



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 3

#### PLANNING

### CHAPTER 4

#### GRANT AND IMPLEMENTATION OF PLANNING PERMISSION

#### 106 Street votes

- (1) TCPA 1990 is amended in accordance with subsection (2).
- (2) After section 61Q (community right to build orders) insert—

*“Street vote development orders*

#### **61QA Street vote development orders**

- (1) A process may be initiated by or on behalf of a qualifying group for the purpose of requiring the Secretary of State to make a street vote development order.
- (2) A “street vote development order” is an order which grants planning permission in relation to a particular street area specified in the order—
  - (a) for development specified in the order, or
  - (b) for development of any description or class specified in the order.

#### **61QB Qualifying groups**

- (1) A “qualifying group”, in relation to a street vote development order, is a group of individuals—

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- (a) each of whom on the prescribed date meet the conditions in subsection (2), and
  - (b) comprised of at least—
    - (i) the prescribed number, or
    - (ii) the prescribed proportion of persons of a prescribed description.
- (2) The conditions are that the individual—
- (a) is entitled to vote in—
    - (i) an Authority election, where any part of the street area to which the street vote development order would relate is within the City of London, or
    - (ii) an election of councillors of any relevant council (other than the City of London) any part of whose area is within the street area to which the street vote development order would relate,
  - (b) has a qualifying address for that election which is in the street area that the street vote development order would relate to, and
  - (c) does not have an anonymous entry in the register of local government electors.
- (3) A “relevant council” means—
- (a) a district council,
  - (b) a London borough council,
  - (c) a metropolitan district council, or
  - (d) a county council in relation to any area in England for which there is no district council.
- (4) For the purposes of this section—
- (a) “anonymous entry” is to be construed in accordance with section 9B of the Representation of the People Act 1983;
  - (b) “Authority election” has the meaning given by section 203(1) of the Representation of the People Act 1983;
  - (c) the Inner Temple and the Middle Temple are to be treated as forming part of the City of London;
  - (d) “qualifying address” has the meaning given by section 9 of the Representation of the People Act 1983.

### **61QC Meaning of “street area”**

- (1) A “street area” means an area in England—
- (a) which is of a prescribed description, and
  - (b) no part of which is within an excluded area.
- (2) An “excluded area” means—
- (a) a National Park or the Broads;
  - (b) an area comprising a world heritage property and its buffer zone as identified in accordance with the Operational Guidelines for the Implementation of the World Heritage Convention as published from time to time;

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- (c) an area notified as a site of special scientific interest under section 28 of the Wildlife and Countryside Act 1981;
  - (d) an area designated as an area of outstanding natural beauty under section 82 of the Countryside and Rights of Way Act 2000;
  - (e) an area identified as green belt land, local green space or metropolitan open land in a development plan;
  - (f) a European site within the meaning given by regulation 8 of the Conservation of Habitats and Species Regulations 2017 ([S.I. 2017/1012](#));
  - (g) such other area as may be specified or described in regulations made by the Secretary of State.
- (3) In this section, “a world heritage property” means a property appearing on the World Heritage List (published in accordance with Article 11 of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage adopted on 16 November 1972).

#### **61QD Process for making street vote development orders**

- (1) The Secretary of State must make regulations (“SVDO regulations”) which make provision about the preparation and making of a street vote development order.
- (2) SVDO regulations must, in particular, make provision—
- (a) for the appointment by the Secretary of State of a person to—
    - (i) handle proposals made under [section 61QA\(1\)](#) (“street vote proposals”) or specified aspects of those proposals,
    - (ii) carry out the independent examination of such proposals, and
    - (iii) to make street vote development orders on the Secretary of State’s behalf,(and for the above purposes the same or different persons may be appointed);
  - (b) as to the circumstances in which a street vote development order may be made and in particular must make provision requiring a referendum under [section 61QE](#) to be held before an order may be made.
- (3) SVDO regulations may, in particular, include provision as to—
- (a) the functions of a qualifying group in relation to a street vote proposal and how those functions are to be discharged (including provision for a member of the group or another prescribed person to be responsible for discharging them);
  - (b) the form and content of a street vote proposal;
  - (c) the information and documents (if any) which must accompany a street vote proposal;
  - (d) the circumstances and the way in which a proposal may be withdrawn;
  - (e) the steps that must be taken, and the conditions that must be met, before a proposal falls to be considered by an appointed person;
  - (f) the circumstances in which an appointed person may or must decline to consider or reject a proposal;

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- (g) the steps that must be taken, and the conditions that must be met, before a proposal falls to be independently examined;
- (h) the functions of the independent examination in relation to the proposal;
- (i) the circumstances in which an appointed person may terminate the independent examination (including provision as to the procedure for doing so);
- (j) the procedure to be followed at an examination (including provision regarding the procedure to be followed at any hearing or inquiry or provision designating the hearing or inquiry as a statutory inquiry for the purposes of section 9 of the Tribunals and Inquiries Act 1992);
- (k) the power to summons witnesses at any inquiry (including by applying, with or without modifications, section 250(3) and (4) of the Local Government Act 1972);
- (l) the award of costs in connection with an examination;
- (m) the steps to be taken following the independent examination (including provision for prescribed modifications to be made to the draft street vote development order);
- (n) the payment by a local planning authority of remuneration and expenses relating to the examination;
- (o) the functions of local planning authorities, or other authorities, in connection with street vote development orders (including provision regulating the arrangements of authorities for the discharge of those functions);
- (p) cases where there are two or more local planning authorities any of whose area falls within the area of the street area that the proposal relates to (including provision modifying functions of the local planning authorities under the regulations in such cases or provision applying, with or without modifications, any provision of Part 6 of the Local Government Act 1972 in cases where the provision would not otherwise apply);
- (q) requirements about the giving of notice and publicity;
- (r) the information and documents that are to be made available to the public;
- (s) consultation with and participation by the public or prescribed persons;
- (t) the making and consideration of representations;
- (u) the determination of the time by or at which anything must be done in connection with street vote development orders;
- (v) the provision by any person of prescribed information or documents or prescribed descriptions of information or documents in connection with a street vote development order;
- (w) the making of reasonable charges for anything done in connection with street vote development orders;
- (x) when a court may entertain proceedings for questioning prescribed decisions to act or any other prescribed matter.

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## 61QE Referendums

- (1) SVDO regulations may make provision about referendums held in connection with street vote development orders and may, in particular, include provision—
  - (a) as to the circumstances in which an appointed person or the Secretary of State may direct relevant councils to carry out a referendum in relation to a street vote development order;
  - (b) the functions of such councils in relation to the referendum;
  - (c) dealing with any case where there are two or more relevant councils any of whose area falls within the area in which a referendum is to take place (including provision for only one council to carry out functions in relation to the referendum in such a case);
  - (d) prescribing a date by which the referendum must be held or before which it cannot be held;
  - (e) as to the question to be asked in the referendum and any explanatory material in relation to that question;
  - (f) as to voter eligibility for the referendum;
  - (g) as to the publicity to be given in connection with the referendum;
  - (h) as to the provision of prescribed information to voters in connection with the referendum (including information about any infrastructure levy or community infrastructure levy which is chargeable in respect of development under a street vote development order);
  - (i) about the limitation of expenditure in connection with the referendum;
  - (j) as to the conduct of the referendum;
  - (k) as to when, where and how voting in the referendum is to take place;
  - (l) as to how the votes cast are to be counted;
  - (m) about certification as to the number of persons voting in the referendum and as to the number of those persons voting in favour of a street vote development order;
  - (n) about the combination of polls at the referendum with polls at another referendum or at any election;
  - (o) as to the threshold of votes that must be met before a street vote development order may be made.
- (2) For the purposes of making provision within subsection (1), SVDO regulations may apply or incorporate (with or without modifications) any provision made by or under any enactment relating to elections or referendums.
- (3) But where the regulations apply or incorporate (with or without modifications) any provision that creates an offence, the regulations may not impose a penalty greater than is provided for in respect of that provision.
- (4) Before making provision within this section, the Secretary of State must consult the Electoral Commission.
- (5) In this section “enactment” means an enactment, whenever passed or made.

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### **61QF Regulations: general provision**

SVDO regulations may—

- (a) provide for exemptions (including exemptions which are subject to prescribed conditions);
- (b) confer a function, including a function involving the exercise of a discretion, on any person.

### **61QG Provision that may be made by a street vote development order**

- (1) A street vote development order may make provision in relation to—
  - (a) all land in the street area specified in the order,
  - (b) any part of that land, or
  - (c) a site in that area specified in the order.
- (2) A street vote development order may only provide for the granting of planning permission for any development that—
  - (a) is prescribed development or development of a prescribed description or class,
  - (b) is not excluded development, and
  - (c) satisfies any further prescribed conditions.
- (3) A street vote development order may make different provision for different purposes.

### **61QH Meaning of “excluded development”**

The following development is excluded development for the purposes of [section 61QG\(2\)\(b\)](#)—

- (a) development of a scheduled monument within the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979;
- (b) Schedule 1 development as defined by regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ([S.I. 2017/571](#));
- (c) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008);
- (d) development of a listed building within the meaning given by section 1(5) of the Planning (Listed Buildings and Conservation) Areas Act 1990;
- (e) development consisting of the winning and working of minerals;
- (f) such other development as may be specified or described in regulations made by the Secretary of State.

### **61QI Permission granted by street vote development orders**

- (1) The granting of planning permission by a street vote development order is subject to—

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- (a) any prescribed conditions or limitations or conditions or limitations of a prescribed description, and
  - (b) such other conditions or limitations as may be specified in the order (but see subsections (4) and (5)).
- (2) The conditions that may be specified include a condition that unless a relevant obligation is entered into—
  - (a) the development authorised by the planning permission or any description of such development must not be begun, or
  - (b) anything created in the course of the development authorised by the planning permission may not be occupied or used for any purpose.
- (3) A relevant obligation for the purposes of subsection (2) includes an obligation which involves the payment of money or affects any estate or interest in, or rights over, land.
- (4) But an order may only specify a condition that a person enter into an obligation under section 106 if the obligation—
  - (a) is necessary to make the development specified in the order acceptable in planning terms,
  - (b) is directly related to the development,
  - (c) is fairly and reasonably related in scale and kind to the development, and
  - (d) satisfies such other requirements as may be specified in regulations made by the Secretary of State.
- (5) The Secretary of State may by regulations provide that—
  - (a) conditions or limitations of a prescribed description may not be imposed under subsection (1)(b),
  - (b) conditions or limitations of a prescribed description may only be imposed under subsection (1)(b) in circumstances of a prescribed description, or
  - (c) no conditions or limitations may be imposed under subsection (1)(b) in circumstances of a prescribed description.
- (6) A condition or limitation prescribed under subsection (1)(a) may confer a function on any person, including a function involving the exercise of a discretion.
- (7) If—
  - (a) planning permission granted by a street vote development order for any development is withdrawn by the revocation of the order under section 61QJ, and
  - (b) the revocation is made after the development has begun but before it has been completed,the development may, despite the withdrawal of the permission, be completed.
- (8) But an order under section 61QJ revoking a street vote development order may provide that subsection (7) is not to apply in relation to development specified in the order under that section.
- (9) In this section “relevant obligation” means—
  - (a) an obligation under section 106 (planning obligations), or

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- (b) an agreement under section 278 of the Highways Act 1980 (agreements as to execution of works).

#### **61QJ Revocation or modification of street vote development orders**

- (1) The Secretary of State may by order revoke or modify a street vote development order.
- (2) A local planning authority may, with the consent of the Secretary of State, by order revoke a street vote development order relating to a street area any part of which falls within the area of that authority.
- (3) If a street vote development order is revoked, the person revoking the order must state the reasons for the revocation.
- (4) An appointed person may at any time by order modify a street vote development order for the purpose of correcting errors.
- (5) A modification of a street vote development order is to be done by replacing the order with a new one containing the modification.
- (6) Regulations may make provision in connection with the revocation or modification of a street vote development order.
- (7) The regulations may, in particular, include provision as to—
  - (a) the giving of notice and publicity in connection with a revocation or modification;
  - (b) the information and documents relating to a revocation or modification that are to be made available to the public;
  - (c) the making of reasonable charges for anything provided as a result of the regulations;
  - (d) consultation with and participation by the public in relation to a revocation or modification;
  - (e) the making and consideration of representations about a revocation or modification (including the time by which representations must be made).

#### **61QK Financial assistance in relation to street votes**

- (1) The Secretary of State may do anything that the Secretary of State considers appropriate—
  - (a) for the purpose of publicising or promoting the making of street vote development orders and the benefits expected to arise from their making, or
  - (b) for the purpose of giving advice or assistance to anyone in relation to the making of street vote proposals or the doing of anything else for the purposes of, or in connection with, such proposals or street vote development orders.
- (2) The things that the Secretary of State may do under this section include, in particular—
  - (a) the provision of financial assistance (or the making of arrangements for its provision) to any body or other person, and



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- (b) the making of agreements or other arrangements with any body or other person (under which payments may be made to the person).
- (3) In this section—
- (a) the reference to giving advice or assistance includes providing training or education;
  - (b) any reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity).

### 61QL Street votes: connected modifications

The Secretary of State may by regulations make provision modifying the application of Schedule 7A (biodiversity gain in England) in relation to planning permission granted by a street vote development order.

### 61QM Interpretation

In sections 61QA to 61QL—

“an appointed person” means a person appointed in accordance with section 61QD(2)(a);

“excluded development” has the meaning given by section 61QH;

“qualifying group” has the meaning given by section 61QB;

“relevant council” has the meaning given by section 61QB(3);

“street area” has the meaning given by section 61QC;

“street vote development order” has the meaning given by section 61QA(2);

“street vote proposal” has the meaning given by section 61QD(2)(a)(i);

“SVDO regulations” has the meaning given by section 61QD(1).”

- (3) Schedule 9 contains minor and consequential amendments in connection with this section.

#### Commencement Information

**11** S. 106 not in force at Royal Assent, see s. 255(3)(b)

**12** S. 106 in force at 31.1.2024 for specified purposes by S.I. 2024/92, reg. 2(d)

### 107 Street votes: community infrastructure levy

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 211(10) (amount of levy)—
- (a) at the beginning insert “Except where subsection (11) applies,” and
  - (b) from “, 213” to the end substitute “to 213 and 214(1) and (2) apply in relation to a revision of a charging schedule as they apply in relation to a charging schedule.”
- (3) After section 211(10) insert—

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- “(11) Where the only provision made by a charging schedule or a revision of a charging schedule is provision for the purpose of determining the amount of CIL chargeable in respect of street vote development—
- (a) sections 212 to 213 and 214(1) and (2) do not apply in relation to the charging schedule or the revision of the charging schedule, and
  - (b) CIL regulations may make provision about procedural requirements that must be met before the charging schedule or revision may take effect.
- (12) “Street vote development” means development of land for which planning permission is granted by a street vote development order made under section 61QA of TCPA 1990.”
- (4) After section 212(11) (charging schedule: examination) insert—
- “(12) For exceptions to this section see section 211(11).”
- (5) After section 212A(7) (charging schedule: examiner’s recommendations) insert—
- “(8) For exceptions to this section see section 211(11).”
- (6) After section 213(5) (charging schedule: approval) insert—
- “(6) For exceptions to this section see section 211(11).”
- (7) After section 214(6) (charging schedule: effect) insert—
- “(7) For exceptions to subsections (1) and (2) of this section see section 211(11).”
- (8) After section 214 (charging schedule: effect) insert—

**“214A Secretary of State: power to require review of certain charging schedules**

- (1) This section applies where—
  - (a) a charging schedule makes provision for the purpose of determining the amount of CIL chargeable in respect of street vote development, and
  - (b) section 211(11) applied in relation to the charging schedule or the revision of the charging schedule in connection with making such provision.
- (2) The Secretary of State may direct a charging authority to review the charging schedule if the Secretary of State considers that—
  - (a) the economic viability of street vote development in the charging authority’s area is significantly impaired, or
  - (b) there is a substantial risk that it will become significantly impaired, as a result of the CIL which is or will be chargeable in respect of street vote development in that area.
- (3) If a charging authority is directed to review its charging schedule under subsection (2), it must—
  - (a) consider whether to revise the charging schedule under section 211(9), and

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- (b) notify the Secretary of State of its decision with reasons.
- (4) If the charging authority decides to revise the charging schedule, it must do so within a reasonable time.
- (5) If a charging authority has not complied with a direction given under subsection (2) within a reasonable time and to a standard which the Secretary of State considers adequate, the Secretary of State may appoint a person to do so on behalf of the charging authority.
- (6) If a person appointed under subsection (5) decides that the charging schedule should be revised, the charging authority must revise the schedule accordingly within a reasonable time.
- (7) If the charging authority fails to revise the charging schedule in accordance with subsection (4) or (6), the Secretary of State may appoint a person to do so on behalf of the charging authority.
- (8) CIL regulations may make provision about—
- (a) procedures for appointing a person under subsection (5) or (7),
  - (b) conditions which must be met before such an appointment may be made,
  - (c) procedures which must be followed by the person in complying with a direction given under subsection (2) or revising the charging schedule under subsection (7),
  - (d) circumstances in which the person may be replaced,
  - (e) duties of a charging authority where a person is appointed to act on its behalf under subsection (5) or (7),
  - (f) liability for costs incurred as a result of the appointment of the person, and
  - (g) what constitutes a reasonable time under subsections (4) to (6).
- (9) In this section “street vote development” has the meaning given by section 211(12).”
- (9) In section 216(2) (application), after paragraph (f) insert—
- “(fa) where the CIL is chargeable in respect of street vote development, affordable housing.”
- (10) After section 216(7) insert—
- “(8) In this section—
    - “affordable housing” means—
      - (a) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
      - (b) any other description of housing that CIL regulations may specify;
    - “street vote development” has the meaning given by section 211(12).”

#### Commencement Information

**I3** S. 107 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

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**14** S. 107 in force at 31.1.2024 for specified purposes by [S.I. 2024/92, reg. 2\(e\)](#)

**108 Street votes: modifications of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

The Secretary of State may by regulations make provision modifying the application of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ([S.I. 2017/517](#)) in relation to the grant of planning permission by a street vote development order.

**Commencement Information**

**15** [S. 108](#) in force at 26.12.2023, see [s. 255\(3\)\(a\)](#)

**109 Crown development**

- (1) TCPA 1990 is amended as follows.
- (2) After section 293A insert—

**“293B Urgent Crown development: applications to the Secretary of State**

- (1) This section applies where—
  - (a) the appropriate authority intends to make a relevant application, and
  - (b) the authority considers—
    - (i) that the development to which the application relates is of national importance, and
    - (ii) that it is necessary that the development is carried out as a matter of urgency.
- (2) The appropriate authority may make the application to the Secretary of State under this section.
- (3) In this section, “relevant application” means—
  - (a) an application for planning permission for the development of land in England, or
  - (b) an application for approval of a matter that, as defined in section 92, is a reserved matter in the case of an outline planning permission for the development of land in England,
 but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.
- (4) An application under this section must include—
  - (a) such information, documents or other matters as may be required by a development order, and
  - (b) a statement of the appropriate authority’s grounds for making the application.
- (5) As soon as practicable after receiving the application, the Secretary of State must give notice to the appropriate authority either agreeing or refusing to determine the application.

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- (6) The Secretary of State may only agree to determine the application if the Secretary of State considers that—
  - (a) the development to which the application relates is of national importance, and
  - (b) it is necessary that the development is carried out as a matter of urgency.
- (7) The Secretary of State must send a copy of a notice given under subsection (5) to the local planning authority to whom the application could otherwise have been made.
- (8) The Secretary of State may by notice require the appropriate authority to provide such further information as is necessary for the purposes of—
  - (a) deciding whether to agree or to refuse to determine the application;
  - (b) determining the application.
- (9) A development order may make provision—
  - (a) as to the form and manner in which an application must be made;
  - (b) requiring notice to be given of an application;
  - (c) as to the form, content and service of a notice required under [paragraph \(b\)](#);
  - (d) requiring that an application be publicised in such manner as the order may specify.
- (10) A development order which makes provision under subsection (9) may include provision to ensure that the imposition of any requirement under that subsection does not result in the public disclosure of sensitive information.
- (11) For the purposes of subsection (10), information is “sensitive” if the Secretary of State directs that—
  - (a) it relates to matters of national security or measures taken or to be taken to ensure the security of any premises or property, and
  - (b) its public disclosure would be contrary to the national interest.
- (12) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.
- (13) The Secretary of State may give directions requiring a local planning authority to do things in relation to an application made under [section 293B](#) that could otherwise have been made to that authority.
- (14) Directions under subsection (13)—
  - (a) may relate to a particular application or to applications more generally;
  - (b) may be given to a particular authority or to authorities more generally.

### **293C Urgent Crown development: determination of applications by the Secretary of State**

- (1) This section applies where —
  - (a) the appropriate authority has made a relevant application to the Secretary of State under [section 293B](#), and

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- (b) the Secretary of State has given notice under [section 293B\(5\)](#) agreeing to determine the application.
- (2) Before determining the application, the Secretary of State must consult the following persons about the application—
  - (a) the local planning authority to which the application could otherwise have been made, and
  - (b) such other persons as the Secretary of State considers appropriate.
- (3) A development order may make provision as to the consultation required by subsection (2) including—
  - (a) provision requiring the Secretary of State to consult other specified persons (or persons of a specified description);
  - (b) provision as to the manner in which persons may be consulted;
  - (c) different provision for different cases or classes of development.
- (4) The Secretary of State may—
  - (a) grant the application, either unconditionally or subject to such conditions as the Secretary of State thinks fit, or
  - (b) refuse it.
- (5) The Secretary of State must notify the local planning authority to whom the application could otherwise have been made of the Secretary of State’s decision on the application.
- (6) The decision of the Secretary of State on the application is final.
- (7) Section 73A applies, with any necessary modifications, to an application for planning permission under [section 293B](#) as it applies to an application for planning permission which is to be determined by the local planning authority under Part 3.
- (8) The following provisions do not apply for the purposes of determining an application for planning permission under [section 293B](#)—
  - (a) [section 58B\(1\)](#) of this Act;
  - (b) sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **293D Crown development: applications to the Secretary of State**

- (1) This section applies where—
  - (a) the appropriate authority intends to make a relevant application, and
  - (b) the authority considers that the development to which it relates is of national importance.
- (2) The appropriate authority may make the application to the Secretary of State under this section.
- (3) In this section and [section 293E](#), “relevant application” means—
  - (a) an application for planning permission, or permission in principle, for the development of land in England, or

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- (b) an application for approval of a matter that, as defined by section 92, is a reserved matter in the case of an outline planning permission for the development of land in England, but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.
- (4) After receiving the application, the Secretary of State must give a notice to the appropriate authority stating whether the Secretary of State considers the development to be of national importance.
- (5) If the Secretary of State considers the development to be of national importance, the Secretary of State must proceed to determine the application.
- (6) If the Secretary of State considers that the development is not of national importance, the Secretary of State may take the steps referred to in either subsection (7) or, where it applies, subsection (9).
- (7) The Secretary of State may—
  - (a) refer the application to the local planning authority to whom it could otherwise have been made, and
  - (b) direct that the application—
    - (i) is to be treated as having been made to the authority (and not to the Secretary of State under this section), and
    - (ii) is to be determined by that authority accordingly.
- (8) Subsection (9) applies where—
  - (a) the application could otherwise have been made to the Secretary of State under section 62A, and
  - (b) the appropriate authority has given notice to the Secretary of State that the authority consents to the application being treated as having been made to the Secretary of State under that section.
- (9) The Secretary of State may—
  - (a) direct that the application is to be treated as having been made to the Secretary of State under section 62A (and not to the Secretary of State under this section), and
  - (b) determine the application accordingly.

### **293E Crown development: connected applications to the Secretary of State**

- (1) This section applies where—
  - (a) the appropriate authority makes an application to the Secretary of State under section 293D, and
  - (b) the Secretary of State gives a notice to the appropriate authority under section 293D(4) stating that the development to which it relates is considered by the Secretary of State to be of national importance.
- (2) The appropriate authority may make an application (“a connected application”) under the planning Acts to the Secretary of State where the requirements of subsection (3) are met.
- (3) The requirements are that—



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- (a) the application is—
    - (i) for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990,
    - (ii) for hazardous substances consent under the Planning (Hazardous Substances) Act 1990, or
    - (iii) of a prescribed description,
  - (b) it is considered by the person making the application to be connected to an application under section 293D,
  - (c) it is neither a relevant application nor an application of the kind described in section 73(1), and
  - (d) it relates to land in England.
- (4) If a connected application is made under subsection (2), but the Secretary of State considers that it is not connected with the relevant application concerned, the Secretary of State may—
- (a) refer the connected application to the local planning authority, or hazardous substances authority, to whom it could otherwise have been made, and
  - (b) direct that the connected application—
    - (i) is to be treated as having been made to that authority (and not to the Secretary of State under this section), and
    - (ii) is to be determined by that authority accordingly.

#### **293F Applications under section 293D or 293E: supplementary matters**

- (1) The decision of the Secretary of State on an application made under section 293D or 293E is final.
- (2) The Secretary of State may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made under section 293D or 293E that could otherwise have been made to that authority.
- (3) Directions under subsection (2)—
  - (a) may relate to a particular application or to applications more generally;
  - (b) may be given to a particular authority or to authorities more generally.

#### **293G Notifying parish councils of applications under section 293D(2)**

- (1) If an application is made to the Secretary of State under section 293D(2) and a parish council would be entitled under paragraph 8 of Schedule 1 to be notified of the application were it made to the local planning authority, the Secretary of State must notify the council of—
  - (a) the application, and
  - (b) any alteration of the application accepted by the Secretary of State.
- (2) Paragraph 8(4) and (5) of Schedule 1 apply in relation to duties of the Secretary of State under subsection (1) as they apply to duties of a local planning authority under paragraph 8(1) or (3B) of that Schedule.



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### **293H Provisions applying to applications made under section 293D or 293E**

- (1) Sections 62(3) and (4), 65(5), 70 to 70C, 72(1) and (5) and 73A apply, with any necessary modifications, to an application for planning permission made to the Secretary of State under section 293D as they apply to an application for planning permission which is to be determined by the local planning authority.
- (2) Any requirements imposed by a development order by virtue of section 62, 65 or 71 or paragraph 8(6) of Schedule 1, or by regulations under paragraph 14(3) or 16 of Schedule 7A, may be applied by a development order, with or without modifications, to an application for planning permission made to the Secretary of State under section 293D.
- (3) Sections 65(5) and 70 to 70C apply, with any necessary modifications, to an application for permission in principle made to the Secretary of State under section 293D as they apply to an application for permission in principle which is to be determined by the local planning authority.
- (4) Any requirements imposed by a development order by virtue of section 62(1), (2) or (8), 65 or 71 or paragraph 8(6) of Schedule 1 may be applied by a development order, with or without modifications, to an application for permission in principle made to the Secretary of State under section 293D.
- (5) Where an application is made to the Secretary of State under section 293E instead of to the authority to whom it could otherwise have been made, a development order may (with or without modifications) apply to the application any enactment that relates to applications of that kind when made to that authority.
- (6) A development order which makes provision under this section to apply to an application under section 293D or 293E (with or without modifications) any requirement to disclose information may include provision to secure that the requirement would not result in the public disclosure of sensitive information.
- (7) For the purposes of subsection (6), information is “sensitive” if the Secretary of State directs that—
  - (a) it relates to matters of national security or measures taken or to be taken to ensure the security of any premises or property, and
  - (b) its public disclosure would be contrary to the national interest.

### **293I Deciding applications made under section 293D or 293E**

- (1) An application made to the Secretary of State under section 293D or 293E (“a direct application”) is to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State, subject to section 293J.
- (2) Where a person has been appointed under subsection (1) or this subsection to determine a direct application then, at any time before the person has determined the application, the Secretary of State may—
  - (a) revoke the person’s appointment;
  - (b) appoint another person to determine the application instead.

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- (3) A person appointed under this section to determine a direct application has the same powers and duties that the Secretary of State has under section 293H.
- (4) Where a direct application is determined by a person appointed under this section, the person's decision is to be treated as that of the Secretary of State.
- (5) Except as provided by Part 12, the validity of that decision is not to be questioned in any proceedings whatsoever.
- (6) It is not a ground of application to the High Court under section 288 that a direct application ought to have been determined by the Secretary of State and not by a person appointed under this section unless the applicant challenges the person's power to determine the direct application before the person's decision on the direct application is given.
- (7) Where any enactment (other than this section and section 319A)—
  - (a) refers (or is to be read as referring) to the Secretary of State in a context relating to or capable of relating to a direct application (otherwise than by referring to the application having been made to the Secretary of State), or
  - (b) refers (or is to be read as referring) to anything (other than the making of the application) done or authorised or required to be done by, to or before the Secretary of State in connection with any such application,
 then, so far as the context permits, the enactment is to be read, in relation to an application determined or to be determined by a person appointed under this section, as if the reference to the Secretary of State were or included a reference to that person.

### **293J Applications under section 293D or 293E: determination by the Secretary of State**

- (1) The Secretary of State may direct that an application made to the Secretary of State under section 293D or 293E (“a direct application”) is to be determined by the Secretary of State instead of by a person appointed under section 293I.
- (2) Where a direction is given under subsection (1), the Secretary of State must serve a copy of the direction on—
  - (a) the person, if any, appointed under section 293I to determine the application concerned,
  - (b) the applicant, and
  - (c) the local planning authority.
- (3) Where a direct application is to be determined by the Secretary of State in consequence of a direction under subsection (1)—
  - (a) in determining the application, the Secretary of State may take into account any report made to the Secretary of State by any person previously appointed to determine the application, and
  - (b) subject to that, the provisions of the planning Acts which are relevant to the application apply to it as if section 293I had never applied to it.
- (4) The Secretary of State may by a further direction revoke a direction under subsection (1) at any time before the determination of the direct application concerned.

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- (5) Where a direction is given under subsection (4), the Secretary of State must serve a copy of the direction on—
- the person, if any, previously appointed under section 293I to determine the application concerned,
  - the applicant, and
  - the local planning authority.
- (6) Where a direction is given under subsection (4) in relation to a direct application—
- anything done by or on behalf of the Secretary of State in connection with the application which might have been done by a person appointed under section 293I to determine the application is, unless the person appointed under section 293I to determine the application directs otherwise, to be treated as having been done by that person, and
  - subject to that, section 293I applies to the application as if no direction under subsection (1) had been given in relation to the application.”
- (3) [Schedule 10](#) contains consequential amendments.

#### Commencement Information

**I6** [S. 109](#) in force at 26.12.2023 for specified purposes, see [s. 255\(3\)\(a\)](#)

PROSPECTIVE

## 110 Material variations in planning permission

- TCPA 1990 is amended as follows.
- After section 73A insert—

### “73B Applications for permission not substantially different from existing permission

- An application for planning permission in respect of land in England is to be determined in accordance with this section if the applicant—
  - requests that it be so determined,
  - makes a proposal as to the conditions (if any) subject to which permission should be granted, and
  - identifies an existing planning permission by reference to which the application is to be considered (“the existing permission”).
- The existing permission must not have been granted—
  - under section 73, section 73A or this section, or
  - other than on application.
- The applicant may also identify, for the purposes of an application to be determined in accordance with this section, a planning permission—

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- (a) that was granted under section 73 or this section by reference to the existing permission, or
    - (b) that forms part of a sequence of planning permissions granted under section 73 or this section, the first of which was granted by reference to the existing permission.
  - (4) A development order must set out how an applicant is to do as mentioned in subsections (1) and (3).
  - (5) Planning permission may be granted in accordance with this section only if the local planning authority is satisfied that its effect will not be substantially different from that of the existing permission.
  - (6) Planning permission may not be granted in accordance with this section in a way that differs from the existing permission as to the time by which a condition requires—
    - (a) development to be started, or
    - (b) an application for approval of reserved matters (within the meaning of section 92) to be made.
  - (7) In determining an application in accordance with this section, the local planning authority must limit its consideration to those respects in which the permission being applied for would, if granted in accordance with the proposal under subsection (1)(b), differ in effect from—
    - (a) the existing permission, and
    - (b) each planning permission (if any) identified in accordance with subsection (3).
- Section 70(2) is subject to this subsection.
- (8) If the local planning authority decides not to grant planning permission in accordance with this section, it must refuse the application.
  - (9) For the purposes of this section, the effect of a planning permission is to be assessed by reference to both the development it authorises and any conditions to which it is subject.
  - (10) In assessing the effect of an existing planning permission for the purposes of subsection (5) (but not for the purposes of subsection (7)), any change to the permission made under section 96A is to be disregarded.
  - (11) The following provisions apply in relation to the condition under paragraph 13 of Schedule 7A (biodiversity gain condition)—
    - (a) nothing in this section authorises the disapplication of the condition;
    - (b) the condition is to be disregarded for the purposes of subsections (1)(b), (5) and (7);
    - (c) where—
      - (i) the existing planning permission is subject to the condition,
      - (ii) a biodiversity gain plan (“the earlier biodiversity gain plan”) was approved for the purposes of the condition as it attaches to that permission,
      - (iii) planning permission is granted in accordance with this section, and

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- (iv) that planning permission is consistent with the post-development biodiversity value of the onsite habitat as specified in the earlier biodiversity gain plan,  
the earlier biodiversity gain plan is to be regarded as approved for the purposes of the condition as it attaches to the planning permission granted in accordance with this section.
- (12) Nothing in this section authorises the disapplication of the condition under section 90B (condition relating to development progress reports in England).
- (13) In relation to an application for planning permission that is made to, or is to be determined by, the Secretary of State, a reference in this section to the local planning authority is to be read as a reference to the Secretary of State.
- (14) The preceding provisions of this section apply in relation to an application for permission in principle as if—
- each reference to planning permission were a reference to permission in principle, and
  - the provisions of this section relating to conditions were omitted.
- (15) Permission in principle granted in accordance with this section is to be taken, for the purposes of section 70(2ZZC), as having come into force when the existing permission in principle identified under subsection (1)(c) came into force.”
- (3) In section 62A (applications that may be made directly to the Secretary of State)—
- in subsection (2), after “73(1)” insert “, an application that is to be determined in accordance with section 73B”;
  - in subsection (3)(d), after “73(1)” insert “nor an application that is to be determined in accordance with section 73B”.
- (4) In section 70A (power to decline to determine application similar to an earlier one)—
- in subsection (8), for “subsection (9)” substitute “subsections (9) to (11)”;
  - at the end insert—
- “(10) An application that is to be determined in accordance with section 73B is not similar to an earlier application that was not determined in accordance with that section.
- (11) An application that is to be determined in accordance with section 73B is similar to an earlier application that was determined in accordance with that section only if the local planning authority think that the difference of effect referred to in subsection (7) of that section is (both in kind and in degree) the same or substantially the same in the case of both applications.”
- (5) In section 70B (power to decline to determine application similar to a pending one)—
- in subsection (5), at the beginning insert “Subject to subsections (5A) and (5B),”;
  - after subsection (5) insert—
- “(5A) An application that is to be determined in accordance with section 73B is not similar to another application that is not to be determined in accordance with that section.

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(5B) An application that is to be determined in accordance with section 73B is similar to another application that is to be determined in accordance with that section only if the local planning authority think that the difference of effect referred to in subsection (7) of that section is (both in kind and in degree) the same or substantially the same in the case of both applications.”

#### Commencement Information

I7 S. 110 not in force at Royal Assent, see s. 255(3)(b)

## 111 Development commencement notices

- (1) TCPA 1990 is amended as follows.
- (2) After section 93 insert—

*“Commencement of development: England*

### 93G Commencement notices

- (1) This section applies where—
  - (a) planning permission has been granted under section 70 or 73 for the development of any land in England, and
  - (b) the development is of a prescribed description.
- (2) Before the development is begun, the person proposing to carry it out must give a notice (a “commencement notice”) to the local planning authority specifying the date on which the person expects the development to be begun.
- (3) Once a person has given a commencement notice, the person—
  - (a) may give a further commencement notice substituting a new date for the date previously given, and
  - (b) must do so if the development is not commenced on the date previously given.
- (4) A commencement notice must—
  - (a) include such information as may be prescribed, and
  - (b) be in such form and be given in such manner as may be prescribed.
- (5) Where it appears to the local planning authority that a person has failed to comply with the requirements of subsection (2) or (3)(b), they may serve a notice on any relevant person requiring the relevant person to give the authority such of the information prescribed under subsection (4)(a) as the notice may specify.
- (6) In subsection (5) “relevant person” means—
  - (a) the person to whom the requirements of subsection (2) or (3)(b) applied, and
  - (b) any person who is the owner or occupier of the land to which the planning permission relates or who has any other interest in that land.

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- (7) A person on whom a notice under subsection (5) is served is guilty of an offence if they fail to give the information required by the notice within the period of 21 days beginning with the day on which it was served.
- (8) It is a defence for a person charged with an offence under subsection (7) to prove that they had a reasonable excuse for failing to provide the information required.
- (9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) When granting planning permission under section 70 or 73 for the development of any land in England, a local planning authority must by notice inform the applicant of—
  - (a) the requirements of subsections (2) and (3)(b), and
  - (b) the consequences of non-compliance with those requirements.”
- (3) In section 56 (time when development begins), in subsection (3), after “92,” insert “93G.”.
- (4) In section 69 (register of applications etc)—
  - (a) in subsection (1), after paragraph (f) (inserted by section 114(4)(a)) insert—

“(g) commencement notices under section 93G.”;
  - (b) in subsection (2), after paragraph (c) (inserted by section 114(4)(b)) insert—

“(d) such information as is prescribed with respect to commencement notices under section 93G that are given to the local planning authority.”

#### Commencement Information

**18** S. 111 not in force at Royal Assent, see s. 255(3)(b)

**19** S. 111 in force at 31.3.2024 for specified purposes by S.I. 2024/389, reg. 2(g)

## 112 Completion notices

- (1) TCPA 1990 is amended as follows.
- (2) After section 93G insert—

*“Termination of planning permission: England*

### 93H Completion notices

- (1) This section applies where—
  - (a) a planning permission relating to land in England is by virtue of section 91 or 92 subject to a condition that the development to which the permission relates must begin before the expiration of a particular period, and development has been begun within that period but has not been completed,



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- (b) development has begun in accordance with a simplified planning zone scheme in England but has not been completed by the time the area ceases to be a simplified planning zone,
  - (c) development has begun in accordance with planning permission under an enterprise zone scheme in England but has not been completed by the time the area ceases to be an enterprise zone,
  - (d) a planning permission under a neighbourhood development order is subject to a condition that the development to which the permission relates must begin before the expiration of a particular period, and development has begun within that period but has not been completed, or
  - (e) a planning permission under a street vote development order is subject to a condition that the development to which the permission relates must begin before the expiration of a particular period, and development has begun within that period but has not been completed.
- (2) If the local planning authority are of the opinion that the development will not be completed within a reasonable period, they may serve a notice (a “completion notice”) stating that the planning permission will cease to have effect at a specified time (the “completion notice deadline”).
- (3) The completion notice deadline must be—
- (a) at least 12 months after the completion notice was served, and
  - (b) if the notice was served in a case within subsection (1)(a) or (d) before the end of the period referred to in that provision, at least 12 months after the end of that period.
- (4) A completion notice must include—
- (a) prescribed information in relation to the right of appeal against the notice, and
  - (b) any other prescribed information.
- (5) A completion notice must be served on—
- (a) the owner of the land,
  - (b) if different, the occupier of the land, and
  - (c) a person not falling within paragraph (a) or (b) with an interest in the land, being an interest which, in the opinion of the local planning authority, is materially affected by the notice.
- (6) The local planning authority may withdraw a completion notice at any time before the completion notice deadline.
- (7) If they do so they must immediately give notice of the withdrawal to every person who was served with the completion notice.
- (8) If it appears to the Secretary of State to be expedient that a completion notice should be served in respect of any land in England, the Secretary of State may, after consulting the local planning authority, serve such a notice.



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### **93I Appeals against completion notices**

- (1) Where a completion notice is served by a local planning authority under section 93H, any of the following may appeal to the Secretary of State against it (whether or not the notice was served on them)—
  - (a) the owner of the land,
  - (b) a person not within paragraph (a) with an interest in the land, and
  - (c) a person who occupies the land by virtue of a licence.
- (2) An appeal may be brought on any of the following grounds—
  - (a) that the appellant considers that the development will be completed within a reasonable period;
  - (b) that the completion notice deadline is an unreasonable one;
  - (c) that the notice was not served on the persons on whom it was required to be served under section 93H(5).
- (3) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under this section.
- (4) The regulations may in particular include provision—
  - (a) as to the period within which an appeal must be brought;
  - (b) as to how an appeal is made;
  - (c) as to the information to be supplied by the appellant;
  - (d) as to how a local planning authority must respond to an appeal and the information to be supplied by the authority;
  - (e) for the purpose of securing that the appeal is brought to the attention of persons in the locality of the development.
- (5) On an appeal under this section the Secretary of State may—
  - (a) quash the completion notice,
  - (b) vary the completion notice by substituting a later completion notice deadline, or
  - (c) uphold the notice with the original completion notice deadline.
- (6) On an appeal under this section the Secretary of State may also correct any defect, error or misdescription in the completion notice if satisfied that the correction will not cause injustice to the appellant or the local planning authority.
- (7) If, on an appeal made on the ground referred to in subsection (1)(c), the Secretary of State determines that the completion notice was not served on a person on whom it should have been served, the notice need not be quashed if it appears to the Secretary of State that neither that person nor the appellant has been substantially prejudiced by that fact.
- (8) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) applies in relation to any proceedings before the Secretary of State on an appeal under this section as if those proceedings were an inquiry held by the Secretary of State under section 250.

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### 93J Effect of completion notices

- (1) The planning permission to which a completion notice relates becomes invalid at the completion notice deadline (whether as originally specified or substituted on appeal under section 93I).
- (2) Where an appeal is brought under section 93H the completion notice is of no effect pending the final determination or withdrawal of the appeal.
- (3) Subsection (1) does not affect any planning permission so far as relating to development carried out under it before the completion notice deadline.”
- (3) [Schedule 11](#) contains consequential amendments.
- (4) The amendments made by this section and [Schedule 11](#) apply in relation to planning permission granted before, as well as to planning permission granted after, the coming into force of this section.
- (5) But a completion notice may not be served under section 93H of TCPA 1990 in a case where—
  - (a) before the coming into force of this section, a completion notice was served under section 94(2) of TCPA 1990, and
  - (b) that completion notice is awaiting confirmation under section 95 of TCPA 1990.

#### Commencement Information

**I10** [S. 112](#) in force at 26.12.2023 for specified purposes, see [s. 255\(3\)\(a\)](#)

### 113 Power to decline to determine applications in cases of earlier non-implementation etc

- (1) TCPA 1990 is amended as follows.
- (2) After section 70C insert—

#### “70D Power to decline to determine applications in cases of earlier non-implementation etc

- (1) A local planning authority in England may decline to determine an application for planning permission for the development of any land if—
  - (a) the development is development of a prescribed description,
  - (b) the application is made by—
    - (i) a person who has previously made an application for planning permission for development of land all or any part of which is in the local planning authority’s area at the time the current application is made (“the earlier application”), or
    - (ii) a person who has a connection of a prescribed description with the development to which the earlier application related (“the earlier development”),

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- (c) the earlier development was of a description prescribed under paragraph (a), and
    - (d) subsection (2) or (3) applies to the earlier development.
  - (2) This subsection applies to the earlier development if the earlier development has not begun.
  - (3) This subsection applies to the earlier development if—
    - (a) the earlier development has begun but has not been substantially completed, and
    - (b) the local planning authority is of the opinion that the carrying out of the earlier development has been unreasonably slow.
  - (4) In forming an opinion as to whether the carrying out of the earlier development has been unreasonably slow, the local planning authority must have regard to all the circumstances, including in particular—
    - (a) in a case where a commencement notice under section 93G has been given, whether the development—
      - (i) was begun by the date specified in the notice, and
      - (ii) was carried out in accordance with any timescales specified in it,
    - (b) whether a completion notice was served in respect of the earlier development under section 93H or (before the coming into force of section 93H) section 94 or 96 and, if so, whether the permission granted became invalid under section 93J or (as the case may be) section 95, and
    - (c) any prescribed circumstances.
  - (5) Where a person applies to a local planning authority for planning permission for development of a description prescribed under subsection (1)(a), the authority may by notice require the person to provide such information, being information of a prescribed description, as the authority may specify in the notice for the purpose of its functions under this section.
  - (6) If a person does not comply with a notice under subsection (5) within the period of 21 days beginning with the day on which the notice was served, the local planning authority may decline to determine the application.
  - (7) If a person to whom a notice under subsection (5) is given—
    - (a) makes a statement purporting to comply with the notice which the person knows to be false or misleading in a material particular, or
    - (b) recklessly makes such a statement which is false or misleading in a material particular,the person is guilty of an offence.
  - (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine.
  - (9) Subsection (1) does not permit a local planning authority to decline to determine an application for planning permission to which section 73, 73A or 73B applies.”
- (3) In section 56 (time when development begins), in subsection (3), after “61D(5) and (7),” insert “70D,”.

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*Status: This version of this chapter contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the*  
*Levelling-up and Regeneration Act 2023, Chapter 4. (See end of Document for details)*

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- (4) In section 76C (provisions applying to applications under section 62A), in subsection (1), for “70C” substitute “70D”.
- (5) In section 78 (right to appeal), in subsection (2)(aa), after “or 70C” insert “or 70D”.
- (6) In section 174 (appeal against enforcement notice), in subsection (2AA)(b) (as substituted by [section 118](#) of this Act), for “or 70C” substitute “, 70C or 70D”.

#### **Commencement Information**

**III** [S. 113](#) in force at 26.12.2023 for specified purposes, see [s. 255\(3\)\(a\)](#)

### **114 Condition relating to development progress reports**

- (1) TCPA 1990 is amended as follows.
- (2) In section 56(3) (time when development begun), after “89,” insert “90B,”.
- (3) Before section 91 (including the italic heading before that section) insert—

*“Development progress reports*

#### **90B Condition relating to development progress reports in England**

- (1) This section applies where relevant planning permission is granted for relevant residential development in England.
- (2) The relevant planning permission must be granted subject to a condition that a development progress report must be provided to the local planning authority in whose area the development is to be carried out for each reporting period.
- (3) The first reporting period in relation to the development is to be a period—
  - (a) beginning at a prescribed time or by reference to a prescribed event, and
  - (b) during which the development is begun.
- (4) A new reporting period is to begin immediately after the end of a reporting period which is not the last reporting period.
- (5) A reporting period which is not the last reporting period is to be a period of 12 months.
- (6) The last reporting period is to be a period ending with the day on which the development is completed (subject to any provision made under [subsection \(9\)](#)).
- (7) A “development progress report”, in relation to relevant residential development, means a report which sets out—
  - (a) the progress that has been made, and that remains to be made, towards completing the dwellings the creation of which the development is to involve, as at the end of the reporting period to which the report relates,

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*Status: This version of this chapter contains provisions that are prospective.*

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- (b) the progress which is predicted to be made towards completing those dwellings over each subsequent reporting period up to and including the last reporting period, and
  - (c) such other information as may be prescribed in regulations under [subsection \(9\)](#).
- (8) If relevant planning permission is granted without the condition required by [subsection \(2\)](#), it is to be treated as having been granted subject to that condition.
- (9) The Secretary of State may by regulations make provision—
  - (a) about the form and content of development progress reports;
  - (b) about when and how development progress reports are to be provided to local planning authorities;
  - (c) about who may or must provide development progress reports to local planning authorities;
  - (d) about the provision of development progress reports and other information to local planning authorities where there is a change in circumstances in connection with relevant residential development, such as (for example) where the development is no longer intended to be completed in accordance with—
    - (i) the relevant planning permission;
    - (ii) a previous development progress report;
    - (iii) any timescales specified in a commencement notice given under section 93G;
  - (e) about when a condition under [subsection \(2\)](#) is to be treated as being discharged;
  - (f) about when relevant residential development is to be treated as being completed for the purposes of this section.
- (10) In this section—
  - “relevant planning permission” means planning permission other than—
    - (a) planning permission granted by a development order;
    - (b) planning permission granted for development carried out before the grant of that permission;
    - (c) planning permission granted for a limited period;
    - (d) planning permission granted by an enterprise zone scheme;
    - (e) planning permission granted by a simplified planning zone scheme;
  - “relevant residential development” means development which—
    - (a) involves the creation of one or more dwellings, and
    - (b) is of a prescribed description.”
- (4) In section 69 (register of applications etc)—
  - (a) in subsection (1), after paragraph (e) insert—
    - “(f) development progress reports under section 90B;”;
  - (b) in subsection (2), after paragraph (b) insert—

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- “(c) such information as is prescribed with respect to development progress reports under section 90B that are provided to the local planning authority;”.
- (5) In section 70 (determination of applications: general considerations), in subsection (1) (a), after “sections” insert “90B,”.
- (6) In section 73 (determination of applications to develop land after non-compliance), before subsection (4) insert—
- “(2E) Nothing in this section authorises the disapplication of the condition under section 90B (condition relating to development progress reports in England).”
- (7) In section 96A (power to make non-material changes to planning permission), before subsection (4) insert—
- “(3B) The conditions referred to in subsection (3)(b) do not include the condition under section 90B (condition relating to development progress reports in England).”
- (8) In section 97 (revocation or modification of planning permission), at the end insert—
- “(9) Subsection (1) does not permit the revocation or modification of the condition under section 90B (condition relating to development progress reports in England).”
- (9) In section 100ZA(13)(c) (restrictions on power to impose planning conditions in England), as amended by paragraph 3(12) of Schedule 14 to the Environment Act 2021, at the end insert “or the condition under section 90B (condition relating to development progress reports in England)”.
- (10) Until paragraph 3(12) of Schedule 14 to the Environment Act 2021 comes into force, section 100ZA(13)(c) has effect as if at the end there were inserted “but do not include the condition under section 90B (condition relating to development progress reports in England)”.

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**Commencement Information**

**I12** S. 114 in force at 26.12.2023 for specified purposes, see **s. 255(3)(a)**

**Status:**

This version of this chapter contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 4.