which is not the last reporting period.

(5) A reporting period which is not the last reporting period is to be a period of 12 months.

(6) The last reporting period is to be a period ending with the day on which the development is completed (subject to any provision made under subsection (9)).

(7) A "development progress report", in relation to relevant residential development, means a report which sets out—

(a) the progress that has been made, and that remains to be made, towards completing the dwellings the creation of which the development is to involve, as at the end of the reporting period to which the report relates,

(b) the progress which is predicted to be made towards completing those dwellings over each subsequent reporting period up to and including the last reporting period, and

(c) such other information as may be prescribed in regulations under subsection (9).

(8) If relevant planning permission is granted without the condition required by subsection (2), it is to be treated as having been granted subject to that condition.

(9) The Secretary of State may by regulations make provision—

(a) about the form and content of development progress reports;

(b) about when and how development progress reports are to be provided to local planning authorities;

(c) about who may or must provide development progress reports to local planning authorities;

(d) about the provision of development progress reports and other information to local planning authorities where there is a change in circumstances in connection with relevant residential development, such as (for example) where the development is no longer intended to be completed in accordance with—

(i) the relevant planning permission;

(ii) a previous development progress report;

(iii) any timescales specified in a commencement notice given under section 93G;

(e) about when a condition under subsection (2) is to be treated as being discharged;

(f) about when relevant residential development is to be treated as being completed for the purposes of this section.

(10) In this section—

"relevant planning permission" means planning permission other than—

(a) planning permission granted by a development order;

(b) planning permission granted for development carried out before the grant of that permission;

(c) planning permission granted for a limited period;

(d) planning permission granted by an enterprise zone scheme;

(e) planning permission granted by a simplified planning zone scheme;

"relevant residential development" means development which—

(a) involves the creation of one or more dwellings, and

(b) is of a prescribed description."

(4) In section 69 (register of applications etc)—

(a) in subsection (1), after paragraph (e) insert—

"(f) development progress reports under section 90B;";

(b) in subsection (2), after paragraph (b) insert—

"(c) such information as is prescribed with respect to development progress reports under section 90B that are provided to the local planning authority;".

(5) In section 70 (determination of applications: general considerations), in subsection (1)(a), after "sections" insert "90B,".

(6) In section 73 (determination of applications to develop land after non-compliance), before subsection (4) insert—

"(2E) Nothing in this section authorises the disapplication of the condition under section 90B (condition relating to development progress reports in England)."

(7) In section 96A (power to make non-material changes to planning permission), before subsection (4) insert—

"(3B) The conditions referred to in subsection (3)(b) do not include the condition under section 90B (condition relating to development progress reports in England)."

(8) In section 97 (revocation or modification of planning permission), at the end insert—

"(9) Subsection (1) does not permit the revocation or modification of the condition under section 90B (condition relating to development progress reports in England)."

(9) In section 100ZA(13)(c) (restrictions on power to impose planning conditions in England), as amended by paragraph 3(12) of Schedule 14 to the Environment Act 2021, at the end insert "or the condition under section 90B (condition relating to development progress reports in England)".

(10) Until paragraph 3(12) of Schedule 14 to the Environment Act 2021 comes into force, section 100ZA(13)(c) has effect as if at the end there were inserted "but do not include the condition under section 90B (condition relating to development progress reports in England)".

CHAPTER 5

ENFORCEMENT OF PLANNING CONTROLS

115 Time limits for enforcement

(1) In section 171B of TCPA 1990 (time limits), in subsection (1), for the words from "four years" to the end substitute—

"(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed, and

(b) in the case of a breach of planning control in Wales, four years beginning with the date on which the operations were substantially completed."

(2) In that section, in subsection (2), for the words from "four years" to the end substitute—

"(a) in the case of a breach of planning control in England, ten years beginning with the date of the breach, and

(b) in the case of a breach of planning control in Wales, four years beginning with the date of the breach."

116 Duration of temporary stop notices

(1) Section 171E of TCPA 1990 (temporary stop notices) is amended as follows.

(2) In subsection (7)(a), for "period of 28 days" substitute "relevant period".

(3) After subsection (7) insert—

"(8) In subsection (7)(a), "relevant period" means—

(a) in the case of a notice issued by a local planning authority in England, 56 days;

(b) in the case of a notice issued by a local planning authority in Wales, 28 days."

117 Enforcement warning notices

(1) TCPA 1990 is amended as follows.

(2) In section 171A (expressions used in connection with enforcement), in subsection (2)—

(a) before paragraph (a) insert—

"(za) the issue of an enforcement warning notice in relation to land in England under section 172ZA;";

(b) in paragraph (aa), for "(defined in section 173ZA)" substitute "in relation to land in Wales under section 173ZA".

(3) Before section 172A insert—

"**172ZA Enforcement warning notice: England**

(1) The local planning authority may issue a notice (an "enforcement warning notice") where it appears to them that—

(a) there has been a breach of planning control in respect of any land in England, and

(b) there is a reasonable prospect that, if an application for planning permission in respect of the development concerned were made, planning permission would be granted.

(2) The notice must—

(a) state the matters that appear to the authority to constitute the breach of planning control, and

(b) state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken.

(3) A copy of the notice must be served—

(a) on the owner and the occupier of the land to which it relates, and

(b) on any other person having an interest in the land, being an interest that, in the opinion of the authority, would be materially affected by the taking of any further enforcement action.

(4) The issue of an enforcement warning notice does not affect any other power exercisable in respect of any breach of planning control."

(4) In section 188 (register of enforcement and stop notices and other enforcement action) in subsection (1)—

(a) after paragraph (za) insert—

"(zb) to enforcement warning notices under section 172ZA (enforcement warning notice: England),";

(b) in paragraph (aa), at the end insert "under section 173ZA (enforcement warning notice: Wales)".

(5) In that section, in subsection (2)—

(a) in paragraph (a), for "enforcement warning notice" substitute "enforcement warning notice under section 172ZA or 173ZA";

(b) in paragraph (b), after "enforcement notices" insert "and enforcement warning notices under section 172ZA".

118 Restriction on appeals against enforcement notices

In section 174 of TCPA 1990 (appeal against enforcement notice), for subsections (2A) and (2B) substitute —

"(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time after the making of an application for planning permission that was related to the enforcement notice.

(2AA) For the purposes of subsection (2A)—

(a) an application for planning permission for the development of any land is related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control;

(b) an application for planning permission that the local planning authority or the Secretary of State declined to determine under section 70A, 70B or 70C is to be ignored.

(2AB) But subsection (2A) does not apply if—

(a) the application for planning permission has ceased to be under consideration, and

(b) the enforcement notice was issued after the end of the period of two years beginning with the day on which the application ceased to be under consideration.

(2AC) For the purposes of subsection (2AB), an application for planning permission has ceased to be under consideration if—

(a) the application was refused, or granted subject to conditions, and, in the case of an application determined by the local planning authority, the applicant did not appeal under section 78(1)(a);

(b) the applicant did not appeal in the circumstances mentioned in section 78(2) and the application was not subsequently refused;

(c) the applicant appealed under section 78(1)(a) or section 78(2) and—

(i) the appeal was dismissed,

(ii) the application was on appeal granted subject to conditions, or subject to different conditions, or

(iii) the Secretary of State declined under section 79(6) to determine the appeal.

(2B) For the purposes of subsection (2AB), the day on which the application ceased to be under consideration is—

(a) in a case within subsection (2AC)(a), the day on which the right to appeal arose;

(b) in a case within subsection (2AC)(b), the day after the end of the prescribed period referred to in section 78(2);

(c) in a case within subsection (2AC)(c)(i), the day on which the appeal was dismissed;

(d) in a case within subsection (2AC)(c)(ii), the day on which the appeal was determined;

(e) in a case within subsection (2AC)(c)(iii) relating to an appeal under section 78(1)(a), the day on which the right to appeal arose;

(f) in a case within subsection (2AC)(c)(iii) relating to an appeal under section 78(2), the day after the end of the prescribed period referred to in section 78(2).”

119 Undue delays in appeals

(1) TCPA 1990 is amended as follows.

(2) In section 176 (determination of appeals relating to enforcement notices), at the end insert—

"(6) If at any time before or during the determination of an appeal against an enforcement notice issued by a local planning authority in England it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, the Secretary of State may—

(a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and

(b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly."

(3) In section 195 (appeals relating to certificates of lawfulness), after subsection (3) insert—

"(3A) Where the local planning authority referred to in subsection (1) is in England, if at any time before or during the determination of an appeal under subsection (1)(a) or (b) it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, the Secretary of State may—

(a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and

(b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly."

(4) In Schedule 6 (determination of certain appeals by person appointed by Secretary of State), in paragraph 2 (powers and duties of appointed person)—

(a) in sub-paragraph (1)(b) for "and (5)" substitute ", (5) and (6)";

(b) in sub-paragraph (1)(c), for "and (3)" substitute ", (3) and (3A)".

120 Penalties for non-compliance

(1) In section 187A of TCPA 1990 (enforcement of conditions), in subsection (12), for the words from "to a fine" to the end substitute—

"(a) to a fine, if the land is in England, or

(b) to a fine not exceeding level 3 on the standard scale, if the land is in Wales."

(2) In section 216 of TCPA 1990 (penalty for non-compliance with section 215 notice)—

(a) in subsection (2), for the words from "to a fine" to the end substitute—

"(a) to a fine, if the land is England, or

(b) to a fine not exceeding level 3 on the standard scale, if the land is in Wales.";

(b) in subsection (6), for "one-tenth of level 3 on the standard scale" substitute "the relevant amount";

(c) after subsection (6) insert—

"(6A) In subsection (6) "the relevant amount" means—

(a) if the land is in England, one-tenth of the greater of—

(i) £5000, or

(ii) level 4 on the standard scale;

(b) if the land is in Wales, one-tenth of level 3 on the standard scale."

121 Power to provide relief from enforcement of planning conditions

After section 196D of TCPA 1990 insert—

"Relief from enforcement

196E Power to provide relief from enforcement of planning conditions

(1) The Secretary of State may by regulations provide that a local planning authority in England may not take, or is subject to specified restrictions in how it may take, relevant enforcement measures in relation to any actual or apparent failure to comply with a relevant planning condition.

(2) The Secretary of State may make regulations under subsection (1) only if the Secretary of State considers that it is appropriate to make the regulations for the purposes of national defence or preventing or responding to civil emergency or significant disruption to the economy of the United Kingdom or any part of the United Kingdom.

(3) The power in subsection (1) may only be exercised in respect of an actual or apparent failure which occurs during a specified period of not more than one year (the "relief period") or which is apprehended during the relief period to so occur (but see subsections (7) and (8)).

(4) A "relevant enforcement measure" is anything which may be done by a local planning authority in England for the purposes of investigating, preventing, remedying or penalising an actual or apparent failure to comply with a relevant planning condition.

(5) A relevant enforcement measure includes, in particular—

(a) the exercise of a power under—

(i) section 171BA (power to apply for planning enforcement order);

(ii) section 187B (power to apply to court for injunction);

(iii) section 196A (power to enter without a warrant);

(iv) section 196B (power to apply for, and enter under, warrant);

(b) the issue of—

(i) a planning contravention notice under section 171C,

(ii) a temporary stop notice under section 171E,

(iii) an enforcement notice under section 172,

(iv) an enforcement warning notice under section 172ZA,

(v) a stop notice under section 183, or

(vi) a breach of condition notice under section 187A.

(6) A "relevant planning condition" is a condition or limitation subject to which planning permission for development of land in England is granted, but does not include a condition under—

(a) section 90A and Schedule 7A (condition relating to biodiversity gain);

(b) section 90B (condition relating to development progress reports);

(c) section 91 (condition limiting duration of planning permission);

(d) section 92 (conditions for outline planning permission).

(7) Regulations under subsection (1) may make provision as to the treatment of an actual or apparent failure to comply with a relevant planning condition, which—

(a) starts before, but continues after, the start of the relief period, or

(b) starts during, but continues after, that period.

(8) Regulations under subsection (1) may provide that an actual or apparent failure to comply with a relevant planning condition is not to be treated as occurring during the relief period, if the failure—

(a) occurs wholly during the period, and

(b) is not remedied by a specified time after the period.

(9) Regulations under subsection (1) may make provision that, where anything relating to the taking of a relevant enforcement measure is to be or may be done by a time during the relief period, it is to be or may be instead done by a specified time after that period.

(10) Regulations under subsection (1) may—

(a) apply in relation to all, or only specified, local planning authorities in England;

(b) apply in relation to all, or only specified, relevant planning conditions;

(c) apply in relation to all, or only specified, relevant enforcement measures;

(d) prevent the taking of relevant enforcement measures indefinitely or only for a specified period of time.

(11) In this section, "specified" means specified or described in regulations under subsection (1)."

CHAPTER 6

OTHER PROVISION

122 Consultation before applying for planning permission

In section 122 of the Localism Act 2011 (consultation before applying for planning permission in England), omit subsections (3) and (4) (which provide for the expiry of sections 61W to 61Y of TCPA 1990).

123 Duty in relation to self-build and custom housebuilding

(1) In section 2A of the Self-build and Custom Housebuilding Act 2015 (duty to grant planning permissions etc)—

(a) in subsection (2)—

(i) omit "suitable";

(ii) for "in respect of enough serviced plots" substitute "for the carrying out of self-build and custom housebuilding on enough serviced plots";

(iii) for "arising in" substitute "in respect of";

(b) after subsection (5) insert—

"(5A) Regulations may make provision specifying descriptions of planning permissions or permissions in principle that are, or are not, to be treated as development permission for the carrying out of self-build and custom housebuilding for the purposes of this section.";

(c) in subsection (6), for paragraph (a) substitute—

"(a) the demand for self-build and custom housebuilding in an authority's area in respect of a base period is the aggregate of—

(i) the demand for self-build and custom housebuilding arising in the authority's area in the base period; and

(ii) any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which—

(A) the time allowed for complying with the duty in subsection (2) expired during the base period in question, and

(B) the duty in subsection (2) has not been met;

(aa) the demand for self-build and custom housebuilding arising in an authority's area in a base period is evidenced by the number of entries added during that period to the register under section 1 kept by the authority;";

(d) omit subsection (6)(c);

(e) in subsection (9)(b), for "arising in" substitute "in respect of".

(2) In section 4 of the Self-build and Custom Housebuilding Act 2015 (regulations), in subsection (2), before paragraph (za) insert—

"(zza) section 2A(5A),".

124 Powers as to form and content of planning applications

(1) Before section 327A of TCPA 1990 insert—

"**327ZA Planning applications in England: powers as to form and content**

(1) Subsections (2) to (3) apply to a relevant power to make provision about—

(a) the form or manner in which a planning application is to be made, or

(b) the form or manner in which an associated document is to be provided.

(2) The power includes power to make provision requiring or allowing the application to be made, or the associated document to be provided—

(a) by particular electronic means, or

(b) by electronic means that satisfy particular technical standards or specifications.

(3) The power includes power to make provision requiring or allowing the authority to which a planning application is (or is to be) made to waive a requirement of a sort described in subsection (2).

(4) Subsection (5) applies to a relevant power to make provision about the content of a planning application or associated document.

(5) The power includes power to make provision requiring the application or associated document, or any particular content of it, to be prepared or endorsed by a person with particular qualifications or experience.

(6) Subsection (7) applies to any power within subsection (1) or (4).

(7) The power may be exercised by making provision referring (and giving effect) to such material of a particular description as is published from time to time by the Secretary of State on a government website together with a statement that it has effect for the purposes of the provision in question.

(8) Provision that may be made by virtue of subsection (7) includes, for example, provision requiring or allowing a planning application to be made (or an associated document to be provided) using such a form, or in accordance with such specifications, as are published from time to time as mentioned in that subsection.

(9) In this section, a "relevant power to make provision" about a certain matter is a power of the Secretary of State under this Act to make subordinate provision about that matter, if and so far as the power is exercisable in relation to England.

(10) It is irrelevant for the purposes of subsection (9) in what terms a power is conferred (and, in particular, whether it relates specifically to the matter in question or is a more general power capable of exercise in relation to that matter).

(11) In this section—

"associated document" means any document or other material that—

(a) accompanies, relates to, or is or is to be subject of, a planning application, and

(b) is required by or under this Act to be provided by or on behalf of the person making the application;

"planning application" means—

(a) an application under, or for the purposes of, any provision of Part 3 or 8 of this Act or any subordinate provision made under that Part, or

(b) an application under section 191 or 192,

but does not include an application made in legal proceedings;

"provided" includes prepared, submitted, issued, served, notified and published;

"subordinate provision" means provision in an order or in regulations."

(2) In section 62(2A) of TCPA 1990 (powers relating to applications for planning permission to include certain applications under conditions), before paragraph (a) insert—

"(za) applications for any consent, agreement or approval required by a condition under section 61C(1)(b),".

(3) In paragraph 14 of Schedule 7A to TCPA 1990 (biodiversity gain plans) at the end insert—

"(4) Section 327ZA applies to the power conferred by sub-paragraph (3) as if a biodiversity gain plan were an "associated document" within the meaning of that section."

(4) In section 17 of the Listed Buildings Act (conditions of listed building consent), after subsection (3) insert—

"(4) Regulations under this Act in relation to England may, in relation to applications made pursuant to a condition attached to listed building consent, make any provision corresponding to provision that may be made in relation to applications for such consent under section 10(3)."

(5) In section 89 of the Listed Buildings Act (application of general provisions of TCPA 1990)—

(a) in subsection (1), after the entry for section 323A insert—

"section 327ZA (powers as to form and content of applications in England);";

(b) before subsection (1A) insert—

"(1ZC) In section 327ZA of the principal Act as applied by this section, references to a planning application are to be read as references to an application under, or for the purposes of, any provision of Chapter 2 of Part 1 of this Act or any subordinate provision made under that Chapter (but are not to be read as including an application made in legal proceedings)."

(6) In section 10 of the Hazardous Substances Act (conditions of hazardous substance consent), after subsection (3) insert—

"(4) Regulations in relation to England may, in relation to applications made pursuant to a condition attached to hazardous substance consent, make any provision corresponding to provision that may be made in relation to applications for such consent under section 7."

(7) In section 37 of the Hazardous Substances Act (application of general provisions of TCPA 1990)—

(a) in subsection (2), after the entry for section 323A insert—

"section 327ZA (powers as to form and content of applications in England);";

(b) at the end insert—

"(5) In section 327ZA of the principal Act as applied by this section, references to a planning application are to be read as references to an application under, or for the purposes of, any provision of this Act or any subordinate provision made under this Act (but are not to be read as including an application made in legal proceedings)."

125 Additional powers in relation to planning obligations

In section 106A of TCPA 1990 (modification and discharge of planning obligations), after subsection (9) insert—

"(9A) Regulations may make provision for, or in connection with—

(a) requirements which must be met in order for a planning obligation in respect of land in England to be modified or discharged; and

(b) circumstances in which a planning obligation in respect of land in England may not be modified or discharged."

126 Fees for certain services in relation to nationally significant infrastructure projects

(1) After section 54 of the Planning Act 2008 (rights of entry: Crown land) insert—

"CHAPTER 4

FEES

54A Power to provide for fees for certain services in relation to nationally significant infrastructure projects

(1) The Secretary of State may make regulations for and in connection with the charging of fees by prescribed public authorities in relation to the provision of relevant services.

(2) A "relevant service" means any advice, information or other assistance (including a response to a consultation) provided in connection with—

(a) an application or proposed application—

(i) for an order granting development consent, or

(ii) to make a change to, or revoke, such an order, or

(b) any other prescribed matter relating to nationally significant infrastructure projects.

(3) The regulations under subsection (1) may in particular make provision—

(a) about when a fee (including a supplementary fee) may, and may not, be charged;

(b) about the amount which may be charged;

(c) about what may, and may not, be taken into account in calculating the amount charged;

(d) about who is liable to pay a fee charged;

(e) about when a fee charged is payable;

(f) about the recovery of fees charged;

(g) about waiver, reduction or repayment of fees;

(h) about the effect of paying or failing to pay fees charged (including provision permitting a public authority prescribed under subsection (1) to withhold a relevant service that they would otherwise be required to provide under an enactment until any outstanding fees for that service are paid);

(i) for the supply of information for any purpose of the regulations;

(j) conferring a function, including a function involving the exercise of a discretion, on any person.

(4) A public authority prescribed under subsection (1) must have regard to any guidance published by the Secretary of State in relation to the exercise of its functions under the regulations.

(5) In this section, "public authority" means any person certain of whose functions are of a public nature."

127 Power to shorten deadline for examination of development consent order applications

(1) Section 98 of the Planning Act 2008 (timetable for examining, and reporting on, application for development consent order) is amended as follows.

(2) After subsection (4) insert—

"(4A) The Secretary of State may set a date for a deadline under subsection (1) that is earlier than the date for the time being set."

(3) In subsection (6), after "subsection (4)" insert "or (4A)".

128 Additional powers in relation to non-material changes to development consent orders

In paragraph 2 of Schedule 6 to the Planning Act 2008 (non-material changes), after sub-paragraph (1) insert—

"(1A) The Secretary of State may by regulations make provision about—

(a) the decision-making process in relation to the exercise of the power conferred by sub-paragraph (1);

(b) the making of the decision as to whether to exercise that power;

(c) the effect of a decision to exercise that power.

This is subject to sub-paragraph (2).

(1B) The power to make regulations under sub-paragraph (1A) includes power to allow a person to exercise a discretion."

129 Hazardous substances consent: connected applications to the Secretary of State

In section 62A of TCPA 1990 (when application may be made directly to the Secretary of State), in subsection (3)(a)—

(a) in sub-paragraph (i) omit "or";

(b) after that sub-paragraph insert—

"(ia) an application for hazardous substances consent under the Planning (Hazardous Substances) Act 1990, or".

130 Regulations and orders under the Planning Acts

(1) In section 333 of TCPA 1990 (regulations and orders)—

(a) after subsection (2A) insert—

"(2B) Regulations made under this Act may make consequential, supplementary, incidental, transitional, transitory or saving provision.";

(b) after subsection (7) insert—

"(8) Orders made under this Act by statutory instrument may make consequential, supplementary, incidental, transitional, transitory or saving provision."

(2) In section 238 of TCPA 1990 (consecrated land), in subsection (5)(c), for the words from "contain" to the end substitute "in particular by virtue of section 333(2B) include provision as to the closing of registers".

(3) In TCPA 1990, omit the following—

(a) section 61Z2(3);
(b) section 106ZB(2)(a);
(c) in section 116(2), the words "and incidental or supplementary provision";
(d) section 202G(4);
(e) section 303(6)(a);
(f) section 303ZA(4)(a);
(g) section 319A(10)(a);
(h) section 319B(10)(a);
(i) in Schedule 4D, paragraph 1(3).

(4) In section 93 of the Listed Buildings Act (regulations and orders), for subsection (6) substitute—

"(6) Regulations made under this Act and orders made under this Act by statutory instrument may make consequential, supplementary, incidental, transitional, transitory or saving provision."

(5) In the Listed Buildings Act, omit the following—

(a) section 88D(9)(a);
(b) section 88E(9)(a).

(6) In section 40 of the Hazardous Substances Act (regulations)—

(a) in the heading, after "Regulations" insert "and orders";
(b) after subsection (4) insert—

"(5) Regulations made under this Act and orders made under this Act by statutory instrument may make consequential, supplementary, incidental, transitional, transitory or saving provision."

(7) In section 5 of the Hazardous Substances Act (power to prescribe hazardous substances), in subsection (3), for "to make such transitional provision" substitute "under section 40(5) for regulations under this section to make transitional provision".

(8) In the Hazardous Substances Act, omit the following—

(a) section 21A(9)(a);

(b) section 21B(9)(a).

131 Power for appointees to vary determinations as to procedure

In paragraph 2 of Schedule 6 to TCPA 1990 (powers and duties of appointed persons), in sub-paragraph (10)—

(a) for "does not apply" substitute "applies";

(b) at the end insert "only for the purposes of subsection (4) of that section".

132 Pre-consolidation amendment of planning, development and compulsory purchase legislation

(1) The Secretary of State may by regulations make such amendments and modifications of the relevant enactments as in the Secretary of State's opinion facilitate, or are otherwise desirable in connection with, the consolidation of some or all of those enactments.

(2) "Relevant enactments" means—

(a) the enactments listed in subsection (3), and

(b) any other enactments, whenever passed or made, so far as relating to—

(i) planning or development, or

(ii) the compulsory purchase of land (including compensation for such purchases).

(3) The enactments referred to in subsection (2)(a) are—

the Land Clauses Consolidation Act 1845;

the Railway Clauses Consolidation Act 1845;

sections 9, 13, 76 and 77 of the National Parks and Access to the Countryside Act 1949;

the Land Compensation Act 1961;

the Compulsory Purchase Act 1965;

the Agriculture Act 1967;

the Civic Amenities Act 1967;

the Land Compensation Act 1973;

sections 13 to 16 of (and Schedule 1 to) the Local Government (Miscellaneous Provisions) Act 1976;

Parts 13, 14, 16 and 18 of the Local Government, Planning and Land Act 1980;

the Compulsory Purchase (Vesting Declarations) Act 1981;

the Acquisition of Land Act 1981;

the New Towns Act 1981;

Part 3 of the Housing Act 1988;

TCPA 1990;

the Listed Buildings Act;

the Hazardous Substances Act;
the Planning and Compensation Act 1991;
Part 3 and section 96 of (and Schedule 14 to) the Environment Act 1995;
GLAA 1999;
PCPA 2004;
the Planning Act 2008;
the Planning and Energy Act 2008;
Chapter 3 of Part 5, Part 6 and Chapter 2 of Part 8 of the Localism Act 2011;
Parts 6 and 7 of the Housing and Planning Act 2016;
section 15 of the Neighbourhood Planning Act 2017;
Parts 3 to 9 of this Act.

(4) For the purposes of this section, "amend" includes repeal and revoke (and similar terms are to be read accordingly).

(5) Subsection (6) applies where, in the Secretary of State's opinion, an amendment or modification made by regulations under this section facilitates or is otherwise desirable in connection with the consolidation of certain relevant enactments.

(6) The regulations must provide that the amendment or modification comes into force immediately before an Act consolidating those relevant enactments comes into force.

(7) Regulations under this section must not make any provision which is within—

(a) Scottish devolved legislative competence,

(b) Welsh devolved legislative competence, or

(c) Northern Ireland devolved legislative competence,

unless that provision is a restatement of provision or is merely incidental to, or consequential on, provision that would be outside that legislative competence.

(8) For the purposes of subsection (7)—

(a) provision is within "Scottish devolved legislative competence" where, if it were included in an Act of the Scottish Parliament, it would be within the legislative competence of that Parliament;

(b) provision is within "Welsh devolved legislative competence" where, if it were included in an Act of Senedd Cymru, it would be within the legislative competence of the Senedd (including any provision that could be made only with the consent of a Minister of the Crown);

(c) provision is within "Northern Ireland devolved legislative competence" where the provision—

(i) would be within the legislative competence of the Northern Ireland Assembly, if it were included in an Act of that Assembly, and

(ii) would not, if it were included in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State.

(9) In this section "Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975.

133 Participation in certain proceedings conducted by, or on behalf of, the Secretary of State

(1) The Secretary of State may, to the extent not otherwise able to do so, require or permit a person who takes part in relevant proceedings conducted by the Secretary of State to do so (wholly or partly) remotely.

(2) The references in subsection (1) to the Secretary of State include references to a person appointed by the Secretary of State.

(3) "Relevant proceedings" means any inquiry, hearing, examination, meeting or other proceedings under an Act (whenever passed or made) which relate to planning, development or the compulsory purchase of land.

(4) Relevant proceedings include, in particular—

(a) any proceedings to which section 319A of TCPA 1990 applies (see subsections (7) to (10) of that section);

(b) any proceedings under section 20 of, or paragraph 6 of Schedule 3 to, the Listed Buildings Act;

(c) any proceedings under section 21 of, or paragraph 6 of the Schedule to, the Hazardous Substances Act;

(d) any proceedings under section 13A of, or paragraph 4A of Schedule 1 to, the Acquisition of Land Act 1981;

(e) any proceedings under Part 10A or Part 11 of the Planning Act 2008;

(f) an examination under Part 2 of PCPA 2004;

(g) an examination under Chapter 2 or 3 of Part 6 of the Planning Act 2008 (including any meetings under Chapter 4 of that Part) in relation to an application for an order granting development consent;

(h) an examination under Schedule 4B to the TCPA 1990 in relation to a draft neighbourhood development order.

(5) For the purposes of this section a person takes part in relevant proceedings remotely if they take part through—

(a) a live telephone link,

(b) a live television link, or

(c) any other arrangement which does not involve the person attending the proceedings in person.

134 Power of certain bodies to charge fees for advice in relation to applications under the Planning Acts

After section 303ZA of the TCPA 1990 (fees for appeals) insert—

"**303ZB Power of certain bodies to charge fees for advice in relation to applications under the planning Acts**

(1) A prescribed body may charge fees for the provision of advice, information or assistance (including the provision of a response to a consultation) in connection with an application within subsection (2) that relates to land in England.

(2) An application is within this subsection if it is an application, proposed application or proposal for a permission, approval or consent under, or for the purposes of, the planning Acts.

(3) A prescribed body may not charge fees under subsection (1) in respect of—

(a) a response to a consultation that a qualifying neighbourhood body is required to carry out under an enactment;

(b) the provision of prescribed advice, information or assistance or advice, information or assistance of a prescribed description.

(4) In subsection (3)(a), a "qualifying neighbourhood body" means—

(a) a qualifying body within the meaning given by section 61E(6) (and includes a community organisation which is to be regarded as such a qualifying body by virtue of paragraph 4(2) of Schedule 4C), or

(b) a qualifying body within the meaning given by section 38A(12) of the Planning and Compulsory Purchase Act 2004.

(5) A prescribed body may charge fees under subsection (1) only in accordance with a statement published on its website which—

(a) describes the advice, information or assistance in respect of which fees are charged,

(b) sets out the fees (or, if applicable, the method by which the fees are to be calculated), and

(c) refers to any provision in an enactment pursuant to which the advice, information or assistance is provided.

(6) Subsections (7) and (8) apply where a prescribed body decides to charge fees under subsection (1) for advice, information or assistance which the body provides pursuant to a provision in an enactment.

(7) If a person fails to pay the fee charged under subsection (1), the prescribed body may, notwithstanding any requirement to provide the advice, information or assistance, withhold the advice, information or assistance until the fee is paid.

(8) The prescribed body must secure that, taking one financial year with another, the income from the fees charged under subsection (1) does not exceed the cost of providing the advice, information or assistance.

(9) A financial year is the period of 12 months beginning with 1 April.

(10) Before making regulations under this section, the Secretary of State must consult—

(a) any body likely to be affected by the regulations, and

(b) such other persons as the Secretary of State considers appropriate.

(11) In this section, "fees" include charges (however described)."

135 Biodiversity net gain: pre-development biodiversity value and habitat enhancement

In Schedule 7A to the TCPA 1990 (biodiversity gain in England)—

(a) in paragraph 5(4), after "6" insert ", 6A, 6B";

(b) after paragraph 6 insert—

"6A If—

(a) a person carries on activities on land on or after 25 August 2023 in accordance with a planning permission (other than the planning permission referred to in paragraph 5(1)),

(b) on the relevant date, development for which that other planning permission was granted—

(i) has not been begun, or

(ii) has been begun but has not been completed, and

(c) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been,

the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.

6B (1) This paragraph applies where there is insufficient evidence of the biodiversity value of an onsite habitat immediately before the carrying on of the activities referred to in paragraph 6 or 6A.

(2) The biodiversity value of the onsite habitat immediately before the carrying on of the activities referred to in paragraph 6 or 6A is to be taken to be the highest biodiversity value of the onsite habitat which is reasonably supported by any available evidence relating to the onsite habitat.";

(c) in paragraph 10—

(i) in sub-paragraph (1), after "habitat enhancement" insert "of an offsite habitat";

(ii) after sub-paragraph (1) insert—

"(1A) For the purposes of sub-paragraph (1) (and without prejudice to paragraphs 3 and 4(1)), a habitat enhancement is calculated as the amount by which the projected value of the offsite habitat as at the end of the maintenance period referred to in section 100(2)(b) of the Environment Act 2021 exceeds its pre-enhancement biodiversity value.

(1B) The pre-enhancement biodiversity value of an offsite habitat is the biodiversity value of the offsite habitat on the relevant date.

(1C) The relevant date is—

(a) the date on which the application is made to register the land subject to the habitat enhancement in the biodiversity gain site register, or

(b) such other date as may be specified in the conservation covenant or planning obligation.

(1D) But if—

(a) a person carries on activities on an offsite habitat on or after 25 August 2023 otherwise than in accordance with—

(i) planning permission, or

(ii) any other permission of a kind specified by the Secretary of State by regulations, and

(b) as a result of the activities the biodiversity value of the offsite habitat is lower on the relevant date than it would otherwise have been,

the pre-enhancement biodiversity value of the offsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.";

(d) in paragraph 12(1), after the definition of "onsite habitat" insert—

""offsite habitat" means habitat which is not onsite habitat."

136 Development affecting ancient woodland

(1) Before the end of the period of three months beginning with the day on which this Act is passed, the Secretary of State must vary the Town and Country Planning (Consultation) (England) Direction 2021 ("the 2021 Direction") so that it applies in relation to applications for planning permission for development affecting ancient woodland.

(2) In subsection (1) "ancient woodland" means an area in England which has been continuously wooded since at least the end of the year 1600 A.D.

(3) This section does not affect whether or how the Secretary of State may withdraw or vary the 2021 Direction after it has been varied as mentioned in subsection (1).