SCHEDULES

SCHEDULE 1

Section 15

COMBINED COUNTY AUTHORITIES: OVERVIEW AND SCRUTINY COMMITTEES AND AUDIT COMMITTEE

Functions of overview and scrutiny committee

1 (1) A CCA must arrange for the appointment by the CCA of one or more committees of the authority (referred to in this Schedule as overview and scrutiny committees).

(2) The arrangements must ensure that the CCA's overview and scrutiny committee has power (or its overview and scrutiny committees have power between them)—

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the CCA;

(b) to make reports or recommendations to the CCA with respect to the discharge of any functions that are the responsibility of the CCA;

(c) to make reports or recommendations to the CCA on matters that affect the CCA's area or the inhabitants of the area.

(3) If the CCA is a mayoral CCA, the arrangements must also ensure that the CCA's overview and scrutiny committee has power (or its overview and scrutiny committees have power between them)—

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the mayor of any general functions;

(b) to make reports or recommendations to the mayor with respect to the discharge of any general functions;

(c) to make reports or recommendations to the mayor on matters that affect the CCA's area or the inhabitants of the area.

(4) The power of an overview and scrutiny committee under sub-paragraph (2)(a) and (3)(a) to review or scrutinise a decision made but not implemented includes—

(a) power to direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, and

(b) power to recommend that the decision be reconsidered.

(5) An overview and scrutiny committee of a CCA must publish details of how it proposes to exercise its powers in relation to the review and scrutiny of decisions made but not yet implemented and its arrangements in connection with the exercise of those powers.

(6) Before complying with sub-paragraph (5) an overview and scrutiny committee must obtain the consent of the CCA to the proposals and arrangements.

(7) An overview and scrutiny committee of a CCA may not discharge any functions other than the functions conferred by or under this Schedule.

(8) Any reference in this Schedule to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.

Overview and scrutiny committees: supplementary provision

2 (1) An overview and scrutiny committee of a CCA—

(a) may appoint one or more sub-committees, and

(b) may arrange for the discharge of any of its functions by any such sub-committee.

(2) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under sub-paragraph (1)(b).

(3) An overview and scrutiny committee of a CCA may not include a member of the CCA (including, in the case of a mayoral CCA, the mayor for the CCA's area or deputy mayor).

(4) An overview and scrutiny committee of a CCA is to be treated as a committee or sub-committee of a principal council for the purposes of Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).

(5) Subsections (2) to (5) of section 102 of the Local Government Act 1972 apply to an overview and scrutiny committee of a CCA as they apply to a committee appointed under that section.

(6) An overview and scrutiny committee of a CCA—

(a) may require the members or officers of the CCA to attend before it to answer questions (including, in the case of a mayoral CCA, the mayor for the CCA's area and deputy mayor), and

(b) may invite other persons to attend meetings of the committee.

(7) A person on whom a requirement is imposed under sub-paragraph (6)(a) is required to comply with the requirement.

(8) A person is not obliged by sub-paragraph (6) to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

(9) In exercising, or deciding whether to exercise, any of its functions an overview and scrutiny committee of a CCA must have regard to any guidance for the time being issued by the Secretary of State.

(10) Guidance under sub-paragraph (9) may make different provision for different cases or for different descriptions of committee.

(11) In sub-paragraphs (3) to (9) references to an overview and scrutiny committee of a CCA include references to any sub-committee of such a committee.

Power to make further provision about overview and scrutiny committees

3 (1) The Secretary of State may by regulations make further provision about overview and scrutiny committees of a CCA.

(2) Provision under sub-paragraph (1) may in particular include provision—

(a) about the membership of an overview and scrutiny committee and the voting rights of such members;

(b) about the payment of allowances to members of such a committee who are members of a constituent council;

(c) about the person who is to be chair of such a committee;

(d) for the appointment of a person to act as a scrutiny officer of an overview and scrutiny committee;

(e) about how and by whom matters may be referred to an overview and scrutiny committee;

(f) requiring persons (whether members of the CCA or other persons) to respond to reports or recommendations made by an overview and scrutiny committee;

(g) about the publication of reports, recommendations or responses;

(h) about information which must, or must not, be disclosed to an overview and scrutiny committee (whether by members of the CCA or by other persons);

(i) as to the minimum or maximum period for which a direction under paragraph 1(4)(a) may have effect.

(3) Provision must be made under sub-paragraph (2)(a) so as to ensure that the majority of members of an overview and scrutiny committee are members of the CCA's constituent councils.

(4) Provision must be made under sub-paragraph (2)(c) so as to ensure that the chair of an overview and scrutiny committee is—

(a) an independent person (as defined by the regulations), or

(b) an appropriate person who is a member of one of the CCA's constituent councils.

(5) For the purposes of sub-paragraph (4)(b) "appropriate person"—

(a) in relation to a mayoral CCA, means a person who is not a member of a registered political party of which the mayor is a member, and

(b) in relation to any other CCA, means a person who is not a member of the registered political party which has the most representatives among the members of the constituent councils (or, if there is no such party because two or more parties have the same number of representatives, is not a member of any of those parties).

(6) In sub-paragraph (2)(d) the reference to a "scrutiny officer" of an overview and scrutiny committee is a reference to a person appointed with the function of—

(a) promoting the role of the committee, and

(b) providing support and guidance—

(i) to the committee and its members, and

(ii) to members of the CCA (so far as relating to the functions of the committee).

(7) Provision under sub-paragraph (2)(g) may include provision for descriptions of confidential or exempt information to be excluded from the publication of reports, recommendations or responses.

(8) In this paragraph "registered political party" means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.

(9) In this paragraph references to an overview and scrutiny committee include references to any sub-committee of such a committee.

Audit committees

4 (1) A CCA must arrange for the appointment by the CCA of an audit committee.

(2) The functions of the audit committee are to include—

(a) reviewing and scrutinising the CCA's financial affairs,

(b) reviewing and assessing the CCA's risk management, internal control and corporate governance arrangements,

(c) reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the CCA's functions, and

(d) making reports and recommendations to the CCA in relation to reviews conducted under paragraphs (a), (b) and (c).

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

(a) the membership of a CCA's audit committee;

(b) the appointment of the members;

(c) the payment of allowances to members of the committee who are members of a constituent council.

(4) Provision must be made under sub-paragraph (3) so as to ensure that at least one member of an audit committee is an independent person (as defined by the regulations).

SCHEDULE 2

Section 27

MAYORS FOR COMBINED COUNTY AUTHORITY AREAS: FURTHER PROVISIONS ABOUT ELECTIONS

Interpretation

1 In this Schedule references to a mayor are references to a mayor for the area of a CCA.

Timing of elections

2 (1) The term of office of a mayor is to be four years.

(2) The first election for the return of a mayor is to take place on the first day of ordinary elections of councillors of a constituent council to take place after the end of the period of 6 months beginning with the day on which the regulations under section 27(1) come into force.

(3) Subsequent elections for the return of a mayor are to take place in every fourth year thereafter on the same day as the ordinary election of councillors of that constituent council.

(4) But this paragraph has effect subject to any provision made under paragraph 3.

3 The Secretary of State may by regulations make provision—

(a) as to the dates on which and years in which elections for the return of a mayor may or must take place,

(b) as to the intervals between elections for the return of a mayor,

(c) as to the term of office of a mayor, and

(d) as to the filling of vacancies in the office of a mayor.

Voting at elections of mayors

4 (1) Each person entitled to vote as an elector at an election for the return of a mayor is to have one vote which may be given for a candidate to be the mayor.

(2) The mayor is to be returned under the simple majority system.

Entitlement to vote

5 (1) The persons entitled to vote as electors at an election for the return of a mayor for the area of a CCA are those who on the day of the poll—

(a) would be entitled to vote as electors at an election of councillors for an electoral area situated wholly or partly within the area of the CCA, and

(b) are registered in the register of local government electors at an address within the CCA's area.

(2) A person is not entitled as an elector to cast more than one vote at an election for the return of a mayor.

(3) In this paragraph—

"electoral area" has the meaning given by section 203(1) of the Representation of the People Act 1983;

"local government elector" has the meaning given by section 270(1) of the Local Government Act 1972.

Election as mayor and councillor

6 (1) If the person who is returned at an election as the mayor for the area of a CCA is also returned at an election held at the same time as a councillor of a constituent council, a vacancy arises in the office of councillor.

(2) If the person who is returned at an election ("the mayoral election") as the mayor for the area of a CCA —

(a) is a councillor of a constituent council, and

(b) was returned as such a councillor at an election held at an earlier time than the mayoral election,

a vacancy arises in the office of councillor.

(3) Subject to sub-paragraph (4), a person who is elected as the mayor for the area of a CCA may not be a candidate in an election for the return of a councillor or councillors of a constituent council.

(4) A person who is the mayor for the area of a CCA may be a candidate in an election for the return of a councillor or councillors of a constituent council if the election is

held at the same time as an election for the return of the mayor, but sub-paragraph (1) applies if the person is a candidate in both such elections and is returned as the mayor and as a councillor.

Qualification and disqualification

7 (1) In order to be qualified to be elected and to hold office as the mayor for the area of a CCA, a person must, on the relevant day, be—

(a) at least 18 years old, and

(b) a qualifying citizen.

(2) The person must also—

(a) on and after the relevant day, be entitled (under paragraph 5) to vote in the election for the return of the mayor for that area, or

(b) for the twelve months before the relevant day—

(i) have occupied, as owner or tenant, land or other premises within an electoral area situated wholly or partly within the area of the CCA,

(ii) had their principal or only place of work in that electoral area, or

(iii) resided in that electoral area.

(3) In this paragraph—

"electoral area" has the meaning given by section 203(1) of the Representation of the People Act 1983;

"qualifying citizen" means a person who is—

(a) a qualifying Commonwealth citizen (within the meaning given by section 79 of the Local Government Act 1972),

(b) a citizen of the Republic of Ireland,

(c) a qualifying EU citizen (within the meaning given by section 203A of the Representation of the People Act 1983), or

(d) an EU citizen with retained rights (within the meaning given by section 203B of that Act);

"relevant day" means—

(a) if the election is preceded by the nomination of candidates, the day on which the person is nominated, and

(b) if the election is not preceded by the nomination of candidates, the day of the election.

(4) Until the coming into force of paragraph 5 of Schedule 8 to the Elections Act 2022 (amendment of paragraph 8(3) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 relating to candidacy rights of EU citizens), sub-paragraph (3) has effect as if for the definition of "qualifying citizen" there were substituted—

""qualifying citizen" means a person who is a qualifying Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union, within the meaning given in section 79 of the Local Government Act 1972;".

8 (1) A person is disqualified for being elected or holding office as the mayor for the area of a CCA if the person—

(a) holds any paid office or employment (other than the office of mayor or deputy mayor) appointments or elections to which are or may be made by or on behalf of the CCA or any of the constituent councils;

(b) is the subject of—

(i) a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986, or

(ii) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986;

(c) has in the five years before being elected, or at any time since being elected, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and been sentenced to a period of imprisonment of three months or more without the option of a fine;

(d) is disqualified for being elected or for being a member of a constituent council under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices);

(e) is incapable of being elected to or holding—

(i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Regulations 2001 (SI 2001/2599)) (undue influence);

(ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).

(2) For the purposes of sub-paragraph (1)(c), a person is to be treated as having been convicted on—

(a) the expiry of the ordinary period allowed for making an appeal or application with respect to the conviction, or

(b) if an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

(3) Until the coming into force of paragraph 6 of Schedule 5 to the Elections Act 2022 (amendment of paragraph 9(1) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 relating to undue influence), sub-paragraph (1) has effect as if paragraph (e) were omitted.

9 (1) A person is disqualified for being elected or holding office as the mayor for the area of a CCA if the person is subject to—

(a) any relevant notification requirements, or

(b) a relevant order.

(2) In this paragraph "relevant notification requirements" mean—

(a) the notification requirements of Part 2 of the Sexual Offences Act 2003;

(b) the notification requirements of Part 2 of the Sex Offenders (Jersey) Law 2010;

(c) the notification requirements of Part 2 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;

(d) the notification requirements of Schedule 1 to the Criminal Justice Act 2001 (an Act of Tynwald: c 4).

(3) In this paragraph "relevant order" means—

(a) a sexual harm prevention order under section 345 of the Sentencing Code;

(b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;

(c) a sexual offences prevention order under section 104 of that Act;

(d) a sexual risk order under section 122A of that Act;

(e) a risk of sexual harm order under section 123 of that Act;

(f) a risk of sexual harm order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;

(g) a sexual risk order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016;

(h) a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010;

(i) a child protection order under Article 11 of that Law;

(j) a sexual offences prevention order under section 18 of that Law;

(k) a risk of sexual harm order under section 22 of that Law;

(l) a sexual offences prevention order under section 1 of the Sex Offenders Act 2006 (an Act of Tynwald: c 20);

(m) a risk of sexual harm order under section 5 of that Act.

(4) For the purposes of sub-paragraph (1)(a), a person who is subject to any relevant notification requirements is not to be regarded as disqualified until—

(a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or

(b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

(5) For the purposes of sub-paragraph (1)(b), a person who is subject to a relevant order is not to be regarded as disqualified until—

(a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or

(b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

(6) This paragraph does not have the effect of disqualifying a person for being elected or holding office as the mayor for the area of a CCA by reason of the person becoming subject to—

(a) any relevant notification requirements, or

(b) a relevant order,

before the day on which this paragraph comes into force.

10 Paragraph 10 of Schedule 3 contains further provision about disqualification in the case of mayors who exercise PCC functions.

11 The acts of a person elected as a mayor for the area of a CCA who acts in that office are, despite any disqualification or lack of qualification—

(a) in respect of being, or being elected as, a mayor, or

(b) in respect of being, or being elected as, the mayor for that area,

as valid and effectual as if the person had not been so disqualified or as if the person had been qualified.

Power to make further provision

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

(a) the conduct of elections for the return of mayors, and

(b) the questioning of elections for the return of mayors and the consequences of irregularities.

(2) Regulations under sub-paragraph (1)(a) may, in particular, include provision—

(a) about the registration of electors,

(b) for disregarding alterations in a register of electors,

(c) about the limitation of election expenses (and the creation of criminal offences in connection with the limitation of such expenses), and

(d) for the combination of polls at elections for the return of mayors and other elections.

(3) Regulations under sub-paragraph (1) may—

(a) apply or incorporate (with or without modifications) any provision of, or made under, the Representation of the People Acts or any provision of any other enactment (whenever passed or made) relating to parliamentary elections or local government elections,

(b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for the return of mayors, and

(c) so far as may be necessary in consequence of any provision made by or under this Part or any regulations under sub-paragraph (1), amend any provision of any enactment (whenever passed or made) relating to the registration of parliamentary electors or local government electors.

(4) Before making regulations under sub-paragraph (1), the Secretary of State must consult the Electoral Commission.

(5) In addition, the power of the Secretary of State to make regulations under sub-paragraph (1) so far as relating to matters mentioned in sub-paragraph (2)(c) is exercisable only on, and in accordance with, a recommendation of the Electoral Commission, except where the Secretary of State considers that it is expedient to exercise that power in consequence of changes in the value of money.

(6) The requirements in sub-paragraphs (4) and (5) may be satisfied by things done before the coming into force of this paragraph.

(7) No return of a mayor at an election is to be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 as applied by or incorporated in regulations under sub-paragraph (1).

SCHEDULE 3

Section 33

MAYORS FOR COMBINED COUNTY AUTHORITY AREAS: PCC FUNCTIONS

Introductory

1 (1) This Schedule applies where regulations are made under section 33(1) providing for a mayor to exercise functions of a police and crime commissioner.

(2) A duty under this Schedule to make provision by regulations is a duty to make such provision in regulations made at any time before the first election of a mayor who, by virtue of regulations under section 33(1), is to exercise functions of a police and crime commissioner.

(3) In this Schedule references to "the mayor" and the "CCA area" are references to a mayor or area in relation to which regulations are made under section 33(1).

(4) In this Schedule "the 2011 Act" means the Police Reform and Social Responsibility Act 2011.

PCC functions exercisable by the mayor

2 (1) The Secretary of State may by regulations provide that the mayor may exercise in the CCA area—

(a) all PCC functions,

(b) all PCC functions other than those specified or described in the regulations, or

(c) only those PCC functions specified or described in the regulations.

(2) But regulations under sub-paragraph (1)(b) or (c) must secure that the following PCC functions are exercisable by the mayor in relation to the CCA area—

(a) the functions mentioned in subsections (6) to (8) of section 1 of the 2011 Act (securing maintenance of efficient and effective police force and holding the relevant chief constable to account);

(b) the functions under sections 5, 7 and 8 of that Act (issuing etc a police and crime plan);

(c) the functions under section 38 of that Act (appointing, suspending or removing a chief constable).

Delegation of function

3 (1) The Secretary of State must by regulations make provision authorising the mayor—

(a) to appoint a deputy mayor in respect of PCC functions ("deputy mayor for policing and crime"), and

(b) to arrange for the deputy mayor for policing and crime to exercise any PCC functions of the mayor.

(2) Regulations under sub-paragraph (1) must include provision authorising the mayor to arrange for any other person to exercise any PCC functions of the mayor.

(3) Regulations under sub-paragraph (1) must include provision preventing the mayor from appointing as deputy mayor for policing and crime—

(a) the person who is appointed as deputy mayor under section 29;

(b) a person listed in subsection (6) of section 18 of the 2011 Act;

(c) any other person of a description specified in the regulations.

(4) Regulations under sub-paragraph (1) must include provision preventing the mayor from arranging for the deputy mayor for policing and crime to exercise—

(a) a PCC function of the mayor of a kind listed in subsection (7)(a), (e) or (f) of section 18 of the 2011 Act, or

(b) any other PCC function specified or described in the regulations.

(5) Regulations under sub-paragraph (1) must include provision preventing the mayor from arranging, by virtue of provision under sub-paragraph (2), for a person to exercise—

(a) any function if the person is listed in subsection (6) of section 18 of the 2011 Act;

(b) a function listed in subsection (7) of that section;

(c) any other PCC function specified or described in the regulations.

(6) Regulations under sub-paragraph (1) must include provision authorising the deputy mayor for policing and crime to arrange for any other person to exercise any PCC function of the mayor which is exercisable by the deputy mayor for policing and crime in accordance with provision made under that sub-paragraph.

(7) Regulations under sub-paragraph (1) must include provision preventing the deputy mayor for policing and crime from arranging for a person to exercise a function if—

(a) the person is listed in subsection (6) of section 18 of the 2011 Act, or

(b) the function is a PCC function of the mayor—

(i) of a kind listed in subsection (7)(b), (c) or (d) of that section, or

(ii) of any other kind specified or described in the regulations.

Police and crime panels

4 The Secretary of State must by regulations provide for a panel to be established in relation to the CCA area with functions, in relation to the exercise by the mayor of PCC functions, corresponding to those of a police and crime panel under sections 28 and 29 of the 2011 Act.

5 (1) The Secretary of State may by regulations provide for a police and crime panel to have oversight functions in relation to any general functions of the mayor that are the subject of arrangements under section 30(3)(c)(i) (power to arrange for general functions to be exercisable by deputy mayor for policing and crime).

(2) If it appears to the Secretary of State expedient for the police and crime panel also to have oversight functions in relation to other general functions of the mayor that are related to general functions in respect of which regulations are made under sub-paragraph (1), the Secretary of State may by regulations provide for the panel to have oversight functions in relation to those other general functions.

(3) Regulations under this paragraph may disapply, or otherwise modify, the application of paragraph 1(3) of Schedule 1 so far as relating to general functions of the mayor in respect of which a police and crime panel has oversight functions.

(4) In this paragraph—

"oversight functions", in relation to general functions of the mayor, are functions that are of a corresponding or similar kind to those that a police and crime panel has in relation to PCC functions of the mayor;

"police and crime panel" means a panel established by virtue of regulations under paragraph 4.

6 The Secretary of State may by regulations make provision about the payment of allowances to members of a police and crime panel established by virtue of regulations under paragraph 4 who are members of a constituent council.

Financial matters

7 The Secretary of State must by regulations make provision—

(a) requiring the mayor to maintain a fund in relation to receipts arising, and liabilities incurred, in the exercise of PCC functions;

(b) about the preparation of an annual budget in relation to the exercise of such functions.

Suspension

8 The Secretary of State must by regulations provide for the panel mentioned in paragraph 4 to have power to suspend the mayor, so far as acting in the exercise of PCC functions, in circumstances corresponding to those mentioned in section 30(1) of the 2011 Act in relation to a police and crime commissioner.

Conduct

9 The Secretary of State must by regulations make provision about the matters mentioned in paragraphs (a) to (c) of section 31(1) of the 2011 Act (taking references in those paragraphs to "relevant office holders" as references to the mayor and the deputy mayor for policing and crime).

Disqualification

10 (1) The Secretary of State must by regulations provide for sections 64 to 68 of the 2011 Act to apply in relation to a person being, or being elected as, the mayor as they apply in relation to a person being, or being elected as, a police and crime commissioner.

(2) Provision under sub-paragraph (1) is in addition to paragraphs 7, 8 and 9 of Schedule 2.

Policing protocol

11 The Secretary of State must by regulations require the mayor to have regard, in the exercise of PCC functions, to the policing protocol issued under section 79 of the 2011 Act.

Application of certain enactments

12 (1) The Secretary of State must by regulations provide for the following provisions of the Police Act 1996 to apply to the mayor, in the exercise of PCC functions, as though the mayor were a police and crime commissioner—

(a) sections 24(4) and 98(6) (aid of one police force by another);

(b) sections 22A to 23H (collaboration agreements);
(c) sections 40 to 40B (powers to give directions);
(d) sections 54 and 55 (appointment and functions of His Majesty's Inspectors of Constabulary);
(e) section 96A(2) (national and international functions).

(2) The Secretary of State must by regulations provide for provision similar to section 41 of the Police Act 1996 (directions as to minimum budget) to have effect for the purpose of enabling directions to be given to the mayor acting on behalf of the mayoral CCA in relation to the calculation of the component of the council tax requirement relating to the mayor's PCC functions (see section 41(4)(a) above).

Supplementary

13 (1) Subject to the requirements of this Schedule, the Secretary of State may by regulations make any other provision the Secretary of State thinks appropriate for the purposes of giving full effect to regulations under section 33(1).

(2) Sub-paragraphs (3) and (4) apply in relation to regulations under—
(a) sub-paragraph (1),
(b) another provision of this Schedule, or
(c) section 33(1).

(3) The regulations may include provision—
(a) that is similar to any police and crime commissioner enactment, or
(b) for a purpose corresponding to a purpose for which any such enactment is made.

(4) The regulations may provide for the mayor to be treated as a police and crime commissioner for the purposes of any police and crime commissioner enactment.

(5) "Police and crime commissioner enactment" means—
(a) any enactment that is contained in, or is made under, Part 1 of the 2011 Act, and
(b) any other enactment that has effect in relation to police and crime commissioners.

(6) In sub-paragraph (5) "enactment" includes an enactment whenever passed or made.

(7) Power to make regulations under this paragraph is in addition to (and does not limit) the power to make regulations under section 53.

(8) Subsections (5) and (6) of section 29, so far as relating to the exercise of PCC functions, are subject to any provision contained in regulations under this Schedule.

(9) Regulations under this Schedule may relate to—
(a) a particular mayor in respect of whom regulations under section 33(1) have effect, or
(b) all mayors in respect of whom any such regulations have effect.

SCHEDULE 4

Section 56

COMBINED COUNTY AUTHORITIES: CONSEQUENTIAL AMENDMENTS

Landlord and Tenant Act 1954 (c. 56)

1 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation), in the definition of "local authority", after "section 103 of that Act" insert ", a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

Trustee Investments Act 1961 (c. 62)

2 In section 11(4)(a) of the Trustee Investments Act 1961 (local authority investment schemes), after "section 103 of that Act" insert ", a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

Local Government (Records) Act 1962 (c. 56)

3 The Local Government (Records) Act 1962 is amended as follows.

4 In section 2(6) (acquisition and deposit of records), after "section 103 of that Act" insert ", to a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

5 In section 8(1) (interpretation), in the definition of "local authority", after "section 103 of that Act" insert ", or a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

Leasehold Reform Act 1967 (c. 88)

6 In section 28(5)(a) of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), after "section 103 of that Act," insert "any combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

Transport Act 1968 (c. 73)

7 The Transport Act 1968 is amended as follows.

8 (1) Section 9 (Areas, Authorities and Executives) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a)(i), after "a combined authority area" insert "or a combined county authority area";

(b) after paragraph (ab) insert—

"(ac) any reference to a "combined county authority" is to an authority established under section 9(1) of the Levelling-up and Regeneration Act 2023 for an area which is or includes a metropolitan county;

(ad) any reference to a "combined county authority area" is to an area for which a combined county authority is established;";

(c) in paragraph (b), after sub-paragraph (ia) insert—

"(iaa) in relation to a combined county authority area, the combined county authority;".

(3) In subsection (2), after "a combined authority area" insert ", a combined county authority area".

(4) In subsection (3), after "a combined authority area" insert ", a combined county authority area".

(5) In subsection (5) for "or a combined authority area" substitute "a combined authority area or a combined county authority area".

9 In section 9A (general functions of Authorities and Executives), in each of subsections (3), (5), (6)(a) and (b), (7) and (8), after "combined authority area" insert ", combined county authority area".

10 (1) Section 10 (general powers of Executives) is amended as follows.

(2) In subsection (1), after "a combined authority area" insert ", a combined county authority area".

(3) In subsection (3), after "a combined authority area" insert ", a combined county authority area".

(4) In subsection (5), after "a combined authority area" insert ", a combined county authority area".

11 In section 10A(1) (further powers of Executives), for "or combined authority area" substitute ", combined authority area or combined county authority area".

12 In section 12(1) (borrowing powers of Executive), after "a combined authority area" insert ", a combined county authority area".

13 In section 14(1) (accounts of Executive), after "a combined authority area" insert ", a combined county authority area".

14 (1) Section 15 (further functions of Authority) is amended as follows.

(2) In subsection (1), after "a combined authority area" insert ", a combined county authority area".

(3) In subsection (6), after "a combined authority area" insert ", a combined county authority area".

15 In section 16(1) (annual report by Authority and Executive), after "combined authority area" insert ", combined county authority area".

16 (1) Section 20 (special duty with respect to railway passengers) is amended as follows.

(2) In subsection (1), after "a combined authority area" insert ", a combined county authority area".

(3) In subsection (2A), after "a combined authority area" insert ", a combined county authority area".

17 (1) Section 23 (consents of, or directions, by Minister) is amended as follows.

(2) In subsection (1), after "a combined authority area" insert ", a combined county authority area".

(3) In subsection (2), after "a combined authority area" insert ", a combined county authority area".

(4) In subsection (3), after "a combined authority area" insert ", a combined county authority area".

18 In section 56(6) (assistance by Minister or local authority towards expenditure on public transport), after paragraph (bc) insert—

"(bd) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

19 (1) Schedule 5 (Passenger Transport Executives) is amended as follows.

(2) In Part 2, in paragraph 2, after "the combined authority area", in both places it occurs, insert ", the combined county authority area".

(3) In Part 3, in paragraph 11, after "a combined authority area", insert ", a combined county authority area".

Local Government Grants (Social Need) Act 1969 (c. 2)

20 In section 1(3) of the Local Government Grants (Social Need) Act 1969 (provision for grants), for "and a combined authority established under section 103 of that Act" substitute ", a combined authority established under section 103 of that Act and a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

21 In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), after "section 103 of that Act," insert "a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

Local Authorities (Goods and Services) Act 1970 (c. 39)

22 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (provision for grants), in the definition of "local authority", after "section 103 of that Act," insert "any combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

Local Government Act 1972 (c. 70)

23 The Local Government Act 1972 is amended as follows.

24 (1) Section 70 (restriction on promotion of Bills for changing local government areas, etc) is amended as follows.

(2) In subsection (1), for "or combined authority" substitute ", combined authority or combined county authority".

(3) In subsection (3), for "or combined authority" substitute ", combined authority or combined county authority".

25 In section 80(2)(b) (disqualification for election and holding office as member of local authority), after "combined authority" insert ", combined county authority".

26 In section 85(4) (vacation of office by failure to attend meetings), for "and a combined authority" substitute ", a combined authority and a combined county authority".

27 In section 86(2) (declaration of vacancy by local authority), for "and a combined authority" substitute ", a combined authority and a combined county authority".

28 In section 92(7) (proceedings for disqualification)—

(a) for "and a combined authority" substitute ", a combined authority and a combined county authority", and

(b) for "or a combined authority" substitute ", a combined authority or a combined county authority".

29 In section 99 (meetings and proceedings of local authorities), after "combined authorities," insert "combined county authorities,".

30 (1) Section 100J (application of Part 5A to to new authorities, Common Council, etc) is amended as follows.

(2) In subsection (1), after paragraph (bd) insert—

"(bda) a combined county authority;".

(3) In subsection (4)(a), for "or a combined authority" substitute ", a combined authority or a combined county authority".

31 (1) Section 101 (arrangements for discharge of functions by local authorities) is amended as follows.

(2) In subsection (1E), for ""Mayoral function"" substitute "In subsection (1D) "mayoral function"".

(3) After subsection (1E) insert—

"(1F) A combined county authority may not arrange for the discharge of any functions under subsection (1) if, or to the extent that, the function is a mayoral function of a mayor for the area of the authority.

(1G) In subsection (1F) "mayoral function" has the meaning given by section 41(8) of the Levelling-up and Regeneration Act 2023."

(4) In subsection (5C), after "combined authority" insert "or combined county authority".

(5) In subsection (5D)—

(a) the words from "section 107E" to the end become paragraph (a), and

(b) at the end of paragraph (a) insert ", or

(b) section 32 of the Levelling-up and Regeneration Act 2023 (joint exercise of general functions)."

(6) In subsection (5E), for "has the meaning given in section 107D(2) of that Act." substitute "—

(a) in relation to a combined authority, has the meaning given in section 107D(2) of the Local Democracy, Economic Development and Construction Act 2009;

(b) in relation to a combined county authority, has the meaning given in section 30(2) of the Levelling-up and Regeneration Act 2023."

(7) In subsection (13), after "a combined authority," insert "a combined county authority,".

32 In section 138C(1) (application of sections 138A and 138B to other authorities), after paragraph (n) insert—

"(na) a combined county authority;".

33 In section 142(1B) (provision of information relating to matters affecting local government), after "a combined authority" insert ", a combined county authority".

34 (1) Section 146A (joint authorities etc) is amended as follows.

(2) In subsection (1)—

(a) in the opening words, after "(1ZE)" insert ", (1ZEA)", and

(b) after "a combined authority," insert "a combined county authority".

(3) After subsection (1ZE) insert—

"(1ZEA) A combined county authority is not to be treated as a local authority for the purposes of section 111 (but see section 49 of the Levelling-up and Regeneration Act 2023)."

35 In section 175(3B) (allowances for attending conferences and meetings), after "a combined authority" insert ", a combined county authority".

36 In section 176(3) (payment of expenses), for "and a combined authority" substitute "a combined authority and a combined county authority".

37 In section 223(2) (appearance of local authorities in legal proceedings), after "a combined authority," insert "a combined county authority,".

38 In section 224(2) (arrangements by principal councils for custody of documents), for "or combined authority" substitute ", combined authority or combined county authority".

39 In section 225(3) (deposit of documents with proper officer), for "and a combined authority" substitute ", a combined authority and a combined county authority".

40 In section 228(7A) (inspection of documents), for "or a combined authority" substitute ", a combined authority or a combined county authority".

41 In section 229(8) (photographic copies of documents) after "a combined authority," insert "a combined county authority,".

42 In section 230(2) (reports and returns), for "and a combined authority" substitute ", a combined authority and a combined county authority".

43 In section 231(4) (service of notice on local authorities), after "a combined authority," insert "a combined county authority,".

44 In section 232(1A) (public notices), after "a combined authority," insert "a combined county authority,".

45 In section 233(11) (service of notices by local authorities), after "a combined authority," insert "a combined county authority,".

46 In section 234(4) (authentication of documents), after "a combined authority," insert "a combined county authority,".

47 In section 236(1) (procedure for byelaws), for "or a combined authority" substitute ", a combined authority or a combined county authority".

48 In section 236B(1) (revocation of byelaws), after paragraph (e) insert—

"(f) a combined county authority."

49 In section 238 (evidence of byelaws), for "or a combined authority" substitute ", a combined authority or a combined county authority".

50 In section 239(4A) (power to promote or oppose bills), for "and a combined authority" substitute ", a combined authority and a combined county authority".

51 In section 270(1) (interpretation), at the appropriate place insert—

""combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

52 In Part 1A of Schedule 12 (meetings and proceedings of joint authorities etc), in paragraph 6A, for "or a combined authority" substitute ", a combined authority or a combined county authority".

Employment Agencies Act 1973 (c. 35)

53 In section 13(7) of the Employment Agencies Act 1973 (interpretation), after paragraph (fzc) insert—

"(fzd) the exercise by a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023 of any of its functions;".

Local Government Act 1974 (c. 7)

54 The Local Government Act 1974 is amended as follows.

55 In section 25(1) (authorities subject to investigation), after paragraph (cf) insert—

"(cg) any combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

56 (1) Section 26C (referral of complaints by authorities) is amended as follows.

(2) In subsection (6), after paragraph (f) insert—

"(g) in relation to a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023, a member of a constituent council of the authority;".

(3) After subsection (8) insert—

"(9) For the purposes of subsection (6)(g)—

(a) a county council is a constituent council of a combined county authority if the area of the county council, or part of that area, is within the area of the combined county authority;

(b) a district council is a constituent council of a combined county authority if the area of the district council is within the area of the combined county authority."

Health and Safety at Work etc Act 1974 (c. 37)

57 In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information), after "section 103 of that Act," insert "a combined county

authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

58 In section 44 of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part 1), in the definition of "local authority"—

(a) in paragraph (a), after "section 103 of that Act," insert "a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,";

(b) in paragraph (c), after "section 103 of that Act, insert "a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

Rent (Agriculture) Act 1976 (c. 80)

59 In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to local authority), after paragraph (bbzb) insert—

"(bbzc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Rent Act 1977 (c. 42)

60 In section 14(1) of the Rent Act 1977 (landlord's interest belonging to local authority etc), after paragraph (cbc) insert—

"(cbd) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Protection from Eviction Act 1977 (c. 43)

61 In section 3A(8) of the Protection from Eviction Act 1977 (excluded tenancies and licences), after paragraph (ab) insert—

"(ac) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Local Government, Planning and Land Act 1980 (c. 65)

62 The Local Government, Planning and Land Act 1980 is amended as follows.

63 In section 2(1) (duty of authorities to publish information), after paragraph (kac) insert—

"(kad) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

64 In section 98(8A) (disposal of land at direction of Secretary of State), after paragraph (ezb) insert—

"(ezc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

65 In section 99(4) (directions to dispose of land), after paragraph (dbzb) insert—

"(dbzc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

66 In section 100(1)(a) (interpretation and extent of Part 10), for "or a combined authority established under section 103 of that Act" substitute ", a combined authority established under section 103 of that Act or a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

67 In Schedule 16 (bodies to whom Part 10 applies), after paragraph 5BZB insert—

"5BZBA A combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

Public Passenger Vehicles Act 1981 (c. 14)

68 In section 4C(4) of the Public Passenger Vehicles Act 1981 (power of senior traffic commissioner to give guidance and directions), in paragraph (e), after "of combined authorities" insert "established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, of combined county authorities established under section 9(1) of the Levelling-up and Regeneration Act 2023".

Acquisition of Land Act 1981 (c. 67)

69 In section 17(4)(a) of the Acquisition of Land Act 1981 (local authority land), in the definition of "local authority", for "or a combined authority established under section 103 of that Act" substitute ", a combined authority established under section 103 of that Act or a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

70 The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.

71 In section 33(9) (enforceability by local authorities of covenants relating to land)—

(a) in paragraph (a), for "or a combined authority established under section 103 of that Act" substitute ", a combined authority established under section 103 of that Act or a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023";

(b) in paragraph (b), for "or combined authority" substitute ", combined authority or combined county authority".

72 In section 41(13) (lost and uncollected property), in the definition of "local authority", after paragraph (ezb) insert—

"(ezba) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Stock Transfer Act 1982 (c. 41)

73 In Schedule 1 to the Stock Transfer Act 1982 (specified securities), in paragraph 7(2)(a), after "section 103 of that Act" insert ", a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

County Courts Act 1984 (c. 28)

74 In section 60(3) of the County Courts Act 1984 (rights of audience), in the definition of "local authority", after "section 103 of that Act," insert "a combined county

authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

Local Government Act 1985 (c. 51)

75 The Local Government Act 1985 is amended as follows.

76 In section 72(5) (accounts and audit), after paragraph (c) insert—

"(d) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

77 In section 73(2) (financial administration), after paragraph (b) insert—

"(c) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

Transport Act 1985 (c. 67)

78 The Transport Act 1985 is amended as follows.

79 In section 27A(7)(b) (additional powers where service not operated as registered), for "or combined authority" substitute ", combined authority or combined county authority".

80 In section 64(1)(a) (consultation with respect to policies), after "combined authority," insert "combined county authority,".

81 In section 93(8)(b) (travel concession schemes), for "and a combined authority" substitute ", a combined authority and a combined county authority".

82 In section 106(4) (grants for transport facilities and services), after paragraph (aa) insert—

"(ab) any combined county authority;".

83 In section 137 (general interpretation), after subsection (5A) insert—

"(5B) References in this Act to a combined county authority are references to a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

Housing Act 1985 (c. 68)

84 (1) Section 4 of the Housing Act 1985 (other descriptions of authority) is amended as follows.

(2) In subsection (1)(e), after "combined authority," insert "a combined county authority,".

(3) In subsection (2), at the appropriate place insert—

""combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Housing Associations Act 1985 (c. 69)

85 In section 106(1) (minor definitions) of the Housing Associations Act 1985, in the definition of "local authority"—

(a) for "and a combined authority established under section 103 of that Act" substitute ", a combined authority established under section 103 of that Act and a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023";

(b) after "such a combined authority," insert "such a combined county authority,".

Landlord and Tenant Act 1985 (c. 70)

86 In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of "local authority", after "section 103 of that Act," insert "a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

Local Government Act 1986 (c. 10)

87 The Local Government Act 1986 is amended as follows.

88 In section 6(2)(a) (interpretation and application of Part 2), after "a combined authority established under section 103 of that Act,", and on a new line, insert "a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

89 In section 9(1)(a) (interpretation and application of Part 3), after "a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,", and on a new line, insert "a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

Landlord and Tenant Act 1987 (c. 31)

90 In section 58(1)(a) of the Landlord and Tenant Act 1987 (exempt landlords and resident landlords), for "or a combined authority established under section 103 of that Act" substitute ", a combined authority established under section 103 of that Act or a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

Local Government Act 1988 (c. 9)

91 In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities), after the entry for a combined authority established under the Local Democracy, Economic Development and Construction Act 2009, and on a new line, insert "A combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

Local Government Finance Act 1988 (c. 41)

92 The Local Government Finance Act 1988 is amended as follows.

93 In section 74 (levies), after subsection (14) insert—

"(15) For the purposes of this section—

(a) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023 is to be treated as a

levying body with respect to which regulations may be made under subsection (2), and

(b) the reference in that subsection to the council concerned shall be treated as a reference to the combined county authority's constituent councils.

(16) Regulations under this section by virtue of subsection (15) may be made only with the consent of—

(a) the constituent councils, and

(b) in the case of regulations in relation to an existing combined county authority, that authority.

(17) Regulations under this section by virtue of subsection (15) may not make provision in relation to expenses of a combined county authority that are attributable to the exercise of mayoral functions.

(18) In subsections (15) to (17)—

"constituent council" has the meaning given by section 10(11) of the Levelling-up and Regeneration Act 2023;

"mayoral function" has the meaning given by section 41(8) of that Act."

94 In section 88B(9) (special grant: relevant authorities), after paragraph (c) insert—

"(d) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

95 In section 111(2) (financial administration: relevant authorities), after paragraph (ib) insert—

"(ic) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

96 In section 143 (orders and regulations), after subsection (4B) insert—

"(4C) The power to make regulations under section 74 above, so far as they are made in relation to a combined county authority by virtue of subsection (15) of that section, are to be exercisable by statutory instrument, and no such regulations are to be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament."

Housing Act 1988 (c. 50)

97 The Housing Act 1988 is amended as follows.

98 In section 74(8) (transfer of land and other property to housing action trusts), after paragraph (fc) insert—

"(fd) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

99 In Schedule 1 (tenancies which cannot be assured tenancies), in paragraph 12(2), after paragraph (fb) (and before the "and" at the end of that paragraph) insert—

"(fc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Road Traffic Act 1988 (c. 52)

100 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance or security), for "or a combined authority established under section 103 of that Act" substitute ", a combined authority established under section 103 of that Act or a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

Local Government and Housing Act 1989 (c. 42)

101 The Local Government and Housing Act 1989 is amended as follows.

102 In section 21(1) (interpretation of Part 1), after paragraph (jb) insert—

"(jba) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

103 In section 152(2) (interpretation), after paragraph (izb) insert—

"(izc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

104 In section 157(6) (periodic payments of grants)—

(a) omit the "and" at the end of paragraph (j), and

(b) after paragraph (k) insert—

"(l) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

105 (1) Schedule 1 (political balance on local authority committees etc) is amended as follows.

(2) In paragraph 2(1), for "(jb)" substitute "(jba)".

(3) In paragraph 4(1), in paragraph (a) of the definition of "relevant authority", for "(jb)" substitute "(jba)".

Town and Country Planning Act 1990 (c. 8)

106 The TCPA 1990 is amended as follows.

107 In section 252(12) (procedure for making orders), in the definition of "local authority", after "section 103 of that Act," insert "a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

108 In Schedule 14 (procedure for footpaths and bridleways orders), in paragraph 1(3), in the definition of "council", after "section 103 of that Act" insert ", a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

Further and Higher Education Act 1992 (c. 13)

109 In section 54(1)(e)(ii) of the Further and Higher Education Act 1992 (duty to give information), for "or a combined authority" substitute ", a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 or a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

Local Government Finance Act 1992 (c. 14)

110 The Local Government Finance Act 1992 is amended as follows.

111 In section 39(1) (major precepting authorities), after paragraph (ab) insert—

"(ac) a mayoral CCA, as defined by section 27(8) of the Levelling-up and Regeneration Act 2023 (mayoral combined county authorities);".

112 In section 40 (issue of precepts by major precepting authority), after subsection (11) insert—

"(12) Where the precepting authority is a mayoral CCA—

(a) a precept may be issued under this section only in relation to expenditure incurred by the mayor for the authority's area in, or in connection with, the exercise of mayoral functions (as defined by section 41(8) of the Levelling-up and Regeneration Act 2023), and

(b) the issuing and calculation of a precept under this Chapter is subject to any provision made in regulations under that section."

Local Government (Overseas Assistance) Act 1993 (c. 25)

113 In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance), after paragraph (dzb) insert—

"(dzc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Railways Act 1993 (c. 43)

114 The Railways Act 1993 is amended as follows.

115 In section 25(1) (public sector operators not to be franchisees)—

(a) after paragraph (ca) insert—

"(cb) any combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;";

(b) in paragraph (d), for "or a combined authority" substitute ", a combined authority or a combined county authority".

116 In section 149(5) (service of documents), in the definition of "local authority", for "and a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009" substitute ", a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 and a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023".

Deregulation and Contracting Out Act 1994 (c. 40)

117 In section 79A of the Deregulation and Contracting Out Act 1994 (meaning of "local authority": England), after paragraph (mb) insert—

"(mc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Environment Act 1995 (c. 25)

118 After section 86B of the Environment Act 1995 insert—

"**86C Role of combined county authorities in relation to action plans**

(1) Where a local authority in the area of a combined county authority intends to prepare an action plan it must notify the combined county authority.

(2) Where a combined county authority has been given a notification under subsection (1) by a local authority, the combined county authority must, before the end of the relevant period, provide the local authority with proposals for particular measures the combined county authority will take to contribute to the achievement, and maintenance, of air quality standards and objectives in the area to which the plan relates.

(3) Where a combined county authority provides proposals under subsection (2), the combined county authority must—

(a) in those proposals, specify a date for each particular measure by which it will be carried out, and

(b) as far as is reasonably practicable, carry out those measures by those dates.

(4) An action plan prepared by a local authority in the area of a combined county authority must set out any proposals provided to it under subsection (2) (including the dates specified by virtue of subsection (3)(a)).

(5) In this section "combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

119 In section 3(2) of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants), after paragraph (jc) insert—

"(jd) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Crime and Disorder Act 1998 (c. 37)

120 In section 17(2) of the Crime and Disorder Act 1998 (duty to consider crime and disorder implications), after "a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;", and on a new line, insert "a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Local Government Act 1999 (c. 27)

121 In section 1(1) of the Local Government Act 1999 (best value authorities), after paragraph (hc) insert—

"(hd) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Greater London Authority Act 1999 (c. 29)

122 In section 211(1) of the GLAA 1999 (public sector operators)—

(a) after paragraph (ca) insert—

"(cb) any combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;", and

(b) in paragraph (d), for "or combined authority" substitute ", combined authority or combined county authority".

Freedom of Information Act 2000 (c. 36)

123 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), after paragraph 19B insert—

"19C A combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

Transport Act 2000 (c. 38)

124 The Transport Act 2000 is amended as follows.

125 In section 108(4) (local transport plans), after paragraph (ca) (but before the "or" at the end of that paragraph) insert—

"(cb) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

126 (1) Section 109 (further provision about local transport plans in England) is amended as follows.

(2) In subsection (2A), in the opening words, for "or a combined authority" substitute ", a combined authority or a combined county authority".

(3) In subsection (2B)—

(a) in the opening words, for "or a combined authority" substitute ", a combined authority or a combined county authority";

(b) in paragraph (a), after "combined authority" insert "or combined county authority";

(c) in paragraph (c), after "combined authority" insert "or combined county authority".

127 (1) Section 113 (role of metropolitan district councils) is amended as follows.

(2) In subsection (2), after "a combined authority" insert "or a combined county authority".

(3) in subsection (2A), in each of paragraphs (a), (b) and (c), after "combined authority" insert "or combined county authority".

128 In section 123A(4) (franchising schemes)—

(a) after paragraph (a) insert—

"(aa) a mayoral CCA;";

(b) omit the "or" at the end of paragraph (e);

(c) at the end of paragraph (f) insert ", or

(g) a combined county authority which is not a mayoral CCA.";

(d) in the words after paragraph (g), for "(f)" substitute "(g)".

129 In section 123C(2) (consent of the Secretary of State and notice)—

(a) omit the "or" at the end of paragraph (a);

(b) at the end of paragraph (b) insert ",

(c) the area of a mayoral CCA, or

(d) the combined area of two or more mayoral CCAs."

130 In section 123G (response to consultation), after subsection (4) insert—

"(5) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed franchising scheme is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to make a scheme jointly with one or more other franchising authorities)."

131 In section 123M (variation of scheme), after subsection (6) insert—

"(6A) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed variation is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to act jointly to vary a scheme)."

132 In section 123N (revocation of scheme), after subsection (7) insert—

"(7A) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed revocation is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to act jointly to revoke a scheme)."

133 (1) Section 157 (grants to Integrated Transport Authorities and combined authorities) is amended as follows.

(2) In the heading, for "and combined authorities" substitute ", combined authorities and combined county authorities".

(3) After subsection (1A) insert—

"(1B) The Secretary of State may, with the approval of the Treasury, make grants to a combined county authority for the purpose of enabling the authority to carry out any of their functions."

134 (1) Section 162 (interpretation of Part 2) is amended as follows.

(2) In subsection (1), at the appropriate place insert—

""mayoral CCA" has the meaning given by section 27(8) of the Levelling-up and Regeneration Act 2023;".

(3) After subsection (5A) insert—

"(5B) In this Part "combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

135 (1) Section 163 (road user charging schemes: preliminary) is amended as follows.

(2) In each of subsections (3)(bb), (3)(cc) and (4A), for "or combined authority" substitute ", combined authority or combined county authority".

(3) After subsection (5A) insert—

"(5B) In this Part "combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

136 (1) Section 164 (local charging schemes) is amended as follows.

(2) In subsection (2), for "or the area of a combined authority" substitute ", the area of a combined authority or the area of a combined county authority".

(3) In subsection (3)—

(a) in the opening words, for "or the area of a combined authority" substitute ", the area of a combined authority or the area of a combined county authority";

(b) in paragraph (b), after "combined authority" insert "or combined county authority".

137 (1) Section 165 (joint local charging schemes) is amended as follows.

(2) In subsection (2), for "or the area of a combined authority" substitute ", the area of a combined authority or the area of a combined county authority".

(3) In subsection (3)—

(a) in the opening words, for "or the area of a combined authority" substitute ", the area of a combined authority or the area of a combined county authority";

(b) in paragraph (b), after "combined authority" insert "or combined county authority".

138 In section 165A(1)(b) (joint local-ITA charging schemes), after "combined authority" insert "or combined county authority".

139 (1) Section 166 (joint local-London charging schemes) is amended as follows.

(2) In subsection (2), for "or the area of a combined authority" substitute ", the area of a combined authority or the area of a combined county authority".

(3) In subsection (3)—

(a) in the opening words, for "or the area of a combined authority" substitute ", the area of a combined authority or the area of a combined county authority";

(b) in paragraph (b), after "combined authority" insert "or combined county authority".

140 (1) Section 166A (joint ITA-London charging schemes) is amended as follows.

(2) In subsection (1)(b), after "combined authority" insert "or combined county authority".

(3) In subsection (3)(b), for "or combined authority" substitute ", combined authority or combined county authority".

141 In section 167(2)(b) (trunk road charging schemes), after "a combined authority" insert ", a combined county authority".

142 In section 168(2) (charging schemes to be made by order)—

(a) after "a combined authority" insert ", a combined county authority";

(b) for "or the combined authority" substitute ", the combined authority or the combined county authority".

143 (1) Section 170 (charging schemes: consultation and inquiries) is amended as follows.

(2) In subsection (1A)(b), for "or a combined authority" substitute ", a combined authority or a combined county authority".

(3) In subsection (7)(a), for "or combined authority" substitute ", combined authority or combined county authority".

144 In section 177A(1) (power to require information), for "or combined authority" substitute ", combined authority or combined county authority".

145 In section 193(1) (guidance), after "combined authorities" insert ", combined county authorities".

146 In section 194 (information), in each of subsections (1), (2) and (6), for "or combined authority" substitute ", combined authority or combined county authority".

147 In section 198(1) (interpretation of Part 3), at the appropriate place insert—

""combined county authority" has the meaning given by section 163 (5B);".

148 (1) Schedule 12 (road user charging and workplace parking levy: financial provisions) is amended as follows.

(2) In each of paragraphs 2(4), 3(2) and 7(5)(c), for "or combined authority" substitute ", combined authority or combined county authority".

(3) In paragraph 8(3)(aa), for "and combined authorities" substitute ", combined authorities and combined county authorities".

(4) In paragraph 8(4)(aa), for "or combined authority" substitute ", combined authority or combined county authority".

(5) In paragraph 11A—

(a) in sub-paragraph (1), for "or combined authority's" substitute ", combined authority's or combined county authority's";

(b) in sub-paragraph (4), after "combined authority" insert "or combined county authority".

(6) In each of paragraphs 11B(1) and 11C(1) and (3), for "or a combined authority" substitute ", a combined authority or a combined county authority".

Local Government Act 2003 (c. 26)

149 The Local Government Act 2003 is amended as follows.

150 (1) Section 23 (meaning of "local authority" for the purposes of Part 1) is amended as follows.

(2) After subsection (8) insert—

"(8A) This Part applies in relation to a combined county authority (a "CCA") established under section 9(1) of the Levelling-up and Regeneration Act 2023 as it applies in relation to a local authority, except that section 1 confers

power on a CCA to borrow money in relation only to functions of the CCA that are specified for the purposes of this subsection in regulations made by the Secretary of State.

(8B) A function of a CCA may be specified in regulations under subsection (8A) only with the consent of—

(a) each county council for an area within the CCA's area or proposed area,

(b) each unitary district council for an area within the CCA's area or proposed area, and

(c) in the case of regulations in relation to an existing CCA, the CCA.

In this subsection "unitary district council" means a district council whose area does not form part of the area of a county council.

(8C) The reference in subsection (8A) to functions of the authority includes, in the case of a mayoral CCA, mayoral functions.

(8D) In subsection (8C)—

"mayoral CCA" has the meaning given by section 27(8) of the Levelling-up and Regeneration Act 2023;

"mayoral functions" has the meaning given by section 41(8) of that Act."

(3) In subsection (10), after "(5)" insert "or (8A)".

151 In section 33(1) (local authorities for the purposes of Chapter 1 of Part 2), after paragraph (jc) insert—

"(jd) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

152 In section 93(7) (power to charge for discretionary services: prohibitions to be disregarded)—

(a) in paragraph (d), for "and combined authorities" substitute ", combined authorities and combined county authorities", and

(b) omit the "and" at the end of paragraph (f), and

(c) at the end of paragraph (g) insert ", and

(h) section 50(4) of the Levelling-up and Regeneration Act 2023 (combined county authorities)."

Courts Act 2003 (c. 39)

153 In section 41(6) of the Courts Act 2003 (disqualification of lay justices who are members of local authorities), after paragraph (eb) insert—

"(ec) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

Planning and Compulsory Purchase Act 2004 (c. 5)

154 The PCPA 2004 is amended as follows.

155 In section 27A (default powers), in the heading and in the section, after "combined authority" insert ", combined county authority".

156 (1) Schedule A1 (default powers exercisable by Mayor of London, combined authority or county council) is amended as follows.

(2) In the heading, after "combined authority" insert ", combined county authority".

(3) After paragraph 7 insert—

"Default powers exercisable by combined county authority

7ZA In this Schedule—

"combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;

"constituent planning authority" in relation to a combined county authority, means—

(a) a county council, metropolitan district council or non-metropolitan district council which is the local planning authority for an area within the area of the combined county authority, or

(b) a joint committee established under section 29 whose area is within, or the same as, the area of the combined county authority.

7ZB If the Secretary of State—

(a) thinks that a constituent planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document, and

(b) invites the combined county authority to prepare or revise the document,

the combined county authority may prepare or revise (as the case may be) the development plan document.

7ZC (1) This paragraph applies where a development plan document is prepared or revised by a combined county authority under paragraph 7ZB.

(2) The combined county authority must hold an independent examination.

(3) The combined county authority—

(a) must publish the recommendations and reasons of the person appointed to hold the examination, and

(b) may also give directions to the constituent planning authority in relation to publication of those recommendations and reasons.

(4) The combined county authority may—

(a) approve the document, or approve it subject to specified modifications, as a local development document, or

(b) direct the constituent planning authority to consider adopting the document by resolution of the authority as a local development document.

7ZD (1) Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 7ZC(2)—

(a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the combined county authority, and

(b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).

(2) The combined county authority must give reasons for anything they do in pursuance of paragraph 7ZB or 7ZC(4).

(3) The constituent planning authority must reimburse the combined county authority—

(a) for any expenditure that the combined county authority incur in connection with anything which is done by them under paragraph 7ZB and which the constituent planning authority failed or omitted to do as mentioned in that paragraph;

(b) for any expenditure that the combined county authority incur in connection with anything which is done by them under paragraph 7ZC(2).

(4) In the case of a joint local development document or a joint development plan document, the combined county authority may apportion liability for the expenditure on such basis as the authority considers just between the authorities for whom the document has been prepared."

(4) In paragraph 8—

(a) in sub-paragraph (1), after paragraph (b) (but before the "or" at the end of that paragraph) insert—

"(ba) under paragraph 7ZB by a combined county authority,";

(b) in sub-paragraph (2)(a)—

(i) after "6(4)(a)" insert ", 7ZC(4)(a)";

(ii) after "the combined authority" insert ", the combined county authority";

(c) in sub-paragraph (3)(a), after "the combined authority" insert ", the combined county authority";

(d) in sub-paragraph (5), after "6(4)(a)" insert ", 7ZC(4)(a)";

(e) in sub-paragraph (7)—

(i) in paragraph (b), after "6(4)(a)" insert ", 7ZC(4)(a)";

(ii) in the words after paragraph (b), after "the combined authority" insert ", the combined county authority".

(5) In paragraph 9(8), after "the combined authority" insert ", the combined county authority".

(6) In paragraph 12, after "the combined authority" insert ", the combined county authority".

(7) In paragraph 13(1), after "a combined authority" insert ", a combined county authority".

Fire and Rescue Services Act 2004 (c. 21)

157 In section 1 of the Fire and Rescue Services Act 2004 (fire and rescue authorities), for subsection (5) substitute—

"(5) This section is also subject to—

(a) an order under Part 6 of the Local Democracy, Economic Development and Construction Act 2009 which transfers the functions of a fire and rescue authority to a combined authority established under section 103 of that Act;

(b) an order under Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023 which transfers the functions of a fire and rescue authority to a combined county authority established under section 9(1) of that Act."

Children Act 2004 (c. 31)

158 In section 50 of the Children Act 2004 (intervention - England), after subsection (7) insert—

"(8) If any functions of a local authority in England which are specified in subsection (2) are exercisable by a combined county authority by virtue of section 18 of the Levelling-up and Regeneration Act 2023—

(a) a reference in this section to a local authority includes a reference to the combined county authority, and

(b) a reference in this section to functions specified in subsection (2) is, in relation to the combined county authority, to be read as a reference to those functions so far as exercisable by the combined county authority."

Railways Act 2005 (c. 14)

159 In section 33(2) of the Railways Act 2005 (closure requirements), after paragraph (da) insert—

"(db) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Childcare Act 2006 (c. 21)

160 In section 15 of the Childcare Act 2006 (powers of Secretary of State to secure proper performance), after subsection (6A) insert—

"(6B) If any functions of an English local authority under this Part are exercisable by a combined county authority by virtue of section 18 of the Levelling-up and Regeneration Act 2023—

(a) a reference in any of subsections (3) to (6) to an English local authority includes a reference to the combined county authority, and

(b) a reference in those subsections to functions under this Part is, in relation to the combined county authority, to be read as a reference to those functions so far as exercisable by the combined county authority."

Education and Inspections Act 2006 (c. 40)

161 (1) Section 123 of the Education and Inspections Act 2006 (education and training to which Chapter 3 of Part 8 applies) is amended as follows.

(2) In subsection (1), after paragraph (ea) insert—

"(eb) further education for persons aged 19 or over which is wholly or partly funded by a combined county authority;".

(3) For subsection (5), substitute—

"(5) In this section—

"combined authority" means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

"combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

National Health Service Act 2006 (c. 41)

162 The National Health Service Act 2006 is amended as follows.

163 In section 7A(2) (exercise of Secretary of State's public health functions), after paragraph (d) (but before the "or" at the end of that paragraph) insert—

"(da) a combined county authority,".

164 In section 12ZB(7) (procurement regulations), in the definition of "relevant authority", after paragraph (a) insert—

"(aa) a combined county authority;".

165 In section 13UA(2) (guidance about joint appointments)—

(a) omit the "or" at the end of paragraph (b), and

(b) at the end of paragraph (c) insert ", or

(d) one or more relevant NHS body and one or more combined county authority."

166 In section 65Z5(1) (joint working and delegation arrangements), after paragraph (c) insert—

"(d) a combined county authority."

167 In section 65Z6(1) (joint committees and pooled funds), after paragraph (c) insert—

"(d) a combined county authority."

168 In section 75 (arrangements between NHS bodies and local authorities), after subsection (7F) insert—

"(7G) For the purposes of this section, a combined county authority that exercises a prescribed function within subsection (1)(a) of an NHS body under voluntary arrangements is to be treated as an NHS body.

(7H) "Voluntary arrangements" means arrangements made with the combined county authority under—

(a) section 7A (exercise of Secretary of State's public health functions), or

(b) section 65Z5 (joint working and delegation arrangements).

(7I) Regulations under this section, so far as made before or in the same Session as that in which the Levelling-up and Regeneration Act 2023 is passed, apply to a combined county authority that is treated as an NHS body by virtue of

subsection (7G) as if it were a prescribed NHS body for the purposes of those regulations.

(7J) But a combined county authority to which regulations under this section apply by virtue of subsection (7I) may enter into prescribed arrangements in relation to the exercise only of functions within subsection (1)(a) that are exercisable by the authority under voluntary arrangements.

(7K) Regulations under this section may provide for the regulations to apply in relation to a combined county authority subject to any prescribed limitations or conditions.

(7L) Nothing in subsection (7J) prevents a combined county authority from being a party to arrangements made by virtue of this section in relation to any prescribed functions of an NHS body that are exercisable by the authority as a result of regulations under section 19 of the Levelling-up and Regeneration Act 2023 (public authority functions exercisable by combined county authorities).”

169 In section 275(1) (interpretation), at the appropriate place insert—

““combined county authority” means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;”.

170 In section 276 (index of defined expressions), at the appropriate place insert—

“combined county authority	section 275(1)”.

Concessionary Bus Travel Act 2007 (c. 13)

171 In section 9(6)(b) of the Concessionary Bus Travel Act 2007 (variation of reimbursement etc), for “or combined authority” substitute “, combined authority or combined county authority”.

Local Government and Public Involvement in Health Act 2007 (c. 28)

172 The Local Government and Public Involvement in Health Act 2007 is amended as follows.

173 In section 23(1) (definitions for the purposes of Chapter 1 of Part 1), in the definition of “public body”, after paragraph (g) insert—

“(h) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023.”

174 In section 104(2) (application of Chapter 1 of Part 5: partner authorities), after paragraph (ib) insert—

“(ic) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;”.

Local Transport Act 2008 (c. 26)

175 The Local Transport Act 2008 is amended as follows.

176 After section 89A insert—

"**89B Transfer of functions of combined county authority**

(1) The Secretary of State may by order transfer functions of a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023 to an ITA.

(2) An order under this section may only be made in relation to functions that—

(a) relate to transport, and

(b) are exercisable by the combined county authority in relation to an area that becomes, or becomes part of, the ITA's integrated transport area by virtue of an order under this Part."

177 (1) Section 90 (changing the boundaries of an integrated transport area) is amended as follows.

(2) In subsection (5)—

(a) the words from "a combined authority" to the end of the subsection become paragraph (a), and

(b) at the end of that paragraph insert ", or

(b) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

(3) In subsection (6)—

(a) the words from "the area of" to the end of the subsection become paragraph (a),

(b) in that paragraph, for "that Act" substitute "the Local Democracy, Economic Development and Construction Act 2009", and

(c) at the end of that paragraph insert ", or

(b) the area of a combined county authority by virtue of regulations under section 9(1) or 25(1) of the Levelling-up and Regeneration Act 2023."

178 (1) Section 91 (dissolution of an integrated transport area) is amended as follows.

(2) In subsection (4)—

(a) the words from "a combined authority" to the end of the subsection become paragraph (a), and

(b) at the end of that paragraph insert ", or

(b) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

(3) In subsection (5)—

(a) the words from "the area or part of the area" to the end of the subsection become paragraph (a),

(b) in that paragraph, for "that Act" substitute "the Local Democracy, Economic Development and Construction Act 2009", and

(c) at the end of that paragraph insert ", or

(b) the area or part of the area of a combined county authority by virtue of regulations under section 9(1) or 25(1) of the Levelling-up and Regeneration Act 2023."

179 (1) Section 102A (application of Chapter to combined authorities) is amended as follows.

(2) In the heading, after "combined authorities" insert "and combined county authorities".

(3) After subsection (2) insert—

"(3) This Chapter applies to a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023 as it applies to an ITA.

(4) In the application of this Chapter to a combined county authority, references to an integrated transport area are to the combined county authority's area.

(5) In the application of this Chapter to a combined county authority, the reference in section 99(6)(b) to an executive body established by virtue of section 79(1)(a) or 84(2)(d) is to an executive body established by virtue of section 10(2)(c) of the Levelling-up and Regeneration Act 2023."

180 (1) Section 102E (power to establish STBs) is amended as follows.

(2) In subsection (5), after paragraph (a) insert—

"(aa) a combined county authority;".

(3) In subsection (6), after paragraph (a) (but before the "or" at the end of that paragraph) insert—

"(aa) the area of a combined county authority,".

181 In section 102F(7) (requirements in connection with regulations under section 102E), after paragraph (a) insert—

"(aa) a combined county authority;".

182 In section 102G(10) (constitution of STBs), after paragraph (a) insert—

"(aa) in the case of a combined county authority, are the mayor for the area of the combined county authority (if there is one) and those members of the authority who are appointed from among the elected members of the authority's constituent councils (see section 10(4)(b) of the Levelling-up and Regeneration Act 2023);".

183 In section 102I(7) (transport strategy of an STB), after paragraph (b) insert—

"(ba) a combined county authority;".

184 In section 102J(7) (exercise of local transport functions), after paragraph (a) insert—

"(aa) a combined county authority;".

185 In section 102U, at the appropriate place insert—

""combined county authority" means a body established as a combined county authority under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Local Democracy, Economic Development and Construction Act 2009 (c. 20)

186 The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.

187 In section 35(2) (mutual insurance: supplementary), after paragraph (r) insert—

"(s) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

188 In section 88(5) (areas of economic prosperity boards)—

(a) omit the "or" at the end of paragraph (a), and

(b) at the end of paragraph (b) insert ", or

(c) the area of a combined county authority."

189 In section 103(5) (areas of combined authorities) at the end of paragraph (a) insert—

"(aa) the area of a combined county authority,".

190 (1) Section 106 (changes to boundaries of a combined authority's area) is amended as follows.

(2) In subsection (6), after "an ITA" insert "or a combined county authority".

(3) In subsection (7)—

(a) the words from "the integrated transport area" to the end of the subsection become paragraph (a), and

(b) at the end of that paragraph insert ", or

(b) the area of a combined county authority by virtue of regulations under section 9(1) or 25(1) of the Levelling-up and Regeneration Act 2023."

191 (1) Section 107 (dissolution of a combined authority's area) is amended as follows.

(2) In subsection (6), after "an ITA" insert "or a combined county authority".

(3) In subsection (7)—

(a) the words from "the integrated transport area" to the end of the subsection become paragraph (a), and

(b) at the end of that paragraph insert ", or

(b) the area or part of the area of a combined county authority by virtue of regulations under section 9(1) or 25(1) of the Levelling-up and Regeneration Act 2023."

192 In section 118(5) (guidance), after paragraph (e) insert—

"(f) a combined county authority."

193 In section 120 (interpretation of Part 6), at the appropriate place insert—

""combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)

194 The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.

195 (1) Section 100 (provision of financial resources) is amended as follows.

(2) After subsection (1AA) insert—

"(1AB) The Secretary of State may secure the provision of financial resources under this subsection (whether or not the resources could be secured under subsection (1)) to any of the persons mentioned in subsection (1) in respect of functions under this Part that are exercisable by a combined county authority

by virtue of regulations made under section 19(1) of the Levelling-up and Regeneration Act 2023."

(3) In subsection (5), at the appropriate place insert—

""combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

196 (1) Section 122 (sharing of information for education and training purposes) is amended as follows.

(2) In subsection (3), after paragraph (fb) insert—

"(fc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;

(fd) a person providing services to a combined county authority;".

(3) In subsection (5)—

(a) omit the "or" at the end of paragraph (c), and

(b) at the end of paragraph (d) insert ", or

(e) any function of a combined authority under Part 4 that is exercisable by it by virtue of regulations made under section 19(1) of the Levelling-up and Regeneration Act 2023."

Equality Act 2010 (c. 15)

197 In Part 1 of Schedule 19 to the Equality Act 2010, under the heading "local government", after the entry for a combined authority insert—

"A combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

Localism Act 2011 (c. 20)

198 In section 27(6) of the Localism Act 2011 (duty to promote and maintain high standards of conduct), after paragraph (n) insert—

"(na) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

Local Audit and Accountability Act 2014 (c. 2)

199 The Local Audit and Accountability Act 2014 is amended as follows.

200 In section 40(6) (access to local government meetings and documents), after paragraph (ja) insert—

"(jb) a combined county authority,".

201 In section 44(1) (interpretation of Act), at the appropriate place insert—

""combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

202 In Schedule 2, after paragraph 28 insert—

"28ZA A combined county authority."

Cities and Local Government Devolution Act 2016 (c. 1)

203 The Cities and Local Government Devolution Act 2016 is amended as follows.

204 (1) Section 1 (devolution: annual report) is amended as follows.

(2) In subsection (1), after "this Act" insert "or Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023".

(3) In subsection (2)—

(a) in paragraph (c), after "a combined authority" insert "or a combined county authority";

(b) in paragraph (e), after "combined authorities" insert ", combined county authorities".

(4) In subsection (4), after the definition of "combined authority" insert—

""combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

205 (1) Section 18 (devolving health service functions) is amended as follows.

(2) In subsection (1)—

(a) in the words before paragraph (a), for the words from "or an order" to "("the 2009 Act")" substitute ", an order under section 105A of the Local Democracy, Economic Development and Construction Act 2009 (transfer of public authority functions to combined authorities) ("the 2009 Act") or regulations under section 19(1) of the Levelling-up and Regeneration Act 2023 (transfer of public authority functions to combined authorities) ("the 2022 Act")", and

(b) in paragraph (c), for "or a combined authority" substitute ", a combined authority or a combined county authority".

(3) In subsection (2), in the words after paragraph (h), for "or an order under section 105A of the 2009 Act" substitute ", an order under section 105A of the 2009 Act or regulations under section 19(1) of the 2022 Act".

(4) In subsection (7)—

(a) in the words before paragraph (a), for "or by an order under section 105A of the 2009 Act" substitute ", by an order under section 105A of the 2009 Act or by regulations under section 19(1) of the 2022 Act", and

(b) in each of paragraphs (a) and (b), for "or a combined authority" substitute ", a combined authority or a combined county authority".

(5) In subsection (8)—

(a) for "or a combined authority" substitute ", a combined authority or a combined county authority", and

(b) for ", or by an order under section 105A of the 1999 Act" substitute ", by an order under section 105A of the 1999 Act or by regulations under section 19(1) of the 2022 Act".

Policing and Crime Act 2017 (c. 3)

206 The Policing and Crime Act 2017 is amended as follows.

207 In section 3 (collaboration agreements: specific restrictions), after subsection (7) insert—

"(7A) A combined county authority that exercises the functions of a fire and rescue authority by virtue of section 18 or 19 of the Levelling-up and Regeneration Act 2023 may only enter into a collaboration agreement where the functions of the authority to which the agreement relates are functions of a fire and rescue authority that the combined county authority is entitled to exercise."

208 In section 5(5) (collaboration agreements: definitions)—

(a) omit the "or" at the end of paragraph (b);

(b) after paragraph (c) insert—

"(d) a combined county authority that exercises the functions of a fire and rescue authority by virtue of section 18 or 19 of the Levelling-up and Regeneration Act 2023, or

(e) an elected mayor who exercises the functions of a fire and rescue authority by virtue of section 30 of that Act."

Technical and Further Education Act 2017 (c. 19)

209 The Technical and Further Education Act 2017 is amended as follows.

210 In Schedule 3 (conduct of education administration: statutory corporations)—

(a) in paragraph 13(b), in the inserted paragraph (ab), for "or combined authority" substitute ", combined authority or combined county authority";

(b) in paragraph 38(c)—

(i) after the definition of "combined authority", insert—

""combined county authority" means an authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;",";

(ii) in the definition of "director of children's services", in paragraph (b), after "a combined authority" insert "or a combined county authority".

211 In Schedule 4 (conduct of education administration: companies)—

(a) in paragraph 12(b), in the inserted paragraph (ab), for "or combined authority" substitute ", combined authority or combined county authority";

(b) in paragraph 36(c)—

(i) after the definition of "combined authority", insert—

""combined county authority" means an authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;",";

(ii) in the definition of "director of children's services", in paragraph (b), after "a combined authority" insert "or a combined county authority".

Bus Services Act 2017 (c. 21)

212 In section 22(3) of the Bus Services Act 2017 (bus companies: limitation of powers of authorities in England), in the definition of "relevant authority", after paragraph (c) insert—

"(ca) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Digital Economy Act 2017 (c. 30)

213 The Digital Economy Act 2017 is amended as follows.

214 In Schedule 4 (public service delivery: specified persons for the purposes of section 35), after paragraph 14 insert—

"14A A combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

215 In Schedule 5 (public service delivery: specified persons for the purposes of sections 36 and 37), after paragraph 8 insert—

"8A A combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

216 In Schedule 6 (public service delivery: specified persons for the purposes of sections 36 and 37), after paragraph 7 insert—

"7A A combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

Data Protection Act 2018 (c.12)

217 In Schedule 1 to the Data Protection Act 2018 (special categories of personal data and criminal convictions etc data), in paragraph 23(3), after paragraph (h) insert—

"(ha) a mayor for the area of a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Automated and Electric Vehicles Act 2018 (c. 18)

218 (1) Section 12 of the Automated and Electric Vehicles Act 2018 (duty to consider making regulations under section 11(1)(a) on request from mayor) is amended as follows.

(2) In subsection (7)—

(a) in paragraph (a), after "a combined authority" insert ", a combined county authority";

(b) in paragraph (b), after sub-paragraph (i) insert—

"(ia) in the case of the area of a combined county authority, the mayor for the area elected in accordance with section 27(2) of the Levelling-up and Regeneration Act 2023;".

(3) In subsection (8), in the appropriate place insert—

""combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Skills and Post-16 Education Act 2022 (c. 21)

219 The Skills and Post-16 Education Act 2022 is amended as follows.

220 In section 1(7) (views of relevant authority in relation to local skills improvement plan), for paragraph (a), and the "or" at the end of that paragraph, substitute—

"(a) a combined authority within the meaning of Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (see section 103 of that Act),

(aa) a CCA within the meaning of Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023 (combined county authorities) (see section 9 of that Act),

(ab) a local authority that has functions conferred on it by regulations made under section 16(1) of the Cities and Local Government Devolution Act 2016 (power to transfer etc public authority functions to certain local authorities), or".

221 (1) Section 4 (interpretation of sections 1 to 4) is amended as follows.

(2) In subsection (1), at the appropriate place insert—

""combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

(3) In subsection (2), after paragraph (b) insert—

"(ba) a combined county authority".

222 In section 19(2) (meaning of "relevant provider"), after paragraph (g) insert—

"(ga) a combined county authority;".

223 In section 20(7) (meaning of "funding authority"), after paragraph (c) insert—

"(ca) a combined county authority;".

224 In section 21(2) (interpretation of sections 19 to 21), at the appropriate place insert—

""combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Health and Care Act 2022 (c. 31)

225 In section 180(2) of the Health and Care Act 2022 (licensing of cosmetic procedures), in the definition of "local authority", after paragraph (d) insert—

"(da) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

Elections Act 2022 (c. 37)

226 The Elections Act 2022 is amended as follows.

227 In section 37(1) (interpretation of Part 5), in the definition of "relevant elective office", after paragraph (f) insert—

"(fa) mayor for the area of a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

228 In section 45(9) (meaning of "relevant election"), after paragraph (g) insert—

"(ga) an election for the return of a mayor for the area of a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,".

229 (1) Paragraph 1 of Schedule 11 (illegal practices) is amended as follows.

(2) In sub-paragraph (1)(b)—

(a) omit the "or" at the end of sub-paragraph (iv), and

(b) after sub-paragraph (v) (but before the "and" at the end of that sub-paragraph) insert "or

(vi) an election for the return of a mayor for the area of a combined county authority,".

(3) In sub-paragraph (4)—

(a) omit the "and" at the end of paragraph (b), and

(b) at the end of paragraph (c) insert ", and

(d) as it applies in relation to an election for the return of a mayor for the area of a combined county authority by virtue of regulations under paragraph 12(1) of Schedule 2 to the Levelling-up and Regeneration Act 2023."

(4) After sub-paragraph (5) insert—

"(6) In this paragraph "combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023."

230 In paragraph 12(4) of Schedule 8 (voting and candidacy rights of EU citizens: transitional provision), after paragraph (d) insert—

"(da) mayor for the area of a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;".

SCHEDULE 5

section 81

ALTERATION OF STREET NAMES: CONSEQUENTIAL AMENDMENTS

Public Health Acts Amendment Act 1907

1 In section 21 of the Public Health Acts Amendment Act 1907 (power to alter names of streets), at the end insert—

"This section does not apply in relation to a street or part of a street in England."

Public Health Act 1925

2 In section 18 of the Public Health Act 1925 (alteration of name of street), after subsection (4) insert—

"(4A) In its application in relation to a street, or part of a street, in England, this section applies as if, in subsection (1), the words "may alter the name of any street, or part of a street, or" were omitted.

See section 81 of the Levelling-up and Regeneration Act 2023 for provision about altering street names in England."

London Building Acts (Amendment) Act 1939

3 In section 6 (assigning of names to streets etc), after subsection (3) insert—

"(4) In the case of an order under subsection (1) to which section 81(5) of the Levelling-up and Regeneration Act 2023 (requirement to demonstrate necessary support before street name altered) applies, subsections (2) and (3) do not apply."

Local Government Act 1972

4 In Part 2 of Schedule 14 to the Local Government Act 1972 (amendments and modifications of Public Health Acts etc), in paragraph 26(c) for "sections 21 and" substitute "section".

SCHEDULE 6

Section 93(5)

DETERMINATIONS AND OTHER DECISIONS: HAVING REGARD TO NATIONAL DEVELOPMENT MANAGEMENT POLICIES

Town and Country Planning Act 1990

1 TCPA 1990 is amended as follows.

2 In section 59A (development orders: permission in principle), in subsection (11), after "development plan" insert ", any national development management policies so far as they are material".

3 In section 70 (determination of applications for planning permission: general considerations),—

(a) in subsection (2), after paragraph (aza) insert—

"(azb) any national development management policies, so far as material to the application,";

(b) in subsection (2A), for "(2)(b)" substitute "(2)(azb) and (b)".

4 In section 70A (power to decline to determine subsequent application)—

(a) after subsection (5) insert—

"(5A) The relevant considerations, in relation to a local planning authority in England, are—

(a) the development plan so far as material to the application;

(b) any national development management policies so far as material to the application;

(c) any other material considerations.";

(b) in subsection (6), after "considerations" insert ", in relation to a local planning authority in Wales,".

5 In section 74 (directions etc as to method of dealing with applications)—

(a) in subsection (1)(b), at the end insert "or, in the case of an authority in England, any national development management policy";

(b) in subsection (1C), after paragraph (a) (but before the "and" at the end of that paragraph) insert—

"(aa) any national development management policies,".

6 In section 91 (general condition limiting duration of planning permission), in subsection (2), for "shall be" substitute "must be—

(a) in the case of an authority in England, a period which the authority consider appropriate having regard to the provisions of the development plan, to any national development management policies so far as they are material and to any other material considerations, or

(b) in the case of an authority in Wales,".

7 In section 92 (outline planning permission), in subsection (6), for "shall have regard" substitute "must have regard—

(a) in the case of an authority in England, to the provisions of the development plan, to any national development management policies so far as they are material and to any other material considerations, or

(b) in the case of an authority in Wales,".

8 In section 97 (power to revoke or modify planning permission or permission in principle), in subsection (2), for "shall have regard" substitute "must have regard—

(a) in the case of an authority in England, to the development plan, to any national development management policies so far as they are material and to any other material considerations, or

(b) in the case of an authority in Wales,".

9 In section 102 (orders requiring discontinuance of use or alteration or removal of buildings or works)—

(a) in subsection (1), for "the development plan and to any other material considerations" substitute "the relevant considerations";

(b) after that subsection insert—

"(1A) In subsection (1) "the relevant considerations" are—

(a) in the case of an authority in England, the development plan, any national development management policies so far as they are material and any other material considerations, or

(b) in the case of an authority in Wales, the development plan and any other material considerations."

10 In section 172 (issue of enforcement notice), in subsection (1)(b), for "regard" substitute "regard—

(i) in the case of an authority in England, to the development plan, to any national development management policies so far as they are material and to any other material considerations, or

(ii) in the case of an authority in Wales,".

11 In section 177 (grant or modification of planning permission on appeals against enforcement notices), for subsection (2) substitute—

"(2) In considering whether to grant planning permission under subsection (1)—

(a) if the land to which the enforcement notice relates is in England, the Secretary of State must have regard—

(i) to the provisions of the development plan, so far as material to the subject matter of the enforcement notice,

(ii) to any national development management policies, so far as material to the subject matter of the enforcement notice, and

(iii) to any other material considerations, or

(b) if the land to which the enforcement notice relates is in Wales, the Welsh Ministers must have regard—

(i) to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and

(ii) to any other material considerations."

12 In Schedule 4B (process for making of neighbourhood development orders)—

(a) in paragraph 5(5), before paragraph (a) insert—

"(za) national development management policies that are relevant to the draft neighbourhood development order to which the proposal in question relates,";

(b) in paragraph 8(2), after paragraph (d) insert—

"(da) the making of the order is in general conformity with any national development management policies that are relevant to it,".

13 In Schedule 9 (requirements relating to discontinuance of mineral working), in paragraph 1—

(a) in sub-paragraph (1), for "the development plan and to any other material considerations" substitute "the relevant considerations";

(b) after that sub-paragraph insert—

"(1A) In sub-paragraph (1) "the relevant considerations" are—

(a) in the case of an authority in England, the development plan, any national development management policies so far as they are material and any other material considerations, or

(b) in the case of an authority in Wales, the development plan and any other material considerations."

Planning (Hazardous Substances) Act 1990

14 In section 9 of the Hazardous Substances Act (determination of applications for hazardous substances consent), in subsection (2), after paragraph (c) insert—

"(ca) in the case of an authority in England, to any national development management policies so far as they are material;".

Greater London Authority Act 1999

15 In section 337(2) of GLAA 1999 (matters that may give rise to modification of spatial development strategy for London before publication), after paragraph (c) (but before the "or" at the end of that paragraph) insert—

"(ca) any national development management policies (within the meaning given by section 38ZA of the Planning and Compulsory Purchase Act 2004) so far as they are material;".

SCHEDULE 7

Section 97

PLAN MAKING

In Part 2 of PCPA 2004 (local development) for sections 15 to 37 (and the heading before section 15) substitute—

"Joint spatial development strategies

15A Agreements to prepare joint spatial development strategy

(1) Two or more eligible local planning authorities may agree to prepare a joint spatial development strategy.

(2) A local planning authority are eligible for the purposes of subsection (1) if—

(a) they are not a London borough council,

(b) their area is not within, or the same as, the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,

(c) they are not prescribed as ineligible for the purposes of subsection (1),

(d) they are not already party to an agreement under subsection (1), and

(e) either—

(i) no joint spatial development strategy is operative in relation to the area of the authority, or

(ii) such a strategy is operative in relation to the area but the authority wish to enter into an agreement under subsection (1) in anticipation of the existing strategy being withdrawn or the authority withdrawing from it.

(3) The Secretary of State may prescribe an authority under subsection (2)(c) only if the Secretary of State considers it appropriate to do so because of an exercise, or a contemplated exercise, of the powers in section 16 of the Cities and Local Government Devolution Act 2016 or section 19 of the Levelling-up and Regeneration Act 2023 (powers to transfer etc public authority functions to certain local authorities).

(4) In this section and sections 15AA to 15AI—

"the joint strategy area", in relation to a joint spatial development strategy, means the combined area of the participating authorities;

"the participating authorities"—

(a) in relation to a joint spatial development strategy that is being (or has been) prepared but has yet to become operative, means the local planning authorities that are for the time being party to the agreement to prepare it, and

(b) in relation to a joint spatial development strategy that is operative, means the local planning authorities that have adopted it and not since withdrawn from it,

and, unless the context otherwise requires, means those authorities acting jointly under such arrangements as they put in place for the purpose;

"participating authority" is to be read accordingly;

"preparation agreement" means an agreement under subsection (1).

15AA Contents of joint spatial development strategy

(1) A joint spatial development strategy must include a statement of the policies (however expressed) of the participating authorities, in relation to the development and use of land in the joint strategy area, which are—

(a) of strategic importance to that area, and

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

(2) A joint spatial development strategy may specify or describe infrastructure the provision of which the participating authorities consider to be of strategic importance to the joint strategy area for the purposes of—

(a) supporting or facilitating development in that area,

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

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

(3) A joint spatial development strategy may specify or describe affordable housing the provision of which the participating authorities consider to be of strategic importance to the joint strategy area.

(4) For the purposes of subsections (1) to (3), a matter—

(a) may be of strategic importance to the joint strategy area if it does not affect the whole of that area, but

(b) is not to be regarded as being of strategic importance to that area unless it is of strategic importance to the area of more than one of the participating authorities.

(5) The Secretary of State may prescribe further matters the joint spatial development strategy may, or must, deal with.

(6) A joint spatial development strategy must contain such diagrams, illustrations or other descriptive or explanatory matter relating to its contents as may be prescribed.

(7) A joint spatial development strategy may make different provision for different cases or for different parts of the joint strategy area.

(8) A joint spatial development strategy must be designed to secure that the use and development of land in the joint strategy area contribute to the mitigation of, and adaptation to, climate change.

(9) A joint spatial development strategy must take account of any local nature recovery strategy that relates to any part of the joint strategy area, 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.

(10) A joint spatial development strategy must not—

(a) include anything that is not permitted or required by or under the preceding provisions of this section,

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

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

15AB Consultation on draft strategy

(1) Before any of the participating authorities adopt a joint spatial development strategy, the participating authorities must—

(a) prepare a draft of their proposed strategy,

(b) make copies available for inspection at such places as may be prescribed,

(c) send a copy to each of the bodies and persons specified in subsection (2),

(d) comply with any requirements imposed by regulations under section 15LE, and

(e) consider any representations made in accordance with such regulations.

(2) The bodies and persons mentioned in subsection (1)(c) are—

(a) the Secretary of State,

(b) any county council that are not a participating authority but any part of whose area forms part of the joint strategy area,

(c) the council of any county or district whose area adjoins the joint strategy area and is affected by the proposed strategy,

(d) such other persons or bodies as may be prescribed, and

(e) any other body to which, or person to whom, the participating authorities consider it appropriate to send a copy.

(3) In determining the bodies to which it is appropriate to send a copy of the strategy under subsection (2)(e) (if any), the bodies to whom the participating authorities consider sending a copy must include—

(a) voluntary bodies some or all of whose activities benefit the whole or part of the joint strategy area,

(b) bodies which represent the interests of different racial, ethnic or national groups in the joint strategy area,

(c) bodies which represent the interests of different religious groups in the joint strategy area, and

(d) bodies which represent the interests of different persons carrying on business in the joint strategy area.

(4) Each copy made available for inspection or sent under subsection (1) must be accompanied by a statement of the prescribed period within which representations may be made to the participating authorities.

(5) The persons who may make representations in accordance with the regulations include, in particular, the bodies and persons specified in subsection (2).

(6) In this section and sections 15AD and 15AG, "representations made in accordance with the regulations" means representations made—

(a) in accordance with regulations made under this Part; and

(b) within the prescribed period.

(7) In this section "the prescribed period" means such period as may be prescribed by, or determined in accordance with, regulations made by the Secretary of State.

15AC Public examination

(1) Before any of the participating authorities adopt a joint spatial development strategy, the participating authorities must, unless the Secretary of State otherwise directs, cause an examination in public to be held in relation to the proposed strategy.

(2) The following provisions of this section have effect in relation to an examination in public under subsection (1).

(3) An examination in public is to be conducted by a person appointed by the Secretary of State for the purpose.

(4) The matters examined at an examination in public are to be such matters affecting the consideration of the joint spatial development strategy as the person conducting the examination in public may consider ought to be so examined.

(5) The person conducting an examination in public must make a report to the participating authorities.

(6) No person is to have a right to be heard at an examination in public.

(7) The following may take part in an examination in public—

(a) the participating authorities, and

(b) any person invited to do so by the person conducting the examination in public.

15AD Adoption of strategy

(1) Subject to the following provisions of this section, each of the participating authorities may, by resolution, adopt the joint spatial development strategy prepared by them.

(2) The joint spatial development strategy adopted by the participating authorities must be in the form of the draft prepared under section 15AB(1)(a), either as originally prepared or as modified to take account of—

(a) any representations made in accordance with the regulations (see section 15AB(6)),

(b) any direction given under subsection (7) (and not withdrawn),

(c) any report made under section 15AC by a person conducting an examination in public,

(d) the withdrawal of a participating authority under section 15AG(3),

(e) any national development management policies so far as material, or

(f) any other material considerations.

(3) Subsection (2) is subject to the following provisions of this section.

(4) The joint spatial development strategy must not be adopted by any of the participating authorities until after—

(a) the participating authorities have considered any representations made in accordance with the regulations, or

(b) if no such representations are made, the expiry of the prescribed period;

and, in either case, until after the report of the person conducting the examination in public under section 15AC has been made (unless no such examination is to be held).

(5) The joint spatial development strategy may not be adopted by a participating authority in relation to whose area a joint spatial development strategy is already operative.

(6) If at any time it appears to the Secretary of State that it is expedient to do so for the purpose of avoiding—

(a) any inconsistency with current national policies, or

(b) any detriment to the interests of an area outside the joint strategy area,

the Secretary of State may, at any time before any of the participating authorities have adopted the joint spatial development strategy, give the participating authorities a direction under subsection (7).

(7) A direction under this subsection is a direction to the participating authorities not to adopt the joint spatial development strategy except in a form which includes modifications to the proposed joint spatial development strategy in such respects as are indicated in the direction, in order to—

(a) remove the inconsistency mentioned in subsection (6)(a), or

(b) avoid the detriment mentioned in subsection (6)(b).

(8) Where a direction under subsection (7) is given, none of the participating authorities may adopt the joint spatial development strategy unless—

(a) the participating authorities satisfy the Secretary of State that they have made the modifications necessary to conform with the direction, or

(b) the direction is withdrawn.

(9) A joint spatial development strategy becomes operative on the date on which, having been adopted by each participating authority, it is published by the participating authorities together with a statement that it has been so adopted.

(10) In this section "the prescribed period" means such period as may be prescribed by, or determined in accordance with, regulations made by the Secretary of State.

15AE Review and monitoring

(1) This section applies if a joint spatial development strategy is operative.

(2) The participating authorities must keep under review the matters which may be expected to affect the development of the joint strategy area or the planning of its development or which are otherwise relevant to the content of the strategy.

(3) For the purpose of discharging their functions under subsection (2) of keeping under review any matters relating to the area of a local planning authority outside the joint strategy area, the participating authorities must consult that local planning authority about those matters.

(4) The participating authorities must review the strategy from time to time.

(5) If the Secretary of State so directs, the participating authorities must, within such time as may be specified in the direction, review the strategy or such part of it as may be specified in the direction.

(6) The participating authorities must—

(a) monitor the implementation of the strategy, and

(b) monitor, and collect information about, matters relevant to the review, alteration or implementation of the strategy.

15AF Alteration of strategy

(1) If a joint spatial development strategy is operative, the participating authorities may at any time prepare and adopt alterations of the strategy.

(2) The Secretary of State may direct the participating authorities to exercise the power in subsection (1) in such manner and within such time as are specified in the direction.

(3) Sections 15AB to 15AD apply in relation to the preparation and adoption of an alteration under subsection (1) as they apply in relation to the preparation and adoption of a joint spatial development strategy; and the strategy as altered must still conform to section 15AA.

(4) But sections 15AB and 15AC do not apply in relation to an alteration if—

(a) the alteration is made in response to the withdrawal of a participating authority under section 15AH(2), and

(b) the strategy as altered will have substantially the same effect in relation to the joint strategy area (as it stands following the withdrawal) as it had in relation to that area before the alteration.

15AG Withdrawal before strategy becomes operative

(1) This section applies if a preparation agreement is in force but the joint spatial development strategy to which the agreement relates ("the proposed strategy") has not become operative.

(2) A participating authority may withdraw from the agreement before the proposed strategy is published for consultation.

(3) A participating authority may withdraw from the agreement after the proposed strategy is published for consultation if they have given at least 12 weeks' notice to each other participating authority of their intention to do so.

(4) A participating authority that have adopted the strategy under section 15AD(1) may not withdraw from the agreement under subsection (3) unless they have first rescinded the resolution adopting the strategy.

(5) A withdrawal under subsection (2) or (3) is effected by notice given to each other participating authority.

(6) The participating authorities may cancel the agreement at any time.

(7) If the withdrawal of a participating authority under subsection (2) or (3) means that there are no longer two or more participating authorities, the agreement is deemed to be cancelled under subsection (6).

(8) The participating authorities may, and if the agreement is cancelled must, withdraw the proposed strategy if it has been published for consultation.

(9) On the withdrawal of the proposed strategy, the participating authorities must—

(a) withdraw the copies made available for inspection under section 15AB(1)(b), and

(b) give notice of the withdrawal to—

(i) each body or person to whom a copy was sent under section 15AB(1)(c), and

(ii) any other body or person who made representations in accordance with the regulations (see section 15AB(6));

and any participating authority that have adopted the strategy are deemed to rescind the resolution by which they did so.

(10) In the application of subsections (8) and (9) where the agreement has been cancelled, the "participating authorities" are to be taken to be the authorities that were the participating authorities immediately before the cancellation.

(11) If—

(a) a participating authority withdraw from the agreement under subsection (3),

(b) the agreement is not cancelled under subsection (6), and

(c) but for this subsection, the remaining participating authorities would, in response to the withdrawal, modify the proposed strategy so that it would have a substantially different effect on the joint strategy area (as it stands following the withdrawal) from that which the version published for consultation would have had on that area,

the participating authorities must, instead of modifying the proposed strategy, withdraw it under subsection (8).

(12) For the purposes of this section and section 15AI, a proposed strategy is "published for consultation" when a draft of it is made available for inspection under section 15AB(1)(b) or sent to any person under section 15AB(1)(c).

(13) If a proposed strategy is withdrawn under subsection (8), the fact that the strategy was published for consultation is to be disregarded for the purposes of subsections (2) and (3).

15AH Withdrawal after strategy becomes operative

(1) This section applies if a joint spatial development strategy is operative.

(2) A participating authority may withdraw from the strategy if—

(a) the period of five years beginning with the day on which the strategy became operative has elapsed, and

(b) the authority have given at least 12 weeks' notice to the other participating authorities of their intention to do so.

(3) A withdrawal under subsection (2) is effected by notice given to each other participating authority.

(4) The participating authorities may withdraw the strategy at any time.

(5) If the withdrawal of a participating authority under subsection (2) means that there are no longer two or more participating authorities, the joint spatial development strategy is to be treated as having been withdrawn under subsection (4).

(6) The Secretary of State may direct the participating authorities to withdraw the strategy if the Secretary of State thinks that the strategy is unsatisfactory.

(7) If a participating authority withdraw from the strategy, the other participating authorities must consider whether to alter the strategy under section 15AF or withdraw it under subsection (4).

(8) If a participating authority withdraw from the strategy, the strategy ceases to be operative in relation to the area of that authority (irrespective of whether it is altered under section 15AF).

15AI Effect of creation of combined authority in joint strategy area

(1) This section applies if an order is made under section 103 of the Local Democracy, Economic Development and Construction Act 2009 establishing a combined authority the area of which includes, or is the same as, the area of a participating authority.

(2) Subsection (3) or (4) applies if the order is made before the proposed joint spatial development strategy is published for consultation (see section 15AG(12)).

(3) If the areas of at least two of the participating authorities are outside the area of the combined authority, each participating authority whose area is within the area of the combined authority are deemed, on the making of the order, to withdraw from the preparation agreement under section 15AG(2).

(4) If the area of none or only one of the participating authorities is outside the area of the combined authority, the preparation agreement is deemed, on the making of the order, to be cancelled under section 15AG(6).

(5) Subsection (6) or (7) applies if the order is made after the proposed joint spatial development strategy is published for consultation but before the joint spatial development strategy becomes operative.

(6) If the areas of at least two of the participating authorities are outside the area of the combined authority, each participating authority whose area is within the area of the combined authority are deemed, on the making of the order—

(a) to withdraw from the preparation agreement under section 15AG(3) (despite not having given notice as required by that provision), and

(b) to rescind any resolution adopting the strategy.

(7) If the area of none or only one of the participating authorities is outside the area of the combined authority, the preparation agreement is deemed, on the making of the order, to be cancelled under section 15AG(6).

(8) Subsection (9) or (10) applies if—

(a) the joint spatial development strategy is operative, and

(b) the combined authority adopts a spatial development strategy for its area.

(9) If the areas of at least two of the participating authorities are outside the area of the combined authority, each participating authority whose area is within the area of the combined authority is deemed, on the adoption of the strategy by the combined authority, to withdraw from the joint spatial development strategy under section 15AH(2) (even if the conditions in that provision are not met).

(10) If the area of none or only one of the participating authorities is outside the area of the combined authority, the joint spatial development strategy is deemed, on the adoption of the strategy by the combined authority, to be withdrawn under section 15AH(4).

(11) If a proposed strategy is withdrawn under section 15AG(8), the fact that the strategy was published for consultation is to be disregarded for the purposes of subsections (2) and (5).

Plan timetables

15B Local plan timetable

(1) Each local planning authority must prepare and maintain a document to be known as their "local plan timetable".

(2) The local plan timetable must specify—

(a) the matters which the authority's local plan for their area is to deal with,

(b) the geographical area to which the authority's local plan is to relate,

(c) any supplementary plans which the authority are to prepare,

(d) the subject matter and geographical area, site or sites to which each of those supplementary plans is to relate,

(e) how the authority propose to comply with the requirement in section 15F(1) (requirement in relation to design code),

(f) whether the authority's local plan for their area is to be a joint local plan and, if so, each other local planning authority for whose area the joint local plan is to be their local plan,

(g) whether the authority are to prepare a joint supplementary plan and, if so, each other local planning authority who are to prepare that joint supplementary plan with them,

(h) any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 15J, and

(i) a timetable for the preparation of the authority's local plan for their area, and any supplementary plans the authority are to make, which is consistent with this Part and any regulations made under it.

(3) If the local planning authority's local plan for their area is to be a joint local plan, or the authority is to prepare one or more joint supplementary plans, the timetable for each joint plan, specified in the local plan timetable in accordance with subsection (2)(i), must be consistent with the timetable for that plan in the local plan timetable prepared by each other local planning authority who are to prepare that plan.

(4) If the local planning authority are a minerals and waste planning authority, the local plan timetable may incorporate the authority's minerals and waste plan timetable.

(5) The Secretary of State may prescribe—

(a) the form and content of the local plan timetable;

(b) further matters which the local plan timetable must deal with.

(6) If a local planning authority have not prepared a local plan timetable, the Secretary of State or the Mayor of London may—

(a) prepare a local plan timetable for the authority, and

(b) direct the authority to bring that timetable into effect.

(7) The Secretary of State or the Mayor of London may direct the local planning authority to make such amendments to the local plan timetable as the Secretary of State or (as the case may be) Mayor thinks appropriate for the purpose of ensuring full and effective coverage (both geographically and with regard to subject matter) of the authority's area by the development plan for that area.

(8) To bring the local plan timetable into effect, the local planning authority must publish it, together with a statement that the timetable is to have effect.

(9) Once the local plan timetable has effect, the local planning authority must comply with it.

(10) The Secretary of State may by regulations make provision as to when, or the circumstances in which, a local planning authority must revise their local plan timetable (and that provision may confer a power to direct that a local plan timetable is to be revised).

(11) Subsections (1) to (9) and section 15BA apply to the revision of a local plan timetable as they apply to the preparation of a local plan timetable.

(12) For further provision about directions under subsection (6) or (7), see section 15BA.

15BA Local plan timetable: further provision about directions under section 15B

(1) The Mayor of London—

(a) may give a direction under section 15B(6) or (7) only if the local planning authority are a London borough council, and

(b) in considering whether to give such a direction, and which amendments to include in the direction, must have regard to any guidance issued by the Secretary of State.

(2) A direction under section 15B(6) or (7) must contain the Secretary of State's, or (as the case may be) the Mayor of London's, reasons for giving it.

(3) If at any time the Mayor of London gives a direction under section 15B(6) or (7)—

(a) the Mayor must at that time send a copy of the direction to the Secretary of State, and

(b) the direction is not to be given effect until such time as may be prescribed.

(4) The Secretary of State may, within such time as may be prescribed, direct the local planning authority—

(a) to disregard a direction given under section 15B(6) or (7) by the Mayor of London, or

(b) to give effect to the direction with such modifications as may be specified in the Secretary of State's direction.

(5) Such a direction must contain the Secretary of State's reasons for giving it.

(6) If at any time the Secretary of State gives a direction under subsection (4), the Secretary of State must at that time send a copy of the direction to the Mayor of London.

(7) Section 38(1) of the Greater London Authority Act 1999 (delegation of functions by the Mayor) does not apply to the Mayor of London's functions under section 15B(6) or (7) of giving a direction.

15BB Minerals and waste plan timetable

(1) Each minerals and waste planning authority must prepare and maintain a document to be known as their "minerals and waste plan timetable".

(2) The minerals and waste plan timetable must specify—

(a) the matters which will be dealt with by the minerals and waste plan for the relevant area,

(b) the geographical area to which the authority's minerals and waste plan is to relate,

(c) any supplementary plans which the minerals and waste planning authority are to make,

(d) the subject matter and geographical area, site or sites to which each supplementary plan is to relate,

(e) whether the minerals and waste plan for the authority's area is to be a joint minerals and waste plan and, if so, each other minerals and waste planning authority for whose relevant area the joint minerals and waste plan is to be the minerals and waste plan,

(f) whether the authority are to prepare a joint supplementary plan and, if so, each other minerals and waste planning authority who are to prepare that joint supplementary plan with them, and

(g) a timetable for the preparation of the minerals and waste plan for the relevant area, and any supplementary plans the authority are to make, which is consistent with this Part and any regulations made under it.

(3) If the minerals and waste plan for the relevant area is to be a joint minerals and waste plan, or the authority is to prepare one or more joint supplementary plans, the timetable for each joint plan, specified in the minerals and waste plan timetable in accordance with subsection (2)(g), must be consistent with the timetable for that plan in the minerals and waste plan timetable prepared by each other minerals and waste planning authority who are to prepare that plan.

(4) Sections 15B(5) to (12), 15BA and 15LE apply in relation to a minerals and waste plan timetable as they apply in relation to a local plan timetable and for that purpose—

(a) references to a local plan timetable are to be read as references to a minerals and waste plan timetable,

(b) references to a local plan are to be read as references to a minerals and waste plan,

(c) references to a local planning authority are to be read as references to a minerals and waste planning authority, and

(d) references to a local planning authority's area are to be read as references to a minerals and waste planning authority's relevant area.

(5) In this section "joint minerals and waste plan" means a minerals and waste plan prepared jointly by two or more minerals and waste planning authorities for their combined relevant areas under sections 15I and 15IA (as applied by section 15CB(8)).

Local, minerals and waste and supplementary plans

15C Local plans

(1) Each local planning authority must prepare a document to be known as their "local plan".

(2) Only one local plan may have effect in relation to a local planning authority's area at any one time.

(3) The local plan must set out policies of the local planning authority (however expressed) in relation to the amount, type and location of, and timetable for, development in the local planning authority's area.

(4) The local plan may include—

(a) other policies (however expressed) in relation to the use or development of land in the local planning authority's area which are designed to achieve objectives that relate to the particular characteristics or circumstances of their area, any part of their area or one or more specific sites in their area;

(b) details of any infrastructure requirements, or requirements for affordable housing, to which development in accordance with the policies, included in the plan under subsection (3) or paragraph (a) of this subsection, would give rise;

(c) requirements with respect to design that relate to development, or development of a particular description, throughout the local planning authority's area, in any part of their area or at one or more specific sites in their area, which the local planning authority consider should be met for planning permission for the development to be granted.

(5) The Secretary of State may prescribe further matters which the local plan may, or must, deal with.

(6) The local plan must be designed to secure that the use and development of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

(7) The local plan must take account of any local nature recovery strategy that relates to all or part of the local planning authority's area, 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.

(8) The local plan must take account of an assessment of the amount, and type, of housing that is needed in the local planning authority's area, including the amount of affordable housing that is needed.

(9) The local plan must not—

(a) include anything that is not permitted or required by or under subsections (3) to (5) or (10) or regulations under section 15CA(8)(a), or

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

(10) References in this section to development do not include minerals and waste development, but where the local planning authority is the minerals and waste planning authority for any part of their area, their local plan may incorporate all or part of their minerals and waste plan.

15CA Local plans: preparation and further provision

(1) A local plan must be prepared in accordance with the local planning authority's local plan timetable.

(2) A local plan must be in general conformity with the spatial development strategy, if one is operative in relation to the area of the local planning authority.

(3) The local planning authority must, at such times as may be prescribed, seek observations or advice in relation to a proposed local plan, from a person appointed by the Secretary of State.

(4) The Secretary of State may require the local planning authority to—

(a) reimburse the Secretary of State for any expenditure incurred by the Secretary of State in, or in connection with, appointing a person under subsection (3), or

(b) pay any fees and expenses of a person appointed by the Secretary of State under subsection (3).

(5) The local planning authority must, as soon as is reasonably practicable, publish any observations or advice they receive from a person appointed by the Secretary of State under subsection (3).

(6) In preparing their local plan, a local planning authority must have regard to—

(a) any observations or advice received from a person appointed by the Secretary of State under subsection (3),

(b) any responses to a consultation, provided for in regulations under section 15LE, in connection with the preparation of the local plan,

(c) national development management policies,

(d) other national policies and advice contained in guidance issued by the Secretary of State,

(e) the National Planning Framework for Scotland, if any part of the authority's area adjoins Scotland,

(f) the National Development Framework for Wales, if any part of the authority's area adjoins Wales,

(g) any other part of the development plan for the authority's area which has effect,

(h) any neighbourhood priorities statement—

(i) which has effect for part of the authority's area, and

(ii) to which the authority has not already had regard in preparing another local plan previously adopted or approved under this Part, and

(i) such other matters as the Secretary of State prescribes.

(7) A local plan has effect only in so far as it or any part of it is adopted or approved under this Part.

(8) Regulations made by the Secretary of State may—

(a) prescribe the form and content of a local plan;

(b) make provision as to any further documents which must be prepared by the authority in connection with the preparation of a local plan (including the form and content of such documents);

(c) prescribe the nature of the observations or advice which must be sought under subsection (3);

(d) prescribe documents or information which must be provided by the local planning authority to a person appointed by the Secretary of State under subsection (3) (including the form and content of such documents);

(e) prescribe the form and content of observations or advice provided under subsection (3);

(f) prescribe when the local planning authority is to have regard to something mentioned in subsection (6);

(g) prescribe when any step in, or in connection with, the preparation of the local plan must be taken;

(h) make provision as to when, or in what circumstances, a new local plan is to be prepared to replace the existing one.

15CB Minerals and waste plan

(1) Each minerals and waste planning authority must, in respect of their relevant area, prepare one or more documents which are to be known collectively as their "minerals and waste plan".

(2) The minerals and waste plan must set out policies of the minerals and waste planning authority (however expressed) in relation to the amount, type and location of, and timetable for, minerals and waste development, in the relevant area.

(3) The minerals and waste plan may include—

(a) other policies (however expressed) in relation to—

(i) minerals and waste development in the relevant 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;

(ii) development other than minerals and waste development, which are designed to secure that minerals and waste development in the relevant area can take place;

(b) details of any infrastructure requirements to which minerals and waste development in accordance with the policies, included in the plan under subsection (2) or paragraph (a) of this subsection, would give rise.

(4) The Secretary of State may prescribe further matters relating to minerals and waste development which the minerals and waste plan may, or must, deal with.

(5) The minerals and waste plan must be designed to secure that minerals and waste development in the relevant area contributes to the mitigation of, and adaptation to, climate change.

(6) The minerals and waste plan must take account of any local nature recovery strategy that relates to all or part of the relevant area, 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.

(7) The minerals and waste plan must not—

(a) include anything that is not permitted or required by or under subsections (2) to (4) or regulations under section 15CA(8)(a) (as applied by subsection (8)), or

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

(8) This Part applies in relation to a minerals and waste plan as it applies in relation to a local plan and for that purpose—

(a) references to a local plan timetable are to be read as references to a minerals and waste plan timetable,

(b) references to a local plan are to be read as references to a minerals and waste plan,

(c) references to a local planning authority are to be read as references to a minerals and waste planning authority, and

(d) references to a local planning authority's area are to be read as references to a minerals and waste planning authority's relevant area.

(9) Subsection (8) is subject to such modifications of this Part, as it applies in relation to a minerals and waste plan, as may be prescribed.

(10) Subsection (8) does not apply to—

(a) sections 15B and 15BA;

(b) section 15C;

(c) section 15CC;

(d) sections 15J to 15JB;

(e) section 15LB(2);

(f) sections 15LC(3)(c) and 15LD.

15CC Supplementary plans

(1) Each relevant plan-making authority may prepare one or more documents, each of which is to be known as a "supplementary plan".

(2) A supplementary plan prepared by the Mayor of London may include requirements with respect to design that relate to development, or development of a particular description, throughout Greater London, which the Mayor considers should be met for planning permission for the development to be granted.

(3) A supplementary plan prepared by a local planning authority may include—

(a) policies (however expressed) in relation to the amount, type and location of, or timetable for, development at a specific site in their area or at two or more specific sites in their area which the authority consider to be nearby to each other;

(b) other policies (however expressed) in relation to the use or development of land in the local planning authority's area which are designed to achieve objectives that relate to the particular characteristics or circumstances of a specific site in their area or two or more specific sites in their area which the authority consider to be nearby to each other;

(c) details of any infrastructure requirements, or requirements for affordable housing, to which development in accordance with any 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 local planning authority's area, in any part of their area or at one or more specific sites in their area, which the local planning authority consider should be met for planning permission for the development to be granted.

(4) References in subsection (3) to development do not include minerals and waste development.

(5) A supplementary plan prepared by a minerals and waste planning authority may include—

(a) policies (however expressed) in relation to the amount, type and location of, or timetable for, minerals and waste development at one or more specific sites in the relevant area or at two or more specific sites in that area which the authority consider to be nearby to each other;

(b) other policies (however expressed) in relation to—

(i) minerals and waste development in the relevant area which are designed to achieve objectives that relate to the particular characteristics or circumstances of a specific site in that area or two or more specific sites in that area which the authority consider to be nearby to each other;

(ii) development other than minerals and waste development, which are designed to secure that minerals and waste development can take place at a specific site in the relevant area or two or more specific sites in that area which the authority consider to be nearby to each other;

(c) details of any infrastructure requirements to which minerals and waste development in accordance with any policies, included in the plan under paragraph (a) or (b), would give rise.

(6) The Secretary of State may prescribe further matters which a supplementary plan may include.

(7) A supplementary plan must be in general conformity with the spatial development strategy, if one is operative in relation to the area or a site to which the plan relates.

(8) In preparing a supplementary plan, the relevant plan-making authority must have regard to any other part of the development plan which has effect for the area or a site to which the plan relates.

(9) So far as the relevant plan-making authority consider appropriate, having regard to the subject matter of the supplementary plan, the plan must—

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

(b) take account of any local nature recovery strategy which relates to all or part of the area to which the plan relates or to an area in which a site to which the plan relates is located, 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.

(10) A supplementary plan must not—

(a) include anything which is not permitted or required by or under subsections (2) to (6), or

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

(11) The Secretary of State may by regulations make provision about the preparation, withdrawal or revision of supplementary plans.

(12) Regulations under subsection (11)—

(a) may apply, or make provision corresponding to, any provision made by or under this Part in relation to the preparation, withdrawal or revision of a local plan, with or without modifications;

(b) must require a proposed supplementary plan to be the subject of consultation with the public.

(13) A supplementary plan has effect only in so far as it or any part of it is adopted or approved under this Part.

Examination of plans

15D Independent examination: local plans

(1) A local planning authority must submit their proposed local plan to the Secretary of State for independent examination if a person appointed by the Secretary of State under section 15CA(3) advises that the prescribed requirements are met in relation to the plan.

(2) The authority must also send or make available to the Secretary of State (in addition to the local plan) such other documents (or copies of documents) and such information as is prescribed.

(3) The Secretary of State may prescribe the manner in which the local plan, or any document or information to be sent under subsection (2), is to be sent.

(4) The examination must be carried out by a person appointed by the Secretary of State ("the examiner").

(5) The purpose of the independent examination is to determine whether it is reasonable to conclude that the local plan is sound.

(6) Any person who makes representations in relation to the local plan must (if that person so requests) be given the opportunity to appear before and be heard by the examiner.

(7) At any time before the examiner makes a recommendation under any of the following subsections, if the examiner considers that—

(a) certain matters need to be dealt with in order for it to become reasonable to conclude that the local plan is sound, and

(b) those matters could be dealt with by pausing the examination under section 15DA for further work to be carried out,

the examiner may decide that the examination is to be so paused.

(8) The Secretary of State may by notice to the examiner—

(a) direct the examiner not to take any step, or any further step, in connection with the examination of the local plan, or of a specified part of it, until a specified time or until the direction is withdrawn;

(b) require the examiner—

(i) to consider any specified matters;

(ii) to give an opportunity, or further opportunity, to specified persons to appear before and be heard by the examiner;

(iii) to take any specified procedural step in connection with the examination.

In this subsection "specified" means specified in the notice.

(9) Where the examiner—

(a) has carried out the examination, and

(b) considers that, in all the circumstances, it would be reasonable to conclude that the local plan is sound,

the examiner must recommend that the local plan is adopted and give reasons for the recommendation.

(10) Subsections (11) and (12) apply where the examiner—

(a) has carried out the examination, and

(b) is not required by subsection (9) to recommend that the local plan is adopted.

(11) If the examiner considers that, if certain modifications were made to the local plan, it would become reasonable to conclude that the plan is sound, the examiner must—

(a) recommend that those modifications are made and that the plan is then adopted, and

(b) give reasons for the recommendation.

(12) If the examiner is not required by subsection (11) to recommend that the local plan is adopted with modifications and the examination is not paused or to be paused under section 15DA, the examiner must—

(a) recommend that the local plan is withdrawn, and

(b) give reasons for the recommendation.

(13) The local planning authority must publish the recommendations and reasons they receive under this section.

15DA Pause of independent examination for further work

(1) This section applies if the examiner decides under section 15D(7) that the examination under that section is to be paused under this section for further work to be carried out.

(2) The examiner must notify the local planning authority and the Secretary of State—

(a) that the examiner has taken that decision,

(b) of the matters which the examiner considers need to be dealt with in order for it to become reasonable to conclude that the local plan is sound, and

(c) of the period for which the examination under section 15D is to be paused under this section ("the pause period").

(3) The pause period may not—

(a) begin earlier than the day on which notice is given to the local planning authority under subsection (2), nor

(b) be longer than such period as may be prescribed

(4) The examination under section 15D is suspended at the beginning of the pause period.

(5) During the pause period, the local planning authority must take steps to deal with the matters notified to them under subsection (2)(b).

(6) Before the end of the pause period, the local planning authority must send to the examiner—

(a) a document—

(i) setting out what the authority have done during the pause period to deal with the matters notified to them under subsection (2)(b), and

(ii) setting out any modifications to the local plan that the authority propose to make in order to make it sound or stating that the authority do not propose to make any such modifications, and

(b) any further evidence as to the soundness of the plan which the local planning authority may have.

(7) The local planning authority must publish the document and any evidence sent under subsection (6).

(8) If the examiner considers, at the end of the pause period, that the matters notified to the local planning authority under subsection (2)(b) have not been dealt with, with the result that there is no prospect of it becoming reasonable to conclude that the local plan is sound, the examiner must—

(a) recommend that the local plan is withdrawn, and

(b) give reasons for the recommendation.

(9) If the examiner does not make a recommendation under subsection (8), the examination under section 15D is resumed.

(10) The local planning authority must publish any recommendation and reasons they receive under this section.

15DB Independent examination: supplementary plans

(1) A relevant plan-making authority must submit each supplementary plan that they propose to adopt for independent examination.

(2) The supplementary plan must be submitted to—

(a) the Secretary of State, in order for the examination to be carried out by a person appointed by the Secretary of State, or

(b) a person who, in the opinion of the relevant plan-making authority—

(i) is independent of the authority,

(ii) does not have an interest in any land that may be affected by the supplementary plan, and

(iii) has appropriate qualifications and experience.

(3) In the following provisions of this section, the person appointed by the Secretary of State under paragraph (a) of subsection (2), or (as the case may be) the person to whom the supplementary plan is submitted under paragraph (b) of that subsection, is "the examiner".

(4) The authority must also send or make available to the examiner (in addition to the supplementary plan) such other documents (or copies of documents) and such information as is prescribed.

(5) The purpose of the independent examination is to determine in respect of the supplementary plan—

(a) whether the requirements of section 15CC, and regulations under subsection (11) of that section relating to the preparation of the plan, have been met, and

(b) whether the relevant plan-making authority have had regard to any guidance issued by the Secretary of State which may be relevant.

(6) The general rule is that the independent examination is to take the form of written representations.

(7) But the examiner must cause a hearing to be held for the purposes of receiving oral representations in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of an issue or that a person has a fair chance to put a case.

(8) If a hearing is held under subsection (7), any person who makes representations about the matters mentioned in subsection (5) must (if that person so requests) be given the opportunity to appear before and be heard by the examiner

(9) Where the examiner considers that, in all the circumstances, it would be reasonable to conclude—

(a) that the requirements mentioned in subsection (5)(a) have been met, and

(b) the relevant plan-making authority have had regard to any guidance issued by the Secretary of State which may be relevant,

the examiner must recommend that the supplementary plan is adopted and give reasons for the recommendation.

(10) Subsections (11) and (12) apply where the examiner—

(a) has carried out the examination, and

(b) is not required by subsection (9) to recommend that the supplementary plan is adopted.

(11) If the examiner considers that—

(a) certain modifications of the supplementary plan would result in it being reasonable to conclude, in all the circumstances, that the requirements mentioned in subsection (5)(a) are met, and

(b) it is, in all the circumstances, reasonable to conclude that the relevant plan-making authority have had regard to any guidance issued by the Secretary of State which may be relevant,

the examiner must recommend that those modifications are made and that the plan is then adopted and give reasons for the recommendation.

(12) Where the examiner has carried out the examination and is not required by subsection (11) to recommend that the supplementary plan is adopted with modifications, the examiner must—

(a) recommend that the supplementary plan is withdrawn, and

(b) give reasons for the recommendation.

(13) The relevant plan-making authority must publish the recommendations and reasons they receive under this section.

Withdrawal and adoption of plans

15E Withdrawal of a local plan

(1) A local planning authority may, at any time before they are required to submit a local plan for independent examination under section 15D, withdraw the plan.

(2) After a local plan has been submitted for independent examination, the local planning authority may only withdraw the plan—

(a) if the person appointed to carry out the examination recommends that they do so and the Secretary of State has not directed that it is not to be withdrawn, or

(b) the Secretary of State directs that the plan is to be withdrawn.

(3) The Secretary of State may at any time—

(a) after a local plan has been submitted for independent examination under section 15D, but

(b) before it is adopted under section 15EA,

direct the local planning authority to withdraw the plan.

15EA Adoption of local plan or supplementary plan

(1) Where the person appointed to carry out the independent examination of a local plan recommends that the plan as originally prepared is adopted, the local planning authority may adopt it—

(a) as originally prepared, or

(b) with modifications that (taken together) do not materially affect its contents.

(2) Where the person appointed to carry out the independent examination of a local plan recommends that the plan is adopted with modifications, the local planning authority may adopt it—

(a) with those modifications, or

(b) with those modifications, along with further modifications if the further modifications (taken together) do not materially affect its contents.

(3) Where the person appointed to carry out the independent examination of a supplementary plan recommends that the plan as originally prepared is adopted, the relevant plan-making authority may adopt it—

(a) as originally prepared, or

(b) with modifications that (taken together) do not materially affect its contents.

(4) Where the person appointed to carry out the independent examination of a supplementary plan recommends that the plan is adopted with modifications, the relevant plan-making authority may adopt it—

(a) with those modifications, or

(b) with those modifications, along with further modifications if the further modifications (taken together) do not materially affect its contents.

(5) An authority must not adopt a local plan or supplementary plan unless they do so in accordance with subsection (1), (2), (3) or (4).

(6) A plan is adopted by a local planning authority, or a minerals and waste planning authority, if it is adopted by a resolution of the authority.

(7) The Mayor of London adopts a supplementary plan by publishing it, together with a statement that the plan is to have effect.

Requirement in relation to design code

15F Design code for whole area

(1) A local planning authority must ensure that, for every part of their area, the development plan includes requirements with respect to design that relate to development, or development of a particular description, which the authority consider should be met for planning permission for the development to be granted.

(2) Subsection (1) does not require the local planning authority to ensure—

(a) that there are requirements for every description of development for every part of their area, or

(b) that there are requirements in relation to every aspect of design.

Revocation and revision of plans

15G Revocation of local plans and supplementary plans

(1) A local plan is revoked upon a new local plan for the local planning authority's area being adopted or approved under this Part.

(2) The Secretary of State—

(a) may revoke a local plan at the request of the local planning authority;

(b) may revoke a supplementary plan at the request of the relevant plan-making authority;

(c) may prescribe descriptions of supplementary plan which may be revoked by the relevant plan-making authority themselves.

15GA Revision of local plan

(1) A local planning authority may, at any time after their local plan has come into effect, prepare a revision of it.

(2) If the Secretary of State directs them to do so after the local plan comes into effect, a local planning authority must prepare a revision of the local plan, in accordance with such timetable as the Secretary of State directs.

(3) Subsection (4) applies if any part of the area of the local planning authority is an area to which an enterprise zone scheme relates.

(4) As soon as practicable after the occurrence of a relevant event—

(a) the authority must consider whether their local plan should be changed in the light of the enterprise zone scheme;

(b) if they think that any changes to their local plan are required in consequence of the scheme they must prepare a revision to their local plan to give effect to the changes.

(5) The following are relevant events—

(a) the making of an order under paragraph 5 of Schedule 32 to the Local Government, Planning and Land Act 1980 (designation of enterprise zone);

(b) the giving of notification under paragraph 11(1) of that Schedule (approval of modification of enterprise zone scheme).

(6) References to an enterprise zone and an enterprise zone scheme must be construed in accordance with that Act.

(7) This Part applies in relation to a revision under this section as it applies in relation to a local plan, subject to such modifications as may be prescribed.

Intervention powers in relation to plans

15H Power to require Secretary of State approval

(1) At any time before a proposed local plan is adopted by a local planning authority, the Secretary of State may direct the local planning authority to submit the plan (or any part of it) to the Secretary of State for approval.

(2) At any time before a proposed supplementary plan is adopted by a relevant plan-making authority, the Secretary of State may direct the relevant plan-making authority to submit the plan (or any part of it) to the Secretary of State for approval.

(3) Where the Secretary of State gives a direction under subsection (1) or (2)—

(a) the authority must not take any step in connection with the adoption of the plan until the Secretary of State gives the Secretary of State's decision or withdraws the direction;

(b) if the direction is given, and not withdrawn, before the authority have submitted the plan for independent examination, the Secretary of State must hold an independent examination;

(c) if the direction is given after the authority have submitted the plan for independent examination but before the person appointed to carry out the examination has made recommendations, and is not withdrawn before those recommendations are made, the person must make the recommendations to the Secretary of State.

(4) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination of a local plan held under subsection (3)(b).

(5) In the case of an examination of a supplementary plan held under subsection (3)(b)—

(a) subsections (5) to (12) of section 15DB apply, and

(b) the examiner is to be a person appointed by the Secretary of State.

(6) The Secretary of State must publish the recommendations made to the Secretary of State by virtue of subsection (3)(c) and the reasons of the person making the recommendations.

(7) In relation to a plan or part of a plan submitted under subsection (1) or (2), the Secretary of State—

(a) may approve, approve subject to modifications or reject the plan or part, and

(b) must give reasons for the decision under paragraph (a).

(8) In the exercise of any function under this section the Secretary of State—

(a) may take account of any matter which the Secretary of State thinks is relevant (regardless of whether the matter was taken account of by the authority), and

(b) must have regard to the local plan timetable and minerals and waste plan timetable, so far as relevant.

15HA Secretary of State powers where local planning authority are failing etc

(1) This section applies if the Secretary of State thinks that—

(a) a local planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan,

(b) a local plan or supplementary plan is, is going to be or may be unsatisfactory, or

(c) a proposed revision of a local plan or supplementary plan will, or may, result in the plan becoming unsatisfactory.

(2) The Secretary of State may—

(a) if the plan has not come into effect, take over preparation of the plan from the relevant authority;

(b) if the plan has come into effect, revise the plan;

(c) give directions to the relevant authority in relation to—

(i) the preparation or adoption of the plan (including a direction requiring the plan to be modified in accordance with the direction);

(ii) the revocation or revision of the plan (including a direction requiring the plan to be revised in accordance with the direction or a direction revoking the plan).

(3) The Secretary of State may appoint a person (a "local plan commissioner") to—

(a) investigate and report to the Secretary of State, or

(b) do any of the things that may be done under subsection (2), on the Secretary of State's behalf.

(4) Subsections (5) to (10) apply if preparation of the plan is taken over under subsection (2)(a) or (3)(b).

(5) The Secretary of State or (as the case may be) the local plan commissioner must publish a document setting out—

(a) their timetable for preparing the plan, and

(b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.

(6) The Secretary of State must—

(a) hold an independent examination of the plan or (as the case may be) direct the local plan commissioner to submit the plan for independent examination, or

(b) direct the relevant authority to submit the plan for independent examination under section 15D or (as the case may be) 15DB.

(7) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination of a local plan held under subsection (6)(a), reading references to the local planning authority as references to the Secretary of State or (as the case may be) the local plan commissioner.

(8) In the case of an examination of a supplementary plan held under subsection (6)(a)—

(a) subsections (5) to (12) of section 15DB apply, reading references to the relevant plan-making authority as references to the Secretary of State or (as the case may be) the local plan commissioner, and

(b) the examiner is to be a person appointed by the Secretary of State or the local plan commissioner.

(9) The Secretary of State must either—

(a) publish the recommendations and reasons of the person appointed to hold the examination, or

(b) give directions to the relevant authority or local plan commissioner in relation to publication of those recommendations and reasons.

(10) The Secretary of State or local plan commissioner may then—

(a) approve the plan or approve it subject to modifications,

(b) direct the relevant authority to consider adopting the plan, or

(c) reject the plan.

(11) Subsections (5) to (10) (and the provisions applied by them) apply in relation to a revision to a plan under subsection (2)(b) or (3)(b) as they apply to a plan prepared under subsection (2)(a) or (3)(b).

(12) In the exercise of any function under this section, the Secretary of State or local plan commissioner may take account of any matter which the Secretary of State or local plan commissioner thinks is relevant (regardless of whether the matter was taken account of by the relevant authority).

(13) The Secretary of State must give reasons for anything the Secretary of State does in pursuance of subsection (2) or (10).

(14) A local plan commissioner must give reasons for anything the commissioner does in pursuance of subsection (3)(b) or (10).

(15) In this section "relevant authority"—

(a) in relation to a local plan, means the local planning authority, or

(b) in relation to a supplementary plan, means the relevant plan-making authority.

15HB Secretary of State powers where local planning authority fails to ensure design code

(1) This section applies where the Secretary of State considers that a local planning authority are unlikely to comply, or have not complied, with the requirement in section 15F(1).

(2) The Secretary of State may give directions to the local planning authority as to the steps they must take to comply with that requirement, including directions as to the preparation, adoption or revision of their local plan or one or more supplementary plans.

(3) The Secretary of State must give reasons for any directions given under this section.

15HC Liability for Secretary of State's costs of intervention

(1) The Secretary of State may require the relevant authority to—

(a) reimburse the Secretary of State for any expenditure incurred by the Secretary of State in, or in connection with, exercising a function under any of sections 15H to 15HB, or

(b) pay any fees and expenses of a local plan commissioner appointed under section 15HA(3).

(2) Where a function under any of those sections is exercised in relation to a joint local plan or joint supplementary plan, the Secretary of State may apportion liability for such expenditure on such basis as the Secretary of State thinks just and reasonable between the authorities who are jointly preparing, or have jointly prepared, the plan.

(3) In subsection (1) "relevant authority" means—

(a) where the function is exercised, or the local plan commissioner is appointed, in relation a local plan, the local planning authority;

(b) where the function is exercised, or the local plan commissioner is appointed, in relation to a supplementary plan, the relevant plan-making authority.

15HD Default powers exercisable by Mayor of London, combined authority, combined county authority or county council

Schedule A1 (default powers exercisable by Mayor of London, combined authority, combined county authority or county council) has effect.

15HE Temporary direction pending possible use of intervention or default powers

(1) If the Secretary of State is considering whether to take action under section 15H, 15HA or 15HB or Schedule A1 in relation to a local plan or a supplementary plan, the Secretary of State may direct the local planning authority or (as the case may be) the relevant plan-making authority not to take any step, or not to take a step specified in the direction, in connection with the plan—

(a) until a time or event (if any) specified in the direction, or

(b) until the direction is withdrawn.

(2) A plan to which a direction under this section relates has no effect while the direction is in force.

(3) A direction given under this section in relation to a plan ceases to have effect if—

(a) the Secretary of State—

(i) gives a direction under section 15H, 15HA(2)(c) or (10)(b) or 15HB(2) or paragraph 8(5) of Schedule A1 in relation to the plan, or

(ii) approves the plan under section 15HA(10)(a),

(b) a local plan commissioner—

(i) gives a direction under section 15HA(3)(b), or

(ii) approves the plan under section 15HA(10)(a),

(c) the Mayor of London does anything under paragraph 2(4) of Schedule A1,

(d) a combined authority does anything under paragraph 6(4) of that Schedule, or

(e) a county council does anything under paragraph 7C(4) of that Schedule.

Joint plans

15I Joint local plans by agreement or direction

(1) A joint local plan is a local plan prepared jointly by two or more local planning authorities for their combined areas.

(2) Two or more local planning authorities may agree to prepare a joint local plan (a "joint local plan agreement").

(3) The Secretary of State may direct two or more local planning authorities to prepare a joint local plan (a "joint local plan direction").

(4) The Secretary of State may give a joint local plan direction to a local planning authority whether or not the authority's local plan timetable specifies that their local plan for their area is to be a joint local plan.

(5) The Secretary of State may give a joint local plan direction only if the Secretary of State considers that to do so will facilitate the more effective planning of the development and use of land in the area of one or more of the local planning authorities in question.

(6) A joint local plan direction may specify the timetable for preparation of the joint local plan.

(7) The Secretary of State must, when giving a joint local plan direction, notify the local planning authorities to which it applies of the reasons for giving it.

(8) If the Secretary of State gives a joint local plan direction, the Secretary of State may direct the local planning authorities to which it is given to amend their local plan timetables to take account of the direction.

(9) The Secretary of State may modify or withdraw a joint local plan direction by notice in writing to the authorities to which it was given.

(10) The Secretary of State must, when modifying or withdrawing a joint local plan direction, notify the local planning authorities to which it was given of the reasons for the modification or withdrawal.

15IA Joint local plans: application of Part

(1) This section applies in a case where—

(a) a joint local plan agreement is made, or

(b) a joint local plan direction is given.

(2) This Part applies for the purposes of any step which may be, or is required to be, taken in relation to the joint local plan as it applies for the purposes of any step which may be, or is required to be, taken in relation to a local plan.

(3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a local plan must be done by or in relation to each of the relevant authorities in connection with the joint local plan.

(4) Subsections (2) and (3) are subject to such modifications of this Part, as it applies to joint local plans, as may be prescribed.

(5) If the relevant authorities include one or more authorities in relation to whose area a spatial development strategy is operative, the requirements of this Part in relation to the spatial development strategy, which apply to or in respect of local plans, apply—

(a) to or in respect of the joint local plan, and

(b) in relation to such of the area to which the joint local plan relates as the spatial development strategy is operative in relation to.

(6) In this section "the relevant authorities" are the local planning authorities who are to prepare a joint local plan in accordance with the joint local plan agreement or joint local plan direction.

15IB Joint local plan agreement or direction: withdrawal or modification

(1) This section applies if—

(a) a relevant authority withdraw from a joint local plan agreement,

(b) the Secretary of State withdraws a joint local plan direction, or

(c) the Secretary of State modifies a joint local plan direction so that it ceases to apply to one or more of the relevant authorities to which it was given.

(2) Any step taken in relation to the joint local plan must be treated as a step taken by—

(a) a relevant authority for the purposes of any corresponding local plan prepared by them;

(b) two or more other relevant authorities for the purposes of any corresponding joint local plan.

(3) Any independent examination of the joint local plan must be suspended.

(4) If, before the end of the period prescribed for the purposes of this subsection, a relevant authority request the Secretary of State to do so, the Secretary of State may direct that—

(a) the examination is resumed in relation to—

(i) any corresponding local plan prepared by a relevant authority, or

(ii) any corresponding joint local plan prepared by two or more of the relevant authorities;

(b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.

(5) The Secretary of State may by regulations make provision as to what is a corresponding local plan or a corresponding joint local plan for the purposes of this section.

(6) For the purposes of this section references to the joint local plan are to the joint local plan to which the joint local plan agreement or (as the case may be) joint local plan direction related.

(7) In this section "the relevant authorities" are the local planning authorities—

(a) who were party to the joint local plan agreement immediately before the authority mentioned in subsection (1)(a) withdrew from it, or

(b) to whom the joint local plan direction applied immediately before it was withdrawn or modified by the Secretary of State.

15IC Joint supplementary plans by agreement

(1) Two or more local planning authorities may agree to prepare a joint supplementary plan under section 15CC, in which case in relation to that plan references in subsection (3) of that section to the area of the local planning authority are to be read as references to the combined areas of the relevant authorities.

(2) Two or more minerals and waste planning authorities may agree to prepare a joint supplementary plan under section 15CC, in which case in relation to that plan references in subsection (5) of that section to the relevant area are to be read as references to the combined relevant areas of the relevant authorities.

(3) This Part applies for the purposes of any step which may be, or is required to be, taken in relation to the joint supplementary plan as it applies for the purposes of any step which may be, or is required to be, taken in relation to a supplementary plan.

(4) For the purposes of subsection (3) anything which must be done by or in relation to a local planning authority or (as the case may be) a minerals and waste planning authority in connection with a supplementary plan must be done by or in relation to each of the relevant authorities in connection with the joint supplementary plan.

(5) Subsections (3) and (4) are subject to such modifications of this Part, as it applies to joint supplementary plans, as may be prescribed.

(6) If the relevant authorities include one or more authorities in relation to whose area a spatial development strategy is operative, the requirements of this Part in relation to the spatial development strategy, which apply to or in respect of supplementary plans, apply—

(a) to or in respect of the joint supplementary plan, and

(b) in relation to such of the area to which the joint supplementary plan relates as the spatial development strategy is operative in relation to.

(7) Subsections (8) to (10) apply if a relevant authority withdraws from an agreement mentioned in subsection (1) or (2).

(8) Any step taken in relation to the joint supplementary plan must be treated as a step taken by—

(a) a relevant authority for the purposes of any corresponding supplementary plan prepared by them;

(b) two or more other relevant authorities for the purposes of any corresponding joint supplementary plan.

(9) Any independent examination of the joint supplementary plan must be suspended.

(10) If, before the end of the period prescribed for the purposes of this subsection, any of the relevant authorities request the Secretary of State to do so, the Secretary of State may direct that—

(a) the examination is resumed in relation to—

(i) any corresponding supplementary plan prepared by any of the relevant authorities, or

(ii) any corresponding joint supplementary plan prepared by two or more of the relevant authorities;

(b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.

(11) The Secretary of State may by regulations make provision as to what is a corresponding supplementary plan or a corresponding joint supplementary plan for the purposes of this section.

(12) A joint supplementary plan is a supplementary plan prepared jointly by two or more relevant authorities in accordance with this section.

(13) In this section "the relevant authorities" means the authorities who enter into the agreement mentioned in subsection (1) or (as the case may be) (2).

Joint committees

15J Joint committees

(1) This section applies if one or more local planning authorities agree with one or more county councils in relation to any area of such a council for which there is also a district council to establish a joint committee to be, for the purposes of this Part, the local planning authority—

(a) for the area specified in the agreement;

(b) in respect of such purposes as are so specified.

(2) The Secretary of State may by regulations constitute a joint committee to be the local planning authority—

(a) for the area;

(b) in respect of those purposes.

(3) Such regulations—

(a) must specify the authority or authorities and county council or councils (the "constituent authorities") which are to constitute the joint committee;

(b) may make provision as to such other matters as the Secretary of State thinks are necessary or expedient to facilitate the exercise by the joint committee of its functions.

(4) Regulations under subsection (3)(b) may include provision—

(a) corresponding to provisions relating to joint committees in Part 6 of the Local Government Act 1972;

(b) applying (with or without modifications) such enactments relating to local authorities as the Secretary of State thinks appropriate;

(c) modifying the application of this Part in relation to the joint committee.

(5) For the purposes of subsection (4) a local authority is any of the following—

(a) a county council;

(b) a district council;

(c) a London borough council.

(6) If regulations under this section are annulled in pursuance of a resolution of either House of Parliament—

(a) with effect from the date of the resolution the joint committee ceases to be the local planning authority as mentioned in subsection (2);

(b) anything which the joint committee (as the local planning authority) was required to do for the purposes of this Part must be done for their area by

each local planning authority which were a constituent authority of the joint committee;

(c) each of those local planning authorities must revise their local plan timetable accordingly.

(7) Nothing in this section or section 15JA confers on a local planning authority constituted by virtue of regulations under this section any function in relation to section 13 or 14 (survey of area).

(8) This section and section 15JA are subject to the requirement in section 15C(2) that only one local plan may have effect in relation to the area of a local planning authority (including one constituted by virtue of regulations under this section) at any one time.

(9) The policies contained in any local plan or supplementary plan adopted by the joint committee in the exercise of its functions under this Part must be taken for the purposes of the planning Acts to be the policies of each of the constituent authorities which are a local planning authority.

(10) Subsection (11) applies to any function—

(a) which is conferred on a local planning authority (within the meaning of the principal Act) under or by virtue of the planning Acts, and

(b) which relates to the authority's local plan timetable, local plan or supplementary plan.

(11) If the authority is a constituent authority of a joint committee references to the authority's local plan timetable, local plan or supplementary plan must be construed, in relation to that function, as including references to the timetable or plan of the joint committee.

15JA Joint committees: additional functions

(1) This section applies if the constituent authorities of a joint committee agree that the joint committee is to be, for the purposes of this Part, the local planning authority for any area or purpose which is not the subject of—

(a) regulations under section 15J, or

(b) an earlier agreement under this section.

(2) Each of the constituent authorities and the joint committee must revise their local plan timetable in accordance with the agreement.

(3) With effect from the date when the last such revision takes effect the joint committee is, for the purposes of this Part, the local planning authority for the area or purpose mentioned in subsection (1).

15JB Dissolution of joint committee

(1) This section applies if a constituent authority requests the Secretary of State to revoke regulations constituting a joint committee as the local planning authority for any area or in respect of any purpose.

(2) The Secretary of State may revoke the regulations.

(3) If the Secretary of State does so, any step taken by the joint committee in relation to a local plan timetable, local plan or supplementary plan must be treated for the purposes of any corresponding timetable or plan as a step taken by a successor authority.

(4) A successor authority is—

(a) a local planning authority which were a constituent authority of the joint committee;

(b) a joint committee constituted by regulations under section 15J for an area which does not include an area which was not part of the area of the joint committee mentioned in subsection (1).

(5) If the revocation takes effect at a time when an independent examination is being carried out in relation to a local plan or supplementary plan in relation to which the joint committee is the local planning authority the examination must be suspended.

(6) But if, before the end of the period prescribed for the purposes of this subsection, a successor authority falling within subsection (4)(a) requests the Secretary of State to do so, the Secretary of State may direct that—

(a) the examination is resumed in relation to the corresponding plan;

(b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.

(7) The Secretary of State may by regulations make provision as to what is a corresponding timetable or plan.

Neighbourhood priorities statements

15K Neighbourhood priorities statements

(1) Any qualifying body may make a statement, to be known as a "neighbourhood priorities statement", which summarises what the body considers to be the principal needs and prevailing views, of the community in the neighbourhood area in relation to which the body is authorised, in respect of local matters.

(2) "Local matters" are such matters as the Secretary of State may prescribe, relating to—

(a) development, or the management or use of land, in or affecting the neighbourhood area,

(b) housing in the neighbourhood area,

(c) the natural environment in the neighbourhood area,

(d) the economy in the neighbourhood area,

(e) public spaces in the neighbourhood area,

(f) the infrastructure, facilities or services available in the neighbourhood area, or

(g) other features of the neighbourhood area.

(3) A qualifying body may modify or revoke a neighbourhood priorities statement that has effect, for the time being, for the neighbourhood area in relation to which the body is authorised.

(4) A neighbourhood priorities statement has effect from the time it is published by a relevant local planning authority and ceases to have effect upon such an authority publishing a notice stating that it has been revoked by a qualifying body.

(5) A modification of a neighbourhood priorities statement has effect from the time the modification, or modified statement, is published by a relevant local planning authority.

(6) Regulations made by the Secretary of State may impose requirements which must be met for a neighbourhood priorities statement, or any modification or revocation of such a statement, to be made or published.

(7) Regulations under subsection (6) or section 15LE(2)(k) may provide that a requirement may be met, or (as the case may be) procedure may be complied with, by virtue of things done by a parish council, or other organisation or body, before it becomes a qualifying body.

(8) Regulations under subsection (6) and section 15LE must (between them)—

(a) require a qualifying body to publish any proposed neighbourhood priorities statement, so that people who live, work or carry on business in the neighbourhood area to which the statement relates can comment on the proposed statement before the body makes the statement,

(b) require a qualifying body to publish any proposed material modification of a neighbourhood priorities statement, so that people who live, work or carry on business in the neighbourhood area to which the statement relates can comment on the proposed modification before the body makes the modification,

(c) require a relevant local planning authority to publish a neighbourhood priorities statement, if the statement is made in accordance with this section and any regulations made under this Part,

(d) require a relevant local planning authority to publish a notice of the revocation of a neighbourhood priorities statement, if the statement has been revoked in accordance with this section and any regulations made under this Part, and

(e) require a relevant local planning authority, if a modification of a neighbourhood priorities statement is made in accordance with this section and any regulations made under this Part, to publish the modification or a modified statement.

(9) Subsection (10) applies if, as a result of a modification of a neighbourhood area under section 61G(6) of the principal Act, a neighbourhood priorities statement relates to more than one neighbourhood area.

(10) Any modification, or revocation, of the neighbourhood priorities statement as it has effect for one of those areas does not affect the statement as it has effect in relation to the other area or areas.

(11) Regulations under section 61G(11) of the principal Act (designation of areas as neighbourhood areas) may include provision about the consequences of the modification of designations—

(a) on proposals for neighbourhood priorities statements, or on neighbourhood priorities statements, that have already been made, or

(b) on proposals for the modification of neighbourhood priorities statements, or on modifications of neighbourhood priorities statements, that have already been made.

(12) A authority mentioned in subsection (13) is a "relevant local planning authority", in relation to a neighbourhood priorities statement, if some or all of the neighbourhood area to which the statement relates falls within the area of the authority.

(13) The authorities are—

(a) a district council,

(b) a London borough council,

(c) a metropolitan district council,

(d) a county council in relation to an area in England for which there is no district council, or

(e) the Broads Authority.

(14) In this section—

"material modification", in relation to a neighbourhood priorities statement, means a modification which a relevant local planning authority considers—

(a) materially affects a summary, in the statement, of any needs or views, of the community in the neighbourhood area, in relation to a local matter, and

(b) does not only correct an obvious error or omission;

"neighbourhood area" has the meaning given by sections 61G and 61I(1) of the principal Act;

"qualifying body" means a parish council or an organisation or body designated as a neighbourhood forum, which is authorised to act in relation to a neighbourhood area as a result of section 61F of the principal Act (whether or not as applied by section 38C of this Act).

General

15L Exclusion of certain representations

(1) This section applies to any representation or objection in respect of anything which is done or is proposed to be done in pursuance of—

(a) an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the Highways Act 1980;

(b) an order under section 1 of the New Towns Act 1981.

(2) If the Secretary of State or a local planning authority thinks that a representation made in relation to a local plan or supplementary plan is in substance a representation or objection to which this section applies the Secretary of State or (as the case may be) the authority may disregard it.

15LA Development corporations: power to disapply provisions

The Secretary of State may direct that the provisions of—

(a) this Part, or

(b) any particular regulations made under section 14A,

do not apply to the area of an urban development corporation or a development corporation established under the New Towns Act 1981.

15LB Guidance

(1) In the exercise of any function conferred by or under this Part a relevant plan-making authority must have regard to any guidance issued by the Secretary of State.

(2) The Secretary of State must issue guidance for local planning authorities on how their local plan and any supplementary plans (taken as a whole) should address housing needs that result from old age or disability.

15LC Monitoring information

(1) The Secretary of State may prescribe information within subsection (3) which each local planning authority must make available to the public.

(2) The Secretary of State may prescribe information within subsection (3) which each local planning authority must provide to the Secretary of State.

(3) Information is within this subsection if it relates to—

(a) the implementation of the local planning authority's local plan timetable;

(b) the implementation of policies in their local plan and any supplementary plans they have prepared;

(c) the implementation of any policies which relate to the authority's area, in any spatial development strategy that is operative in relation to their area;

(d) the extent to which specified environmental outcomes (within the meaning of Part 6 of the Levelling-up and Regeneration Act 2023) are being delivered in relation to the authority's area.

(4) The information must be in such form, and made available or provided in such manner, as may be prescribed.

15LD Policies map

(1) Each local planning authority must ensure that a map, to be known as a "policies map", is prepared, and kept up to date, which illustrates the geographical application of the development plan for the authority's area.

(2) The map prepared and kept up to date under subsection (1)—

(a) must be in such form, and have such content, as may be prescribed,

(b) must be revised at such times, or in such circumstances, as may be prescribed, and

(c) must be made available to the public.

15LE Regulations

(1) The Secretary of State may by regulations make provision in connection with the exercise by any person of a function conferred by or under this Part.

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

(a) the form and content of a joint spatial development strategy;

(b) the documents (if any) which must accompany a joint spatial development strategy;

(c) the procedure to be followed in connection with the preparation, adoption, publication, review, alteration or withdrawal of a joint spatial development strategy or in connection with any review under section 15AE(2);

(d) the procedure to be followed in the preparation, adoption, review, revision or withdrawal of local plans or supplementary plans;

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

(f) requirements about inspection by the public of a local plan, supplementary plan or any other document;

(g) consultation with, or participation by, the public or any prescribed body or other person in connection with anything done under this Part, including provision

imposing requirements for consultation or participation or as to the nature and extent of the consultation or participation that may or must take place;

(h) the making of representations about any matter to be included in a local plan or supplementary plan;

(i) consideration of any such representations;

(j) the remuneration and allowances payable to a person appointed to provide observations or advice under section 15CA(3), carry out a public or independent examination under this Part or act as a local plan commissioner under section 15HA(3);

(k) the procedure to be followed in the preparation, making, modification, revocation, replacement or publication of a neighbourhood priorities statement;

(l) the form, and content, of a neighbourhood priorities statement;

(m) the determination of the time by or at which anything must be done for the purposes of this Part;

(n) the manner of publication of any draft, report or other document published under this Part;

(o) monitoring the exercise by local planning authorities of their functions under this Part;

(p) the making of reasonable charges for the provision of copies of documents required by or under this Part.

(3) Regulations under subsection (2)(l) may provide for the form or content of a neighbourhood priorities statement to be determined by the Secretary of State.

(4) Regulations under this Part may make different provision for different areas.

15LF Meaning of "local planning authority" etc

(1) This section applies for the purposes of this Part.

(2) Each of the following is a local planning authority for their area—

(a) a district council;

(b) a London borough council;

(c) a metropolitan district council;

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

(3) A National Park authority is the local planning authority for the whole of its area, in place of any authority who would otherwise be a local planning authority for any part of that area under subsection (2).

(4) The Broads Authority is the local planning authority for the Broads, in place of any authority who would otherwise be a local planning authority for any part of the Broads under subsection (2).

(5) Where a relevant order provides that a development corporation is to be the local planning authority for an area for some or all purposes of this Part, the development corporation is the local planning authority for that area and those purposes in place of any authority who would otherwise be the local planning authority for that area and those purposes.

(6) In subsection (5)—

"development corporation" means an urban development corporation, a development corporation established under the New Towns Act 1981 or a Mayoral development corporation;

"relevant order"—

(a) in relation to an urban development corporation, means an order under section 149(1A) of the Local Government, Planning and Land Act 1980;

(b) in relation to a development corporation established under the New Towns Act 1981, means an order under section 7A(2)(b) of that Act;

(c) in relation to a Mayoral development corporation, means an order under section 198(2) of the Localism Act 2011.

(7) Subsection (5) is subject to subsections (8) and (9).

(8) Subsection (9) applies where a designation order under section 13 of the Housing and Regeneration Act 2008 (power to make designation orders) provides that the Homes and Communities Agency is to be the local planning authority—

(a) for an area specified in the order, and

(b) for all purposes of this Part or any such purposes so specified.

(9) The Homes and Communities Agency is the local planning authority for the area and the purposes concerned in place of any authority who would otherwise be the local planning authority for that area and those purposes.

(10) See also section 15J under which joint committees can be constituted to be local planning authorities for the purposes of this Part.

(11) References (other than in this section) to a local planning authority's area are to the area for which they are the local planning authority in accordance with this Part.

15LG Meaning of "minerals and waste planning authority" etc

(1) This section has effect for the purposes of this Part.

(2) Subject to subsection (3)—

(a) a county council in England is the minerals and waste planning authority for their area,

(b) a London borough council is the minerals and waste planning authority for their area,

(c) a metropolitan district council is the minerals and waste planning authority for their area, and

(d) a district council is the minerals and waste planning authority for any part of their area for which there is no county council.

(3) A National Park authority is the minerals and waste planning authority for the whole of its area, in place of any authority who would otherwise be a minerals and waste planning authority for any part of that area under subsection (2).

(4) Where a relevant order provides that a development corporation is to be the minerals and waste planning authority for an area for some or all purposes of this Part, the development corporation is the minerals and waste planning authority for that area and those purposes in place of any authority who would otherwise be the minerals and waste planning authority for that area and those purposes.

(5) In subsection (4)—

"development corporation" means an urban development corporation, a development corporation established under the New Towns Act 1981 or a Mayoral development corporation;

"relevant order"—

(a) in relation to an urban development corporation, means an order under section 149(2A) of the Local Government, Planning and Land Act 1980;

(b) in relation to a development corporation established under the New Towns Act 1981, means an order under section 7A(6) of that Act;

(c) in relation to a Mayoral development corporation, means an order under section 198(2) of the Localism Act 2011.

(6) "Relevant area", in relation to a minerals and waste planning authority, means the area for which the authority are the minerals and waste planning authority in accordance with this section.

15LH Interpretation

(1) This section has effect for the purposes of this Part.

(2) Each of the following is a relevant plan-making authority—

(a) the Mayor of London;

(b) a local planning authority;

(c) a minerals and waste planning authority.

(3) In this Part (unless a contrary intention appears)—

"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 may be prescribed;

"constituent authority", in relation to a joint committee, must be construed in accordance with section 15J(3);

"joint local plan" must be construed in accordance with section 15I(1);

"joint local plan agreement" must be construed in accordance with section 15I(2);

"joint local plan direction" must be construed in accordance with section 15I(3);

"joint spatial development strategy" means a strategy adopted by local planning authorities under section 15AD or, as the context requires, a strategy in preparation further to an agreement under section 15A(1);

"joint supplementary plan" must be construed in accordance with section 15IC;

"local nature recovery strategy" means a local nature recovery strategy under section 104 of the Environment Act 2021;

"local plan" must be construed in accordance with section 15C;

"local plan timetable" must be construed in accordance with section 15B;

"local planning authority" must be construed in accordance with section 15LF;

"minerals and waste development" means development which is a county matter within the meaning of paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph (1)(i) of that paragraph);

"minerals and waste plan" must be construed in accordance with section 15CB;

"minerals and waste plan timetable" must be construed in accordance with section 15BB;

"minerals and waste planning authority" must be construed in accordance with section 15LG;

"neighbourhood priorities statement" must be construed in accordance with section 15K;

"relevant area" must be construed in accordance with section 15LG;

"relevant plan-making authority" must be construed in accordance with subsection (2);

"spatial development strategy" means (except in the context of more specific expressions)—

(a) the spatial development strategy for London,

(b) a spatial development strategy adopted by a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, or

(c) a joint spatial development strategy;

"spatial development strategy for London" means the strategy adopted by the Mayor of London under Part 8 of the Greater London Authority Act 1999;

"supplementary plan" must be construed in accordance with section 15CC."

SCHEDULE 8

Section 101

MINOR AND CONSEQUENTIAL AMENDMENTS IN CONNECTION WITH CHAPTER 2 OF PART 3

Local Government Act 1972

1 In section 138C of the Local Government Act 1972 (application of sections 138A and 138B to other authorities), in subsections (1)(s) and (2)(c), for "an order under section 29" substitute "regulations made under section 15J".

Town and Country Planning Act 1990

2 TCPA 1990 is amended as follows.

3 In section 2A (the Mayor of London: applications of potential strategic importance), in subsection (6)(aa), for "development plan document" substitute "local plan, document which is or forms part of a minerals and waste plan or supplementary plan".

4 In section 59A (development orders: permission in principle)—

(a) in paragraph (b) of subsection (3)—

(i) for "development plan document" substitute "local plan or supplementary plan";

(ii) for "section 37" substitute "section 15LH";

(b) after that paragraph insert—

"(ba) a document which is, or forms part of, a minerals and waste plan within the meaning of Part 2 of the 2004 Act ("a minerals and waste plan document");"

(c) in subsection (5)(b), for "development plan document" substitute "local plan, minerals and waste plan document or supplementary plan".

5 In section 70(4) (determination of applications: definitions), in paragraph (l) of the definition of "relevant authority", for "section 29" substitute "section 15J".

6 In section 74 (directions etc as to method of dealing with applications), in subsection (1BB) for "development plan document" substitute "local plan, document which is or forms part of a minerals and waste plan or supplementary plan".

7 (1) Section 303A (responsibility of local planning authorities for costs of holding certain inquiries etc) is amended as follows.

(2) In subsection (1A)—

(a) before paragraph (a) insert—

"(za) a public examination under section 15AC of the Planning and Compulsory Purchase Act 2004;";

(b) in paragraph (a), for "20, 21(5)(b), 27(3)(a)" substitute "15D, 15DB, 15H(3)(b), 15HA(6)(a)".

(3) In subsection (9A)—

(a) in paragraph (a)—

(i) after "submit a" insert "strategy, plan or";

(ii) after "for" insert "public or";

(b) in paragraph (b), for "27(2)(a)" substitute "15HA(3)(b) or 15HA(6)(a)".

(4) After subsection (9A) insert—

"(9B) In a case where a qualifying procedure is carried out in relation to a plan that is prepared jointly by two or more local planning authorities under Part 2 of the Planning and Compulsory Purchase Act 2004, the Secretary of State may for the purposes of this section apportion the amount that may be recovered in accordance with subsections (4) to (6) between those authorities, on such basis as the Secretary of State considers just and reasonable."

(5) In subsection (10), before paragraph (a) insert—

"(za) any reference to an independent examination under section 15D of the Planning and Compulsory Purchase Act 2004 includes a pause of such an examination under section 15DA of that Act;".

(6) After subsection (11) insert—

"(12) In this section references to a local planning authority are, in relation to a local planning authority in England, to a local planning authority for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 and include a minerals and waste planning authority for the purposes of that Part."

8 In section 306 (contributions by local authorities and statutory undertakers), in subsection (2)(ab)—

(a) after "by a" insert "minerals and waste planning authority or";

(b) after "duty of" insert "minerals and waste planning authority or".

9 In section 324 (rights of entry), in subsection (1)(a), for "local development document" substitute "local plan, document which is or forms part of a minerals and waste plan or supplementary plan".

10 In section 336 (interpretation), after the definition of "mortgage" insert—

""national development management policy" must be construed in accordance with section 38ZA of the Planning and Compulsory Purchase Act 2004;".

11 (1) Schedule 1 (local planning authorities: distribution of functions) is amended as follows.

(2) In paragraph 7, for sub-paragraph (10) substitute—

"(10) A relevant county policy is a policy contained in a relevant document, plan or revision which—

(a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or

(b) has been adopted, approved or made for the purposes of that Part.

(10A) In sub-paragraph (10)—

(a) a "relevant document, plan or revision" means—

(i) a document prepared to be, or to form part of, the county planning authority's minerals and waste plan for the purposes of Part 2 of the 2004 Act,

(ii) a revision of a document which is, or forms part of, the county planning authority's minerals and waste plan for the purposes of that Part,

(iii) a supplementary plan prepared by the county planning authority acting as a minerals and waste planning authority under that Part, or

(iv) a revision of a such a supplementary plan;

(b) the reference to submission of a relevant document, plan or revision for independent examination under Part 2 of the 2004 Act is to be taken to include any case where an independent examination is held under that Part."

(3) In paragraph 8(3E), in paragraph (b) of the definition of "relevant neighbourhood development plan", for "(3)" substitute "(2A)".

(4) In paragraph 8A(2), in paragraph (b) of the definition of "relevant neighbourhood development plan", for "(3)" substitute "(2A)".

12 In Schedule 13 (blighted land), in paragraph 1A—

(a) for "development plan document", in the first place it appears, substitute "local plan, minerals and waste plan or supplementary plan";

(b) for Note (2) substitute—

"(2) For the purposes of this paragraph a local plan is a local plan, or revision of such a plan, which—

(a) has been submitted for independent examination under Part 2 of the Planning and Compulsory Purchase Act 2004 (in this paragraph, "the 2004 Act") and has not been withdrawn, or

(b) has been adopted, approved or made for the purposes of that Part.

(2ZA) For the purposes of this paragraph a minerals and waste plan is a document prepared to be or to form part of a minerals and waste plan, or a revision of such a document, which—

(a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or

(b) has been adopted, approved or made for the purposes of that Part.

(2ZB) For the purposes of this paragraph a supplementary plan is a supplementary plan, or a revision of such a plan, which—

(a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or

(b) has been adopted, approved or made for the purposes of that Part.";

(c) omit Note (3);

(d) for Note (4) substitute—

"(4) In Notes (2) to (2ZB) the references to submission of a local plan, a supplementary plan, a document or a revision for independent examination under Part 2 of the 2004 Act are to be taken to include any case where an independent examination is held under that Part."

Greater London Authority Act 1999

13 GLAA 1999 is amended as follows.

14 In section 338 (examination in public), at the end of subsection (1) insert "in relation to the proposed strategy".

15 In section 346 (monitoring and data collection), in paragraph (b), for "local development documents" substitute "local plan, any document which is or forms part of a minerals and waste plan and any supplementary plans".

16 In section 347 (functional bodies to have regard to strategy)—

(a) for "section 24" substitute "sections 15CA(2) and 15CC(7)";

(b) for "requires certain of a Mayoral development corporation's documents" substitute "require local plans, minerals and waste plans and supplementary plans".

Planning and Compulsory Purchase Act 2004

17 PCPA 2004 is amended as follows.

18 For section 14 (survey of area: county councils) substitute—

"**14 Survey of area: minerals and waste planning authorities and county councils**

(1) A minerals and waste planning authority must keep under review the matters which may be expected to affect minerals and waste development in the relevant area or the planning of such development.

(2) Subsections (2) to (5) of section 13 apply for the purposes of subsection (1) as they apply for the purposes of that section and—

(a) references to the local planning authority must be construed as references to the minerals and waste planning authority,

(b) references to the area of the local planning authority must be construed as references to the relevant area, and

(c) references to the local planning authority for a neighbouring area must be construed as references to—

(i) in the case of a neighbouring area in England, the minerals and waste planning authority for that area, or

(ii) in the case of a neighbouring area in Wales, the local planning authority for that area for the purposes of Part 6.

(3) The Secretary of State may by regulations require or (in a particular case) may direct a county council to keep under review in relation to their area such of the matters mentioned in section 13(1) to (4) as the Secretary of State prescribes or directs (as the case may be).

(4) For the purposes of subsection (3)—

(a) it is immaterial whether the matter relates to minerals and waste development;

(b) if a matter which is prescribed or in respect of which the Secretary of State gives a direction falls within section 13(4) the county council must consult the local planning authority for the area in question.

(5) The county council must make available the results of their review under subsection (3) to such persons as the Secretary of State prescribes or directs (as the case may be).”

19 In section 38 (development plan), in subsection (7), after “enactments” insert “mentioned in subsection (1)”.

20 In section 38A (meaning of “neighbourhood development plan”), in subsection (12)—

(a) after “this section” insert “and section 38B”;

(b) in the definition of “local planning authority”, for the words from “section 37” to the end of the definition substitute “section 15LF)”.

21 In section 39 (sustainable development), in subsection (1)—

(a) in paragraph (b), for “local development documents” substituted “a joint spatial development strategy, local plan, minerals and waste plan or supplementary plan”;

(b) after that paragraph insert—

“(ba) under section 38A to 38C in relation to a neighbourhood development plan.”

22 In section 61 (Wales: survey), for subsection (6) substitute—

“(6) If a neighbouring area is in England, the reference in subsection (5) to the local planning authority for that area is to be construed as a reference to the local planning authority and the minerals and waste planning authority, in each case for the purposes of Part 2, for that area.”

23 (1) Section 113 (validity of strategies, plans and documents) is amended as follows.

(2) In subsection (1)—

(a) after paragraph (ba) insert—

"(bb) a local plan;

(bc) a minerals and waste plan;

(bd) a supplementary plan;";

(b) omit paragraph (c);

(c) in paragraph (e), for "(c)" substitute "(bb), (bc), (bd)";

(d) in paragraph (f), for "the Mayor of London's" substitute "a";

(e) in paragraph (g), for "the" substitute "a".

(3) In subsection (9)—

(a) in paragraph (c), for "development plan document" substitute "local plan, minerals and waste plan or supplementary plan";

(b) in paragraph (e), after "strategy" insert "for London";

(c) after that paragraph insert—

"(f) in the case of a spatial development strategy adopted by a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, or any alteration or replacement of it, whichever provisions of (or applied by) an order under that Act give the combined authority powers in relation to such a strategy;

(g) sections 15A to 15AF above, in the case of a joint spatial development strategy or any alteration of it."

(4) In subsection (11)—

(a) in paragraph (c)—

(i) for "development plan document" substitute "local plan, minerals and waste plan or supplementary plan";

(ii) for the words from "by the local" to the end substitute "or approved (as the case may be) under Part 2;";

(b) in paragraph (e)—

(i) for "the", in the second place it occurs, substitute "a";

(ii) for "the Mayor of London publishes it" substitute "it becomes operative".

(5) After subsection (12) insert—

"(13) In this section, "spatial development strategy", "spatial development strategy for London" and "joint spatial development strategy" must be construed in accordance with section 15LH."

24 In section 116 (Isles of Scilly), in subsection (2)(b), after "local planning authority" insert "or minerals and waste planning authority".

25 In section 122 (regulations and orders)—

(a) in subsection (5), before paragraph (a) insert—

"(za) regulations under section 15A(2)(c);

(zb) regulations made under section 39A(3);";

(b) in subsection (6), after "(5)" insert "(za), (zb),".

26 (1) Schedule A1 (default powers exercisable by Mayor of London, combined authority or county council) is amended as follows.

(2) For paragraph 1 substitute—

"1 (1) This paragraph applies if the Secretary of State thinks that a London borough council, in their capacity as a local planning authority, are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.

(2) If the local plan has not come into effect, the Secretary of State may invite the Mayor of London to take over preparation of the local plan from the London borough council, in which case the Mayor may do so.

(3) If the local plan has come into effect, the Secretary of State may invite the Mayor of London to revise the local plan, in which case the Mayor may do so."

(3) In paragraph 2—

(a) in sub-paragraph (1), for "development plan document" substitute "local plan";

(b) after that sub-paragraph insert—

"(1A) If the Mayor of London is to prepare the local plan, the Mayor must publish a document setting out—

(a) the Mayor's timetable for preparing the plan, and

(b) if the Mayor intend to depart from anything specified in a local plan timetable in relation to the plan, details of how the Mayor intends to depart from it.";

(c) for sub-paragraph (4) substitute—

"(4) The Mayor of London may then—

(a) where the Mayor has prepared a local plan, approve the local plan, approve the local plan subject to specified modifications or direct the council to consider adopting the local plan by resolution of the council, or

(b) where the Mayor is to revise a local plan, make the revision or make the revision subject to specified modifications."

(4) In paragraph 3—

(a) for sub-paragraph (1) substitute—

"(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 2(2)—

(a) reading references to the local planning authority as references to the Mayor of London, and

(b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.";

(b) in sub-paragraph (3)(a), omit "or omitted";

(c) for sub-paragraph (4) substitute—

(i) for "joint local development document or a joint development plan document" substitute "joint local plan";

(ii) for "the document" substitute "the plan".

(5) In paragraph 4, for "section 29" substitute "section 15J".

(6) For paragraph 5 substitute—

"5 (1) This paragraph applies if the Secretary of State thinks that a constituent planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.

(2) If the local plan has not come into effect, the Secretary of State may invite the combined authority to take over preparation of the local plan from the constituent planning authority, in which case the combined authority may do so.

(3) If the local plan has come into effect, the Secretary of State may invite the combined authority to revise the local plan, in which case the combined authority may do so."

(7) In paragraph 6—

(a) in sub-paragraph (1), for "development plan document" substitute "local plan";

(b) after that sub-paragraph insert—

"(1A) If the combined authority are to prepare the local plan, the combined authority must publish a document setting out—

(a) their timetable for preparing the plan, and

(b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.";

(c) for sub-paragraph (4) substitute—

"(4) The combined authority may then—

(a) where the combined authority have prepared a local plan, approve the local plan, approve the local plan subject to specified modifications or direct the constituent planning authority to consider adopting the local plan by resolution of the authority, or

(b) where the combined authority are to revise a local plan, make the revision or make the revision subject to specified modifications."

(8) In paragraph 7—

(a) for sub-paragraph (1) substitute—

"(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 6(2)—

(a) reading references to the local planning authority as references to the combined authority, and

(b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.";

(b) in sub-paragraph (3)(a), omit "or omitted";

(c) in sub-paragraph (4)—

(i) for "joint local development document or a joint development plan document" substitute "joint local plan";

(ii) for "the document" substitute "the plan".

(9) In paragraph 7ZA (inserted by paragraph 156 of Schedule 4 to this Act), in paragraph (b) of the definition of "constituent planning authority", for "29" substitute "15J".

(10) For paragraph 7ZB (inserted by paragraph 156 of Schedule 4 to this Act) substitute—

"7ZB (1) This paragraph applies if the Secretary of State thinks that a constituent planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.

(2) If the local plan has not come into effect, the Secretary of State may invite the combined county authority to take over preparation of the local plan from the constituent planning authority, in which case the combined county authority may do so.

(3) If the local plan has come into effect, the Secretary of State may invite the combined county authority to revise the local plan, in which case the combined county authority may do so."

(11) In paragraph 7ZC (inserted by paragraph 156 of Schedule 4 to this Act)—

(a) in sub-paragraph (1), for "development plan document" substitute "local plan";

(b) after that sub-paragraph insert—

"(1A) If the combined county authority are to prepare the local plan, the combined county authority must publish a document setting out—

(a) their timetable for preparing the plan, and

(b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.";

(c) for sub-paragraph (4) substitute—

"(4) The combined county authority may then—

(a) where the combined county authority have prepared a local plan, approve the local plan subject to specified modifications or direct the constituent planning authority to consider adopting the local plan by resolution of the authority, or

(b) where the combined county authority are to revise a local plan, make the revision or make the revision subject to specified modifications."

(12) In paragraph 7ZD (inserted by paragraph 156 of Schedule 4 to this Act)—

(a) for sub-paragraph (1) substitute—

"(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 7ZC(2)—

(a) reading references to the local planning authority as references to the combined county authority, and

(b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.";

(b) in sub-paragraph (3)(a), omit "or omitted";

(c) in sub-paragraph (4)—

(i) for "joint local development document or a joint development plan document" substitute "joint local plan";

(ii) for "the document" substitute "the plan".

(13) For paragraph 7B substitute—

"7B (1) This paragraph applies if the Secretary of State thinks that a lower tier planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.

(2) If the local plan has not come into effect, the Secretary of State may invite the upper-tier county council to take over preparation of the local plan from the lower-tier planning authority, in which case the upper-tier county council may do so.

(3) If the local plan has come into effect, the Secretary of State may invite the upper-tier county council to revise the local plan, in which case the upper-tier county council may do so."

(14) In paragraph 7C—

(a) in sub-paragraph (1), for "development plan document" substitute "local plan";

(b) after that sub-paragraph insert—

"(1A) If the upper-tier county council are to prepare the local plan, the upper-tier county council must publish a document setting out—

(a) their timetable for preparing the plan, and

(b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.";

(c) for sub-paragraph (4) substitute—

"(4) The upper-tier county council may then—

(a) where the upper-tier county council have prepared a local plan, approve the local plan, approve the local plan subject to specified modifications or direct the lower-tier planning authority to consider adopting the local plan by resolution of the authority, or

(b) where the upper-tier county council are to revise a local plan, make the revision or make the revision subject to specified modifications."

(15) In paragraph 7D—

(a) for sub-paragraph (1) substitute—

"(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 7C(2)—

(a) reading references to the local planning authority as references to the upper-tier county council, and

(b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.";

(b) in sub-paragraph (3)(a), omit "or omitted";

(c) in sub-paragraph (4)—

(i) for "joint local development document or a joint development plan document" substitute "joint local plan";

(ii) for "the document" substitute "the plan".

(16) In paragraph 8—

(a) in sub-paragraph (1)—

(i) for "development plan document" substitute "local plan";

(ii) for "revised" substitute "a revision of a local plan";

(b) in sub-paragraph (2)—

(i) for "development plan document" substitute "local plan";

(ii) in paragraph (a), for "document" (in both places) substitute plan;

(iii) in that paragraph, for "section 23" substitute "section 15EA";

(c) in sub-paragraph (3)(b), for "document" substitute "plan";

(d) in sub-paragraph (5)—

(i) for "development plan document" substitute "local plan";

(ii) for "section 23" substitute "section 15EA";

(iii) for "the document" substitute "the plan";

(e) in sub-paragraph (6), for "document" (in each place) substitute "plan";

(f) in sub-paragraph (7)—

(i) in paragraph (a), for "development plan document" substitute "local plan";

(ii) in paragraph (b), for "section 23" substitute "section 15EA";

(iii) in the words after paragraph (b), for "document" substitute "plan";

(g) after sub-paragraph (7) insert—

"(7A) Sub-paragraphs (2) to (7) and paragraph 9 apply in relation to a revision to a local plan to which this paragraph applies as they apply in relation to a local plan to which this paragraph applies—

(a) reading references to the plan being adopted or approved as references to the revision being made, and

(b) reading references to paragraph 2(4)(a), 6(4)(a), 7ZC(4)(a) or 7C(4)(a) as references to paragraph 2(4)(b), 6(4)(b), 7ZC(4)(b) or 7C(4)(b)."

(17) In paragraph 9, for "document" (in each place) substitute "plan".

(18) For paragraph 10 substitute—

"10 Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination of a local plan held under paragraph 9(3)—

(a) reading references to the local planning authority as references to Secretary of State, and

(b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision."

(19) In paragraph 11, for "local development scheme" substitute "local plan timetable".

(20) In paragraph 13—

(a) in sub-paragraph (1)—

(i) for "development plan document" substitute "local plan";

(ii) after "step" insert ", or not to take a step specified in the direction,";

(iii) for "adoption or approval of the document" substitute "plan";

(b) in sub-paragraph (2), for "document" substitute "plan";

(c) in sub-paragraph (3), for "document" (in both places) substitute "plan".

Commons Act 2006

27 In Schedule 1A to the Commons Act 2006 (exclusion of right under section 15 of that Act (registration of greens): England), in the Table—

(a) in paragraph 3 of the first column—

(i) for "development plan document" substitute "local plan, a document which is to be or to form part of a minerals and waste plan or a supplementary plan";

(ii) for "section 17(7)" substitute "section 15LE(2)(g)";

(b) in paragraph (a) of the entry in the second column corresponding to paragraph 3—

(i) after "The" insert "plan or";

(ii) for "under section 22(1) of the 2004 Act" substitute "under—

(i) in the case of a local plan, section 15E of the 2004 Act;

(ii) in the case of a document which is to be or to form part of a minerals and waste plan, section 15E of that Act (as applied by section 15CB(8) of that Act);

(iii) in the case of a supplementary plan, regulations made under section 15CC(11) of that Act.";

(c) for paragraph (b) of the entry in the second column corresponding to paragraph 3 substitute—

"(b) The plan or document is adopted or approved under Part 2 of that Act (but see paragraph 4 of this Table).";

(d) in paragraph (c) of the entry in the second column corresponding to paragraph 3, after "which the" insert "plan or";

(e) for paragraph 4 of the first column substitute—

"4 A local plan, a document which is or forms part of a minerals and waste plan or a supplementary plan, which identifies the land for potential development, is adopted or approved under Part 2 of the 2004 Act.";

(f) in paragraph (a) of the entry in the second column corresponding to paragraph 4—

(i) after "The" insert "plan or";

(ii) for "section 25 of the 2004 Act" substitute "section 15G of the 2004 Act (including as applied by section 15CB(8) of that Act, in the case of a minerals and waste plan)";

(g) in paragraph (b) of the entry in the second column corresponding to paragraph 4, after "in the" insert "plan or".

Planning and Energy Act 2008

28 The Planning and Energy Act 2008 is amended as follows.

29 (1) Section 1 (energy policies) is amended as follows.

(2) In subsection (1), for "development plan documents," substitute "local plan and any supplementary plan, a minerals and waste planning authority may in their minerals and waste plan and any supplementary plan,".

(3) After that subsection insert—

"(1ZA) In relation to the minerals and waste plan or supplementary plan of a minerals and waste planning authority, references in subsection (1) to development in their area are to minerals and waste development in the relevant area."

(4) In subsection (4)—

(a) in paragraph (a), for "section 19" substitute "sections 15C, 15CA and 15CC";

(b) after that paragraph insert—

"(aza) sections 15CB and 15CC of that Act, in the case of a minerals and waste planning authority;".

(5) In subsection (5), for "development plan documents" substitute "a local plan, a minerals and waste plan or a supplementary plan".

30 In section 2 (interpretation), for the definition of "development plan document" substitute—

""local plan", "minerals and waste development", "minerals and waste plan", "minerals and waste planning authority", "relevant area" and "supplementary plan" have the same meaning as in Part 2 of the Planning and Compulsory Purchase Act 2004 (see, in particular, section 15LH of that Act);".

Marine and Coastal Access Act 2009

31 (1) Schedule 6 to the Marine and Coastal Access Act 2009 (marine plans: preparation and adoption) is amended as follows.

(2) In paragraph 1—

(a) in sub-paragraph (2), after paragraph (d) insert—

"(da) any minerals and waste planning authority whose relevant area adjoins or is adjacent to the marine plan area;";

(b) in sub-paragraph (3)—

(i) in paragraph (a) of the definition of "local planning authority", for "section 37" substitute "section 15LF";

(ii) after that definition insert—

""minerals and waste planning authority" means an authority which is a minerals and waste planning authority for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (see section 15LG of that Act) and "relevant area" has the meaning given by that section."

(3) In paragraph 3(6), in paragraph (a) of the definition of "development plan", for "section 38(2) to (4)" substitute "section 38(2A) to (4)".

Waste (England and Wales) Regulations 2011 (S.I. 2011/988)

32 In regulation 16(3) of the Waste (England and Wales) Regulations 2011 (general interpretation: meaning of planning authority), for sub-paragraph (b) substitute—

"(ba) a local planning authority or minerals and waste planning authority for the purposes of Part 2 of the 2004 Act;".

Housing and Planning Act 2016

33 The Housing and Planning Act 2016 is amended as follows.

34 In section 6 (starter homes: monitoring), in subsection (2), omit paragraph (c).

35 In section 7 (starter homes: compliance directions), in subsection (1)(b) for "local development document" substitute "local plan, document which is or forms part of a minerals and waste plan or supplementary plan".

36 In section 8 (starter homes: interpretation), for the definition of "local development document" substitute—

""local plan", "minerals and waste plan" and "supplementary plan" have the same meaning as in Part 2 of the Planning and Compulsory Purchase Act 2004 (see, in particular, section 15LH of that Act);".

Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012)

37 The Conservation of Habitats and Species Regulations 2017 are amended as follows.

38 (1) Regulation 41 (nature conservation policy in planning contexts) is amended as follows.

(2) In paragraph (1), after "of land" insert "or minerals and waste development".

(3) In paragraph (2)(a)(i)—

(a) for "section 17(3)" substitute "sections 15C(3) and (4) and 15CC(3)";

(b) for "local development documents" substitute "local plans and supplementary plans made by local planning authorities".

(4) Omit the "and" at the end of paragraph (2)(a)(ii).

(5) After paragraph (2)(a) insert—

"(aa) in relation to minerals and waste development, sections 15CB(2) and (3) and 15CC(5) of that Act; and".

39 (1) Regulation 108 (co-ordination for land use plan prepared by more than one authority) is amended as follows.

(2) In paragraph (1), for the words from "prepare" to the end substitute "prepare a relevant joint plan".

(3) In paragraph (2), for "joint local development document or plan" substitute "relevant joint plan".

(4) In paragraph (3), for "joint local planning document or plan" substitute "relevant joint plan".

(5) In paragraph (5), for "joint local development document or plan" substitute "relevant joint plan".

(6) After that paragraph insert—

"(6) In this regulation "relevant joint plan" means—

(a) a joint spatial development strategy, joint local plan or joint supplementary plan (within the meaning of Part 2 of the 2004 Planning Act),

(b) a document which is or forms part of a joint minerals and waste plan under sections 15I and 15IA of that Act (as applied by section 15CB(8) of that Act), or

(c) a joint local development plan under section 72 of that Act."

40 (1) Regulation 111 (interpretation of Chapter 8 of Part 6) is amended as follows.

(2) In paragraph (1)—

(a) in paragraph (b) of the definition of "land use plan"—

(i) for "local development document as provided for in" substitute "joint spatial development strategy, local plan, document which is or forms part of a minerals and waste plan, supplementary plan or any revision of such a plan or document under";

(ii) omit the words from "other" to the end;

(b) in paragraph (a) of the definition of "plan-making authority", after "replacement)" insert "or section 15CC of the 2004 Planning Act (supplementary plans)";

(c) in paragraph (b) of the definition of "plan-making authority" omit "or an order under section 29(2) of the 2004 Planning Act (joint committees)";

(d) after that paragraph insert—

"(ba) a local planning authority or minerals and waste planning authority for the purposes of Part 2 of the 2004 Planning Act;";

(e) in paragraph (c) of the definition of "plan-making authority", omit sub-paragraph (i);

(f) after that paragraph insert—

"(ca) anyone exercising powers under section 15H, 15HA or 15HB of, or Schedule A1 to, the 2004 Planning Act;".

(3) In paragraph (2)—

(a) for sub-paragraphs (a) and (b) substitute—

"(aa) the adoption of a joint spatial development strategy under section 15AD of the 2004 Planning Act or of an alteration of such a strategy under section 15AF of that Act;

(ab) the adoption or approval of a local plan, document which is or forms part of a minerals and waste plan, supplementary plan or a revision of any such document or plan under Part 2 of the 2004 Planning Act;";

(b) in sub-paragraph (c) for "publication" substitute "adoption".

SCHEDULE 9

Section 106

STREET VOTES: MINOR AND CONSEQUENTIAL AMENDMENTS

Town and Country Planning Act 1990

1 (1) TCPA 1990 is amended as follows.

(2) In section 5 (the Broads), in subsection (3), for "61Q" substitute "61QM".

(3) In section 56 (time when development begun), in subsection (3)—

(a) after "(7)," insert "61QI(8),";

(b) for "108(3E)(c)(i)" substitute ", 108(3E)(c)(i), 108(3DB)(c)(i)".

(4) In section 57 (planning permission required for development), in subsection (3), for "or a neighbourhood development order" substitute ", a neighbourhood development order or a street vote development order".

(5) In section 58 (granting of planning permission: general), in subsection (1)(a), for "or a neighbourhood development order" substitute ", a neighbourhood development order or a street vote development order".

(6) In section 62 (applications for planning permission or permission in principle), in subsection (2A)—

(a) at the end of paragraph (a) omit "and";

(b) after paragraph (b) insert ", and

(c) applications for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1)."

(7) In section 65 (notice of applications for planning permission or permission in principle), in subsection (3A)—

(a) at the end of paragraph (a) omit "and";

(b) after paragraph (b) insert ", and

(c) any application for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1) or any applicant for such consent, agreement or approval."

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

(a) after subsection (1)(cza) insert—

"(czb) street vote development orders or proposals for such orders;";

(b) in subsection (2)(b), after "Mayoral development order," insert "street vote development order or proposal for such an order,".

(9) In section 71 (consultations in connection with determinations under section 70), in subsection (2ZA)—

(a) at the end of paragraph (a) omit "and";

(b) after paragraph (b) insert ", and

(c) an application for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1)."

(10) In section 74 (directions etc as to method of dealing with applications), in subsection (1ZA)—

(a) in paragraph (a)—

(i) at the end of sub-paragraph (i) omit "and";

(ii) after sub-paragraph (ii) insert—

"(iii) a consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1), and";

(b) in paragraph (b)—

(i) at the end of sub-paragraph (i) omit "and";

(ii) after sub-paragraph (ii) insert ", and

(iii) applications for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1)."

(11) In section 77 (reference of applications to Secretary of State), in subsection (1), for "or a neighbourhood development order" substitute ", a neighbourhood development order or a street vote development order".

(12) In section 78 (right to appeal), in subsection (1)(c), for "or a neighbourhood development order" substitute ", a neighbourhood development order or a street vote development order".

(13) In section 88 (planning permission for development in enterprise zones), in subsection (9), for "or a neighbourhood development order" substitute ", a neighbourhood development order or a street vote development order".

(14) In section 91 (general condition limiting duration of planning permission), in subsection (4)(a), for "or a neighbourhood development order" substitute ", a neighbourhood development order or a street vote development order".

(15) In section 94 (termination of planning permission by reference to time limit: completion notices), in subsection (1), after paragraph (d) insert "; 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 be begun before the expiration of a particular period, that development has been begun within that period, but that period has elapsed without the development having been completed."

(16) In section 108 (compensation)—

(a) in the heading, for "or neighbourhood development order" substitute ", neighbourhood development order or street vote development order";

(b) in subsection (1)—

(i) in paragraph (a), for "or a neighbourhood development order" substitute ", a neighbourhood development order or a street vote development order";

(ii) in the words after paragraph (b), for "or the neighbourhood development order" substitute ", the neighbourhood development order or the street vote development order";

(c) in subsection (2), for "or a neighbourhood development order" substitute ", a neighbourhood development order or a street vote development order";

(d) in subsection (3B)—

(i) in paragraph (ba), at the end omit "or";

(ii) after that paragraph insert—

"(bb) in the case of planning permission granted by a street vote development order, the condition in subsection (3DB) is met, or";

(e) after subsection (3DA) insert—

"(3DB) The condition referred to in subsection (3B)(bb) is that—

(a) the planning permission is withdrawn by the revocation or modification of the street vote development order,

(b) notice of the revocation or modification was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation or modification took effect, and

(c) either—

(i) the development authorised by the street vote development order had not begun before the notice was published, or

(ii) section 61QI(7) applies in relation to the development."

(17) In section 109 (apportionment of compensation for depreciation), in subsection (6), in the definition of "relevant planning decision", for "or the neighbourhood development order" substitute ", the neighbourhood development order or the street vote development order".

(18) In section 171H (temporary stop notice: compensation), in subsection (1)(a), for "or a neighbourhood development order" substitute ", a neighbourhood development order or a street vote development order".

(19) In section 264 (cases in which land is to be treated as not being operational land), in subsection (5)(ca), for "or a neighbourhood development order" substitute ", a neighbourhood development order or a street vote development order".

(20) In section 324 (rights of entry), in subsection (1A)—

(a) the words from "the reference" to the end become paragraph (a);

(b) after that paragraph insert ", and

(b) the reference to a proposal by the Secretary of State to make any order under Part 3 includes a reference to a proposal submitted (or to be submitted) to the Secretary of State for the making of a street vote development order."

(21) In section 333 (regulations and orders)—

(a) after subsection (3) insert—

"(3ZZA) Subsection (3) does not apply to a statutory instrument containing regulations made under any of sections 61QB to 61QJ or section 61QL if a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.";

(b) after subsection (3ZA) insert—

"(3ZZAA) No regulations may be made under section 61QC(2), 61QH or 61QI(4) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament."

(22) In Schedule 1 (local planning authorities: distribution of functions), in paragraph 6A, at the end insert "or any of sections 61QA to 61QM (street vote development orders)".

Planning (Listed Buildings and Conservation Areas) Act 1990

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

(2) In section 66 (general duty as respects listed buildings in exercise of planning functions), in subsection (4), after "orders" insert "or street vote development orders (except as provided by SVDO regulations within the meaning given by section 61QM of the principal Act)".

(3) In section 72 (general duty as respects conservation areas in exercise of planning functions), in subsection (4), after "orders" insert "or street vote development orders (except as provided by SVDO regulations within the meaning given by section 61QM of the principal Act)".

Elections Act 2022

3 In section 34 of the Elections Act 2022 (campaigners), in subsection (6), in the definition of "local referendum", after paragraph (d) insert—

"(e) section 61QE of the Town and Country Planning Act 1990 (referendums on street vote development orders);".

The Conservation of Habitats and Species Regulations 2017

4 (1) The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) are amended as follows.

(2) In regulation 75 (general development orders)—

(a) in the heading, after "orders" insert "and street vote development orders";

(b) in the opening words, after "2017" insert "or a street vote development order".

(3) In regulation 76 (opinion of appropriate nature conservation body)—

(a) in the heading, after "orders" insert "and street vote development orders";

(b) in paragraph (1), after "order" insert "or a street vote development order";

(c) in paragraph (6), after "order" insert "or a street vote development order".

(4) In regulation 77 (approval of local planning authority), in the heading, after "orders" insert "and street vote development orders".

(5) In regulation 78 (supplementary)—

(a) in the heading, after "orders" insert "and street vote development orders";

(b) in paragraph (3)(b), after "order" insert "or development order".

(6) In regulation 85B (assumptions to be made about nutrient pollution standards)—

(a) in the heading, after "orders" insert "and street vote development orders";

(b) in paragraph (1)(a) after "orders" insert "and street vote development orders".

SCHEDULE 10

Section 109

CROWN DEVELOPMENT: CONSEQUENTIAL AMENDMENTS

Town and Country Planning Act 1990 (c. 8)

1 TCPA 1990 is amended as follows.

2 In section 61W (England: requirement to carry out pre-application consultation), in subsection (6)(a), for "293A" substitute "293B".

3 In section 108 (compensation for refusal or conditional grant of planning permission etc formerly granted by development order etc)—

(a) in subsection (1)—

(i) in paragraph (b), for "Part III or section 293A" substitute "Parts 3 or 13";

(ii) in sub-paragraph (i), for "or section 293A" substitute "or by the Secretary of State or Welsh Ministers under Part 13";

(b) in subsection (2B)—

(i) in paragraph (b), for "Part III or section 293A" substitute "Parts 3 or 13";

(ii) in the closing words, for "or section 293A" substitute "or by the Secretary of State or Welsh Ministers under Part 13".

4 In section 247 (highways affected by development: orders by the Secretary of State), in subsection (1)(a), for "Part III or section 293A" substitute "Parts 3 or 13".

5 In section 257 (footpaths etc affected by development: orders by other authorities), in subsection (1)(a), for "Part III or section 293A" substitute "Parts 3 or 13".

6 In section 284 (validity of certain orders, decisions and directions), in subsection (3)—

(a) in paragraph (i), after "in principle" insert "to the Welsh Ministers";

(b) after paragraph (i) insert—

"(j) any decision on an application made to the Secretary of State under section 293B, 293D or 293E."

7 In section 293A (urgent Crown development: application)—

(a) in the heading, at the end insert "to the Welsh Ministers";

(b) in subsection (1), in the opening words, after "development" insert "of land in Wales".

8 In section 303 (fees for planning application etc.), after subsection (4) insert—

(a) in subsection (4), for "appropriate authority" (in both places) substitute "Welsh Ministers";

(b) after subsection (4) insert—

"(4A) The Secretary of State may by regulations make provision for the payment of a fee to the Secretary of State in respect of an application under section 293B, 293D or 293E."

9 In section 319A (determination of procedure for certain proceedings: England), in subsection (7)—

(a) omit the "and" at the end of paragraph (d);

(b) after paragraph (e) insert "; and

(f) an application made to the Secretary of State under section 293D or 293E."

(c) after paragraph (e) insert—

"(f) an application made to the Secretary of State under section 293D or 293E."

10 In section 336 (interpretation), in subsection (1)—

(a) in the definition of "planning decision", for "Part III or section 293A" substitute "Parts 3 or 13";

(b) in the definition of "planning permission", for "Part III or section 293A" substitute "Parts 3 or 13".

Housing and Planning Act 2016 (c. 22)

11 In section 205 (interpretation of sections 203 and 204), in subsection (1), in the definition of "planning consent", for "Part 3 of the Town and Country Planning Act 1990 or section 293A of that Act" substitute "Parts 3 or 13 of the Town and Country Planning Act 1990".

SCHEDULE 11

Section 112

COMPLETION NOTICES: CONSEQUENTIAL AMENDMENTS

1 TCPA 1990 is amended as follows.

2 In section 56 (time when development begun), in subsection (3), after "92," insert "93H,".

3 Before section 94 insert—

"Termination of planning permission: Wales".

4 (1) Section 94 (termination of planning permission by reference to time limit: completion notices) is amended as follows.

(2) In the heading, at the end insert "in Wales".

(3) In subsection (1)—

(a) in paragraph (a), after "planning permission" insert "in relation to land in Wales";

(b) in paragraphs (b) and (c), after "scheme" insert "in Wales";

(c) omit paragraph (d) and the preceding "or".

5 In section 95 (effect of completion notice)—

(a) in the heading, at the end insert "in Wales";

(b) in subsection (1), after "notice" insert "served in respect of land in Wales".

6 In section 96 (power of Secretary of State to serve completion notices)—

(a) in the heading, at the end insert "in Wales";

(b) in subsection (1), after "land" insert "in Wales".

7 In section 284 (validity of development plans and certain orders, decisions and directions), in subsection (3), after paragraph (b) insert—

"(ba) any decision on an appeal under section 93I;".

8 In section 285 (validity of notices), before subsection (1) insert—

"(A1) The validity of a completion notice under section 93H shall not, except by way of an appeal under section 93I, be questioned in any proceedings whatsoever on any of the grounds on which such an appeal may be brought."

9 In section 286 (challenges to validity on grounds of authority's powers), at the end insert—

"(3) The validity of any completion notice served or purporting to have been served by a local planning authority under section 93H shall not be called in question in any legal proceedings, or in any proceedings under this Act which are not legal proceedings, on the ground of non-compliance with any requirement of paragraph 10 of Schedule 1."

10 In section 289 (appeals to High Court)—

(a) in the heading, for the words from "enforcement" to the end substitute "certain notices";

(b) in subsection (1), after "appeal under" insert "section 93I against a completion notice or under".

11 In section 319A (determination of procedure: England), in subsection (7), after paragraph (b) insert—

"(bza) an appeal under section 93I against a completion notice;".

12 In section 324 (rights of entry), in subsection (1)(c), after "sections" insert "93H,".

13 In Schedule 1 (local planning authorities: distribution of functions), in paragraph 10, after "section" insert "93H or".

14 In Schedule 6 (determination of appeals by appointed person)—

(a) in paragraph 1(1), after "78," insert "93I,";

(b) in paragraph 2(1), after paragraph (a) insert—

"(zaa) in relation to an appeal under section 93I, as the Secretary of State has under that section;".

15 In Schedule 16 (provisions referred to in sections 314 to 319), in Part 2, after the entry relating to sections 91 to 93 insert—

"Sections 93H to 93J".

SCHEDULE 12

Section 137

INFRASTRUCTURE LEVY

PART 1

INFRASTRUCTURE LEVY: ENGLAND

1 After Part 10 of the Planning Act 2008 insert—

"**PART 10A**

INFRASTRUCTURE LEVY: ENGLAND

204A The levy

(1) The Secretary of State may with the consent of the Treasury make regulations providing for the imposition, in England, of a charge to be known as Infrastructure Levy (IL).

(2) In making the regulations, the Secretary of State must aim to ensure that the overall purpose of IL is to ensure that costs incurred in—

(a) supporting the development of an area, and

(b) achieving any purpose specified under section 204N(5), 204O(3) or 204P(3),

can be funded (wholly or partly) by owners or developers of land in a way that does not make development of the area economically unviable.

(3) The Table describes the provisions of this Part.

Section	Topic
Section 204B	The charge
Section 204C	Joint committees
Sections 204D and 204E	Liability
Section 204F	Charities
Section 204G	Amount
Sections 204H to 204M	Charging schedule
Sections 204N to 204P	Application

Section	Topic
Section 204Q	Infrastructure delivery strategy
Section 204R	Collection
Section 204S	Enforcement
Section 204T	Compensation
Section 204U	Procedure
Section 204V	Appeals
Sections 204W to 204Y	Secretary of State: powers
Section 204Z1	IL regulations: general
Section 204Z2	Relationship with other powers

(4) In this Part—

"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 IL regulations may specify;

"IL" has the meaning given in subsection (1);

"IL regulations" means regulations under this section.

204B The charge

(1) A charging authority in England must, in accordance with IL regulations, charge IL in respect of development in its area.

(2) A local planning authority is the charging authority for its area.

(3) But—

(a) the Council of the Isles of Scilly is the only charging authority for the Isles of Scilly, and

(b) the Homes and Communities Agency is the charging authority for an area only to the extent provided in a designation order made under section 13 of the Housing and Regeneration Act 2008.

(4) IL regulations may provide for any of the following to be the charging authority for an area in England in place of the charging authority under subsection (2) or (3)(a)—

(a) a county council in England,

(b) a district council,

(c) a metropolitan district council, and

(d) a London borough council (within the meaning of TCPA 1990).

(5) In this section, "local planning authority" has the meaning given by section 15LH of PCPA 2004, except that a development corporation is a local planning authority for the purposes of this section only if it is the local planning authority for the whole of its area for all purposes of Part 2 of PCPA 2004.

(6) IL regulations may make transitional provision in connection with, or in anticipation of, any person or body—

(a) becoming a charging authority, or

(b) ceasing to be a charging authority.

204C Joint committees

(1) This section applies if a joint committee that includes a charging authority is established under section 15J of PCPA 2004.

(2) IL regulations may provide that the joint committee is to exercise specified functions, in respect of the area specified in the agreement under section 15J(1) of PCPA 2004, on behalf of the charging authority.

(3) The regulations may make provision corresponding to provisions relating to joint committees in Part 6 of the Local Government Act 1972 in respect of the discharge of the specified functions.

204D Liability

(1) Where liability to IL would arise in respect of proposed development (in accordance with provision made by a charging authority under and by virtue of section 204B and IL regulations) a person may assume liability to pay the levy.

(2) An assumption of liability—

(a) may be made before development commences, and

(b) must be made in accordance with any provision of IL regulations about the procedure for assuming liability.

(3) A person who assumes liability for IL before the commencement of development becomes liable when development is commenced in reliance on planning permission.

(4) IL regulations must make provision for an owner or developer of land or another specified person to be liable for IL where development is commenced in reliance on planning permission if—

(a) nobody assumes liability in accordance with the regulations, or

(b) other specified circumstances arise (such as the insolvency or withdrawal of a person who has assumed liability).

(5) IL regulations may make provision about—

(a) joint liability (with or without several liability);

(b) liability of partnerships;

(c) assumption of partial liability (and subsection (4)(a) applies where liability has not been wholly assumed);

(d) apportionment of liability (which may include provision for referral to a specified person or body for determination);

(e) withdrawal of assumption of liability;

(f) cancellation of assumption of liability by a charging authority (in which case subsection (4)(a) applies);

(g) transfer of liability (whether before or after development commences and whether or not liability has been assumed);

(h) exemption from, or reduction in, liability.

(6) The amount of any liability for IL is to be calculated by reference to the charging schedule which has effect at the time when planning permission first permits the development as a result of which the levy becomes payable.

(7) IL regulations may make provision for liability for IL to arise where development which requires planning permission is commenced without it (and subsection (6) is subject to this subsection).

(8) IL regulations may provide for liability to IL to arise in respect of a development where—

(a) the development was exempt from IL, or subject to a reduced rate of IL, and

(b) the description or purpose of the development changes.

204E Liability: interpretation of key terms

(1) In section 204D "development" means—

(a) anything done by way of or for the purpose of the creation of a new building,

(b) anything done to or in respect of an existing building, or

(c) any change in the use of an existing building or part of a building.

(2) IL regulations may provide for—

(a) works, or changes in use, of a specified kind not to be treated as development;

(b) the creation of, or anything done to or in respect of, a structure of a specified kind to be treated as development.

(3) IL regulations must include provision for determining when development is treated as commencing.

(4) Regulations under subsection (3) may, in particular, provide for development to be treated as commencing when some specified activity or event is undertaken or occurs, where the activity or event—

(a) is not development within the meaning of subsection (1), but

(b) has a specified kind of connection with a development within the meaning of that subsection.

(5) IL regulations must define planning permission (which may include planning permission within the meaning of TCPA 1990 and any other kind of permission or consent (however called, and whether general or specific)).

(6) IL regulations must include provision for determining the time at which planning permission is treated as first permitting development; and the regulations may, in particular, make provision—

(a) about outline planning permission;

(b) for permission to be treated as having been given at a particular time in the case of general consents.

(7) For the purposes of section 204D—

(a) "owner" of land means a person who owns an interest in the land, and

(b) "developer" means a person who is wholly or partly responsible for carrying out a development.

(8) IL regulations may make provision for a person to be or not to be treated as an owner or developer of land in specified circumstances.

204F Charities

(1) IL regulations must provide for an exemption from liability to pay IL in respect of a development where—

(a) the person who would otherwise be liable to pay IL in respect of the development is a relevant charity in England and Wales, and

(b) the building or structure in respect of which IL liability would otherwise arise is to be used wholly or mainly for a charitable purpose of the charity within the meaning of section 2 of the Charities Act 2011.

(2) IL regulations may—

(a) provide for an exemption from liability to pay IL where the person who would otherwise be liable to pay IL in respect of the development is an institution established for a charitable purpose;

(b) require charging authorities to make arrangements for an exemption from, or reduction in, liability to pay IL where the person who would otherwise be liable to pay IL in respect of the development is an institution established for a charitable purpose.

(3) Regulations under subsection (1) or (2) may provide that an exemption or reduction does not apply if specified conditions are satisfied.

(4) For the purposes of subsection (1), a relevant charity in England and Wales is an institution which—

(a) is registered in the register of charities kept by the Charity Commission under section 29 of the Charities Act 2011, or

(b) is a charity within the meaning of section 1(1) of the Charities Act 2011 but is not required to be registered in the register kept under section 29 of that Act.

(5) In subsection (2), a charitable purpose is a purpose falling within section 3(1) of the Charities Act 2011; but IL regulations may provide for an institution of a specified kind to be, or not to be, treated as an institution established for a charitable purpose.

204G Amount

(1) A charging authority must, in accordance with IL regulations, issue a document (a "charging schedule") setting rates, or other criteria, by reference to which the amount of IL chargeable in respect of development in its area is to be determined.

(2) A charging authority, in setting rates or other criteria, must, to the extent and in the manner specified by IL regulations, seek to ensure that—

(a) the level of affordable housing which is funded by developers and provided in the authority's area, and

(b) the level of funding provided by developers of affordable housing provided in the authority's area,

can be maintained at a level which, over a specified period, is equal to or exceeds the level of such housing and funding provided over an earlier specified period of the same length.

(3) Subsection (2) does not apply if the charging authority considers that complying with it would make development of the authority's area economically unviable.

(4) The references in subsection (2) to the funding of affordable housing by developers are to its funding by developers through IL or by any other means.

(5) For the purposes of subsection (2), IL regulations may make provision about—

(a) how the level of affordable housing provided in the area is to be measured, and

(b) how the level of funding provided by developers is to be measured.

(6) A charging authority, in setting rates or other criteria, must have regard, to the extent and in the manner specified by IL regulations, to—

(a) matters specified by IL regulations relating to the economic viability of development (which may include, in particular, actual or potential economic effects of the imposition of IL);

(b) matters specified by IL regulations relating to the actual or potential economic effects (including increases in the value of land) of—

(i) a development plan (construed in accordance with section 38 of PCPA 2004),

(ii) planning permission,

(iii) the provision of infrastructure, or

(iv) any other matter that may affect the value of land;

(c) the amount of IL, and anything else specified in IL regulations, provided in connection with development in the authority's area over such period as may be specified in IL regulations;

(d) its infrastructure delivery strategy (see section 204Q).

(7) IL regulations may make other provision about setting rates or other criteria.

(8) The regulations may, in particular, permit or require charging authorities in setting rates or other criteria—

(a) to have regard, to the extent and in the manner specified by the regulations, to actual or expected administrative expenses in connection with IL;

(b) to have regard, to the extent and in the manner specified by the regulations, to actual and expected costs of anything other than infrastructure that is concerned with addressing demands that development places on an area (whether by reference to lists prepared by virtue of section 204N(7)(a) or otherwise);

(c) to have regard, to the extent and in the manner specified by the regulations, to other actual and expected sources of funding for

anything other than infrastructure that is concerned with addressing demands that development places on an area;

(d) to have regard, to the extent and in the manner specified by the regulations, to values used or documents produced for other statutory purposes;

(e) to integrate the process, to the extent and in the manner specified by the regulations, with processes undertaken for other statutory purposes;

(f) to provide for rates or other criteria to change over time or on the occurrence of specified events (and, for these purposes, the regulations may make provision about how and when they are to change);

(g) to produce charging schedules having effect in relation to specified periods (subject to revision).

(9) The regulations may permit or require charging schedules to adopt specified methods of calculation.

(10) In particular, the regulations may—

(a) permit or require charging schedules to operate by reference to descriptions or purposes of development;

(b) permit or require charging schedules to operate by reference to any measurement of the amount or nature of development (whether by reference to measurements of floor space, to numbers or intended uses of buildings, to numbers or intended uses of units within buildings, to allocation of space within buildings or units, to values or expected values or in any other way);

(c) permit or require charging schedules to operate by reference to the nature or existing use of the place where development is undertaken;

(d) permit or require charging schedules to operate by reference to an index used for determining a rate of inflation;

(e) permit or require charging schedules to operate by reference to values used or documents produced for other statutory purposes;

(f) provide, or permit or require provision, for differential rates, which may include provision for supplementary charges, a nil rate, increased rates or reductions;

(g) permit or require any threshold below which IL is charged at a nil rate or a reduced rate to be determined in a specified way, including for it to be increased or decreased by reference to the costs of development in a charging authority's area (and, for these purposes, the regulations may require the charging authority to publish information relating to the costs of development in its area).

(11) The regulations may require a charging authority to provide estimates in connection with the IL chargeable in respect of development (including estimates of the amount of IL that is chargeable and estimates in connection with any payments in a form other than money permitted or required under section 204R(4)).

(12) A charging authority may revise or replace a charging schedule.

(13) Subsections (2) to (10) and sections 204H to 204L apply in relation to a revision or replacement of a charging schedule as they apply in relation to a charging schedule.

204H Charging schedule: consultation and evidence

(1) A charging authority may consult, or take other steps, in connection with the preparation of a charging schedule (subject to IL regulations).

(2) A charging authority must use appropriate available evidence to inform the charging authority's preparation of a charging schedule.

(3) IL regulations may make provision about the application of subsection (2) including, in particular—

(a) provision as to evidence that is to be taken to be appropriate,

(b) provision as to evidence that is to be taken to be not appropriate,

(c) provision as to evidence that is to be taken to be available,

(d) provision as to evidence that is to be taken to be not available,

(e) provision as to how evidence is, and as to how evidence is not, to be used,

(f) provision as to evidence that is, and as to evidence that is not, to be used,

(g) provision as to evidence that may, and as to evidence that need not, be used, and

(h) provision as to how the use of evidence is to inform the preparation of a charging schedule.

204I Charging schedule: examination

(1) Before approving a charging schedule a charging authority must appoint a person ("the examiner") to examine a draft.

(2) The charging authority must appoint someone who, in the opinion of the authority—

(a) is independent of the charging authority, and

(b) has appropriate qualifications and experience.

(3) The charging authority may, with the agreement of the examiner, appoint persons to assist the examiner.

(4) In this section and section 204J, "the drafting requirements" means the requirements of this Part and IL regulations (including the requirements to have regard to the matters listed in section 204G(2), (6) and (8)), so far as relevant to the drafting of the schedule.

(5) The examiner must consider whether the drafting requirements have been complied with and—

(a) make recommendations in accordance with section 204J, and

(b) give reasons for the recommendations.

(6) The charging authority must publish the recommendations and reasons.

(7) IL regulations must require a charging authority to allow anyone who makes representations about a draft charging schedule to be heard by the examiner; and the regulations may make provision about timing and procedure.

(8) IL regulations may make provision for examiners to reconsider their decisions with a view to correcting errors (before or after the approval of a charging schedule).

(9) The charging authority may withdraw a draft charging schedule.

204J Charging schedule: examiner's recommendations

(1) This section applies in relation to the examination, under section 204I, of a draft charging schedule.

(2) If the examiner considers—

(a) that there is any respect in which the drafting requirements have not been complied with, and

(b) that the non-compliance with the drafting requirements cannot be remedied by the making of modifications to the draft,

the examiner must recommend that the draft be rejected.

(3) Subsection (4) applies if the examiner considers—

(a) that there is any respect in which the drafting requirements have not been complied with, and

(b) that the non-compliance with the drafting requirements could be remedied by the making of modifications to the draft.

(4) The examiner must—

(a) specify the respects in which the drafting requirements have not been complied with,

(b) recommend modifications that the examiner considers sufficient and necessary to remedy that non-compliance, and

(c) recommend that the draft be approved with—

(i) those modifications, or

(ii) other modifications sufficient and necessary to remedy that non-compliance.

(5) Subject to subsections (2) to (4), the examiner must recommend that the draft be approved.

(6) If the examiner makes recommendations under subsection (4), the examiner may recommend other modifications with which the draft should be approved in the event that it is approved.

(7) If the examiner makes recommendations under subsection (5), the examiner may recommend modifications with which the draft should be approved in the event that it is approved.

204K Charging schedule: approval

(1) A charging authority may approve a charging schedule only if—

(a) the examiner makes recommendations under section 204J(4) or (5), and

(b) the charging authority has had regard to those recommendations and the examiner's reasons for them.

(2) Accordingly, a charging authority may not approve a charging schedule if, under section 204J(2), the examiner recommends rejection.

(3) If the examiner makes recommendations under section 204J(4), the charging authority may approve the charging schedule only if it does so with modifications that are sufficient and necessary to remedy the non-compliance specified under section 204J(4)(a) (although those modifications need not be the ones recommended under section 204J(4)(b)).

(4) If a charging authority approves a charging schedule, it may do so with all or none, or some one or more, of the modifications (if any) recommended under section 204J(6) or (7).

(5) The modifications with which a charging schedule may be approved include only—

(a) modifications required by subsection (3), and

(b) modifications allowed by subsection (4).

(6) A charging authority must approve a charging schedule—

(a) at a meeting of the authority, and

(b) by a majority of votes of members present.

(7) Subsection (8) applies if—

(a) the examiner makes recommendations under section 204J(4), and

(b) the charging schedule is approved by the charging authority.

(8) The charging authority must publish a report setting out how the charging schedule as approved remedies the non-compliance specified under section 204J(4)(a).

(9) IL regulations may make provision about the form or contents of a report under subsection (8).

(10) IL regulations may make provision for the correction of errors in a charging schedule after approval.

(11) In this section "examiner" means the examiner under section 204I.

204L Charging schedule: application and effect

(1) A charging schedule approved under section 204K may not take effect before the charging authority issues the schedule (by publishing it).

(2) IL regulations may, subject to subsection (1), make provision about when a charging schedule may, must or may not take effect.

(3) IL regulations may make provision about publication of a charging schedule after approval.

(4) The provision that may be made under subsection (3) includes provision about information or documents that must be published alongside the charging schedule.

204M Charging schedule: due date

(1) IL regulations may make provision as to when a charging authority must issue a charging schedule.

(2) But the regulations may not require a charging authority to issue a charging schedule before the end of the period of 12 months beginning with the day on which the Secretary of State publishes, or provides to the authority, written notice that it will be required to issue a charging schedule.

(3) If a charging authority does not issue its charging schedule in accordance with provision made under subsection (1), the Secretary of State may appoint a person to prepare and issue it on behalf of the charging authority.

(4) IL regulations may make provision about—

(a) procedures for appointing a person under subsection (3),

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

(c) procedures which must be followed by the person in preparing and issuing the charging schedule,

(d) the appointment of assistants for the person,

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

(f) duties of a charging authority where a person is appointed to act on its behalf under subsection (3), and

(g) liability for costs incurred as a result of the appointment of the person.

204N Application

(1) Subject to this section and sections 204O(1) to (3), 204P(2) and (3), and 204T(5), IL regulations must require the authority that charges IL to apply it, or cause it to be applied, to supporting the development of an area by funding the provision, improvement, replacement, operation or maintenance of infrastructure.

(2) IL regulations may make provision about the extent to which the IL paid to a charging authority may or must be applied to funding the provision, improvement, replacement, operation or maintenance of infrastructure of a particular description.

(3) In this section (except subsection (4)) and sections 204G, 204O(2), 204P(2), 204Q and 204Z "infrastructure" includes—

(a) roads and other transport facilities,

(b) flood defences,

(c) schools and other educational facilities,

(d) medical facilities,

(e) sporting and recreational facilities,

(f) open spaces,
(g) affordable housing,
(h) facilities and equipment for emergency and rescue services,
(i) facilities and spaces which—
(i) preserve or improve the natural environment, or
(ii) enable or facilitate enjoyment of the natural environment, and
(j) facilities and spaces for the mitigation of, and adaptation to, climate change.

(4) The regulations may amend this section so as to—
(a) add, remove or vary an entry in the list of matters included within the meaning of "infrastructure";
(b) list matters excluded from the meaning of "infrastructure".

(5) The regulations may make provision about circumstances in which authorities may apply a specified amount of IL, or cause a specified amount of IL to be applied, towards specified purposes which are not mentioned in subsection (1).

(6) The regulations may specify—
(a) works, installations and other facilities whose provision, improvement or replacement may or is to be, or may not be, funded by IL,
(b) maintenance activities and operational activities (including operational activities of a promotional kind) in connection with infrastructure that may or are to be, or may not be, funded by IL,
(c) things within section 204O(2)(b) that may or are to be, or may not be, funded by IL passed to a person in discharge of a duty under section 204O(1),
(d) things within section 204P(2)(b) that may or are to be, or may not be, funded by IL to which provision under section 204P(2) relates,
(e) criteria for determining the areas that may benefit from funding by IL, and
(f) what is to be, or not to be, treated as funding.

(7) The regulations may—
(a) require charging authorities to prepare and publish a list of what is to be, or may be, wholly or partly funded by IL;
(b) include provision about the procedure to be followed in preparing a list (which may include provision for consultation or for the appointment of an independent person or both);
(c) include provision about the circumstances in which a charging authority may and may not apply IL to anything not included on the list;
(d) permit or require the list to be prepared and published as part of an infrastructure delivery strategy (see section 204Q).

(8) In making provision about funding the regulations may, in particular—
(a) permit IL to be used to reimburse expenditure already incurred;

(b) permit IL to be reserved for expenditure that may be incurred in the future;

(c) permit IL to be applied (either generally or subject to limits set by or determined in accordance with the regulations) to administrative expenses in connection with infrastructure or anything within section 204O(2)(b) or 204P(2)(b) or in connection with IL;

(d) include provision for the giving of loans, guarantees or indemnities;

(e) make provision about the application of IL where anything to which it was to be applied no longer requires funding.

(9) The regulations may—

(a) require a charging authority to account separately, and in accordance with the regulations, for IL received or due;

(b) require a charging authority to monitor the use made and to be made of IL in its area;

(c) require a charging authority to report on actual or expected charging, collection and application of IL;

(d) permit a charging authority to cause money to be applied in respect of things done outside its area;

(e) permit a charging authority or other body (including a collecting authority under section 204R(7)) to spend or retain money;

(f) permit a charging authority to pass money to another body (and in paragraphs (a) to (e) a reference to a charging authority includes a reference to a body to which a charging authority passes money in reliance on this paragraph).

204O Duty to pass receipts to other persons

(1) IL regulations may require that IL received in respect of development in an area is to be passed by the charging authority that charged the IL to a person other than that authority.

(2) IL regulations must contain provision to secure that money passed to a person in discharge of a duty under subsection (1) is used to support the development of the area to which the duty relates, or of any part of that area, by funding—

(a) the provision, improvement, replacement, operation or maintenance of infrastructure, or

(b) anything else that is concerned with addressing demands that development places on an area.

(3) The regulations may make provision about circumstances in which a specified amount of the money may be used for specified purposes which are not mentioned in subsection (2).

(4) A duty under subsection (1) may relate to—

(a) the whole of a charging authority's area or the whole of the combined area of two or more charging authorities, or

(b) part only of such an area or combined area.

(5) IL regulations may make provision about the persons to whom IL may or must, or may not, be passed in discharge of a duty under subsection (1).

(6) A duty under subsection (1) may relate—

(a) to all IL (if any) received in respect of the area to which the duty relates, or

(b) such part of that IL as is specified in, or determined under or in accordance with, IL regulations.

(7) IL regulations may make provision in connection with the timing of payments in discharge of a duty under subsection (1).

(8) IL regulations may, in relation to IL passed to a person in discharge of a duty under subsection (1), make provision about—

(a) accounting for the IL,

(b) monitoring its use,

(c) reporting on its use,

(d) responsibilities of charging authorities for things done by the person in connection with the IL,

(e) recovery of the IL, and any income or profits accruing in respect of it or from its application, in cases where—

(i) anything to be funded by it has not been provided, or

(ii) it has been misapplied,

including recovery of sums or other assets representing it or any such income or profits, and

(f) use of anything recovered in cases where—

(i) anything to be funded by the IL has not been provided, or

(ii) the IL has been misapplied.

(9) This section does not limit section 204N(9)(f).

204P Use of IL in an area to which section 204O(1) duty does not relate

(1) Subsection (2) applies where—

(a) there is an area to which a particular duty under section 204O(1) relates, and

(b) there is also an area to which that duty does not relate ("the uncovered area").

(2) IL regulations may provide that the charging authority that charges IL received in respect of development in the uncovered area may apply the IL, or cause it to be applied, to—

(a) support development by funding the provision, improvement, replacement, operation or maintenance of infrastructure, or

(b) support development of the uncovered area, or of any part of that area, by funding anything else that is concerned with addressing demands that development places on an area.

(3) The regulations may make provision about circumstances in which the authority may apply a specified amount of IL, or cause a specified amount of IL to be applied, towards specified purposes which are not mentioned in subsection (2).

(4) Provision under subsection (2) may relate to the whole, or part only, of the uncovered area.

(5) Provision under subsection (2) may relate—

(a) to all IL (if any) received in respect of the area to which the provision relates, or

(b) such part of that IL as is specified in, or determined under or in accordance with, IL regulations.

204Q Infrastructure delivery strategy

(1) A charging authority must prepare and publish an infrastructure delivery strategy for its area.

(2) The infrastructure delivery strategy must—

(a) set out the strategic plans (however expressed) of the charging authority in relation to the application of IL, and

(b) include such other information as may be prescribed by IL regulations.

(3) The infrastructure delivery strategy may and, if required by IL regulations, must set out the plans (however expressed) of the charging authority in relation to the provision, improvement, replacement, operation and maintenance of infrastructure in the authority's area.

(4) The charging authority may at any time prepare and publish a revision to, or replacement of, its infrastructure delivery strategy.

(5) The charging authority must prepare and publish a revision to, or replacement of, its infrastructure delivery strategy if it is necessary or expedient in consequence of the publication, revision or replacement of a charging schedule in relation to the charging authority's area.

(6) IL regulations must make provision for the independent examination of—

(a) infrastructure delivery strategies, and

(b) revisions to, or replacements of, such strategies.

(7) The regulations must make provision for the examination to be combined with—

(a) an examination under this Part in relation to a charging schedule, or

(b) an examination under Part 2 of PCPA 2004 in relation to a local plan.

(8) The regulations may, in particular, make provision—

(a) about who is to carry out the examination;

(b) about what the examiner must, may or may not consider;

(c) about the procedure to be followed;

(d) about recommendations, or other consequences, arising from or in connection with the examination;

(e) about circumstances in which an examination is not required;

(f) applying, or corresponding to, any provision made by or under this Part relating to an examination in relation to a charging schedule (with or without modifications).

(9) The charging authority must have regard to any guidance published by the Secretary of State in relation to the preparation, publication, revision or replacement of infrastructure delivery strategies.

(10) IL regulations may provide that a public authority other than the charging authority is to exercise a function under this section in place of, or on behalf of, the charging authority.

(11) IL regulations must make provision about—

(a) the form and content of infrastructure delivery strategies;

(b) the publication of infrastructure delivery strategies and any related documents;

(c) the procedures to be followed in relation to the preparation, revision or replacement of infrastructure delivery strategies;

(d) consultation in connection with infrastructure delivery strategies.

(12) IL regulations may make provision about—

(a) the timing of any steps in connection with the preparation, publication, revision or replacement of infrastructure delivery strategies;

(b) the evidence required to inform the preparation of infrastructure delivery strategies;

(c) the preparation of joint infrastructure delivery strategies;

(d) the period of time for which infrastructure delivery strategies are valid.

204R Collection

(1) IL regulations must include provision about the collection of IL.

(2) The regulations may make provision for payment—

(a) on account;

(b) by instalments.

(3) The regulations may make provision about repayment (with or without interest) in cases of overpayment.

(4) The regulations may make provision about payment in forms other than money (such as providing, improving, replacing, operating or maintaining infrastructure, making land available, carrying out works or providing services), including about what provision may or must be made by a charging authority in its charging schedule or elsewhere if payment in a form other than money is to be permitted or required.

(5) So long as affordable housing falls within the meaning of "infrastructure" given by section 204N(3), regulations under subsection (4) must permit charging authorities, in the circumstances and to the extent specified in the regulations, to require IL to be paid by providing affordable housing on the development site.

(6) In subsection (5) "development site" means the site on which the development in respect of which the IL is charged takes place.

(7) The regulations may permit or require a charging authority or other public authority to collect IL charged by another authority; and section 204N(9)(a) and (c) apply to a collecting authority in respect of collection as to a charging authority.

(8) Regulations under this section may make provision corresponding to or applying (with or without modifications) any enactment relating to the collection of a tax.

(9) Regulations under this section may make provision about the source of payments in respect of Crown interests.

204S Enforcement

(1) IL regulations must include provision about enforcement of IL.

(2) The regulations must make provision about the consequences of failure to assume liability, late payment and failure to pay.

(3) The regulations may make provision about the consequences of failure to give a notice or to comply with another procedure under IL regulations in connection with IL.

(4) The regulations may, in particular, include provision—

(a) for the payment of interest;

(b) for the imposition of a penalty or surcharge;

(c) for the suspension or cancellation of a decision relating to planning permission;

(d) enabling an authority to prohibit development pending assumption of liability for IL or pending payment of IL;

(e) conferring a power of entry onto land;

(f) creating a criminal offence (including, in particular, offences relating to evasion or attempted evasion or to the provision of false or misleading information or failure to provide information, and offences relating to the prevention or investigation of other offences created by the regulations);

(g) conferring power to prosecute an offence;

(h) for enforcement of sums owed (whether by action on a debt, by distraint against goods or in any other way);

(i) conferring jurisdiction on a court to grant injunctive or other relief to enforce a provision of the regulations (including a provision included in reliance on this section);

(j) for enforcement in the case of death or insolvency of a person liable for IL.

(5) IL regulations may include provision (whether or not in the context of late payment or failure to pay) about registration or notification of actual or potential liability to IL.

(6) IL regulations may make provision for the prohibition or restriction of the use or occupation of all or part of the site of, or anything created in the course of, a development pending payment of IL in respect of the development.

(7) IL regulations may include provision—

(a) for the creation of local land charges;

(b) for the registration of local land charges;

(c) for enforcement of local land charges (including, in particular, for enforcement—

(i) against successive owners, and

(ii) by way of sale or other disposal with consent of a court);

(d) for making entries in statutory registers;

(e) for the cancellation of charges and entries.

(8) Regulations under this section may make provision corresponding to or applying (with or without modifications) any enactment relating to the enforcement of a tax.

(9) Regulations under this section may provide that any interest, penalty or surcharge payable by virtue of the regulations is to be treated for the purposes of sections 204N to 204U as if it were IL.

(10) The regulations providing for a surcharge or penalty must ensure that no surcharge or penalty in respect of an amount of IL exceeds the higher of—

(a) 40% of that amount, and

(b) £50,000.

(11) But the regulations may provide for more than one surcharge or penalty to be imposed in relation to an IL charge.

(12) The regulations may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.

(13) Regulations under this section creating a criminal offence may not provide for—

(a) imprisonment for a term exceeding the maximum term for summary offences, on summary conviction for an offence triable summarily only,

(b) imprisonment for a term exceeding the general limit in a magistrates' court, on summary conviction for an offence triable either way, or

(c) imprisonment for a term exceeding 2 years, on conviction on indictment.

(14) In subsection (13)(a), "the maximum term for summary offences" means—

(a) in relation to an offence committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, 6 months;

(b) in relation to an offence committed after that time, 51 weeks.

(15) In this Part a reference to administrative expenses in connection with IL includes a reference to enforcement expenses.

204T Compensation

(1) IL regulations may require a charging authority or other public authority to pay compensation in respect of loss or damage suffered as a result of enforcement action.

(2) In this section, "enforcement action" means action taken under regulations under section 204S, including—

(a) the suspension or cancellation of a decision relating to planning permission,

(b) the prohibition of development pending assumption of liability for IL or pending payment of IL, and

(c) the prohibition or restriction of the use or occupation of all or part of the site of, or anything created in the course of, a development pending payment of IL.

(3) The regulations must not require payment of compensation—

(a) to a person who has failed to satisfy a liability to pay IL, or

(b) in other circumstances specified by the regulations.

(4) Regulations under this section may make provision about—

(a) the time and manner in which a claim for compensation is to be made, and

(b) the sums, or the method of determining the sums, payable by way of compensation.

(5) IL regulations may permit or require a charging authority to apply IL (either generally or subject to limits set by or determined in accordance with the regulations) for expenditure incurred under this section.

(6) A dispute about compensation may be referred to and determined by the Upper Tribunal.

(7) In relation to the determination of any such question, the provisions of section 4 of the Land Compensation Act 1961 apply subject to any necessary modifications and to the provisions of IL regulations.

204U Procedure

(1) IL regulations may include provision about procedures to be followed in connection with IL.

(2) In particular, the regulations may make provision about—

(a) procedures to be followed by a charging authority in relation to charging IL;

(b) consultation;

(c) valuation, including provision about—

(i) what factors may, must or may not be taken into account in a valuation;

(ii) who may carry out a valuation;

(iii) the procedure for a valuation;

(iv) any documentation that must be prepared in connection with a valuation;

(v) the payment of fees in relation to a valuation;

(vi) the consequences of failing to carry out a valuation, or to prepare any documentation in connection with a valuation, in accordance with the regulations;

(d) the resolution of disputes;

(e) the time by or at which anything may or must be done;

(f) reports (including the publication or other treatment of reports);

(g) methods of publication of documents;

(h) making documents available for inspection;

(i) providing copies of documents (with or without charge);

(j) the form and content of documents;

(k) giving notice;

(l) serving notices or other documents;

(m) examinations to be held in public in the course of setting or revising rates or other criteria or of preparing lists;

(n) the terms and conditions of appointment of independent persons;

(o) remuneration and expenses of independent persons (which may be required to be paid by the Secretary of State or by a charging authority);

(p) other costs in connection with examinations;

(q) reimbursement of expenditure incurred by the Secretary of State (including provision for enforcement);

(r) apportionment of costs;

(s) combining procedures in connection with IL with procedures for another purpose of a charging authority (including a purpose of that authority in another capacity);

(t) procedures to be followed in connection with actual or potential liability for IL.

(3) IL regulations may make provision about the procedure to be followed in respect of an exemption from IL or a reduction of IL; in particular, the regulations may include provision—

(a) about the procedure for determining whether any conditions are satisfied;

(b) requiring a charging authority or other person to notify specified persons of any exemption or reduction;

(c) requiring a charging authority or other person to keep a record of any exemption or reduction;

(d) about what provision may or must be made by a charging authority in its charging schedule or elsewhere in connection with exemptions or reductions.

(4) A provision of this Part conferring express power to make procedural provision in a specified context includes, in particular, power to make provision about the matters specified in subsection (2).

(5) A power in this Part to make provision about publishing something includes a power to make provision about making it available for inspection.

(6) Sections 229 to 231 do not apply to this Part (but IL regulations may make similar provision).

204V Appeals

(1) IL regulations may make provision about appeals in connection with IL.

(2) Regulations under this section may, in particular, make provision about—

(a) who may make an appeal,

(b) the grounds upon which an appeal may be made,

(c) the court, tribunal or other person who is to determine an appeal,

(d) the period within which a right of appeal may be exercised,

(e) the procedure on an appeal, and

(f) the payment of fees, and award of costs, in relation to an appeal.

(3) IL regulations must provide for a right of appeal on a question of fact in relation to the application of methods for calculating IL (including any questions in relation to valuation).

(4) In any proceedings for judicial review of a decision on an appeal, the defendant is to be such person as is specified in the regulations (and the regulations may also specify a person who is not to be the defendant for these purposes).

204W Secretary of State: guidance

The Secretary of State may give guidance to a charging authority or other public authority (including an examiner appointed under this Part) about any matter connected with IL; and the authority must have regard to the guidance.

204X Secretary of State: power to permit alteration of IL rates and thresholds

(1) Subsections (2) to (4) apply in relation to a charging authority—

(a) if the Secretary of State considers that—

(i) the economic viability of development, or development of a particular description, in the charging authority's area is significantly impaired, or

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

as a result of the IL which is or will be chargeable in respect of development in that area, or

(b) in any other circumstances that IL regulations may specify.

(2) The Secretary of State may publish a notice which permits the charging authority, during a period specified in the notice, to—

(a) amend its charging schedule so as to reduce rates of IL, or increase any threshold below which IL is charged at a nil or a reduced rate—

(i) in accordance with the provisions of the notice, and

(ii) for no longer than a period specified in the notice;

(b) amend its charging schedule so as to cancel, or delay for no longer than a period specified in the notice—

(i) any increase in rates of IL, or

(ii) any decrease in a threshold below which IL is charged at a nil or a reduced rate,

which is to take place under the authority's charging schedule;

(c) cancel, or delay for no longer than a period specified in the notice, the issue of the authority's charging schedule, or any revision or replacement of the authority's charging schedule, which—

(i) has been approved under section 204K,

(ii) would result in an increase in rates of IL or a decrease in a threshold below which IL is charged at a nil or a reduced rate, but

(iii) has not yet taken effect.

(3) The Secretary of State may include provision in a notice under subsection (2)(a)(i) which confers a discretionary power on the charging authority—

(a) with regards to how it can amend its charging schedule for the purposes of subsection (2)(a), or

(b) to allow for the amount of any liability to IL in respect of a development, which was first permitted by planning permission prior to the publication of the notice, to be recalculated by reference to the charging schedule as amended in accordance with the provisions of the notice (notwithstanding section 204D(6)).

(4) Section 204G(13) does not apply in relation to an amendment of a charging schedule under subsection (2).

(5) IL regulations may specify—

(a) criteria which must be met, or

(b) procedures which must be followed,

in order for a charging authority to amend its charging schedule under subsection (2).

(6) IL regulations may restrict the exercise of the power in subsection (2), including by specifying the extent to which rates may be reduced, or thresholds may be increased, under subsection (2)(a).

(7) IL regulations may make consequential, transitional, transitory or saving provision in connection with, or in anticipation of, permission being given under subsection (2).

204Y Secretary of State: power to require review of charging schedules

(1) The Secretary of State may direct a charging authority to review its charging schedule—

(a) if the Secretary of State considers that—

(i) the economic viability of development, or development of a particular description, in the charging authority's area is significantly impaired, or

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

as a result of the IL which is or will be chargeable in respect of development in that area,

(b) if the Secretary of State considers that a significant period of time has elapsed since the later of the time that—

(i) the schedule was issued,

(ii) the schedule was last reviewed,

(iii) the schedule was last revised, and

(iv) the schedule was last replaced, or

(c) in any other circumstances that IL regulations may specify.

(2) If a charging authority is directed to review its charging schedule under subsection (1), it must—

(a) consider whether to revise or replace the charging schedule under section 204G(12), and

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

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

(4) If a charging authority has not complied with a direction given under subsection (1) 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.

(5) If a person appointed under subsection (4) decides that the charging schedule should be revised or replaced, the charging authority must revise or replace the schedule accordingly within a reasonable time.

(6) If the charging authority fails to revise or replace the charging schedule in accordance with subsection (3) or (5), the Secretary of State may appoint a person to do so on behalf of the charging authority.

(7) IL regulations may make provision about—

(a) procedures for appointing a person under subsection (4) or (6),

(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 (1) or revising or replacing the charging schedule under subsection (6),

(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 (4) or (6),

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

(g) what constitutes a reasonable time under subsections (3) to (5).

204Z Parliamentary scrutiny: affordable housing

(1) The Secretary of State must prepare a report which—

(a) provides information, in relation to each charging authority which charges IL in respect of development in its area, about the amount of affordable housing provision that has been funded by IL charged by that authority,

(b) assesses whether the charging of IL has resulted in more or less affordable housing being available in areas in respect of which IL is charged than would otherwise be the case, and

(c) sets out such other information as the Secretary of State considers appropriate in connection with the effect of IL on the provision, improvement, replacement, operation or maintenance of affordable housing or other infrastructure.

(2) The Secretary of State must lay the report before each House of Parliament before the end of the period of 5 years beginning with the date on which the first charging schedule takes effect under this Part.

(3) The Secretary of State must publish the report as soon as is reasonably practicable after it has been laid before each House of Parliament.

204Z1 Regulations: general

(1) IL regulations—

(a) may make provision that applies generally or only to specified cases, circumstances or areas,

(b) may make different provision for different cases, circumstances or areas,

(c) may disapply any provision made by or under this Part in relation to an area, or a charging authority, specified or described in the regulations,

(d) may make provision requiring the provision of information in connection with IL,

(e) may provide, or allow a charging schedule to provide, for exceptions,

(f) may confer, or allow a charging schedule to confer, a discretionary power on the Secretary of State, a local authority or another specified person,

(g) may make provision treating CIL as if it were IL,

(h) may apply an enactment, with or without modifications, and

(i) may include provision of a kind permitted by section 232(3)(b) (and incidental, supplemental or consequential provision may include provision disapplying, modifying the effect of or amending an enactment).

(2) IL regulations are to be made by statutory instrument.

(3) A statutory instrument containing IL regulations may not be made unless a draft has been laid before and approved by a resolution of the House of Commons

204Z2 Relationship with other powers

(1) IL regulations may include provision about how the following powers are to be used, or are not to be used—

(a) Part 11 (Community Infrastructure Levy) (including any power conferred by CIL regulations under that Part),

(b) section 70 of TCPA 1990 (planning permission),

(c) section 106 of TCPA 1990 (planning obligations) (including provision about obtaining sums under subsection (1)(d) of that section for use in connection with IL), and

(d) section 278 of the Highways Act 1980 (execution of works).

(2) IL regulations may include provision about the exercise of any other power relating to planning or development.

(3) IL regulations may, in particular, provide that—

(a) a specified matter may not, or may only, constitute a reason for granting planning permission for development in specified circumstances;

(b) planning permission for development may not, or may only, be granted subject to a condition which is of a specified description.

(4) The Secretary of State may give guidance to a charging or other authority about how a power relating to planning or development is to be exercised; and authorities must have regard to the guidance.

(5) Provision may be made under subsection (1) to (3), and guidance may be given under subsection (4), only if the Secretary of State thinks it necessary or expedient—

(a) in consequence of, or to supplement, provision made under section 204Z1(1)(c),

(b) for delivering the overall purpose of IL mentioned in section 204A(2),

(c) for enhancing the effectiveness, or increasing the use, of IL regulations,

(d) for preventing agreements, undertakings or other transactions from being used to undermine or circumvent IL regulations,

(e) for preventing agreements, undertakings or other transactions from being used to achieve a purpose that the Secretary of State thinks would better be achieved through the application of IL regulations, or

(f) for preventing or restricting the imposition of burdens, the making of agreements or the giving of undertakings, in addition to IL.

(6) IL regulations may provide that a power to give guidance or directions may not be exercised—

(a) in relation to matters specified in the regulations,

(b) in cases or circumstances specified in the regulations,

(c) for a purpose specified in the regulations, or

(d) to an extent specified in the regulations."

PART 2

CONSEQUENTIAL AMENDMENTS

Local Government Act 1972

2 In section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities), after subsection (6) insert—

"(6ZA) Infrastructure Levy under Part 10A of the Planning Act 2008 is not a rate for the purposes of subsection (6)."

Town and Country Planning Act 1990

3 In section 70(4) of the TCPA 1990 (determination of applications: general considerations), in paragraph (b) of the definition of "local finance consideration", after "payment of" insert "Infrastructure Levy or".

Deregulation and Contracting Out Act 1994

4 In section 71(3) of the Deregulation and Contracting Out Act 1994 (functions excluded from sections 69 and 70), omit the word "and" at the end of paragraph (h) and after that paragraph insert—

"(ha) sections 204R and 204S of the Planning Act 2008 (Infrastructure Levy: collection and enforcement); and".

Planning Act 2008

5 The Planning Act 2008 is amended as follows.

6 In the following sections, for "Part 11", in each place it occurs, substitute "Parts 10A and 11"—

(a) section 32 (meaning of "development");
(b) section 155(1) (when development begins);
(c) section 235(1) (interpretation).

7 In section 232(1)(d) (orders and regulations), after "Part" insert "10A or".

SCHEDULE 13

Sections 90 and 158

REGULATIONS UNDER CHAPTER 1 OF PART 3 OR PART 6: RESTRICTIONS ON DEVOLVED AUTHORITIES

No power to make provision outside devolved competence

1 (1) No provision may be made by a devolved authority acting alone in regulations under Chapter 1 of Part 3 or Part 6 unless the provision is within the devolved competence of the devolved authority.

(2) See paragraphs 5 to 7 for the meaning of "devolved competence".

Requirement for consent where it would otherwise be required

2 (1) The consent of a Minister of the Crown is required before any provision is made by the Welsh Ministers acting alone in regulations under Chapter 1 of Part 3 or Part 6 so far as that provision, if contained in an Act of Senedd Cymru, would require the consent of a Minister of the Crown.

(2) The consent of the Secretary of State is required before any provision is made by a Northern Ireland department acting alone in regulations under Chapter 1 of Part 3 or Part 6 so far as that provision would, 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.

(3) Sub-paragraph (1) or (2) does not apply if—

(a) the provision could be contained in subordinate legislation made otherwise than under this Act by the Welsh Ministers acting alone or (as the case may be) a Northern Ireland devolved authority acting alone, and

(b) no such consent would be required in that case.

(4) The consent of a Minister of the Crown is required before any provision is made by a devolved authority acting alone in regulations under Chapter 1 of Part 3 or Part 6 so far as that provision, if contained in—

(a) subordinate legislation made otherwise than under this Act by the devolved authority, or

(b) subordinate legislation not falling within paragraph (a) and made otherwise than under this Act by a Northern Ireland devolved authority acting alone,

would require the consent of a Minister of the Crown.

(5) Sub-paragraph (4) does not apply if—

(a) the provision could be contained in—

(i) an Act of the Scottish Parliament, an Act of Senedd Cymru or (as the case may be) an Act of the Northern Ireland Assembly, or

(ii) different subordinate legislation of the kind mentioned in sub-paragraph (4)(a) or (b) and of a devolved authority acting alone or (as the case may be) other person acting alone, and

(b) no such consent would be required in that case.

Requirement for joint exercise where it would otherwise be required

3 (1) No regulations may be made under Chapter 1 of Part 3 or Part 6 by the Scottish Ministers, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Scottish Ministers acting jointly with a Minister of the Crown, unless the regulations are, to that extent, made jointly with the Secretary of State.

(2) No regulations may be made under Chapter 1 of Part 3 or Part 6 by the Welsh Ministers, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Welsh Ministers acting jointly with a Minister of the Crown, unless the regulations are, to that extent, made jointly with the Secretary of State.

(3) No regulations may be made under Chapter 1 of Part 3 or Part 6 by a Northern Ireland department, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by—

(a) a Northern Ireland department acting jointly with a Minister of the Crown, or

(b) another Northern Ireland devolved authority acting jointly with a Minister of the Crown,

unless the regulations are, to that extent, made jointly with the Secretary of State.

(4) Sub-paragraph (1), (2) or (3) does not apply if the provision could be contained in—

(a) an Act of the Scottish Parliament, an Act of Senedd Cymru or (as the case may be) an Act of the Northern Ireland Assembly without the need for the consent of a Minister of the Crown, or

(b) different subordinate legislation made otherwise than under this Act by—

(i) the Scottish Ministers acting alone,

(ii) the Welsh Ministers acting alone, or

(iii) (as the case may be), a Northern Ireland devolved authority acting alone.

Requirement for consultation where it would otherwise be required

4 (1) No regulations may be made under Chapter 1 of Part 3 or Part 6 by the Welsh Ministers acting alone, so far as they contain provision which, if contained in an Act of Senedd Cymru, would require consultation with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.

(2) No regulations may be made under Chapter 1 of Part 3 or Part 6 by the Scottish Ministers acting alone, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Scottish Ministers after consulting with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.

(3) No regulations may be made under Chapter 1 of Part 3 or Part 6 by the Welsh Ministers acting alone, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Welsh Ministers after consulting with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.

(4) No regulations may be made under Chapter 1 of Part 3 or Part 6 by a Northern Ireland department acting alone, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by a Northern Ireland department after consulting with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.

(5) Sub-paragraph (2), (3) or (4) does not apply if—

(a) the provision could be contained in an Act of the Scottish Parliament, an Act of Senedd Cymru or (as the case may be) an Act of the Northern Ireland Assembly, and

(b) there would be no requirement for the consent of a Minister of the Crown, or for consultation with a Minister of the Crown, in that case.

(6) Sub-paragraph (2), (3) or (4) does not apply if—

(a) the provision could be contained in different subordinate legislation made otherwise than under this Act by—

(i) the Scottish Ministers acting alone,

(ii) the Welsh Ministers acting alone, or

(iii) (as the case may be), a Northern Ireland devolved authority acting alone, and

(b) there would be no requirement for the consent of a Minister of the Crown, or for consultation with a Minister of the Crown, in that case.

Meaning of devolved competence

5 A provision is within the devolved competence of the Scottish Ministers if—

(a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, or

(b) it is provision which could be made in other subordinate legislation by the Scottish Ministers.

6 A provision is within the devolved competence of the Welsh Ministers if—

(a) it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (including any provision that could be made only with the consent of a Minister of the Crown), or

(b) it is provision which could be made in other subordinate legislation by the Welsh Ministers.

7 A provision is within the devolved competence of a Northern Ireland department if—

(a) the provision—

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

(ii) 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,

(b) the provision—

(i) amends or repeals Northern Ireland legislation, and

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

(c) the provision is provision which could be made in other subordinate legislation by any Northern Ireland devolved authority.

Interpretation

8 In this Schedule—

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975;

"Northern Ireland devolved authority" means the First Minister and deputy First Minister in Northern Ireland acting jointly, a Northern Ireland Minister or a Northern Ireland department;

"subordinate legislation" has the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018.

SCHEDULE 14

Section 167(1)

EXISTING ENVIRONMENTAL ASSESSMENT LEGISLATION

PART 1

UNITED KINGDOM AND ENGLAND AND WALES

United Kingdom and England and Wales

- Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders) so far as relating to environmental impact assessments;
- Part 5A of the Highways Act 1980 (environmental impact assessments);
- Sections 13A to 13D of the Transport and Works Act 1992 (environmental impact assessments);
- The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/360);
- The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999 (S.I. 1999/1672);
- The Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (S.I. 1999/1783);
- The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (S.I. 1999/2228);
- The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (S.I. 1999/2892);
- The Pipe-line Works (Environmental Impact Assessment) Regulations 2000 (S.I. 2000/1928);
- The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (S.I. 2003/164);
- The Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633);
- The Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2006 (S.I. 2006/1466) so far as dealing with environmental matters;
- The Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006 (S.I. 2006/2522);
- The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518);
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571);
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/572);
- The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (S.I. 2017/580);
- The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 (S.I. 2020/1497).

PART 2

SCOTLAND

Scotland

- Schedule 3 to the Harbours Act 1964 so far as relating to environmental impact assessments in Scotland;
- Sections 20A to 20G, 22A, 22B and 55A to 55D of the Roads (Scotland) Act 1984 (environmental assessment of certain road construction and improvement projects);
- The Environmental Assessment (Scotland) Act 2005;
- The Transport and Works (Scotland) Act 2007;
- The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007;
- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/101);
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/102);
- The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/113);
- The Agriculture, Land Drainage and Irrigation Projects (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/114);
- The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/115).

PART 3

WALES

Wales

- The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (S.I. 2004/1656);
- The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342);
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58);
- The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 (S.I. 2017/565);
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567).

PART 4

NORTHERN IRELAND

Northern Ireland

- Part V of the Roads (Northern Ireland) Order 1993 (S.I. 1993/3160 (N.I. 15));
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (S.R. (N.I.) 1999/73);
- The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (S.R. (N.I.) 2004/280);

- The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005 (S.R. (N.I.) 2005/32);
- The Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006 (S.R. (N.I.) 2006/518);
- The Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007 (S.R. (N.I.) 2007/421);
- The Planning Act (Northern Ireland) 2011 (c. 25 (N.I.)).

SCHEDULE 15

Section 169

AMENDMENTS OF THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017: ASSUMPTIONS ABOUT NUTRIENT POLLUTION STANDARDS

PART 1

INTRODUCTORY

1 Part 6 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (assessment of plans and projects) is amended as set out in this Schedule.

PART 2

PLANNING

2 Chapter 2 of Part 6 of those Regulations (assessment of plans and projects: planning) is amended as follows.

3 In regulation 70 (grant of planning permission), after paragraph (4) insert—

"(5) See regulation 85A for the assumptions about nutrient pollution standards to be made in certain circumstances."

4 In regulation 71 (planning permission: duty to review), after paragraph (9) insert—

"(10) See regulation 85A for the assumptions about nutrient pollution standards to be made in certain circumstances."

5 In regulation 77 (general development orders: approval of local planning authority), after paragraph (7) insert—

"(8) See regulation 85B for the assumptions about nutrient pollution standards to be made in certain circumstances."

6 In regulation 79 (special development orders), after paragraph (5) insert—

"(6) See regulation 85A for the assumptions about nutrient pollution standards to be made in certain circumstances."

7 In regulation 80 (local development orders), after paragraph (5) insert—

"(6) See regulation 85A for the assumptions about nutrient pollution standards to be made in certain circumstances."

8 In regulation 81 (neighbourhood development orders), after paragraph (5) insert—

"(5A) See regulation 85A for the assumptions about nutrient pollution standards to be made in certain circumstances."

9 In regulation 82 (simplified planning zones), after paragraph (6) insert—

"(7) See regulation 85A for the assumptions about nutrient pollution standards to be made in certain circumstances."

10 In regulation 83 (enterprise zones), after paragraph (6) insert—

"(7) See regulation 85A for the assumptions about nutrient pollution standards to be made in certain circumstances."

11 After regulation 85 insert—

Assumptions to be made about nutrient pollution standards: general

"85A(1) Paragraph (2) applies where—

(a) a competent authority makes a relevant decision,

(b) the potential development includes development in England,

(c) the competent authority is required to make a relevant assessment before the decision is made,

(d) waste water from any potential development would be dealt with by a plant in England that, at the time of the decision, is—

(i) a nitrogen significant plant, or

(ii) a phosphorus significant plant, and

(e) the decision is made—

(i) where the plant is a non-catchment permitting area plant, before the upgrade date, or

(ii) where the plant is a catchment permitting area plant, before the applicable date.

(2) In making the relevant assessment, the competent authority must assume—

(a) in a case within paragraph (1)(d)(i) and (e)(i), that the plant will meet the nitrogen nutrient pollution standard on and after the upgrade date;

(b) in a case within paragraph (1)(d)(ii) and (e)(i), that the plant will meet the phosphorus nutrient pollution standard on and after the upgrade date;

(c) in a case within paragraph (1)(d)(i) and (e)(ii), that the plant will meet the nitrogen nutrient pollution standard on and after the applicable date;

(d) in a case within paragraph (1)(d)(ii) and (e)(ii), that the plant will meet the phosphorus nutrient pollution standard on and after the applicable date.

(3) Paragraph (2)—

(a) is subject to regulation 85C (direction that assumptions are not to apply), and

(b) does not prevent the competent authority, in making a relevant assessment, from having regard to outperformance, or expected

outperformance, by a plant that is a non-catchment permitting area plant.

(4) In paragraph (1) "relevant decision" means—

(a) where any of the following provides that the assessment provisions apply in relation to doing a thing, the decision whether or not to do it—

(i) regulation 70 (grant of planning permission),

(ii) regulation 79 (special development orders),

(iii) regulation 80 (local development orders),

(iv) regulation 81 (neighbourhood development orders),

(v) regulation 82 (simplified planning zones), or

(vi) regulation 83 (enterprise zones), or

(b) where any of the following provides that the review provisions apply in relation to a matter, a decision under regulation 65(1)(b) on a review of the matter—

(i) regulation 71 (planning permission: duty to review),

(ii) regulation 79 (special development orders),

(iii) regulation 80 (local development orders),

(iv) regulation 81 (neighbourhood development orders),

(v) regulation 82 (simplified planning zones), or

(vi) regulation 83 (enterprise zones);

but this does not apply to a matter mentioned in regulation 71(4) (any review of which would be conducted in accordance with another Chapter).

(5) In paragraph (1) "potential development", in relation to a relevant decision, means development—

(a) that could be carried out by virtue of the planning permission, development order or scheme to which the decision relates, or

(b) to which the decision otherwise relates.

(6) In this regulation "relevant assessment" means—

(a) where the assessment provisions apply and an appropriate assessment of the implications of the plan or project for a site is required by regulation 63(1), that assessment;

(b) where the review provisions apply and an appropriate assessment is required by regulation 65(2), that assessment.

Assumptions to be made about nutrient pollution standards: general development orders

85B (1) This regulation applies where—

(a) a local planning authority (within the meaning given by regulation 78(1)) makes a decision on an application under regulation 77 (general development orders: approval of local planning authority) for approval as mentioned in regulation 75 relating to proposed development in England,

(b) the authority is required by regulation 77(6) to make an appropriate assessment of the implications of the proposed development,

(c) any waste water from the proposed development would be dealt with by a plant in England that, at the time of the decision, is—

(i) a nitrogen significant plant, or

(ii) a phosphorus significant plant, and

(d) the decision is made—

(i) where the plant is a non-catchment permitting area plant, before the upgrade date, or

(ii) where the plant is a catchment permitting area plant, before the applicable date.

(2) In making the relevant assessment the local planning authority must assume—

(a) in a case within paragraph (1)(c)(i) and (d)(i), that the plant will meet the nitrogen nutrient pollution standard on and after the upgrade date;

(b) in a case within paragraph (1)(c)(ii) and (d)(i), that the plant will meet the phosphorus nutrient pollution standard on and after the upgrade date;

(c) in a case within paragraph (1)(c)(i) and (d)(ii), that the plant will meet the nitrogen nutrient pollution standard on and after the applicable date;

(d) in a case within paragraph (1)(c)(ii) and (d)(ii), that the plant will meet the phosphorus nutrient pollution standard on and after the applicable date.

(3) Paragraph (2)—

(a) is subject to regulation 85C (direction that assumptions are not to apply), and

(b) does not prevent the local planning authority, in making a relevant assessment, from having regard to any outperformance, or expected outperformance, by a plant that is a non-catchment permitting area plant.

Direction that assumptions are not to apply

85C (1) The assumptions in regulations 85A(2) and 85B(2) do not apply in relation to a particular plant and a particular nutrient pollution standard if the Secretary of State so directs.

(2) A direction under this regulation may be made in relation to a plant and a standard only if the Secretary of State is satisfied—

(a) where the plant is a non-catchment permitting area plant, that the plant will not be able to meet the standard by the upgrade date;

(b) where the plant is a catchment permitting area plant—

(i) that the plant will not be able to meet the standard by the applicable date, or

(ii) that the first effect described in paragraph (4) will, on the applicable date, be more significant than the second effect described in that paragraph.

(3) The Secretary of State may revoke a direction under this regulation if satisfied—

(a) where the plant is a non-catchment permitting area plant, that the plant will meet the standard by the upgrade date;

(b) where the plant is a catchment permitting area plant—

(i) that the plant will meet the standard by the applicable date, or

(ii) that the first effect described in paragraph (4) will, on the applicable date, be the same or less significant than the second effect described in that paragraph.

(4) For the purposes of paragraphs (2)(b) and (3)(b)—

(a) the "first effect" is the overall effect on the habitats site associated with the catchment permitting area of nutrients in treated effluent discharged by all plants that discharge into the area;

(b) the "second effect" is the overall effect on the site of nutrients in treated effluent that would be discharged by all plants that discharge into the area if—

(i) the upgrade date that applied to nutrient significant plants that discharge into the area was the same as the applicable date,

(ii) the standard concentration (of nutrients) applied to those nutrient significant plants, and

(iii) those nutrient significant plants were (on that basis) meeting the nutrient pollution standard on the applicable date.

(5) In deciding whether to make a direction under this regulation in relation to a plant and a standard, the Secretary of State may, in particular, have regard—

(a) where the plant is a non-catchment permitting area plant, to when the plant can be expected to meet the standard;

(b) where the plant is a catchment permitting area plant, to when—

(i) the plant can be expected to meet the standard, and

(ii) the sewerage undertaker for the plant can be expected to be in compliance with conditions in the environmental permit for the plant imposed in pursuance of section 96G(3)(b) of the Water Industry Act 1991.

(6) Before making or revoking a direction under this regulation, the Secretary of State must consult—

(a) the Environment Agency,

(b) Natural England,

(c) the Water Services Regulation Authority,

(d) any local planning authority who it appears to the Secretary of State would be affected by the direction or revocation,

(e) the sewerage undertaker whose sewerage system includes the plant, and

(f) any other persons that the Secretary of State considers appropriate.

(7) A direction or revocation under this regulation—

(a) is to be made in writing, and

(b) takes effect—

(i) on the day specified in the direction or revocation, or

(ii) if none is specified, on the day on which it is made.

(8) As soon as practicable after making or revoking a direction under this regulation, the Secretary of State must—

(a) notify—

(i) the Environment Agency,

(ii) Natural England,

(iii) every local planning authority who appears to the Secretary of State to be affected by the direction or revocation, and

(iv) any other persons that the Secretary of State considers appropriate, and

(b) publish the direction or revocation.

Regulations 85A to 85C: interpretation

85D(1) In regulations 85A to 85C and this regulation, the following terms have the meanings given by section 96L of the Water Industry Act 1991—

"catchment permitting area";

"environmental permit";

"habitats site";

"nitrogen significant plant";

"nitrogen nutrient pollution standard";

"nutrient pollution standard";

"nutrient significant plant";

"phosphorus significant plant";

"phosphorus nutrient pollution standard";

"plant";

"sensitive catchment area";

"sewerage system", in relation to a sewerage undertaker;

"standard concentration";

"treated effluent";

"upgrade date".

(2) In regulations 85A to 85C and this regulation—

"catchment permitting area plant" means a nutrient significant plant that discharges (or will discharge) treated effluent into a catchment permitting area;

"non-catchment permitting area plant" means a nutrient significant plant that discharges (or will discharge) treated effluent into a sensitive catchment area other than a catchment permitting area.

(3) For the purposes of regulations 85A and 85B, "outperformance" by a plant, which is a non-catchment permitting area plant and in relation to a nutrient pollution standard, occurs where—

(a) the plant meets the standard before the upgrade date, or

(b) the total nitrogen concentration (in the case of a nitrogen significant plant), or total phosphorus concentration (in the case of a phosphorus significant plant), in treated effluent that it discharges is less than the concentration specified in section 96F(1)(a)(i) or (2)(a)(i), under section 96C(4)(e) or 96D(5) or by virtue of regulations made under section 96D(11) (as the case may be) of the Water Industry Act 1991 that applies to the plant.

(4) For the purposes of regulations 85A and 85B, the "applicable date", in relation to a catchment permitting area, is to be determined in accordance with section 96G(6)(a) of the Water Industry Act 1991.

(5) For the purposes of regulation 85C(4)—

(a) a habitats site is "associated" with a catchment permitting area if water released into the area would drain into the site;

(b) "nutrients"—

(i) in relation to an area designated under section 96C(1) of the Water Industry Act 1991, means nutrients comprising nitrogen or compounds of nitrogen;

(ii) in relation to an area designated under section 96C(2) of that Act, means nutrients comprising phosphorus or compounds of phosphorus."

PART 3

LAND USE PLANS

12 Chapter 8 of Part 6 (assessment of plans and projects: land use plans) is amended as follows.

13 In regulation 105 (assessment of implications for European sites and European offshore marine sites), after paragraph (6) insert—

"(7) See regulation 110A for the assumptions about nutrient pollution standards to be made in certain circumstances."

14 In regulation 106 (assessment of implications for European site: neighbourhood development plans), after paragraph (3) insert—

"(3A) See regulation 110A for the assumptions about nutrient pollution standards to be made in certain circumstances."

15 In regulation 110 (national policy statements), in paragraph (3)(a), for "and 108" substitute ", 108 and 110A".

16 After regulation 110 insert—

Assessments under this Chapter: required assumptions

"110A(1) This regulation applies where—

(a) a plan-making authority makes a relevant decision in relation to a land use plan relating to an area in England,

(b) the authority is required to make a relevant assessment before the decision is made,

(c) waste water from the area to which the plan relates could be dealt with by a plant in England that, at the time of the decision, is—

(i) a nitrogen significant plant, or

(ii) a phosphorus significant plant, and

(d) the decision is made—

(i) where the plant is a non-catchment permitting area plant, before the upgrade date, or

(ii) where the plant is a catchment permitting area plant, before the applicable date.

(2) In making the relevant assessment, the authority must assume—

(a) in a case within paragraph (1)(c)(i) and (d)(i), that the plant will meet the nitrogen nutrient pollution standard on and after the upgrade date;

(b) in a case within paragraph (1)(c)(ii) and (d)(i), that the plant will meet the phosphorus nutrient pollution standard on and after the upgrade date;

(c) in a case within paragraph (1)(c)(i) and (d)(ii), that the plant will meet the nitrogen nutrient pollution standard on and after the applicable date;

(d) in a case within paragraph (1)(c)(ii) and (d)(ii), that the plant will meet the phosphorus nutrient pollution standard on and after the applicable date.

(3) Paragraph (2)—

(a) is subject to regulation 110B (direction that assumptions are not to apply), and

(b) does not prevent the authority, in making a relevant assessment, from having regard to any outperformance, or expected outperformance, by a plant that is a non-catchment permitting area plant.

(4) In paragraph (1) "relevant decision" means—

(a) a decision whether to give effect to a land use plan, or

(b) a decision whether to modify or revoke a neighbourhood development plan.

(5) In this regulation "relevant assessment", in relation to a land use plan, means—

(a) in relation to a decision within paragraph (4)(a), where an appropriate assessment of the implications for a site of the land use plan is required by regulation 105(1), that assessment;

(b) in relation to a decision within paragraph (4)(b), where such an assessment is required by regulation 105(1) as applied by regulation 106(3), that assessment.

Direction that assumptions are not to apply

110B(1) The assumptions in regulation 110A(2) do not apply in relation to a particular plant and a particular nutrient pollution standard if the Secretary of State so directs.

(2) A direction under this regulation may be made in relation to a plant and a standard only if the Secretary of State is satisfied—

(a) where the plant is a non-catchment permitting area plant, that the plant will not be able to meet the standard by the upgrade date;

(b) where the plant is a catchment permitting area plant—

(i) that the plant will not be able to meet the standard by the applicable date, or

(ii) that the first effect described in paragraph (4) will, on the applicable date, be more significant than the second effect described in that paragraph.

(3) The Secretary of State may revoke a direction under this regulation if satisfied—

(a) where the plant is a non-catchment permitting area plant, that the plant will meet the standard by the upgrade date;

(b) where the plant is a catchment permitting area plant—

(i) that the plant will meet the standard by the applicable date, or

(ii) that the first effect described in paragraph (4) will, on the applicable date, be the same or less significant than the second effect described in that paragraph.

(4) For the purposes of paragraphs (2)(b) and (3)(b)—

(a) the "first effect" is the overall effect on the habitats site associated with the catchment permitting area of nutrients in treated effluent discharged by all plants that discharge into the area;

(b) the "second effect" is the overall effect on the site of nutrients in treated effluent that would be discharged by all plants that discharge into the area if—

(i) the upgrade date that applied to nutrient significant plants that discharge into the area was the same as the applicable date,

(ii) the standard concentration (of nutrients) applied to those nutrient significant plants, and

(iii) those nutrient significant plants were (on that basis) meeting the nutrient pollution standard on the applicable date.

(5) In deciding whether to make a direction under this regulation in relation to a plant and a standard, the Secretary of State may, in particular, have regard—

(a) where the plant is a non-catchment permitting area plant, to when the plant can be expected to meet the standard;

(b) where the plant is a catchment permitting area plant, to when—

(i) the plant can be expected to meet the standard, and

(ii) the sewerage undertaker for the plant can be expected to be in compliance with conditions in the environmental permit for the plant imposed in pursuance of section 96G(3)(b) of the Water Industry Act 1991.

(6) Before making or revoking a direction under this regulation, the Secretary of State must consult—

(a) the Environment Agency,
(b) Natural England,
(c) the Water Services Regulation Authority,
(d) any plan-making authority who it appears to the Secretary of State would be affected by the direction or revocation,
(e) the sewerage undertaker whose sewerage system includes the plant, and
(f) any other persons that the Secretary of State considers appropriate.

(7) A direction or revocation under this regulation—
(a) is to be made in writing, and
(b) takes effect—
(i) on the day specified in the direction or revocation, or
(ii) if none is specified, on the day on which it is made.

(8) As soon as practicable after making or revoking a direction under this regulation, the Secretary of State must—
(a) notify—
(i) the Environment Agency,
(ii) Natural England,
(iii) every plan-making authority who appears to the Secretary of State to be affected by the direction or revocation, and
(iv) any other persons that the Secretary of State considers appropriate, and
(b) publish the direction or revocation.

Regulations 110A and 110B: interpretation

110C(1) In regulations 110A and 110B and this regulation, the following terms have the meanings given by section 96L of the Water Industry Act 1991—
"catchment permitting area";
"environmental permit";
"habitats site";
"nitrogen significant plant";
"nitrogen nutrient pollution standard";
"nutrient pollution standard";
"nutrient significant plant";
"phosphorus significant plant";
"phosphorus nutrient pollution standard";
"plant";
"sensitive catchment area";
"sewerage system", in relation to a sewerage undertaker;
"standard concentration";
"treated effluent";
"upgrade date".

(2) In regulations 110A and 110B and this regulation—

"catchment permitting area plant" means a nutrient significant plant that discharges (or will discharge) treated effluent into a catchment permitting area;

"non-catchment permitting area plant" means a nutrient significant plant that discharges (or will discharge) treated effluent into a sensitive catchment area other than a catchment permitting area.

(3) For the purposes of regulation 110A, "outperformance" by a plant, which is a non-catchment permitting area plant and in relation to a nutrient pollution standard, occurs where—

(a) the plant meets the standard before the upgrade date, or

(b) the total nitrogen concentration (in the case of a nitrogen significant plant), or total phosphorus concentration (in the case of a phosphorus significant plant), in treated effluent that it discharges is less than the concentration specified in section 96F(1)(a)(i) or (2)(a)(i), under section 96C(6)(e) or 96D(5) or by virtue of regulations made under section 96D(11) (as the case may be) of the Water Industry Act 1991 that applies to the plant.

(4) For the purposes of regulations 110A and 110B, the "applicable date", in relation to a catchment permitting area, is to be determined in accordance with section 96G(6)(a) of the Water Industry Act 1991.

(5) For the purposes of regulation 110B(4)—

(a) a habitats site is "associated" with a catchment permitting area if water released into the area would drain into the site;

(b) "nutrients"—

(i) in relation to an area designated under section 96C(2) of the Water Industry Act 1991, means nutrients comprising nitrogen or compounds of nitrogen;

(ii) in relation to an area designated under section 96C(3) of that Act, means nutrients comprising phosphorus or compounds of phosphorus."

SCHEDULE 16

Section 173

LOCALLY-LED DEVELOPMENT CORPORATIONS: MINOR AND CONSEQUENTIAL AMENDMENTS

Local Government, Planning and Land Act 1980 (c. 65)

1 The Local Government, Planning and Land Act 1980 is amended as follows.

2 (1) Section 134 (urban development areas) is amended as follows.

(2) In subsection (1)—

(a) for "the Secretary of State" substitute "the appropriate national authority";

(b) for "he" substitute "the authority".

(3) In subsection (3A), for "The Secretary of State" substitute "The appropriate national authority".

(4) In subsection (3B), for "the Secretary of State" substitute "the appropriate national authority".

(5) After subsection (3B) insert—

"(3C) The Secretary of State may not make an order under subsection (3A) in relation to an urban development area designated under subsection (1B) except with the consent of the oversight authority."

(6) In subsection (4), after "(1)" insert "or (1B)".

(7) In subsection (4A), after "(1)" insert "or (1B)".

(8) In subsection (4B), omit "(by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006)".

(9) In subsection (4C), omit "(by virtue of section 53 of the Scotland Act 1998)".

(10) In subsection (5)—

(a) omit paragraph (a);

(b) in paragraph (b), for "the Secretary of State" substitute "the appropriate national authority".

(11) After subsection (5) insert—

"(6) An order under subsection (3A)—

(a) in the case of an order made by the Secretary of State, is to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament;

(b) in the case of an order made by the Welsh Ministers, is to be made by statutory instrument subject to annulment in pursuance of a resolution of Senedd Cymru;

(c) in the case of an order made by the Scottish Ministers, is subject to the negative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(7) In this section, "the appropriate national authority" means—

(a) the Secretary of State in relation to England;

(b) the Welsh Ministers in relation to Wales;

(c) the Scottish Ministers in relation to Scotland."

3 (1) Section 135 (urban development corporations) is amended as follows.

(2) In subsection (2), after "134(1)" insert "or (1B)".

(3) At the end insert—

"(7) In this section "local authority" has the same meaning as in section 134A (see subsection (10) of that section)."

4 In section 140 (consultation with local authorities), in subsection (1), after "corporation" insert ", other than a locally-led urban development corporation,".

5 (1) Section 171 (interpretation: general) is amended as follows.

(2) After the definition of "the 1997 Act" insert—

""locally-led urban development area" means an urban development area that was designated by order under section 134(1B);

"locally-led urban development corporation" means the urban development corporation for a locally-led urban development area;

"oversight authority", in relation to a locally-led urban development corporation or locally-led urban development area, means the local authority or local authorities designated in relation to that corporation, or the corporation for that area, under section 135(4B)(c) (but, in relation to a particular function, means only the local authority or local authorities by whom the function is exercisable);".

(3) In the definition of "urban development area", after "(1)" insert "or (1B)".

New Towns Act 1981 (c. 64)

6 The New Towns Act 1981 is amended as follows.

7 (1) Section 1A (local authority to oversee development of new town) is amended as follows.

(2) For the heading substitute "Oversight of locally-led new town".

(3) Omit subsections (1), (2) and (3).

(4) In subsection (4)—

(a) for "a local authority" substitute "an oversight authority";

(b) after "as a" insert "locally-led".

(5) In subsection (5)—

(a) in paragraphs (a), (b) and (c), for "a local authority" substitute "an oversight authority";

(b) in paragraph (d), for the words from "corporation", in the first place it occurs, to the end substitute "locally-led development corporation".

(6) Omit—

(a) subsection (7);

(b) in subsection (8)—

(i) the definition of "local authority";

(ii) paragraph (a) of the definition of "specified".

8 In section 2 (reduction of designated areas), after subsection (1) insert—

"(1A) The Secretary of State may not make an order under subsection (1) in relation to the area of a new town designated under section 1ZB except with the consent of the oversight authority."

9 (1) Section 80 (general interpretation provisions) is amended as follows.

(2) In subsection (1)—

(a) after the definition of "local highway authority" insert—

""locally-led development corporation" means a development corporation established for the purposes of a locally-led new town;

"locally-led new town" means a new town the site of which was designated under section 1ZB;";

(b) after the definition of "open space" insert—

""oversight authority", in relation to a locally-led development corporation or locally-led new town, means the local authority or local authorities designated in relation to that corporation, or the corporation for that new town, under section 3(2C)(c) (but, in relation to a particular function, means only the local authority or local authorities by whom the function is exercisable);".

(3) In subsection (2), after "section 1" insert "or 1ZB".

SCHEDULE 17

Section 177

PLANNING FUNCTIONS OF DEVELOPMENT CORPORATIONS: MINOR AND CONSEQUENTIAL AMENDMENTS

New Towns Act 1981 (c. 64)

1 (1) The New Towns Act 1981 is amended as follows.

(2) In the heading of section 7 (planning control), after "control" insert ": proposals given effect by development order".

(3) In section 77 (regulations and orders), after subsection (3D) (inserted by section 172) insert—

"(3E) A statutory instrument, other than one to which subsection (3B) applies, containing an order under section 7A is subject to annulment in pursuance of a resolution of either House of Parliament."

Town and Country Planning Act 1990 (c. 8)

2 (1) TCPA 1990 is amended as follows.

(2) In section 7 (urban development corporation as local planning authority), after subsection (2) insert—

"(3) This section is subject to section 8A."

(3) After section 7 insert—

"**7ZA New towns**

(1) This section applies where an order is made under section 7A(2)(a) or (4)(a) of the New Towns Act 1981 (powers to confer functions under the planning Acts) in respect of a development corporation established under section 3 of that Act.

(2) If the order is made under section 7A(2)(a), the corporation is the local planning authority for the specified area, for the specified purposes and in relation to the specified kinds of development, in place of the authority which would otherwise be the local planning authority for that area.

(3) If the order is made under section 7A(4)(a), the corporation has the functions under the specified enactments in the specified area, in place of any authority (except the Secretary of State) which would otherwise have them in that area.

(4) In this section "specified" means specified in the order.

(5) This section is subject to section 8A."

(4) In section 7A (Mayoral development corporation as local planning authority), after subsection (5) insert—

"(6) This section is subject to section 8A."

(5) In section 62B(5) (planning authorities that cannot be designated for the purposes of allowing direct planning applications to the Secretary of State), after paragraph (c) insert—

"(ca) a development corporation established under section 3 of the New Towns Act 1981;".

(6) In section 70(4) (definitions relating to local finance considerations to be taken into account in planning decisions), in the definition of "relevant authority", after paragraph (e) insert—

"(ea) a development corporation established under section 3 of the New Towns Act 1981;".

(7) In paragraph 5 of Schedule 1 (local highway authority restrictions on grant of planning permission)—

(a) in sub-paragraph (2), for the words from "is to be", where they first occur, to "2011," substitute "does not include a development corporation planning authority;";

(b) in sub-paragraph (3), for the words from "an" to "local planning authority", in the second place it occurs, substitute "a development corporation planning authority";

(c) after sub-paragraph (3) insert—

"(4) In this paragraph, "development corporation planning authority" means—

(a) an urban development corporation which is the local planning authority by virtue of an order under section 149 of the Local Government, Planning and Land Act 1980,

(b) a development corporation established under section 3 of the New Towns Act 1981 which is the local planning authority by virtue of an order under section 7A of that Act, or

(c) a Mayoral development corporation which is the local planning authority by virtue of an order under section 198(2) of the Localism Act 2011."

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

3 In Schedule 4 to the Listed Buildings Act (authorities exercising functions under the Act)—

(a) in paragraph 2—

(i) after "7", where it first occurs, insert ", 7ZA, 7A,";

(ii) after "urban development areas," insert "new towns,";

(b) in paragraph 4(1), after "7" insert ", 7ZA, 7A,".

Planning (Hazardous Substances) Act 1990 (c. 10)

4 In section 3 of the Hazardous Substances Act (hazardous substances authorities in certain special cases)—

(a) in subsection (4)—

(i) for "an urban development corporation or a Mayoral development corporation" substitute "a development corporation";

(ii) after "planning authority" insert "for all purposes of Part 3 of the principal Act";

(b) after subsection (4) insert—

"(4A) In subsection (4), "development corporation" means an urban development corporation, a development corporation established under section 3 of the New Towns Act 1981 or a Mayoral development corporation."

Localism Act 2011 (c. 20)

5 In section 202(5) of the Localism Act 2011 (power to apply certain modifications of planning enactments in relation to Mayoral development corporations), at the end insert ", with the further modification that any reference in that Part of that Schedule to an urban development corporation is to be read as a reference to an MDC".

SCHEDULE 18

Section 183(4)

CONDITIONAL CONFIRMATION AND MAKING OF COMPULSORY PURCHASE ORDERS: CONSEQUENTIAL AMENDMENTS

Land Compensation Act 1973 (c. 26)

1 In section 33D of the Land Compensation Act 1973 (exclusions from entitlement to loss payments), for subsection (6) substitute—

"(6) The relevant time is the time at which any of the following occurs in respect of the compulsory purchase order relating to the person's interest in the land—

(a) the order is confirmed, other than conditionally, under section 13 or 13A of the Acquisition of Land Act 1981;

(b) the order is made, other than conditionally, under paragraph 4 or 4A of Schedule 1 to that Act;

(c) a decision is made under section 13BA(2)(a) of the Acquisition of Land Act 1981 (decision that conditions subject to which order was confirmed have been met);

(d) a decision is made under paragraph 4AA(2)(a) of Schedule 1 to that Act (decision that conditions subject to which order was made have been met)."

Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)

2 In section 5(2) of the Compulsory Purchase (Vesting Declarations) Act 1981 (vesting declaration not to be executed before purchase order operative), for "26(1)" substitute "26".

Acquisition of Land Act 1981 (c. 67)

3 (1) The Acquisition of Land Act 1981 is amended as follows.

(2) In section 7—

(a) in subsection (3) (regulations subject to negative procedure)—

(i) after "13A" insert "or 13BA";

(ii) after "paragraph 4A" insert "or 4AA";

(b) after subsection (3) insert—

"(4) So far as anything is required or authorised to be prescribed as mentioned in subsection (2) in relation to orders that fall to be made or confirmed by the Welsh Ministers—

(a) the reference in that subsection to the Secretary of State is to be read as a reference to the Welsh Ministers, and

(b) the reference in subsection (3) to either House of Parliament is to be read as a reference to Senedd Cymru."

(3) In section 26 (date of operation of orders and certificates), for subsections (1) and (2) substitute—

"(1A) A compulsory purchase order confirmed under Part 2 becomes operative—

(a) if it is confirmed unconditionally, on the date on which a confirmation notice in respect of the order is first published as required by section 15(3)(a);

(b) if it is confirmed conditionally, on the date on which a fulfilment notice in respect of the order is first published as required by section 15(4C)(b)(i).

(1B) A compulsory purchase order made under Schedule 1 becomes operative—

(a) if it is made unconditionally, on the date on which a making notice in respect of the order is first published as required by paragraph 6(3)(a) of that Schedule;

(b) if it is made conditionally, on the date on which a fulfilment notice in respect of the order is first published as required by paragraph 6(4C)(b)(i) of that Schedule.

(1C) Subsections (1A) and (1B) do not apply to an order to which the Statutory Orders (Special Procedure) Act 1945 applies.

(2A) A certificate given under Part 3 becomes operative on the date on which it is first published as required by section 22(a).

(2B) A certificate given under Schedule 3 becomes operative on the date on which it is first published as required by paragraph 9(a) of that Schedule.

(3) This section is subject to section 24."

Housing Act 1985 (c. 68)

4 (1) The Housing Act 1985 is amended as follows.

(2) In section 582 (suspension of recovery of possession of certain premises when compulsory purchase order made)—

(a) in subsection (2), for paragraph (b) substitute—

"(b) any earlier date on which—

(i) the Secretary of State notifies the authority that the Secretary of State declines to confirm the order,

(ii) the order (having been confirmed conditionally) expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981, or

(iii) the order is quashed by a court.";

(b) in subsection (6), for paragraph (a) substitute—

"(aa) the Secretary of State notifies the authority that the Secretary of State declines to confirm the compulsory purchase order,

(ab) the order (having been confirmed conditionally) expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981,

(ac) the order is quashed by a court, or".

(3) In paragraph 3 of Schedule 5A (termination of initial demolition notices)—

(a) in sub-paragraph (2), after "(3)(a)" insert "or (aa)";

(b) in sub-paragraph (3)—

(i) omit the "or" at the end of paragraph (a);

(ii) after paragraph (a) insert—

"(aa) a decision under section 13BA(2)(b)(ii) of that Act that conditions subject to which the order was confirmed have not been met, or";

(c) in sub-paragraph (4), after "(3)(a)" insert "or (aa)";

(d) after sub-paragraph (6) insert—

"(6A) If—

(a) a compulsory purchase order has been made as described in sub-paragraph (2),

(b) the order expires by virtue of section 13BA(2)(b)(i) of the Acquisition of Land Act 1981, and

(c) the effect of the expiry is that the landlord will not be able, by virtue of that order, to carry out the demolition of the dwelling-house,

the notice ceases to be in force as from the date when the order expires.";

(e) in sub-paragraph (7), after "(2)" insert "or (6A)".

Town and Country Planning Act 1990 (c. 8)

5 (1) TCPA 1990 is amended as follows.

(2) In section 137(7)(b) (discontinuance of compulsory purchase for purpose of blight notice exception)—

(a) in sub-paragraph (i), after "order" insert "or the order (having been made conditionally) expires by virtue of paragraph 4AA(2) of Schedule 1 to the Acquisition of Land Act 1981";

(b) in sub-paragraph (ii), at the end insert "or (having been confirmed conditionally) it expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981".

(3) In Note (2) in paragraph 22 of Schedule 13 (land ceasing to be blighted by proposed compulsory purchase order)—

(a) omit the "or" at the end of paragraph (a);

(b) at the end of paragraph (b) insert "; or

(c) the order (having been confirmed or made conditionally) expires by virtue of section 13BA(2)(b) of, or paragraph 4AA(2) of Schedule 1 to, the Acquisition of Land Act 1981."

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

6 In section 48(6)(b) of the Listed Buildings Act (discontinuance of compulsory purchase for purpose of listed building purchase notice exception)—

(a) in sub-paragraph (i), at the end insert "or the order (having been made conditionally) expires by virtue of paragraph 4AA(2) of Schedule 1 to the Acquisition of Land Act 1981";

(b) in sub-paragraph (ii), at the end insert "or (having been confirmed conditionally) it expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981".

Historic Environment (Wales) Act 2023

7 In section 111(8)(b) of the Historic Environment (Wales) Act 2023 (discontinuance of compulsory purchase for purpose of listed building purchase notice exception)—

(a) in the English language text—

(i) in sub-paragraph (i), at the end insert "or (having been confirmed conditionally) it expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981";

(ii) in sub-paragraph (ii), at the end insert "or the order (having been made conditionally) expires by virtue of paragraph 4AA(2) of Schedule 1 to that Act";

(b) in the Welsh language text—

(i) in sub-paragraph (i), at the end insert "neu pan fydd (ar ôl cael ei gadarnhau'n amodol) yn dod i ben yn rhinwedd adran 13BA(2)(b) o Ddeddf Caffael Tir 1981";

(ii) in sub-paragraph (ii), at the end insert "neu pan fydd y gorchymyn (ar ôl cael ei wneud yn amodol) yn dod i ben yn rhinwedd paragraff 4AA(2) o Atodlen 1 i'r Ddeddf honno".

SCHEDULE 19

Section 184

COMPULSORY PURCHASE: CORRESPONDING PROVISION FOR PURCHASES BY MINISTERS

Online publicity

1 (1) Schedule 1 to the Acquisition of Land Act 1981 (compulsory purchase by Minister) is amended as follows.

(2) For the italic heading before paragraph 2 substitute "*Public notices*".

(3) In paragraph 2 (requirement to publish notice of order in newspaper)—

(a) in sub-paragraph (1)—

(i) the words from "in two" to "situated" become paragraph (a);

(ii) at the end of that paragraph insert ", and

(b) for a period of at least 21 days ending with the day specified under sub-paragraph (2)(d), publish a notice in the prescribed form on an appropriate website.";

(b) in sub-paragraph (2)—

(i) in the words before paragraph (a), for "notice" substitute "notices";

(ii) omit the "and" at the end of paragraph (c);

(iii) after paragraph (c) insert—

"(ca) specify a website on which those copies may be viewed, and";

(iv) for paragraph (d) substitute—

"(d) specify the final day for making objections to the draft order, and the manner in which objections can be made.";

(c) after sub-paragraph (2) insert—

"(2A) If the appropriate authority (see paragraph 4(8)) is satisfied that, because of special circumstances, it is impracticable for the Minister to make the copies referred to in sub-paragraph (2)(c) available for inspection at an appropriate place, the appropriate authority may direct that the requirement in sub-paragraph (2)(c) (together with that in paragraph 3(1)(ba)) is not to apply.";

(d) in sub-paragraph (4)(b), omit the words from "(but" to "affixed)".

(4) In paragraph 3(1) (requirement to serve notice on certain affected persons)—

(a) omit the "and" at the end of paragraph (b);

(b) after paragraph (b) insert—

"(ba) (subject to paragraph 2(2A)) naming a place within the locality where a copy of the draft order and of the map referred to in it may be inspected,

(bb) specifying a website on which those copies may be viewed, and";

(c) for paragraph (c) substitute—

"(c) specifying the final day for making objections to the draft order, and the manner in which objections can be made."

(5) After paragraph 3 insert—

"Final day for making objections

3A (1) For the purposes of paragraphs 2 and 3, the day specified as the final day for making objections must be the last day, or a day after the last day, of the period of 21 days beginning with the first day at the beginning of which the Minister expects that all of the following conditions will be satisfied.

(2) The conditions are that—

(a) a notice has been published for the first time as required by paragraph 2(1)(a),

(b) publication as required by paragraph 2(1)(b) has begun,

(c) a notice has been affixed as required by paragraph 2(3), and

(d) a notice has been served on every qualifying person as required by paragraph 3(1)."

(6) In paragraph 6 (notices after making of order)—

(a) in sub-paragraph (3)—

(i) the words from "in one" to "situated" become paragraph (a);

(ii) at the end of that paragraph insert ", and

(b) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the Minister takes the final step needed to comply with sub-paragraph (1)(a).";

(b) in sub-paragraph (4), after paragraph (c) insert—

"(ca) specifying a website on which those copies may be viewed;";

(c) after sub-paragraph (4) insert—

"(4A) If the appropriate authority is satisfied that, because of special circumstances, it is impracticable for the Minister to make the copies referred to in sub-paragraph (4)(c) available for inspection at an appropriate place, the appropriate authority may direct that the requirement in sub-paragraph (4)(c) is not to apply."

Proceedings for consideration of draft order

2 (1) Schedule 1 to the Acquisition of Land Act 1981 (compulsory purchase by Minister) is amended as follows.

(2) In paragraph 4A (proceedings for contested orders), for sub-paragraphs (2) to (8) substitute—

"(1A) The appropriate authority must cause a public local inquiry to be held if—

(a) the order is subject to special parliamentary procedure, or

(b) in the case of an order to which section 16 applies, a certificate has been given under subsection (2) of that section.

(1B) If sub-paragraph (1A) does not apply, the appropriate authority must either—

(a) cause a public local inquiry to be held, or

(b) proceed under the representations procedure.

(1C) In deciding between those options, the appropriate authority must have regard to the scale and complexity of what is proposed by the draft order.

(1D) The representations procedure is a procedure to be prescribed.

(1E) The regulations prescribing the procedure must include provision—

(a) enabling each person who has made a remaining objection to make representations—

(i) in writing to the appropriate authority, or

(ii) if the person so requests, at a hearing, and

(b) enabling the Minister, and any other person the appropriate authority thinks appropriate, to make representations—

(i) in writing to the appropriate authority, or

(ii) if applicable, at a hearing held as mentioned in paragraph (a)(ii).

(1F) The regulations may provide for hearings to be held by the appropriate authority or by a person appointed by the appropriate authority.

(1G) In sub-paragraph (1E), "representations" means representations as to whether the order should be made.

(1H) Before the Minister makes the order, the appropriate authority must consider—

(a) each remaining objection;

(b) if a public local inquiry was held, the report of the person who held it;

(c) if the representations procedure was followed and the appropriate authority held a hearing, the representations made at the hearing;

(d) if the representations procedure was followed and a person appointed by the appropriate authority held a hearing, the report of that person;

(e) if the representations procedure was followed and written representations were made, those representations.

(1I) The Minister may make the order with or without modifications.

(1J) Regulations under sub-paragraph (1D) may include provision as to the giving of reasons for decisions taken by the appropriate authority in cases where the representations procedure is followed."

(3) In paragraph 4B (confirmation of order in stages), in sub-paragraph (3), for "4A(2) or (3)" substitute "4A(1A) or (1B)".

Conditional orders

3 (1) Schedule 1 to the Acquisition of Land Act 1981 (compulsory purchase by Minister) is amended as follows.

(2) After paragraph 4A insert—

"4AA (1) The Minister may make a compulsory purchase order conditionally.

(2) The effect of making an order conditionally is that the order—

(a) does not become operative until the Minister has decided, following consideration by the appropriate authority (see paragraph 4(8)), that certain conditions have been met, and

(b) expires if the Minister has not decided that by a certain time.

(3) The conditions and the time are to be specified by the Minister when making the order.

(4) The procedure to be followed in connection with the consideration and decision referred to in sub-paragraph (2)(a) is to be prescribed.

(5) The prescribed procedure must include provision for each relevant objector—

(a) to be given notice that the appropriate authority is to consider whether the conditions have been met (or for steps to be taken with a view to notifying them), and

(b) to have the opportunity to make written representations relating to that consideration;

and may include provision as to the giving of reasons for the decision by the Minister.

(6) In sub-paragraph (5), "relevant objector" means a person who made an objection to the draft order that—

(a) was a remaining objection for the purposes of paragraph 4A, and

(b) had not been withdrawn by the time the order was made."

(3) In paragraph 6 (notices after making of order)—

(a) in sub-paragraph (2)(b), for "date when the order becomes operative" substitute "day on which the Minister takes the final step needed to comply with sub-paragraph (1)(a)";

(b) in sub-paragraph (3), at the beginning insert "Unless the order was made conditionally,";

(c) in sub-paragraph (4), after paragraph (b) insert—

"(ba) if the order was made conditionally, stating the conditions and time specified under paragraph 4AA(3);";

(d) after sub-paragraph (4A) (inserted by paragraph 1(6)) insert—

"(4B) If the order was made conditionally and the Minister decides under paragraph 4AA that the conditions have been met, the Minister must serve—

(a) a copy of the order, and

(b) a fulfilment notice,

on each person on whom a notice was required to be served under paragraph 3.

(4C) Where sub-paragraph (4B) applies, the Minister must also—

(a) affix a fulfilment notice to a conspicuous object or objects on or near the land comprised in the order, and

(b) publish a fulfilment notice—

(i) in one or more local newspapers circulating in the locality in which the land comprised in the order is situated, and

(ii) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the Minister takes the final step needed to comply with sub-paragraph (4B).

(4D) A fulfilment notice is a notice—

(a) stating that the conditions subject to which the order was made have been met and that the order will therefore become operative, and

(b) annexing the information that was contained in the making notice.";

(e) in sub-paragraph (5), after "notice" insert "or fulfilment notice";

(f) in sub-paragraph (6)—

(i) after "notice" insert ", and any fulfilment notice,";

(ii) for "it" substitute "each such notice".

SCHEDULE 20

Section 201

GROUNDS OF APPEAL AGAINST FINAL LETTING NOTICE

PART 1

GROUNDS

1 That the vacancy condition was not met in relation to the premises on the day on which the initial letting notice was served.

2 That the premises cannot reasonably be considered suitable for the use identified in the final letting notice as the suitable high-street use.

3 That the local authority's view that the local benefit condition was met in relation to the premises was one that no authority giving reasonable consideration to the matter could have reached.

4 That the local authority failed, while the initial letting notice was in force, to give consent under section 196 to a proposed tenancy, licence or agreement where the authority—

(a) was required by section 197(1) to give consent, or

(b) would have been so required had it not failed to be satisfied as mentioned in section 197(2)(c), when any authority giving reasonable consideration to the matter would have been so satisfied.

5 That the landlord—

(a) intends to carry out substantial works of construction, demolition or reconstruction affecting the premises, and

(b) could not reasonably carry out those works without retaining possession of the premises.

6 That the landlord intends to occupy the premises for the purposes, or partly for the purposes, of a business to be carried on by the landlord in the premises.

7 That the landlord intends to occupy the premises as the landlord's residence.

PART 2

INTERPRETATION AND APPLICATION

1 Ground 2 is to be applied in accordance with section 192(5).

2 Works carried out in contravention of section 200(1) cannot be relied on for the purposes of ground 5.

3 (1) Where the landlord has a controlling interest in a company, the references to the landlord in ground 6 include reference to that company.

(2) Where the landlord is a company and a person has a controlling interest in the company, the references to the landlord in grounds 6 and 7 include reference to that person.

(3) For the purposes of sub-paragraphs (1) and (2), a person has a controlling interest in a company, if, had the person been a company, the other company would have been its subsidiary.

(4) In this paragraph—

"company" has the meaning given by section 1(1) of the Companies Act 2006;

"subsidiary" has the meaning given by section 1159 of that Act.

SCHEDULE 21

Section 206

PROVISION TO BE INCLUDED IN TERMS OF TENANCY FURTHER TO CONTRACT UNDER SECTION 204

1 Provision about what obligations (if any) the landlord is to have with respect to the maintenance or repair of anything outside the premises that enables or facilitates the use of the premises.

2 Provision about what obligations (if any) the landlord is to have with respect to the supply of water, energy or telecommunications services to the premises.

3 Provision requiring the tenant to keep the premises in repair.

4 Provision about—

(a) what works and alterations the tenant can or cannot carry out, with or without the consent of the landlord, and

(b) (if applicable) the giving or withholding of such consent by the landlord.

5 Provision requiring the tenant to insure the premises (if they are not otherwise insured).

6 Provision enabling the landlord to recover from the tenant costs reasonably incurred by or on behalf of the landlord in connection with the premises.

7 Provision about circumstances in which the tenant can or cannot—

(a) assign the tenancy,
(b) sub-let the premises, or
(c) otherwise allow another person to possess or occupy the premises.

8 Provision for, and in connection with, the giving of a deposit by the tenant to secure the performance of the tenant's obligations.

9 Provision about the circumstances in which the landlord can re-enter the premises following a breach of the tenant's obligations.

10 Provision requiring the tenant to deliver up the premises with vacant possession at the end of the tenancy.

SCHEDULE 22

Section 229

PAVEMENT LICENCES

Introductory

1 In this Schedule—
(a) "the 2020 Act" means the Business and Planning Act 2020;
(b) "the commencement date" means the date on which this Schedule comes into force;
(c) "pavement licence" means a licence under section 1 of the 2020 Act.

Making pavement licence provisions permanent

2 (1) Omit section 10 of the 2020 Act (expiry).

(2) In section 23 of the 2020 Act (regulations), in subsection (4), omit "10,".

Applications: fees

3 (1) Section 2 of the 2020 Act (applications) is amended as follows.

(2) In subsection (1)(c), for "£100" substitute "the relevant amount".

(3) After subsection (1) insert—

"(1A) In subsection (1)(c), "the relevant amount" means—
(a) £350, in the case of an application which—
(i) is made by a person who already holds a pavement licence, and
(ii) is in respect of the premises to which that existing licence relates (whether or not it is a renewal application), and
(b) £500, in any other case.

(1B) The Secretary of State may by regulations amend subsection (1A)(a) or (b) so as to substitute a different amount for the amount for the time being specified there."

4 In section 23 of the 2020 Act (regulations), in subsection (3), after "section" insert "2(1B) or".

Applications: procedure on renewals

5 (1) Section 2 of the 2020 Act (applications) is amended as follows.

(2) After subsection (2) insert—

"(2A) If the application is a renewal application—

(a) subsection (2) does not apply, but

(b) the application must contain or be accompanied by such information or material as the local authority may require."

(3) After subsection (9) insert—

"(10) For the purposes of this section, an application is a renewal application if—

(a) it is made by a person who already holds a pavement licence,

(b) it is in respect of the premises to which the existing licence relates, and

(c) it is for a licence to begin on the expiry of the existing licence and on the same terms."

Applications: periods for consultation and determination

6 In section 2 of the 2020 Act (applications), in subsection (4), for "7" substitute "14".

7 In section 3 of the 2020 Act (determination), in subsection (10), for "7" substitute "14".

Duration of licences

8 (1) Section 4 of the 2020 Act (duration) is amended as follows.

(2) For subsections (1) and (2) substitute—

"(1) A pavement licence may be granted by a local authority for such period as the authority may specify in the licence.

(2) The period specified may not exceed two years."

(3) In subsection (3)—

(a) omit ", subject to subsection (4),";

(b) for "a year" substitute "two years".

(4) Omit subsection (4).

Enforcement of licences

9 In section 6 of the 2020 Act (enforcement and revocation), after subsection (3) insert—

"(4) A local authority by which a pavement licence is granted or deemed to be granted may, with the consent of the licence-holder, amend the licence if it considers that—

(a) the condition in subsection (3)(a) or (b) is met, or

(b) a no-obstruction condition of the licence is not being complied with."

Effect of licences

10 In section 7 of the 2020 Act (effects), omit—

(a) subsections (4) to (6);

(b) subsections (8) to (10).

11 (1) Section 115E of the Highways Act 1980 (execution of works etc by persons other than councils) is amended as follows.

(2) In subsection (1), for "(4)" substitute "(5)".

(3) After subsection (4) insert—

"(5) A council may not under this section grant a person permission to do anything which is capable of being authorised by a pavement licence under section 1 of the Business and Planning Act 2020."

12 In section 249 of the Town and Country Planning Act 1990 (order extinguishing right to use vehicles on highway), in subsection (7), at the end insert "or sections 1 to 9 of the Business and Planning Act 2020".

Enforcement

13 After section 7 of the 2020 Act insert—

"**7A Enforcement**

(1) The following provisions of this section apply where—

(a) a person puts removable furniture on a relevant highway for a purpose specified in subsection (2), and

(b) the person is not authorised to do so.

(2) The purposes referred to in subsection (1)(a) are—

(a) use of the furniture by the person to sell or serve food or drink supplied from, or in connection with relevant use of, premises which are adjacent to the highway and are used or proposed to be used by the person;

(b) use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, such premises.

(3) The local authority may by notice require the person—

(a) to remove the furniture before a date specified in the notice, and

(b) to refrain from putting furniture on the highway unless authorised to do so.

(4) If the person leaves or puts removable furniture on the relevant highway in contravention of the notice, the local authority may—

(a) remove the furniture and store it,

(b) require the person to pay the authority's reasonable costs in removing and storing the furniture, and

(c) refuse to return the furniture until those reasonable costs are paid.

(5) If within the period of three months beginning with the day on which the notice is given the person does not pay the reasonable costs, or does not recover the furniture, the local authority may—

(a) dispose of the furniture by sale or in any other way it thinks fit, and

(b) retain any proceeds of sale for any purpose it thinks fit.

(6) In this section "authorised" means authorised by—

(a) a pavement licence,

(b) permission under Part 7A of the Highways Act 1980, or

(c) permission granted under any other enactment."

Local authority functions

14 In section 8 of the 2020 Act, omit subsection (2).

15 In Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853) (functions which are not to be the responsibility of an authority's executive), in paragraph B, after item 72 insert—

"73 Functions relating to pavement licences	Sections 1 to 7A of the Business and Planning Act 2020".

Other amendments

16 In section 9 of the 2020 Act (interpretation), omit subsections (2) and (3) (which are spent).

17 In section 62 of the Anti-social Behaviour, Crime and Policing Act 2014 (premises etc to which alcohol prohibition in a public spaces protection order does not apply), in subsection (1)(e), at the end insert "or by virtue of a pavement licence under section 1 of the Business and Planning Act 2020".

Transitional provision

18 (1) This paragraph applies in relation to a pavement licence which is in force immediately before the commencement date and which—

(a) was granted with no limit on its duration, or

(b) was deemed to be granted under section 3(9) of the 2020 Act.

(2) A pavement licence to which this paragraph applies expires at the end of the period of two years beginning with the commencement date.

19 The amendments made by paragraph 11 do not affect any permission granted by a council under section 115E of the Highways Act 1980 before the commencement date.

SCHEDULE 23

Section 237

USE OF NON-DOMESTIC PREMISES FOR CHILDCARE: REGISTRATION

Introductory

1 The Childcare Act 2006 is amended as follows.

Early years provision

2 In section 32 (maintenance of the two childcare registers), after subsection (5) insert—

"(6) In this section—

(a) a reference to persons registered as early years childminders is to be read as a reference to persons registered as early years childminders with domestic premises and to persons registered as early years childminders without domestic premises collectively;

(b) a reference to persons registered as later years childminders is to be read as a reference to persons registered as later years childminders with domestic premises and to persons registered as later years childminders without domestic premises collectively;

(c) a reference to persons registered as childminders by the Chief Inspector for the purposes of Chapter 4 is to be read as a reference to persons so registered as childminders with domestic premises and to persons so registered as childminders without domestic premises collectively."

3 (1) Section 33 (requirement to register: early years childminders) is amended as follows.

(2) In the heading, at the end insert "with domestic premises".

(3) In subsection (1), in the words before paragraph (a)—

(a) after "England" insert ", where some or all of the childminding is provided on domestic premises,";

(b) after "childminder" insert "with domestic premises".

4 (1) Section 34 (requirement to register: early years providers) is amended as follows.

(2) For subsections (1) and (1ZA) substitute—

"(1) A person may not provide early years provision on non-domestic premises in England unless—

(a) the person is registered in the early years register as an early years provider other than a childminder (whether or not the provision is or includes early years childminding), or

(b) the provision is early years childminding, none of which is provided on domestic premises, and the person is registered as an early years childminder without domestic premises—

(i) in the early years register, or

(ii) with an early years childminder agency.

(1ZA) Subsection (1)(a) does not apply to early years provision in respect of which the person providing it is required to be registered under section 33(1) or under subsection (1A).”

(3) In subsection (1A)—

(a) after “96(5)” insert “, and some or all of which is provided on domestic premises,”;

(b) after “registered” insert “as an early years provider other than a childminder”.

5 (1) Section 35 (applications for registration: early years childminders) is amended as follows.

(2) In the heading, at the end insert “with domestic premises”.

(3) In subsection (1)—

(a) in paragraph (a), for “as an early years childminder in the early years register” substitute “in the early years register as an early years childminder with domestic premises”;

(b) in paragraph (b), at the end insert “with domestic premises”.

(4) In subsection (5), in each of paragraphs (aa) and (ab), after “as an early years childminder” insert “with domestic premises”.

6 (1) Section 36 (application for registration: other early years providers) is amended as follows.

(2) In subsection (1), for the words from “to the Chief” to the end substitute “—

(a) in any case, to the Chief Inspector for registration as an early years provider other than a childminder, or

(b) if the early years provision is early years childminding—

(i) to the Chief Inspector for registration as an early years childminder without domestic premises, or

(ii) to an early years childminder agency for registration with that agency as an early years childminder without domestic premises,

(whether or not an application is also made under paragraph (a)).”

(3) In each of subsections (3) and (4), for “subsection (1)” substitute “subsection (1)(a) or (b)(i)”.

(4) In subsection (4A), after “subsection” insert “(1)(b)(ii) or”.

(5) In subsection (5), after paragraph (ab) insert—

“(ac) prohibiting the applicant from being registered in the early years register as an early years childminder without domestic premises if the applicant is registered with a childminder agency;

(ad) prohibiting the applicant from being registered with an early years childminder agency as an early years childminder without domestic premises if the applicant is registered—

(i) with another childminder agency;

(ii) in the early years register or the general childcare register;”.

7 (1) Section 37 (entry on the register and certificates) is amended as follows.

(2) In subsection (1)(a), after "childminder" insert "with domestic premises".

(3) In subsection (2)—

(a) in the words before paragraph (a), for "36(1)" substitute "36(1)(a)";

(b) in paragraph (a), after "childminder" insert "(even if, in the case of an application under section 36(1)(a), the early years provision is or includes early years childminding)".

(4) After subsection (2) insert—

"(2A) If an application under section 36(1)(b)(i) is granted, the Chief Inspector must—

(a) register the applicant in the early years register as an early years childminder without domestic premises, and

(b) give the applicant a certificate of registration stating that the applicant is so registered."

(5) In subsection (3), for "or (2)" substitute ", (2) or (2A)".

8 (1) Section 37A (early years childminder agencies: registers and certificates) is amended as follows.

(2) In subsection (1)(a), after "childminder" insert "with domestic premises".

(3) After subsection (1) insert—

"(1A) If an application under section 36(1)(b)(ii) is granted, the early years childminder agency must—

(a) register the applicant in the register maintained by the agency as an early years childminder without domestic premises, and

(b) give the applicant a certificate of registration stating that the applicant is so registered."

(4) In subsection (3), after "(1)" insert ", (1A)".

Later years provision

9 (1) Section 52 (requirement to register: later years childminders for children under eight) is amended as follows.

(2) In the heading, at the end insert "with domestic premises".

(3) In subsection (1), in the words before paragraph (a)—

(a) after "eight" insert ", where some or all of the childminding is provided on domestic premises,";

(b) after "childminder" insert "with domestic premises".

10 (1) Section 53 (requirement to register: other later years providers for children under eight) is amended as follows.

(2) For subsections (1) and (1ZA) substitute—

"(1) A person may not provide, for a child who has not attained the age of eight, later years provision on non-domestic premises in England unless—

(a) the person is registered in Part A of the general childcare register as a later years provider other than a childminder (whether or not the provision is or includes later years childminding), or

(b) the provision is later years childminding, none of which is provided on domestic premises, and the person is registered as a later years childminder without domestic premises—

(i) in Part A of the general childcare register, or

(ii) with a later years childminder agency.

(1ZA) Subsection (1)(a) does not apply to later years provision in respect of which the person providing it is required to be registered under section 52(1) or under subsection (1A).”

(3) In subsection (1A)—

(a) after “96(9)” insert “, and some or all of which is provided on domestic premises,”;

(b) after “registered” insert “as a later years provider other than a childminder”.

11 (1) Section 54 (applications for registration: later years childminders) is amended as follows.

(2) In the heading, at the end insert “with domestic premises”.

(3) In subsection (1)—

(a) in paragraph (a), for “as a later years childminder in Part A of the general childcare register” substitute “in Part A of the general childcare register as a later years childminder with domestic premises”;

(b) in paragraph (b), at the end insert “with domestic premises”.

(4) In subsection (5), in each of paragraphs (aa) and (ab), after “as a later years childminder” insert “with domestic premises”.

12 (1) Section 55 (application for registration: other later years providers) is amended as follows.

(2) In subsection (1), for the words from “to the Chief” to the end substitute “—

(a) in any case, to the Chief Inspector for registration as a later years provider other than a childminder, or

(b) if the later years provision is later years childminding—

(i) to the Chief Inspector for registration as a later years childminder without domestic premises, or

(ii) to a later years childminder agency for registration with that agency as a later years childminder without domestic premises,

(whether or not an application is also made under paragraph (a)).”

(3) In each of subsections (3) and (4), for “subsection (1)” substitute “subsection (1)(a) or (b)(i)”.

(4) In subsection (4A), after “subsection” insert “(1)(b)(ii) or”.

(5) In subsection (5), after paragraph (ab) insert—

“(ac) prohibiting the applicant from being registered in Part A of the general childcare register as a later years childminder without

domestic premises if the applicant is registered with a childminder agency;

(ad) prohibiting the applicant from being registered with a later years childminder agency as a later years childminder without domestic premises if the applicant is registered—

(i) with another childminder agency;

(ii) in the early years register or the general childcare register;".

13 (1) Section 56 (entry on the register and certificates) is amended as follows.

(2) In subsection (1), in paragraph (a), after "childminder" insert "with domestic premises".

(3) In subsection (2)—

(a) in the words before paragraph (a), for "55(1)" substitute "55(1)(a)";

(b) in paragraph (a), after "childminder" insert "(even if, in the case of an application under section 55(1)(a), the later years provision is or includes later years childminding)".

(4) After subsection (2) insert—

"(2A) If an application under section 55(1)(b)(i) is granted, the Chief Inspector must—

(a) register the applicant in Part A of the general childcare register as a later years childminder without domestic premises, and

(b) give the applicant a certificate of registration stating that the applicant is so registered."

(5) In subsection (3), for "or (2)" substitute ", (2) or (2A)".

14 (1) Section 56A (later years childminder agencies: registers and certificates) is amended as follows.

(2) In subsection (1)(a), after "childminder" insert "with domestic premises".

(3) After subsection (1) insert—

"(1A) If an application under section 55(1)(b)(ii) is granted, the later years childminder agency must—

(a) register the applicant in the register maintained by the agency as a later years childminder without domestic premises, and

(b) give the applicant a certificate of registration stating that the applicant is so registered."

(4) In subsection (3), after "(1)" insert ", (1A)".

15 In section 57 (special procedure for providers registered in the early years register), in subsection (1)—

(a) in the words before paragraph (a), after "childminder" insert "with or without domestic premises";

(b) in paragraph (a), for "as a later years childminder" substitute "—

(i) in the case of an early years childminder with domestic premises, as a later years childminder with domestic premises;

(ii) otherwise, as a later years childminder without domestic premises".

16 (1) Section 57A (special procedure for providers registered with early years childminder agencies) is amended as follows.

(2) In subsection (1)(a), after "childminder" insert "with or without domestic premises".

(3) In subsection (2)(a), for "as a later years childminder" substitute "—

(i) in the case of an early years childminder with domestic premises, as a later years childminder with domestic premises;

(ii) otherwise, as a later years childminder without domestic premises".

Voluntary registration

17 (1) Section 62 (applications for registration on the general register: childminders) is amended as follows.

(2) In the heading, at the end insert "with domestic premises".

(3) In subsection (1), in the words after paragraph (b)—

(a) before "may" insert "where some or all of the childminding is (or is to be) provided on domestic premises,";

(b) at the end insert "with domestic premises".

18 In section 63 (applications for registration on the general register: other childcare providers), for subsection (1) substitute—

"(A1) Subsection (1) applies to a person who provides or proposes to provide on premises in England—

(a) later years provision for a child who has attained the age of eight, or

(b) early years provision or later years provision for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3,

except where it is provision in respect of which an application for registration may be made under section 62.

(1) The person may make an application to the Chief Inspector—

(a) in any case, for registration in Part B of the general childcare register as a provider of childcare other than a childminder, or

(b) where the provision is early years childminding or later years childminding, for registration in Part B of the general childcare register as a childminder without domestic premises (whether or not an application is also made under paragraph (a)).".

19 (1) Section 64 (entry on the register and certificates) is amended as follows.

(2) In subsection (1)(a), after "childminder" insert "with domestic premises".

(3) In subsection (2)—

(a) in the words before paragraph (a), for "63(1)" substitute "63(1)(a)";

(b) in paragraph (a), after "childminder" insert "(even if the childcare to be provided is or includes early years or later years childminding)".

(4) After subsection (2) insert—

"(2A) If an application under section 63(1)(b) is granted, the Chief Inspector must—

(a) register the applicant in Part B of the general childcare register as a childminder without domestic premises, and

(b) give the applicant a certificate of registration stating that the applicant is so registered."

(5) In subsection (3), for "or (2)" substitute ", (2) or (2A)".

20 In section 65 (special procedure for persons already registered in a childcare register), in subsection (1)—

(a) in the words before paragraph (a), for the words from "a childminder" to "Part A of the general childcare register" substitute "an early years childminder with or without domestic premises in the early years register, or as a later years childminder with or without domestic premises in Part A of the general childcare register,";

(b) in paragraph (a), after "childminder" insert "(as the case may be, with or without domestic premises)".

21 (1) Section 65A (special procedure for persons already registered with a childminder agency) is amended as follows.

(2) In subsection (1), in the words before paragraph (a)—

(a) after the first "early years childminder" insert "with or without domestic premises";

(b) after the first "later years childminder" insert "with or without domestic premises".

(3) In subsection (2)(a), after "Chapter" insert "(as the case may be, with or without domestic premises)".

Common provisions

22 (1) Section 68 (cancellation of registration in a childcare register: early years and later years providers) is amended as follows.

(2) In subsection (3), for the words from "as an early years childminder" to the end substitute "—

(a) as an early years childminder with domestic premises if it appears to the Chief Inspector that the person has not provided early years childminding on domestic premises in England for a period of more than three years during which the person was registered;

(b) as an early years childminder without domestic premises if it appears to the Chief Inspector that the person has not provided early years childminding on non-domestic premises in England for a period of more than three years during which the person was registered."

(3) In subsection (4), for the words from "as a later years childminder" to the end substitute "—

(a) as a later years childminder with domestic premises if it appears to the Chief Inspector that the person has not provided later years

childminding on domestic premises in England for a period of more than three years during which the person was registered;

(b) as a later years childminder without domestic premises if it appears to the Chief Inspector that the person has not provided later years childminding on non-domestic premises in England for a period of more than three years during which the person was registered."

(4) In subsection (5), for the words from "as a childminder" to the end substitute "—

(a) as a childminder with domestic premises if it appears to the Chief Inspector that the person has provided neither early years childminding nor later years childminding on domestic premises in England for a period of more than three years during which the person was registered;

(b) as a childminder without domestic premises if it appears to the Chief Inspector that the person has provided neither early years childminding nor later years childminding on non-domestic premises in England for a period of more than three years during which the person was registered."

23 In section 69 (suspension of registration in a childcare register: early years and later years providers), in each of subsections (3) and (4), after "childminder" insert "with or without domestic premises".

24 (1) Section 98 (interpretation of Part 3) is amended as follows.

(2) In subsection (1), in the definition of "domestic premises", at the end insert "(and references to non-domestic premises are to be construed accordingly)".

(3) After subsection (1A) insert—

"(1B) In this Part, references to a person registered—

(a) as an early years childminder with domestic premises are to a person registered as such under section 37(1)(a) or 37A(1)(a);

(b) as an early years childminder without domestic premises are to a person registered as such under section 37(2A) or 37A(1A);

(c) as a later years childminder with domestic premises are to a person registered as such under section 56(1)(a) or 56A(1)(a);

(d) as a later years childminder without domestic premises are to a person registered as such under section 56(2A) or 56A(1A)."

SCHEDULE 24

Section 252(10)

REGULATIONS UNDER CHAPTER 1 OF PART 3 OR PART 6: FORM AND SCRUTINY

PART 1

STATUTORY INSTRUMENTS AND STATUTORY RULES

1 (1) Any power to make regulations under Chapter 1 of Part 3 or Part 6—

(a) so far as exercisable by the Secretary of State acting alone or by the Secretary of State acting jointly with a devolved authority, is exercisable by statutory instrument,

(b) so far as exercisable by the Welsh Ministers acting alone, is exercisable by statutory instrument, and

(c) so far as exercisable by a Northern Ireland department acting alone, is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

(2) For regulations made under Chapter 1 of Part 3 or Part 6 by the Scottish Ministers acting alone, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).

PART 2

SCRUTINY OF REGULATIONS

Scrutiny of regulations made by Secretary of State or devolved authority acting alone

2 (1) This paragraph applies to regulations made by the Secretary of State, or a devolved authority, acting alone which contain provision (whether alone or with other provision) under—

(a) section 152 or 153;

(b) section 154 other than provision, made on the second or subsequent exercise of a power in that section, for—

(i) a description of consent, which is neither category 1 consent nor category 2 consent, to be either category 1 consent or category 2 consent, or

(ii) a description of consent which is category 2 consent to be category 1 consent;

(c) section 159(2) or 160.

(2) A statutory instrument containing regulations to which this paragraph applies of the Secretary of State acting alone may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(3) Regulations to which this paragraph applies of the Scottish Ministers acting alone are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(4) A statutory instrument containing regulations to which this paragraph applies of the Welsh Ministers acting alone may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

(5) Regulations to which this paragraph applies of a Northern Ireland department acting alone may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

3 (1) This paragraph applies to regulations made by the Secretary of State, or a devolved authority, acting alone which contain provision (whether alone or with other provision) under Chapter 1 of Part 3 or Part 6 and which do not fall within paragraph 2.

(2) A statutory instrument containing regulations to which this paragraph applies of the Secretary of State acting alone is subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Regulations to which this paragraph applies of the Scottish Ministers acting alone are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

(4) A statutory instrument containing regulations to which this paragraph applies of the Welsh Ministers acting alone is subject to annulment in pursuance of a resolution of Senedd Cymru.

(5) Regulations to which this paragraph applies of a Northern Ireland department acting alone are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

4 Paragraph 3 does not apply if—

(a) a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;

(b) a draft of the Scottish statutory instrument has been laid before, and approved by resolution of, the Scottish Parliament;

(c) a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru; or

(d) a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

Scrutiny of regulations made by the Secretary of State and devolved authority acting jointly

5 (1) This paragraph applies to regulations of the Secretary of State acting jointly with a devolved authority which contain provision (whether alone or with other provision) under—

(a) section 152 or 153;

(b) section 154 other than provision, made on the second or subsequent exercise of a power in that section, for—

(i) a description of consent, which is neither category 1 consent nor category 2 consent, to be either category 1 consent or category 2 consent, or

(ii) a description of consent which is category 2 consent to be category 1 consent;

(c) section 159(2) or 160.

(2) The procedure provided for by sub-paragraph (3) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.

(3) A statutory instrument which contains regulations to which this paragraph applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(4) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the affirmative procedure.

(5) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to regulations to which sub-paragraph (4) applies as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).

(6) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (4) applies as it applies in relation to the laying before the Scottish Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).

(7) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

(8) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

6 (1) This paragraph applies to regulations of the Secretary of State acting jointly with a devolved authority which contain provision (whether alone or with other provision) under Chapter 1 of Part 3 or Part 6 and which do not fall within paragraph 5.

(2) The procedure provided for by sub-paragraph (3) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.

(3) A statutory instrument containing regulations to which this paragraph applies is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the negative procedure.

(5) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (negative procedure etc.) apply in relation to regulations to which sub-paragraph (4) applies and which are subject to the negative procedure as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).

(6) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (4) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).

(7) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of Senedd Cymru.

(8) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

(9) If in accordance with this paragraph—

(a) either House of Parliament resolves that an address be presented to His Majesty praying that an instrument be annulled, or

(b) a relevant devolved legislature resolves that an instrument be annulled,

nothing further is to be done under the instrument after the date of the resolution and His Majesty may by Order in Council revoke the instrument.

(10) In sub-paragraph (9) "relevant devolved legislature" means—

(a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,

(b) in the case of regulations made jointly with the Welsh Ministers, Senedd Cymru, and

(c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.

(11) Sub-paragraph (9) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.

(12) Sub-paragraphs (9) to (11) apply in place of provision made by any other enactment about the effect of such a resolution.

(13) In this paragraph, "enactment" includes an enactment contained in, or in an instrument made under—

(a) an Act of the Scottish Parliament,

(b) a Measure or Act of Senedd Cymru, or

(c) Northern Ireland legislation.

7 Paragraph 6 does not apply if a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Interpretation

8 In this Schedule "devolved authority" means—

(a) the Scottish Ministers,

(b) the Welsh Ministers, or

(c) a Northern Ireland department.