

2024 No. 453

TOWN AND COUNTRY PLANNING, ENGLAND

The Levelling-up and Regeneration Act 2023 (Consequential Amendments) (No. 2) (England) Regulations 2024

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| <i>Made</i> - - - - | <i>2nd April 2024</i> |
| <i>Laid before Parliament</i> | <i>4th April 2024</i> |
| <i>Coming into force</i> - - | <i>25th April 2024</i> |

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 188(1), 188(2)(a), 333(1) and 333(2B) of the Town and Country Planning Act 1990(a) and sections 250 and 252(1)(c) of the Levelling-up and Regeneration Act 2023(b).

Citation, commencement, extent and application

- 1.—(1) These Regulations may be cited as the Levelling-up and Regeneration Act 2023 (Consequential Amendments) (No. 2) (England) Regulations 2024.
- (2) These Regulations come into force on 25th April 2024.
- (3) These Regulations extend to England and Wales.
- (4) These Regulations apply in England only.

Amendment to regulation 9 (claims for compensation and listed building purchase notices) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

- 2.—(1) The Planning (Listed Buildings and Conservation Areas) Regulations 1990(c) are amended as follows.
- (2) In regulation 9(1), after "29" insert ", 44AC".

(a) 1990 c. 8. Section 188(1) was amended by sections 32, 84(6), paragraphs 8, 30(a) of Schedule 7, Schedule 19, Part I of the Planning and Compensation Act 1991 (c.34), section 124(2)(a) of the Localism Act 2011 (c.20), S.I. 2012/57 and S.I. 2012/628. Section 188(2)(a) was amended by section 32, paragraphs 8 and 30(b) of Schedule 7 to the Planning and Compensation Act 1992 (c. 34), sections 124(2)(b)(ii) and (iii) of the Localism Act 2011 (c. 20) and S.I. 2012/57 and S.I. 2012/628. Section 333(1) was amended by section 78 and paragraph 32(12) of Schedule 10 to the Environment Act 1995 (c. 25). Section 333(2B) was inserted by section 130(1)(a) of the Levelling-up and Regeneration Act 2023 (c. 55).

(b) 2023 c. 55.

(c) S.I. 1990/1519; relevant amending instruments are S.I. 1996/525, 1243, 2012/793.

Amendment to article 43 (register of enforcement and stop notices and other enforcement action) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

3.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2015 (a) is amended as follows.

(2) After article 43(3) insert—

“(3A) The enforcement register must also contain the following information with respect to every enforcement warning notice issued in relation to the land in the area of the authority maintaining the register—

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the issuing authority;
- (c) the date of issue of the notice;
- (d) the date of service of copies of the notice;
- (e) a statement or summary of the breach of planning control alleged; and
- (f) the date specified in the notice as the date by which an application for planning permission must be received.”;

(3) in paragraph (4) for “stop notice or breach of condition notice” substitute “stop notice, breach of condition notice or enforcement warning notice”;

(4) in paragraph (4)(b) omit “and”;

(5) in paragraph (4)(c) for “withdrawn.” substitute “withdrawn; and”;

(6) after paragraph (4)(c) insert—

“(d) in the case of an enforcement warning notice, the notice is quashed by a court.”.

Amendment to the Schedule (modifications to the Town and Country Planning Act 1990) of the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023

4.—(1) The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023(b) is amended as follows.

(2) In the Schedule—

(a) in paragraph 1, after sub-paragraph (vi) insert—

“(vii) section 196E (power to provide relief from enforcement of planning conditions); and”

“(vii) section 172ZA (enforcement warning notice: England.”;

(b) in paragraph 9 (modification of section 174 (appeals against enforcement notices)), for sub-paragraph(b) substitute—

“(b)Reg 3(2) subsections (2A), (2AA), (2AB), (2AC), (2B) and (2D) to (2F) were omitted.”.

(a) S.I. 2015/595.

(b) S.I. 2023/753.

Revocation of the Town and Country Planning (Pre-application Consultation) Order 2020

5. The Town and Country Planning (Pre-application Consultation) Order 2020(a) is revoked.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

2nd April 2024

Lee Rowley
Minister of State
Department for Levelling Up, Housing and Communities

(a) S.I. 2020/1051.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to secondary legislation that are consequential on the provisions inserted by the Levelling-up and Regeneration Act 2023 (“the 2023 Act”).

Regulation 2 amends regulation 9 (claims for compensation and listed building purchase notices) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 to cover claims for compensation under section 44AC (temporary stop notices in England: compensation) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in addition to claims for compensation under sections 27 to 29 of that Act. Section 44AC of the Planning (Listed Buildings and Conservation Areas) Act 1990 was inserted by section 103 (temporary stop notices in relation to listed buildings) of the 2023 Act.

Regulation 3 amends article 43 (register of enforcement and stop notices and other enforcement action) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“DMPO 2015”) which sets out the information required to be placed on the enforcement register. The amendments to article 43 of DMPO 2015 makes provision for the information required to be placed on the enforcement register in relation to enforcement warning notices. These amendments are consequential to the introduction of enforcement warning notices by section 172ZA (Enforcement warning notice: England) of the Town and Country Planning Act 1990 (“the 1990 Act”) which was inserted by section 117 (Enforcement warning notices) of the 2023 Act.

Regulation 4 amends the Schedule (modifications to the Town and Country Planning Act 1990) to the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 which applies Part 7 of the 1990 Act, with modifications. The amendments to the Schedule exclude reference to sections 172ZA (Enforcement warning notice: England), 174 (2A), (2AA), (2AB), (2AC), (2B) (appeal against enforcement notices) and 196E (power to provide relief from enforcement of planning conditions) of the TCPA 1990. Section 172ZA of the 1990 Act was inserted by section 117 (Enforcement warning notices) of the 2023 Act. Sections 174 (2A), (2AA), (2AB), (2AC) and (2B) TCPA 1990 were inserted by section 118 (restrictions on appeals against enforcement notices) of the 2023 Act and section 196E of the TCPA 1990 was inserted by section 121 (power to provide relief from enforcement of planning conditions) of the 2023 Act.

Regulation 5 revokes the Town and Country Planning (Pre-application Consultation) Order 2020, which extended the temporary effect of sections 61W to 61Y of the 1990 Act until December 2025. Section 122 (consultation before applying for planning permission) of the 2023 Act operates so as to give these sections permanent effect.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or community bodies is foreseen.

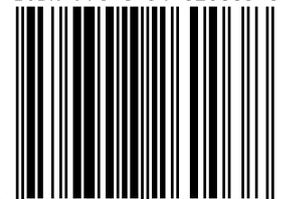
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