EXPLANATORY MEMORANDUM TO

THE INFRASTRUCURE PLANNING (RIGHTS OF ENTRY NOTICE) REGULATIONS 2026

2026 No. 737

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing Communities and Local Government and is laid before Parliament by Command of His Majesty.

1.2 This Explanatory Memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Mathew Pennycook, Minister of State at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Alex Bush, Deputy Director for Planning-Infrastructure, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 April Newing at the Ministry of Housing Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument at april.newing@communities.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument prescribes the information that a rights of entry notice must include. Section 53 of the Planning Act 2008 ("PA 2008") is amended by section 11 of the Planning and Infrastructure Act 2025 ("PIA 2025"). This instrument is made using the regulation-making power under section 53(4A) of the Planning Act 2008 ("PA 2008") which is brought into force on 24th July 2026 by way of the Planning and Infrastructure Act 2025 (Commencement No. 4 and Transitional Provisions) Regulations 2026. This instrument is brought into force on the same date.

4.2 This instrument is made in reliance upon section 13(b) of the Interpretation Act 1978 ("IA 1978"), which allows powers to be exercised before they come into force. The regulation-making power under section 53(4A) of the PA 2008 is being exercised, and the instrument made thereunder is being made, so as to come into force at the same time, which is necessary or expedient for the purpose of giving full effect to section 53 of the PA 2008 when section 11 of the PIA 2025 comes into force. These regulations prescribe the information to be contained in the rights of entry notice, and

it is necessary that such information is available upon the commencement of section 53(4A) of the PA 2008.

4.3 Under the amended section 53 of the PA 2008, an authorised person may at any reasonable time enter any land for the purpose of surveying and taking levels of it, or in order to facilitate compliance with the provisions mentioned in section 53(1A) of the PA 2008. Admission to the land may not be demanded unless 14 days' notice of the intended entry has been given to every owner or occupier of the land and the notice must include prescribed information. The Infrastructure Planning (Rights of Entry Notice) Regulations 2026 prescribe the information that the notice must include.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales and Scotland (in very limited circumstances). It extends to Scotland only so far as required for the purpose of the construction (other than by a gas transporter) of an oil or gas cross-country pipeline – one end of which is in England or Wales, and the other end of which is in Scotland.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the same as the extent.

5. Policy Context

What is being done and why?

5.1 In its Plan for Change[1] (December 2024), the Government set out its commitment to determine 150 major economic infrastructure projects by the end of this parliament. The PIA 2025 received Royal Assent in December 2025 and reforms infrastructure planning by introducing major changes to the Development Consent Order ("DCO") planning process for Nationally Significant Infrastructure Projects ("NSIPs").

5.2 The PIA 2025 helps to tackle the biggest delays to the planning process for NSIPs and makes targeted changes to each stage of the NSIP process under the PA 2008 to support the swifter delivery of NSIPs and streamline infrastructure planning.

5.3 In September 2025, the Government launched its consultation[2] seeking views on implementing the PIA 2025 reforms alongside further changes to guidance, secondary legislation and the services provided by the Planning Inspectorate to support a more streamlined system. Separately, the Government is committed to streamlining the process to enter land for the purpose of surveying and taking levels of it, or in order to facilitate compliance with the provisions in section 53(1A) of the PA 2008: amendments to section 53 of the PA 2008 that will be brought forward by section 11 of the PIA 2025 in delivering this commitment.

5.4 Under section 53(4)(b) of the PA 2008, authorised persons seeking to enter land for the purpose of surveying and taking levels of it, or in order to facilitate compliance with the provisions in section 53(1A) of the PA 2008 must give 14 days' notice of the intended entry to every owner or occupier of the land. These Regulations implement section 53(4A) of the PA 2008 by prescribing the information that the notice must include.

5.5 These Regulations support transparency by ensuring that every owner or occupier of the land is provided with clear information on the purpose and scope of the proposed

[1] UK Government Plan for Change 2024
[2] Consultation on streamlining infrastructure planning - GOV.UK

entry, including why entry to their land is required, through prescribed information that must be included in the notice. These Regulations will also provide assurance to every owner or occupier of the land by ensuring that the notice includes sufficient information to explain and justify the proposed entry to the land. This supports the proportionate exercise of the right of entry and provides an important safeguard in respect of the following humans rights of those affected under the European Convention of Human Rights ("ECHR"): Article 1 Protocol 1 ("A1P1") right to peaceful enjoyment of property and Article 8 right to private and family life when a private dwelling is involved.

5.6 Section 53 of the PA 2008 will also help to reduce the time between identifying the need to enter the land and carrying out surveys, taking levels or facilitating compliance with the provisions in section 53(1A) of the PA 2008. It will provide a more efficient process for entering land for those purposes. Section 53 of the PA 2008 will also provide sufficient flexibility to accommodate unforeseen circumstances, for example enabling additional surveys to be identified and undertaken without undue delay. At the same time, it ensures that the interests of every owner or occupier of the land continue to be appropriately safeguarded.

What was the previous policy, how is this different?

5.7 Before the amendments to section 53 of the PA 2008 come into force on 24th July 2026, a request for authorisation for the right to enter the land must be made to the Planning Inspectorate (on behalf of the Secretary of State) where an applicant, proposed applicant or person with a DCO containing a provision for compulsory acquisition of the relevant land has refused entry to land. The Planning Inspectorate administers the application process and determines, on behalf of the Secretary of State, whether authorisation should be granted.

5.8 Applications to enter the land are subject to a separate process, including the submission of supporting information (such as land plans and land interest details) and payment of a fee for each parcel of land. There is no statutory timeframe for determination, although decisions are typically made within around three months.

5.9 Where authorisation is granted under section 53 of the PA 2008, it permits entry onto the relevant land subject to conditions. The Planning Inspectorate provides a written document confirming the applicant, proposed applicant or person with a DCO containing a provision for compulsory acquisition of the relevant land can, at any reasonable time, enter the land for the reason specified which typically contained detail including: terms and conditions; plan(s) identifying the land; schedule of conditions; and schedule of surveys. Under section 53(4)(b) of the PA 2008 any person exercising a power of entry onto any land is required to provide 14 days' notice of the intended entry to the owner or occupier of the land.

5.10 Section 11 of the PIA 2025, when commenced, will remove the requirement to seek authorisation from the Secretary of State to enter land for these purposes, and consequently the authorisation process. Instead, it will enable authorised persons to enter land in connection with an application or proposed application for development consent or a DCO that includes provision authorising the compulsory acquisition of that land (or an in interest in it or right over it). The amendments will introduce a requirement for an authorised person to give at least 14 days' notice to every owner or occupier of the land of any intended entry to land before entry under section 53(4)(b) of the PA 2008. The new section 53(4A) of the PA 2008 will require that such notices given under section 53(4)(b) of the PA 2008 include prescribed information.

6. Legislative and Legal Context

How has the law changed?

6.1 The Infrastructure Planning (Rights of Entry Notice) Regulations 2026 are made under section 53(4A) of the PA 2008 (with reliance upon section 13(b) of the IA 1978). Section 11 of the PIA 2025 removes the requirement to seek authorisation from the Secretary of State to enter land for the purpose of surveying and taking levels, or in order to facilitate compliance with the provisions mentioned in section 53(1A) of the PA 2008. Section 53 of the PA 2008 states that an authorised person may enter the land for those purposes and 14 days' notice must be provided to every owner or occupier of the land. Section 53(4A) of the PA 2008 states that *"notice given in accordance with (4)(b) must include prescribed information"* to ensure that every owner or occupier of the land is given sufficient assurance regarding the entry needed to the land.

6.2 These Regulations prescribe the information that the rights of entry notice must include. These Regulations prescribe similar information to be included in the notice as section 174 of the Housing and Planning Act 2016, such as a statement of the recipient's rights and a copy of the warrant, if there is one.

6.3 The effect of the introduction of these Regulations is to ensure that every owner or occupier of the land is provided with clear and consistent information about the proposed entry including, the purpose of the entry, a description of the land to be entered, details of the dates, times and duration of any entry, and the name and address of the authorised person exercising this right.

Why was this approach taken to change the law?

6.4 Section 53(4A) of the PA 2008 states that 14 days' notice must be given to every owner or occupier of the land and must contain prescribed information. These Regulations have been made to ensure the effective implementation of the primary legislation.

7. Consultation

Summary of consultation outcome and methodology

7.1 No public consultation was undertaken on the contents of these Regulations. The policy approach was developed through cross-government engagement, including a write round with relevant government departments as part of the passage of the PIA 2025. Engagement has also been undertaken with devolved administrations and the Planning Inspectorate to inform the development of the Regulations and supporting guidance.

8. Applicable Guidance

8.1 The Ministry for Housing, Communities and Local Government has updated existing guidance on section 53 of the PA 2008 to reflect the changes introduced by section 11 of the PIA 2025 and the Infrastructure Planning (Rights of Entry Notice) Regulations 2026.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this instrument is regarding the specific detail required for a notice authorised persons are required to give owners or occupiers of the land they need access to.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because it is unlikely that a public sector body (other than the Crown Estate) would be acting as a landowner or occupier affect by the right of entry. Where a public sector body is acting as a developer, these regulations are designed to provide clarity on the detail of the notice to be given to owners or occupiers of the land as part of streamlining the rights to entry for land surveys process and is therefore considered to have no significant impact.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Ministry of Housing, Communities and Local Government will keep the process in relation to rights of entry to land for the purpose of surveying and taking levels of it, or to facilitate compliance with the provisions mentioned in section 53(1A) of the PA 2008, in connection with applications, proposed applications for development consent and those with a DCO containing a provision for compulsory acquisition, under review.

10.2 In accordance with section 28 of the Small Business, Enterprise and Employment Act 2015, the Minister of Housing, Communities and Local Government is satisfied that a review clause is not required in this instrument, as it is technical and procedural in nature and does not impose significant regulatory burdens on business. A statutory review clause has therefore not been included in the introduction of these regulations.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument is made in reliance upon section 13(b) of the IA 1978, which allows powers to be exercised before they come into force. Please see paragraph 4.2 for further detail.

12. European Convention on Human Rights (ECHR)

12.1 The UK is a signatory of the ECHR. A1P1 of the ECHR is particularly relevant to these regulations given the potential for interference with the right to peaceful enjoyment of property. Article 8 of the ECHR, the right to private and family life, is also relevant where a private dwelling is involved. However, as this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 The amending instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").