STATUTORY INSTRUMENTS

2026 No. 206

URBAN DEVELOPMENT, ENGLAND

The Levelling-up and Regeneration Act 2023 (Consequential Amendments and Transitional Provisions) (No. 3) (England) Regulations 2026

Made - - - -	*2nd March 2026*
Laid before Parliament	*3rd March 2026*
Coming into force - -	*14th April 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 250 and 252(1) of the Levelling-up and Regeneration Act 2023(**a**).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Levelling-up and Regeneration Act 2023 (Consequential Amendments and Transitional Provisions) (No. 3) (England) Regulations 2026.

(2) These Regulations come into force on 14th April 2026.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply to England only.

Interpretation

2. In these Regulations—

"the 1980 Act" means the Local Government, Planning and Land Act 1980(**b**);

"the 1990 Act" means the Town and Country Planning Act 1990(**c**);

"the Listed Buildings Act" means the Planning (Listed Buildings and Conservation Areas) Act 1990(**d**);

"the 2023 Act" means the Levelling-Up and Regeneration Act 2023;

"the commencement date" means 14th April 2026;

(**a**) 2023 c. 55.
(**b**) 1980 c. 65.
(**c**) 1990 c. 8.
(**d**) 1990 c. 9.

"the Old Oak and Park Royal Development Corporation" means the Mayoral development corporation established by article 3 of the Old Oak and Park Royal Development Corporation (Establishment) Order 2015(**a**);

"the Ebbsfleet Development Corporation" means the Urban Development Corporation established by article 3 of the Ebbsfleet Development Corporation (Area and Constitution) Order 2015(**b**);

"the corporation" means the body corporate known as—

(a) the Old Oak and Park Royal Development Corporation; and

(b) the Ebbsfleet Development Corporation;

"the development area" means—

(a) the area of land described as the Mayoral development area in article 2 of the Old Oak and Park Royal Development Corporation (Establishment) Order 2015; or

(b) the area designated as an urban development area by article 2(1) of the Ebbsfleet Development Corporation (Area and Constitution) Order 2015;

"planning document" means any notice, certificate, publicity, consultation or other document relating to the exercise of functions under the 1990 Act, the Land Compensation Act 1961(**c**), the Listed Buildings Act or any order or regulation having effect under those Acts;

"previous authority" means—

(a) in relation to the Old Oak and Park Royal Development Corporation, a London borough council which ceases, by virtue of section 7A(2) of the 1990 Act(**d**) and article 3 of the Old Oak and Park Royal Development Corporation (Establishment) Order 2015, to be the local planning authority the development area (or part of it);

(b) in relation to the Ebbsfleet development corporation a local planning authority which ceases by virtue of section 7 of the 1990 Act and article 3 of the Ebbsfleet Development Corporation (Planning Functions) Order 2015, to be the local planning authority for the development area (or part of it), for the purposes and in relation to the kinds of development specified in article 3 of that order.

Amendment the Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 additional functions conferred on the corporation

3. In article 4 of the Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015(**e**) the reference to Part 1 of Schedule 29 to the 1980 Act has effect with the amendments specified in section 174(4) of the 2023 Act.

(**a**) S.I. 2015/53.
(**b**) S.I. 2015/747.
(**c**) 1961 c. 33.
(**d**) 1990 c. 8. Section 7A was inserted by paragraphs 30 and 32 of Schedule 22 to the Localism Act 2011 (c. 20).
(**e**) S.I. 2015/442.

Amendment the Ebbsfleet Development Corporation (Planning Functions) Order 2015 additional functions conferred on the corporation

4. In article 4 of the Ebbsfleet Development Corporation (Planning Functions) Order 2015(**a**) the reference to Part 1 of Schedule 29 to the 1980 Act has effect with the amendments specified in section 174(4) of the 2023 Act.

Transitional provisions

5. The Schedule to these Regulations makes transitional provision in relation to additional functions transferred to the corporation by virtue of regulations 3 and 4 which were exercised by a previous authority prior to the commencement date.

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

Matthew Pennycook
Parliamentary Under Secretary of State
2nd March 2026 Ministry of Housing, Communities and Local Government

(**a**) S.I. 2015/748.

SCHEDULE

Regulation 5

Transitional provisions in relation to planning functions exercised by previous authorities prior to the commencement date

Transitional provision: planning functions

1.—(1) Subject to paragraphs 2 to 5, this paragraph applies in respect of any functions which are transferred to the corporation by virtue of regulations 3 and 4 of these Regulations and in respect of which a previous authority ceases to be the local planning authority responsible for exercising those functions.

(2) Anything which was in the process of being done by, to or in relation to the previous authority in connection with any of the functions mentioned in sub-paragraph (1) before the commencement date may be continued after that date by, to or in relation to the corporation and, if continued, must be treated as having been done by, to or in relation to the corporation.

(3) Nothing in sub-paragraph (2) requires the corporation to continue with any step mentioned in that sub-paragraph.

Transitional provision: planning certificates

2.—(1) This paragraph applies as respects any application for a certificate of lawfulness of existing use or development pursuant to section 191 of the 1990 Act, a certificate of lawfulness of proposed use or development pursuant to section 192 of the 1990 Act and a certificate of appropriate alternative development under section 17 of the Land Compensation Act 1961 which—

(a) relates in whole or in part to any land in the development area,

(b) was made before the commencement date to a previous authority, and

(c) has not been determined by the commencement date.

(2) The previous authority must transmit any application to which this paragraph applies to the corporation for determination.

(3) Where the previous authority transmits an application to which this paragraph applies to the corporation for determination—

(a) the previous authority must notify the applicant that the corporation is to be the local planning authority for the application,

(b) the application must be accompanied by a copy of any representations received concerning the application, and

(c) the application must be treated as received by the corporation from the applicant on the day on which it is transmitted to the corporation.

(4) Where any planning document has been, or is in the process of being, issued by the previous authority in relation to an application to which this paragraph applies before the day on which it is transmitted to the corporation, no further planning document is required to be issued by the corporation solely as a result of the transfer of functions to the corporation by these Regulations.

Transitional provision: enforcement action

3.—(1) This paragraph applies where a previous authority has before the commencement date in relation to any land in the development area—

(a) applied for a planning enforcement order under section 171BA of the 1990 Act(**a**), whether the order is made before the commencement date,

(b) issued a temporary stop notice under section 171E of the 1990 Act(**b**),

(c) issued an enforcement warning notice under section 172ZA of the 1990 Act(**c**),

(d) issued an assurance letter under section 172A of the 1990 Act(**d**),

(e) served a notice of removal or obliteration under section 225(3) of the 1990 Act(**e**),

(f) served or fixed a removal notice under section 225A of the 1990 Act(**f**),

(g) served or fixed an action notice under section 225C of the 1990 Act(**g**),

(h) served or fixed a defacement remedy notice under section 225F of the 1990 Act(**h**),

(i) served a notice of intention under section 225G, 225H or 225K of the 1990 Act(**i**),

(j) issued a listed building temporary stop notice under section 44AA of the Listed Buildings Act(**j**).

(2) The previous authority continues to be the local planning authority for the purposes of the application, order, notice or letter—

(a) in the case of an application for a planning enforcement order, until the end of the enforcement year (construed in accordance with sections 171BA(3) or (4) of the 1990 Act);

(b) in the case of a temporary stop notice, until the notice ceases to have effect (construed in accordance with section 171E(7) of the 1990 Act);

(c) in the case of an enforcement warning notice, until the end of the period specified in the notice (construed in accordance with section 172ZA(2) of the 1990 Act);

(d) in the case of an assurance letter, until the time specified in the letter in accordance with section 172A(2) of the 1990 Act;

(e) in the case of a notice of removal or obliteration, until the end of the period for compliance (construed in accordance with section 225(3) and (5) the 1990 Act);

(f) in the case of a removal notice, until the end of the period for compliance with the notice (construed in accordance with section 225A(11) and (12) of the 1990 Act);

(g) in the case of an action notice under section 225C, until compliance or the end of the period specified in the notice (construed in accordance with section 225C(4), (5) and (7) and section 225E of the 1990 Act);

(h) in the case of a defacement remedy notice, until the end of the period for compliance with the notice (construed in accordance with section 225F(3) and (4) of the 1990 Act);

(**a**) Section 171BA was inserted by section 124 of the Localism Act 2011 (c. 20).
(**b**) Section 171E was inserted by section 52 of the Planning and Compulsory Purchase Act 2004 (c. 5) and amended by section 116 of the Levelling-up and Regeneration Act 2023.
(**c**) Section 172ZA was inserted by section 117(3) of the Levelling-up and Regeneration Act 2023.
(**d**) Section 172A was inserted by section 125 of the Localism Act 2011.
(**e**) Section 225 was amended by section 34 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).
(**f**) Section 225A was inserted by section 127(1) of the Localism Act 2011.
(**g**) Section 225C was inserted by section 127(1) of the Localism Act 2011.
(**h**) Section 225F was inserted by section 127(2) of the Localism Act 2011.
(**i**) Sections 225G, 225H and 225K were inserted by section 127(2) of the Localism Act 2011.
(**j**) Section 44AA was inserted by section 103 of the Levelling-up and Regeneration Act 2023.

(i) in the case of a notice of intention, until expiry of the period of that notice (construed in accordance with section 225G(1)(b), 225H(1)(c) or 225K(2)(b), as the case may be, of the 1990 Act);

(j) in the case of a listed building temporary stop notice, until the notice ceases to have effect (construed in accordance with section 44AA(7) or 44AA(8) of the Listed Buildings Act).

(3) The previous authority must transmit a copy of the notice or letter to the corporation.

Transitional provision: planning appeals

4.—(1) This paragraph applies where an appeal is made—

(a) to the Secretary of State under section 195 of the 1990 Act;

(b) to the magistrates' court under section 225B, 225D or 225I of the 1990 Act;

(c) to the Upper Tribunal under section 18 of the Land Compensation Act 1961(**a**);

in respect of a decision or notice, or failure to make a decision or give notice by a previous authority in relation to any land in the development area before the commencement date.

(2) The previous authority—

(a) continues to be the local planning authority for the purposes of the appeal;

(b) must notify the corporation of the appeal; and

(c) must transmit to the Secretary of State, magistrates' court or Upper Tribunal any representation from the corporation.

Transitional provision: compensation in connection with planning functions

5. Where a right to compensation arises under section 171H, 225, 225A or 225C of the 1990 Act, or section 44AC of the Listed Buildings Act(**b**) in consequence of action taken in relation to any land in the development area by a previous authority, the liability to pay compensation lies with that authority.

(**a**) Section 18 was amended by section 232(3) of the Localism Act 2011 and section 189(4) of the Levelling-up and Regeneration Act 2023.

(**b**) Section 44AC was inserted by section 103 of the Levelling-up and Regeneration Act 2023.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Levelling-up and Regeneration Act 2023 (Consequential Amendments and Transitional Provisions) (No. 3) Regulations 2026 make consequential amendments to the Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 ("the Old Oak and Park Royal Functions Order") and the Ebbsfleet Development Corporation (Planning Functions) Order 2015 ("the Ebbsfleet Functions Order").

Article 4 of the Old Oak and Park Royal Functions Order and Ebbsfleet Functions Order conferred on their respective development corporations additional planning functions pursuant to Part 1 of Schedule 29 to the Local Government, Planning and Land Act 1980 ("the 1980 Act").

Section 174(4) of the Levelling-up and Regeneration Act 2023 ("the 2023 Act") inserts further planning functions into Part 1 of Schedule 29 of the 1980 Act. Section 174 of the 2023 Act was commenced on 2nd March 2026, with its provisions coming into force on 14th April 2026 (S.I. 2026/168).

Regulations 3 and 4 of these Regulations amend Article 4 of the Old Oak and Park Royal Functions Order and the Ebbsfleet Functions Order, to allow the respective corporations to exercise the additional planning functions after 14th April 2026 ("the commencement date").

The Schedule to these Regulations makes transitional provision in relation to the additional planning functions exercised prior to the commencement date by local planning authorities that will be exercised after that date by the corporation. Provision is made for the transfer of planning functions and planning applications from the previous local planning authority to the corporation, enforcement, planning appeals and the payment of compensation.

A full regulatory impact assessment has not been prepared for this instrument as no, or no significant impact on the costs of private, voluntary or public sector bodies is foreseen. An impact assessment has been produced in relation to the 2023 Act and copies can be obtained at https://bills.parliament.uk/bills/3155/publications or from the Ministry for Housing, Communities and Local Government at 2 Marsham Street, London, SW1P 4DF.

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