

2024 No. 92 (C. 6)

ACQUISITION OF LAND, ENGLAND AND WALES

ENVIRONMENTAL PROTECTION, ENGLAND

LOCAL GOVERNMENT, ENGLAND

**TOWN AND COUNTRY PLANNING, ENGLAND AND
WALES**

**The Levelling-up and Regeneration Act 2023 (Commencement
No. 2 and Transitional Provisions) Regulations 2024**

Made - - - -

25th January 2024

The Secretary of State makes these Regulations in exercise of the powers conferred by section 255(2)(p), (2)(r), (3)(b), (7) and (12) of the Levelling-up and Regeneration Act 2023^(a).

Citation and interpretation

1.—(1) These Regulations may be cited as the Levelling-up and Regeneration Act 2023 (Commencement No. 2 and Transitional Provisions) Regulations 2024.

(2) In these Regulations “the Act” means the Levelling-up and Regeneration Act 2023.

Provisions coming into force on 31st January 2024

2. The following provisions of the Act come into force on 31st January 2024—

- (a) section 78 (capital finance risk management);
- (b) section 81 (alteration of street names: England);
- (c) section 94 (national development management policies: meaning);
- (d) section 106 (street votes), so far as it confers a power to make regulations and so far as it relates to the provisions of Schedule 9 brought into force by paragraph (q);
- (e) section 107 (street votes: community infrastructure levy), so far as it confers a power to make regulations;
- (f) section 123 (duty in relation to self-build and custom housebuilding);
- (g) section 129 (hazardous substances consent: connected applications to the Secretary of State);

(a) 2023 c. 55.

- (h) section 140 (enforcement of community infrastructure levy);
- (i) section 180 (acquisition by local authorities for purpose of regeneration);
- (j) section 181 (online publicity), so far as it confers a power to make regulations;
- (k) section 184 (corresponding provision for purchases by Ministers), so far as it relates to the provisions of Schedule 19 brought into force by paragraph (r);
- (l) section 185 (time limits for implementation);
- (m) section 186 (agreement to vary vesting date);
- (n) section 187 (common standards for compulsory purchase data);
- (o) section 188 ('no-scheme' principle: minor amendments);
- (p) Schedule 5 (alteration of street names: consequential amendments);
- (q) paragraph 1 (Town and Country Planning Act 1990), sub-paragraphs (6) to (10) of Schedule 9 (street votes: minor and consequential amendments), so far as they confer a power to make a development order;
- (r) paragraph 1 (online publicity) of Schedule 19 (compulsory purchase: corresponding provision for purchases by Ministers), so far as it confers a power to make regulations.

Provision coming into force on 12th February 2024

3. Section 135 of the Act (biodiversity net gain: pre-development biodiversity value and habitat enhancement) comes into force on 12th February 2024.

Provision coming into force on 30th April 2024

4. Section 190 of the Act (power to require prospects of planning permission to be ignored) comes into force, in relation to England, on 30th April 2024.

Provision coming into force on 31st January 2025

5. Section 189 of the Act (prospects of planning permission for alternative development) comes into force on 31st January 2025.

Transitional provisions relating to compulsory purchase

6.—(1) The amendments made to the Acquisition of Land Act 1981^(a), and consequential amendments to the Compulsory Purchase Act 1965^(b), Compulsory Purchase (Vesting Declarations) Act 1981^(c) and Housing Act 1985^(d), by section 185 of the Act do not apply in relation to a compulsory purchase order where—

- (a) notice of the making of the order pursuant to section 11(1) of the Acquisition of Land Act 1981, or
- (b) notice of the preparation in draft of the order pursuant to paragraph 2(1) of Schedule 1 of the Acquisition of Land Act 1981,

has already been published before the day on which that section comes into force.

(2) The amendments made to the Compulsory Purchase (Vesting Declarations) Act 1981 by section 186 of the Act do not apply to a general vesting declaration that has been executed under

(a) 1981 c. 67.

(b) 1965 c. 56.

(c) 1981 c. 66. Section 4 was amended by sections 184 and 185 of, and paragraph 2 of Schedule 18 to, the Housing and Planning Act 2016 (c. 22).

(d) 1985 c. 68.

section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 before the day on which that section comes into force.

(3) The amendments made to the Land Compensation Act 1961^(a) by section 189 of the Act do not apply to any acquisition where the first relevant notification date is before the date on which section 189 of the Act comes into force.

(4) In paragraph (3) “relevant notification date” means the date on which—

- (a) in the case of an acquisition authorised by a compulsory purchase order—
 - (i) notice of the making of the order, or
 - (ii) where the order was made by a Minister, notice of the preparation in draft of the order,
has been published or served,
- (b) in the case of an acquisition authorised by a special enactment, the special enactment was introduced to Parliament,
- (c) an offer in writing has been made by or on behalf of a relevant authority to negotiate for the purchase of an interest,
- (d) in the case of a notice served under any enactment requiring the purchase of an interest (other than as set out in sub-paragraphs (e) to (g) below), the relevant authority is to be deemed to have served a notice to treat in respect of that interest,
- (e) in the case of an acquisition authorised by an order made under the Transport and Works Act 1992^(b), notice of the application for such order was published under article 14 (publicity for application) of The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006^(c),
- (f) in the case of an acquisition authorised by an order made under the Planning Act 2008^(d), the applicant first gave notice of its application under section 56 (notifying persons of accepted application) of that Act, or
- (g) in the case of an acquisition authorised by an order made under the Harbours Act 1964^(e), notice of the application for such order was served under paragraph 11 of Schedule 3 (procedure for making harbour revision and empowerment orders) of that Act.

(5) In paragraph (4) “special enactment” means—

- (a) a local or private Act which authorises the compulsory purchase of land specifically identified in that Act, or
- (b) a provision which—
 - (i) is contained in an Act other than a local or private Act, and
 - (ii) authorises the compulsory purchase of land specifically identified in that Act.

(6) The amendments made to the Acquisition of Land Act 1981, the Land Compensation Act 1961, the New Towns Act 1981^(f), the Welsh Development Agency Act 1975^(g), and the Town and Country Planning Act 1990^(h) by section 190 of the Act do not apply in relation to a compulsory purchase order where—

(a) 1961 c. 33.
(b) 1992 c. 42.
(c) S.I. 2006/1466.
(d) 2008 c. 29.
(e) 1964 c. 40.
(f) 1981 c. 64.
(g) 1975 c. 70.
(h) 1990 c. 8.

- (a) notice of the making of the order pursuant to section 11(1) of the Acquisition of Land Act 1981, or
- (b) notice of the preparation in draft of the order pursuant to paragraph 2(1) of Schedule 1 of the Acquisition of Land Act 1981,

has already been published before the day on which that section comes into force.

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

25th January 2024

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 brings into force on 31st January 2024 a number of provisions of the Act.

Regulation 2(a) brings into force section 78 of the Act. Section 78 of the Act inserts new sections 12A to 12D into the Local Government Act 2003. The effect of these new sections is to give the Secretary of State the power to intervene to address excessive financial risk to a local authority by providing options for remediation, mitigation or investigation.

The provisions brought into force by regulation 2(b) and 2(p) relate to street names. Regulation 2(b) brings into force section 81 of the Act. Section 81 requires local authorities in England to obtain necessary support before altering a street name. Regulation 2(p) brings into force Schedule 5 to the Act. Schedule 5 makes consequential amendments to the Public Health Acts Amendment Act 1907, the Public Health Act 1925, the London Building Acts (Amendment) Act 1939 and the Local Government Act 1972.

Regulation 2(c) brings into force section 94 of the Act. Section 94 of the Act inserts a new section 38ZA into the Planning and Compulsory Purchase Act 2004 to provide a statutory basis for national development management policies.

The provisions brought into force by regulation 2(d), 2(e) and 2(q) relate to Street Votes Development Orders. These provisions are brought into force for the limited purpose of enabling regulations and development orders to be made.

Regulation 2(f) brings into force section 123 of the Act. Section 123 of the Act amends section 2A of the Self-build and Custom Housebuilding Act 2015 to ensure that only land permissioned explicitly for self-build and custom housebuilding will qualify towards a relevant authority’s statutory duty to meet demand for self-build and custom housebuilding in the authority’s area.

Regulation 2(g) brings into force section 129 of the Act. Section 129 of the Act amends section 62A of the Town and Country Planning Act 1990 to enable applicants to submit applications for hazardous substance consent under the Planning (Hazardous Substances) Act 1990 directly to the Secretary of State when connected with a relevant application submitted under section 62A.

Regulation 2(h) brings into force section 140 of the Act which substitutes new enforcement provisions for section 218(11) and (12) of the Planning Act 2008 relating to the Community Infrastructure Levy. These new enforcement provisions are substituted to align with sentencing changes made by section 13 of the Judicial Review and Courts Act 2022.

Regulation 2(i) brings into force section 180 of the Act. Section 180 of the Act amends section 226 of the Town and Country Planning Act 1990 to ensure local authorities are empowered to compulsorily purchase land for regeneration purposes.

Regulation 2(j) brings into force section 181 of the Act for the purpose of making regulations. Section 181 of the Act amends sections 7, 11, 12, 15 and 22 and paragraph 9 of Schedule 3 to the Acquisition of Land Act 1981, which set out the publicity requirements for certain documents and notices issued as part of the compulsory purchase order (“CPO”) process. Section 181

introduces requirements to publish documents and notices online. Section 11 includes a power to prescribe the form of notice to be published online by regulations.

Regulation 2(k) and 2(r) bring into force paragraph 1 of Schedule 19 to the Act for the purpose of making regulations. Paragraph 1 of Schedule 19 to the Act inserts paragraph 3A and amends paragraphs 2, 3 and 6 of Schedule 1 to the Acquisition of Land Act 1981, which sets out the publicity requirements for 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. Paragraph 1(3)(a)(ii) of Schedule 19 amends paragraph 2(1) of Schedule 1 to the Acquisition of Land Act 1981 such that the Minister acquiring the land must “publish a notice [of the draft compulsory purchase order] in the prescribed form on an appropriate website”. Section 7(2) of the Acquisition of Land Act 1981 provides that “[a]nything which ... is required or authorised to be prescribed shall be prescribed by regulations made by the Secretary of State by statutory instrument”. When read together, those two provisions empower the Secretary of State to prescribe the form the Minister must use when notifying the draft compulsory purchase order on an appropriate website.

Regulation 2(l) brings into force section 185 of the Act. Section 185 of the Act inserts new section 13D into the Acquisition of Land Act 1981, giving confirming authorities the power to extend the time limit for implementation of a compulsory purchase order. It amends sections 4 and 4A of the Compulsory Purchase Act 1965 and sections 5A and 5B of the Compulsory Purchase (Vesting Declarations) Act 1981, which set out the current statutory time limits within which compulsory purchase powers under a CPO must be implemented after it has been confirmed and makes consequential amendments to section 582 of the Housing Act 1985.

Regulation 2(m) brings into force section 186 of the Act. Section 186 of the Act inserts a new section 8A into the Compulsory Purchase (Vesting Declarations) Act 1981 to allow for the landowner and acquiring authority to agree to vary the date on which an interest in land being compulsorily acquired will vest in the acquiring authority.

Regulation 2(n) brings into force section 187 of the Act. Section 187 of the Act empowers the Secretary of State to make regulations to set data standards in relation to certain CPO information.

Regulation 2(o) brings into force section 188 of the Act. Section 188 of the Act amends sections 6D and 6E of the Land Compensation Act 1961 which define the ‘scheme’ for the purpose of assessing compensation. These sections provide that where land is acquired for regeneration or redevelopment which is facilitated or made possible by a relevant transport project, the ‘scheme’ includes the relevant transport project. The amendments ensure that the definition of ‘scheme’ includes any re-development, regeneration and improvement that form part of the ‘scheme’.

Regulation 3 brings into force section 135 of the Act on 12th February 2024. Section 135 of the Act amends Schedule 7A to the Town and Country Planning Act 1990 to make provision about the valuation of the pre-development biodiversity value of an onsite habitat and of the enhancement of the biodiversity of a habitat. Schedule 7A to the Town and Country Planning Act 1990 is inserted by Schedule 14 to the Environment Act 2021, which comes into force at the same time as these provisions.

Regulation 4 brings into force section 190 of the Act for England with a coming into force date of 30th April 2024. Section 190 of the Act amends various provisions of the Acquisition of Land Act 1981, the Land Compensation Act 1961, the New Towns Act 1981, the Welsh Development Agency Act 1975, 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 a 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 5 brings into force section 189 of the Act on 31st January 2025. Section of 189 the Act amends sections 14, 17, 18, 19, 20 and 22 of the Land Compensation Act 1961 which relate to taking account of actual or prospective planning permission and the certification of ‘appropriate alternative development’. The amendments make various changes including to when prospective planning permission is to be treated as certain, what certificates of appropriate alternative development should contain, to clarify when the relevant planning date falls, whether account should be taken of the expenses incurred in the issue of a certificate, and corresponding amendments to the process of appeals to the Upper Tribunal against certificates.

Regulation 6 contains transitional provisions relating to the amendments made by sections 185, 186, 189 and 190 of the Act in relation to compulsory purchase. Sub-regulations (1), (3), (4), (5) and (6) relating to sections 185, 189 and 190 ensure the amendments do not affect CPOs that have crystallised in the public domain before the relevant sections come into force to avoid changing the law applicable to those CPOs mid-process. Sub-regulation (2) relating to section 186 ensures the amendments do not apply to general vesting declarations executed before the relevant sections come into force to avoid changing the law applicable to those general vesting declarations mid-process.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Levelling-up and Regeneration Act 2023 have been brought into force by commencement Regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
In Schedule 4—		
paragraphs 226 (partially) and 227 to 229	26.12.2023	2023/1405
paragraphs 226 (remainder) and 230	07.05.2024	2023/1405

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