

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to primary legislation in relation to permission in principle. Permission in principle and its effect are described in sections 58A, 59A and 70(2ZZA) to (2ZZC) of the Town and Country Planning Act 1990 (which were inserted by section 150 of the Housing and Planning Act 2016). Permission in principle provisions apply in relation to England only.

Regulation 2 amends paragraph 9 of Schedule 12A to the Local Government Act 1972 to provide that a local planning authority's own application for permission in principle should not be exempt information at a local authority meeting.

Regulation 3 amends section 69 of the Town and Country Planning Act 1990 ("the 1990 Act") to provide further powers in relation to entries in planning registers in relation to permission in principle, including that permissions in principle granted must be recorded. Regulation 3 also amends section 75 of the 1990 Act to provide that a permission in principle enures for the benefit of the land. Regulation 3 also amends section 96A of the 1990 Act to provide that a non-material change may be made in relation to a permission in principle and amends the heading of section 100 of the 1990 Act.

Regulation 4 amends section 9(2) of the Planning (Hazardous Substances) Act 1990 to provide that in dealing with an application for hazardous substances consent the hazardous substances authority shall have regard to any permission in principle that has been granted in relation to land in the vicinity.

Regulation 5 amends Schedule 1A to the Commons Act 2006 to provide trigger and terminating events in relation to land proposed to be entered on Part 2 of the register which local planning authorities must prepare and maintain under section 14A of the Planning and Compulsory Purchase Act 2004, and in relation to land entered on Part 2 of that register. A trigger event switches off the right to apply for registration of a village green, and a terminating event switches that right back on. In general Schedule 1A provides that where land is proposed to be allocated for development, for example in a development plan, the right to apply for registration of a village green is switched off for so long as that proposal and any subsequent allocation subsists. The amendment to Schedule 1A inserts new trigger and terminating events in relation to proposals to allocate, and allocations of, land for development which flow from a local planning authority including land in Part 2 of the register under section 14A.

An impact assessment has not been prepared for this instrument as no significant impact on the private or voluntary sector is foreseen. The Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.