Draft Regulations laid before Parliament under section 59(3A) of the Commons Act 2006 and section 214(2) of the Housing and Planning Act 2016, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2017 No.

TOWN AND COUNTRY PLANNING, ENGLAND

The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 15C(5) of the Commons Act 2006(**a**) and section 213 of the Housing and Planning Act 2016(**b**), makes the following Regulations.

A draft of this instrument was laid before Parliament under section 59(3A) of the Commons Act 2006 and section 214(2) of the Housing and Planning Act 2016 and approved by resolution of both Houses of Parliament.

Citation and commencement

1. These Regulations may be cited as the Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 and come into force on the twenty-first day after the day on which they are made.

Consequential amendment to the Local Government Act 1972

2.—(1) Schedule 12A to the Local Government Act 1972(**c**) is amended as follows.

(2) In paragraph 9 (access to information: qualifications to exempt information), after "planning permission" insert "or permission in principle(**d**)".

Consequential amendment to the Town and Country Planning Act 1990

3.—(1) The Town and Country Planning Act 1990(**e**) is amended as follows.

(**a**) 2006 c. 26. Sections 15C and 59(3A) were inserted by the Growth and Infrastructure Act 2013 (c. 27).
(**b**) 2016 c. 22.
(**c**) 1972 c. 70. Schedule 12A was inserted by section 1 of the Local Government (Access to Information) Act 1985 and substituted by S.I. 2006/88.
(**d**) Permission in principle and its effect are described in sections 58A and 70(2ZZA) to (2ZZC) of the Town and Country Planning Act 1990 (c. 8).
(**e**) 1990 c. 8. Section 69 was substituted by paragraph 3 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5) and section 69(2) and (4) were amended by section 190 of the Planning Act 2008 (c. 29), there are other amendments not relevant to this instrument. Section 96A was inserted by section 190 of the Planning Act 2008 (c. 29).

(2) In section 69 (register of applications etc)—

(a) in paragraph (2) for "and (aa)" substitute ", (aa) and (aza)"; and

(b) in paragraph (4) after "(aa)" insert ", (aza)".

(3) In section 75 (effect of planning permission)—

(a) in the heading, after "planning permission" insert "or permission in principle"; and

(b) in subsection (1), after "planning permission", in both places, insert "or permission in principle".

(4) In section 96A (non-material changes to planning permission)—

(a) in the heading, after "planning permission" insert "or permission in principle";

(b) in subsection (1) after "planning permission" insert ", or any permission in principle (granted following an application to the authority),";

(c) in subsections (2), (4), (6) and (7) after "planning permission", in each place, insert "or permission in principle"; and

(d) in subsection (3), after "includes power" insert "to make a change to a planning permission".

(5) In section 100 (revocation and modification of planning permission by the Secretary of State), in the heading, after "planning permission" insert "or permission in principle".

Consequential amendment to the Planning (Hazardous Substances) Act 1990

4.—(1) The Planning (Hazardous Substances) Act 1990(**a**) is amended as follows.

(2) In section 9(2)(c) (determination of applications for hazardous substances consent: material considerations), after "planning permission" insert ", permission in principle(**b**)".

Amendment to the Commons Act 2006

5.—(1) Schedule 1A (exclusion of right under section 15) to the Commons Act 2006(**c**) is amended as follows.

(2) After paragraph 4 in the Table set out in Schedule 1A insert—

"4A. A local planning authority first publicise their intention to enter land in Part 2 of a register under section 14A of the Planning and Compulsory Purchase Act 2004 in accordance with requirements imposed by regulations under that section.	The period of 10 weeks, beginning with the date of first publication of their intention, expires without the land being entered on Part 2 of the register.
4B. A local planning authority first publicise the entry of land in Part 2 of a register under section 14A of the Planning and Compulsory Purchase Act 2004 in accordance with requirements imposed by regulations under that section.	A permission in principle granted under section 59A(1)(a) of the Town and Country Planning Act 1990, in relation to the land allocated for development in the register, expires by virtue of section 59A(7)."

(**a**) 1990 c. 10. Section 9(2)(c) was amended by section 36 of, and paragraph 43 of Schedule 2 to, the Planning Act 2008 (c. 29).

(**b**) Permission in principle and its effect are described in sections 58A and 70(2ZZA) to (2ZZC) of the Town and Country Planning Act 1990 (c. 8).

(**c**) 2006 c. 26. Schedule 1A was inserted by section 16(2) of, and Schedule 4 to, the Growth and Infrastructure Act 2013 (c. 27), there are other amendments to Schedule 1A not relevant to this instrument.

Signed by authority of the Secretary of State for Communities and Local Government

Name
Minister of State
Date Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

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

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

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

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

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