
STATUTORY INSTRUMENTS

2023 No. 753

**The Building Safety (Responsible Actors
Scheme and Prohibitions) Regulations 2023**

PART 3

Planning and Building Control Prohibitions

CHAPTER 2

Prohibition on Development

Planning prohibition

29.—(1) An applicable person is prohibited from carrying out major development of land in England.

(2) An applicable person is prohibited from carrying out major development of land in England through any agent or contractor or any other person acting for or on their behalf.

(3) In this regulation, “major development” has the meaning given by article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015(1).

(4) This regulation is subject to regulation 31.

Commencement Information

II Reg. 29 in force at 4.7.2023, see **reg. 1(1)**

Notice of prohibition

30.—(1) An applicable person must notify the relevant local planning authority that they are a person to whom regulation 29 applies when—

- (a) they apply for planning permission, or make a subsequent application for, or relating to, major development;
- (b) they acquire an interest in land, or a contractual entitlement to develop land, which has the benefit of planning permission for major development; or
- (c) they transfer all their interest in land which has the benefit of such a permission to a person that is not an applicable person.

(2) An applicable person must notify the relevant local planning authority when they cease to be an applicable person.

(3) In this regulation—

(1) [S.I. 2015/595](#), as read with the definition of “development” in section 55 of the Town and Country Planning Act 1990 (c. 8).

“relevant local planning authority” means the local planning authority for the area in which the major development is to be carried out;

“subsequent application” has the same meaning as in regulation 32.

Commencement Information

I2 Reg. 30 in force at 4.7.2023, see [reg. 1\(1\)](#)

Exception for critical national infrastructure

31.—(1) The Secretary of State may disapply the prohibition in regulation 29 in relation to an applicable person in respect of a specific site, if in the view of the Secretary of State—

- (a) the development or proposed development relates to critical national infrastructure; and
- (b) it is in the public interest to disapply the prohibition.

(2) In this regulation—

“critical national infrastructure” means those elements of infrastructure, the loss or compromise of which or inadequate provision of which may result in—

- (i) a major detrimental impact on the availability, integrity or delivery of essential services, including services whose integrity, if compromised, could result in significant loss of life or casualties, taking into account significant economic or social impacts;
- (ii) a significant impact on national security, national defence, or the functioning of the state, and includes development which is necessary to facilitate the safe or effective construction or operation of the critical national infrastructure concerned;

“elements of infrastructure” means the assets, facilities, systems or networks that operate or facilitate the operation of the infrastructure.

Commencement Information

I3 Reg. 31 in force at 4.7.2023, see [reg. 1\(1\)](#)

Transitional provision

32.—(1) The prohibition in regulation 29 does not apply to development for which planning permission has been granted before the date on which these Regulations come into force, unless a subsequent application is required for all or part of the development, and that application has not been determined before that date.

(2) For the purpose of this regulation and regulation 30, “subsequent application” means an application for approval of a matter where the approval—

- (a) is required by or under a condition to which the planning permission is subject; and
- (b) must be obtained before all or part of the development permitted by the planning permission may be begun.

Commencement Information

I4 Reg. 32 in force at 4.7.2023, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023, CHAPTER 2.