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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are the third commencement regulations under the Levelling-up and Regeneration Act 2023 (“the Act”).

**Regulation 2** brings into force on 31st March 2024 various provisions of the Act.

**Regulation 2(a)** brings into force section 84 of the Act. Section 84 of the Act empowers an appropriate authority to require planning authorities to process planning data in accordance with approved data standards.

**Regulation 2(b)** brings into force section 85 of the Act. Section 85 of the Act allows planning authorities, by published notice, to require a person to provide them with planning data that complies with an approved data standard that is applicable to that data.

**Regulation 2(c)** brings into force section 86 of the Act. Section 86 of the Act gives appropriate authorities the power to make regulations to ensure that standardised data provided to or processed by planning authorities will be made available to the public under an approved open licence.

**Regulation 2(d)** brings into force section 89 of the Act. Section 89 of the Act provides that the Secretary of State must consult or obtain the consent of the relevant devolved administration where planning data regulations contain provision within devolved competence.

**Regulation 2(e)** and **regulation 2(s)** bring into force Schedule 13 to the Act so far as it relates to Chapter 1 of Part 3 of the Act. Schedule 13 to the Act contains provisions about the restrictions on devolved authorities when making regulations under Chapter 1 of Part 3 of the Act.

**Regulation 2(f)** brings into force section 91 of the Act. Section 91 of the Act provides definitions of key terms that are used throughout Chapter 1 of Part 3 of the Act.

**Regulation 2(g)** brings into force section 111 of the Act for the purpose of making regulations. Section 111 of the Act inserts a new section 93G into the Town and Country Planning Act 1990 and amends sections 56 and 69 of that Act. Section 93G imposes a duty on the person intending to carry out a development to serve a commencement notice before any development has begun on the site.

**Regulation 2(h)** brings into force section 171(7) of the Act. Section 171(7) of the Act inserts a new section 135A into the Local Government, Planning and Land Act 1980 (c. 65). The effect of this new section is to give the Secretary of State the power to make regulations setting out how an oversight authority is to oversee the regeneration of a locally led development area.

**Regulation 2(i)** brings into force section 182 of the Act for the purpose of making regulations. Section 182 of the Act amends sections 13A, 13B, 13C and 14D of the Acquisition of Land Act 1981 (c. 67) (“the 1981 Act”) which set out the procedure a confirming authority must follow when considering objections to a compulsory purchase order (“CPO”). The amendments made by section 182 give the confirming authority greater discretion to use the appropriate procedure while still giving any remaining objector who wishes to be heard in person by the confirming authority the right to do so.

**Regulation 2(j)** brings into force section 183 of the Act for the purpose of making regulations. Section 183 of the Act inserts a new section 13BA into the 1981 Act, makes consequential amendments to section 15 of that Act, and makes consequential amendments to a number of other Acts through Schedule 18. The amendments made by section 183 give confirming authorities the power to confirm a CPO conditionally.

**Regulation 2(k)** and **2(t)** bring into force paragraphs 2 and 3 of Schedule 19 to the Act for the purpose of making regulations. Paragraph 2 of Schedule 19 to the Act amends paragraphs 4A and 4B of

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Schedule 1 to the 1981 Act which set out the procedure a Minister must follow when considering objections to a CPO. The amendments made by paragraph 2 of Schedule 19 to the Act give the Minister greater discretion to use the appropriate procedure while still giving any remaining objector who wishes to be heard in person by the Minister the right to do so. Paragraph 3 of Schedule 19 to the Act inserts paragraph 4AA and makes consequential amendments to paragraph 6 of Schedule 1 to the 1981 Act. The amendments made by paragraph 3 of Schedule 19 give the Minister the power to confirm a CPO conditionally.

**Regulation 2(l)** brings into force section 190 of the Act for Wales for the purpose of making regulations. Section 190 of the Act amends various provisions of the 1981 Act, the Land Compensation Act 1961 (c. 33), the New Towns Act 1981 (c.64) and the Welsh Development Agency Act 1975 (c. 70) which deal with the assessment of compensation, and makes consequential amendments to the Town and Country Planning Act 1990. The amendments allow confirming authorities, in relation to certain public sector acquiring authorities exercising certain CPO powers, to direct that the value associated with the following matters are not payable, provided doing so is in the public interest: (a) the prospect of the grant of planning permission; and (b) compensation for the loss of the potential of development for which there was a reasonable expectation that planning permission would have been granted in the absence of the CPO.

**Regulation 2(m)** brings into force section 203 of the Act for the purpose of making regulations. Subsections (3) and (5) give the Secretary of State the power to make regulations which provide for the process for the rental auction and how the ‘successful bidder’ at auction will be identified. Subsection (4) requires provision in the regulations for the local authority to specify the suitable high street use ahead of the auction. Subsections (6) to (8) set out matters which the Secretary of State may provide for in the regulations in connection with the rental auction.

**Regulation 2(n)** brings into force section 205 of the Act for the purpose of making regulations. Subsection (6) gives the Secretary of State the power through regulations to make further provision about the terms of the tenancy contract and, in making the regulations, subsection (7) requires the Secretary of State to have regard to the terms on which contracts for the grant of short-term tenancies are typically entered into on a commercial basis.

**Regulation 2(o)** brings into force section 206 of the Act for the purpose of making regulations. Subsection (7) gives the Secretary of State the power through regulations to make further provision about the terms of the tenancy and, in making the regulations, subsection (8) requires the Secretary of State to have regard to the terms on which short-term tenancies are typically granted on a commercial basis.

**Regulation 2(p)** brings into force section 214 of the Act for the purpose of making regulations. Section 214 of the Act makes further provision about letting notices.

**Regulation 2(q)** brings into force section 215 of the Act. Section 215 of the Act gives the Secretary of State the power to make regulations in relation to the manner of or procedure to be followed in connection with a number of matters in Part 10 of the Act.

**Regulation 2(r)** and **2(u)** bring into force Schedule 22 to the Act. Schedule 22 to the Act amends the Business and Planning Act 2020 to make permanent the regime for pavement licences with certain amendments set out.

**Regulation 3** brings into force on 30th April 2024 various provisions of the Act.

**Regulation 3(a)** brings into force the remainder of section 181 of the Act in relation to England. Section 181 of the Act amends sections 7, 11, 12, 15 and 22 and paragraph 9 of Schedule 3 to the 1981 Act, which set out the publicity requirements for certain documents and notices issued as part of the CPO process. Section 181 introduces requirements to publish documents and notices online.

**Regulation 3(b)** and **3(c)** bring into force the remainder of paragraph 1 of Schedule 19 to the Act in relation to England. Paragraph 1 of Schedule 19 to the Act inserts paragraph 3A and amends paragraphs 2, 3 and 6 of Schedule 1 to the 1981 Act, which set out the publicity requirements for

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certain documents and notices issued as part of the CPO process when CPO powers are used by Ministers. Paragraph 1 of Schedule 19 introduces requirements to publish documents and notices online.

**Regulation 4** contains transitional provisions relating to the amendments made by sections 181, 184 and paragraph 1 of Schedule 19. These ensure the amendments do not affect CPOs where relevant statutory public notice has been given before the relevant sections come into force to avoid changing the law applicable to those CPOs mid-process.

**Regulation 5** makes saving provision relating to pavement licenses. **Regulation 5(1)** provides that the amendments made by section 229 of, and paragraphs 3, 6, and 7 of Schedule 22 to, the Act do not apply in relation to an application for a pavement licence which was made, but not determined, before the day on which that section and Schedule comes into force. **Regulation 5(2)** provides that the amendments made by section 229 of, and paragraph 10 (so far as it relates to subsection (5) of section 7 of the Business and Planning Act 2020) of Schedule 22 to, the Act do not apply in relation to a pavement licence granted on or after the day that section and Schedule comes into force, where the application for that licence was made before that day or a pavement licence granted before the day on which that section and Schedule comes into force.

An impact assessment has been published in relation the Act and copies can be obtained from the UK Parliament website at <https://bills.parliament.uk/bills/3155/publications> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.