EXPLANATORY MEMORANDUM TO

THE INFRASTRUCTURE 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 Matthew 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 These Regulations prescribe the information that must be included in a notice of intended entry onto land in exercise of the power under section 53 of the Planning Act 2008 ("PA 2008"). They support changes to rights of entry made by section 11 of the Planning and Infrastructure Act 2025 ("PIA 2025"), under which persons exercising a power of entry must give at least 14 days' notice before entering land for the purpose of surveying and taking levels of it (for example, carrying out surveying activities and measuring ground levels and topography), or to facilitate compliance with the environmental assessments and habitats requirements referred to in section 53(1A) of the PA 2008, and that notice must include prescribed information.

4.2 These Regulations ensure, through the information required to be included in the notice, that owners and occupiers of land are given clear information about the purpose and scope of the proposed entry, including why entry to the land is required. This supports transparency and helps to safeguard the interests of affected owners and occupiers.

Where does the legislation extend to, and apply?

4.3 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.

4.4 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 I 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") through a series of amendments to the PA 2008.

5.2 The PIA 2025 introduced targeted reforms intended to reduce delays, streamline infrastructure planning and support swifter delivery of NSIPs. As part of these reforms, section 11 of the PIA 2025 amends section 53 of the PA 2008 to simplify the process for entering land to undertake surveys and assessments connected with NSIPs.

5.3 Under section 53(4)(b) of the PA 2008, persons seeking to enter land for the purposes specified in section 53 of the PA 2008 must give at least 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 such notices must include.

5.4 These Regulations support transparency by ensuring that owners and occupiers receive clear information about the purpose and scope of the proposed entry. This provides an important safeguard for those affected and supports the proportionate exercise of the right of entry.

5.5 Together with the amendments made by section 11 of the PIA 2025, the Regulations will support a more efficient process for entering land to undertake surveys and assessments connected with NSIPs, or to facilitate compliance with the environmental assessments and habitats requirements referred to in section 53(1A) of the PA 2008, while maintaining appropriate safeguards for owners and occupiers of affected land.

What was the previous policy, how is this different?

5.6 The previous policy required a person wishing to exercise the power of entry to obtain authorisation from the Secretary of State before entering the land. If authorisation was granted then there was a requirement to provide 14 days' notice of the intended entry to the owner or occupier of the land. However, there was no requirement for that notice to include prescribed information.

5.7 Section 11 of the PIA 2025 removes the requirement for authorisation to be obtained from the Secretary of State. The requirement to provide 14 days' notice has been retained alongside an additional requirement (section 53(4A) of the PA 2008) that any

[1] https://www.gov.uk/missions

notice must now contain prescribed information. These Regulations set out what that prescribed information is.

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 Interpretation Act 1978 ("the IA 1978")). Section 11 of the PIA 2025 removes the requirement to obtain authorisation from the Secretary of State before entering land for the purpose of surveying and taking levels of it (for example, carrying out surveying activities and measuring ground levels and topography), or in order to facilitate compliance with the environmental assessments and habitats requirements referred to in section 53(1A) of the PA 2008. Instead, section 53 of the PA 2008 requires that at least 14 days' notice is given to every owner or occupier of the land before entry takes place, and section 53(4A) of the PA 2008 provides that such notices must include prescribed information.

6.2 These Regulations prescribe the information that must be included in a notice given under section 53(4)(b) of the PA 2008. They require notices to include information such as the purpose of the proposed entry, a description of the land to be entered, the date or dates on which entry is proposed, and the name and address of the authorised person exercising the rights of entry. 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.

Why was this approach taken to change the law?

6.3 Section 53(4A) of the PA 2008 requires notices given under section 53(4)(b) of the PA 2008 to contain prescribed information. These Regulations have been made to implement that requirement. By prescribing the information that must be included in notices, the Regulations help to ensure that owners and occupiers receive clear and consistent information about proposed entries onto land.

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 of Housing, Communities and Local Government has updated existing guidance[2] 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.

[2] https://www.gov.uk/guidance/planning-act-2008-guidance-on-preparing-an-application-part-1-pre-application-steps

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 businesses, charities or voluntary bodies because this instrument concerns the specific detail required for a notice that persons exercising a right of entry are required to give to 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 affected 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 process for obtaining entry to land for surveys and assessments 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 undertaking surveys and assessments, or to facilitate compliance with the environmental assessments and habitats requirements referred to in section 53(1A) of the PA 2008, in connection with applications or 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 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 using the regulation-making power under section 53(4A) of the PA 2008 which is brought into force on 24th July 2026 by way of the PIA 2025 (Commencement No. 4 and Transitional Provisions) Regulations 2026. This instrument is brought into force on the same date.

11.2 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. 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 11 of the PIA 2025.

12. European Convention on Human Rights

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”).