STATUTORY INSTRUMENTS

2026 No. 350

TOWN AND COUNTRY PLANNING, ENGLAND

The Planning and Compulsory Purchase Act 2004 (Local Planning) (Modification and Consequential Amendments) (England) (Amendment) Regulations 2026

Made - - - -	*at 9.00 a.m. on 25th March 2026*
Laid before Parliament	*26th March 2026*
Coming into force - -	*16th April 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 15CB(9) and 15IA(4) of the Planning and Compulsory Purchase Act 2004(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Planning and Compulsory Purchase Act 2004 (Local Planning) (Modification and Consequential Amendments) (England) (Amendment) Regulations 2026.

(2) These Regulations come into force on 16th April 2026.

(3) These Regulations extend to England and Wales.

Amendment of the Planning and Compulsory Purchase Act 2004 (Local Planning) (Modification and Consequential Amendments) (England) Regulations 2026

2. In the Planning and Compulsory Purchase Act 2004 (Local Planning) (Modification and Consequential Amendments) (England) Regulations 2026(**b**), after regulation 7 (modifications in relation to minerals and waste plans) insert—

> **"Modifications to Part 2 of the Act: minerals and waste plans and joint minerals and waste plan documents**
>
> **7A.**—(1) Part 2 of the Act, as it applies in relation to a minerals and waste plan in accordance with section 15CB(8) of the Act and as it applies in relation to a joint minerals and waste plan document in accordance with section 15IA(2) and (3) of the Act, as applied

(**a**) 2004 c. 5. Sections 15CB and 15IA of the Planning and Compulsory Purchase Act 2004 ("the Act") were inserted by Schedule 7 to the Levelling-up and Regeneration Act 2023 (c. 55). Section 122(1) of the Act provides that a power to prescribe is a power to prescribe by regulations, exercisable by the Secretary of State in relation to England or the Welsh Ministers in relation to Wales. Section 15IA(4) of the Act is applied in relation to a minerals and waste plan by section 15CB(8) of the Act and has been modified in relation to a minerals and waste plan by S.I. 2026/170.

(**b**) S.I. 2026/170.

by section 15CB(8) of the Act and modified by regulation 7, is modified in accordance with the following provisions.

(2) Section 15G is to be read as if—

(a) for subsection (1), there were substituted—

"(1) Subject to subsection (1B), where a single document comes into effect which is to be the entire new minerals and waste plan for a minerals and waste planning authority's relevant area, the authority must revoke every existing minerals and waste plan document.

(1A) Subject to subsection (1B), where a document which is to form part of a minerals and waste plan for a minerals and waste planning authority's relevant area—

(a) is to replace, in whole or in part, an existing minerals and waste plan document for the authority's relevant area, and

(b) comes into effect,

the authority must revoke the existing document to the extent that it is replaced by the document that has come into effect.

(1B) Where a minerals and waste planning authority revoke a joint minerals and waste plan document in accordance with subsection (1) or (1A), in whole or in part, their revocation of the document has effect only in relation to their relevant area.";

(b) after subsection (2), there were inserted—

"(3) The Secretary of State—

(a) may revoke a joint minerals and waste plan document at the request of the relevant authorities;

(b) may revoke a joint minerals and waste plan document for the relevant area of a relevant authority at the request of that authority.

(4) In this section a "relevant authority" is a minerals and waste planning authority that is a relevant authority in relation to a joint minerals and waste plan document for the purposes of section 15IA."

(3) Section 15IA is to be read as if, for subsection (3), there were substituted—

"(3) For the purposes of subsection (2), this Part has effect in accordance with subsections (3A) to (3G).

(3A) Each of the relevant authorities must adopt a joint minerals and waste plan document for it to be adopted for the purposes of section 15CA(7).

(3B) The relevant authorities are to act jointly under sections 15CA(3), 15D(1) and (2), 15DA(6), 15E(1) and (2) and 15GA(1), (2) and (4).

(3C) Anything else (not referred to in subsection (3A) or (3B)) which may or must be done by a minerals and waste planning authority in connection with a minerals and waste plan document is to be done in connection with a joint minerals and waste plan document either—

(a) by each of the relevant authorities, or

(b) by the relevant authorities acting jointly.

(3D) Section 15HA applies, in accordance with subsection (1)(a) of that section, if the Secretary of State thinks that one or more relevant authorities are

failing, as mentioned there, in relation to a joint minerals and waste plan document, in which case—

(a) the power in subsection (2)(a) of that section to take over preparation of the document may only be exercised in relation to all of the relevant authorities (and may not be exercised in relation to only one or some of the relevant authorities);

(b) the power in subsection (2)(c) of that section to give directions may be exercised in relation to one or more of the failing relevant authorities.

(3E) Where section 15HA applies, in accordance with subsection (1)(b) of that section, by virtue of the Secretary of State thinking that a joint minerals and waste plan document is, is going to be or may be unsatisfactory—

(a) the power in subsection (2)(a) of that section to take over preparation of the document may only be exercised in relation to all of the relevant authorities (and may not be exercised in relation to only one or some of the relevant authorities);

(b) the power in subsection (2)(c) of that section to give directions may be exercised in relation to one or more of the relevant authorities.

(3F) Anything else (not referred to in subsection (3D) or (3E)) which may or must be done in relation to a minerals and waste planning authority in connection with a minerals and waste plan document is to be done only in relation to each of the relevant authorities in connection with a joint minerals and waste plan document (and may not be done in relation to only one or some of the relevant authorities).

(3G) Schedule A1 does not apply in relation to a joint minerals and waste plan document.”.”.

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

Matthew Pennycook
Minister of State
At 9.00 a.m. on 25th March 2026 Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of the Planning and Compulsory Purchase Act 2004 (c. 5) ("the Act"), as amended by Schedule 7 to the Levelling-up and Regeneration Act 2023 (c. 55), established a system of local development planning in England.

Section 15CB of the Act makes provision for the preparation by a minerals and waste planning authority of one or more documents which are to be known collectively as their "minerals and waste plan". Section 15CB(8) applies Part 2 of the Act in relation to a minerals and waste plan as it applies in relation to a local plan, subject to the exceptions set out in subsection (10).

Part 3 of the Planning and Compulsory Purchase Act 2004 (Local Planning) (Modification and Consequential Amendments) (England) Regulations 2026 (S.I. 2026/170) ("the first instrument") modified Part 2 of the Act as it is applied in relation to a minerals and waste plan by section 15CB(8) of the Act. Regulation 7(2)(l) to (n) modified sections 15I, 15IA and 15IB of the Act such that in those provisions, references to a local plan (including within references to a joint local plan) are to be read as references to a minerals and waste plan document (instead of being read as references to a minerals and waste plan in accordance with section 15CB(8)(b) of the Act).

These Regulations (made in part in reliance on a power as modified by the first instrument) insert a new regulation 7A into Part 3 of the first instrument.

The new regulation 7A modifies section 15G of the Act so that it is to be read, in relation to a minerals and waste plan (including a joint minerals and waste plan document), as though:

(a) for subsection (1), there is substituted new subsections (1) to (1B) which make provision for the revocation of minerals and waste plan documents by minerals and waste planning authorities;

(b) after subsection (2), there is inserted new subsections (3) and (4) which:

  (i) make provision for the Secretary of State to revoke a joint minerals and waste plan document at the request of minerals and waste planning authorities who are relevant authorities in relation to that document for the purposes of section 15IA of the Act (subsection (3)(a)), or to revoke a joint minerals and waste plan document for the relevant area of a minerals and waste planning authority who are a relevant authority in relation to that document for the purposes of section 15IA of the Act, at the request of that authority (subsection (3)(b));

  (ii) set out what is meant by the term "the relevant authorities" (subsection (4)).

Modifications are also made to section 15IA of the Act so that it is to be read, in relation to a joint minerals and waste plan document, as though for subsection (3) there is substituted new subsections (3) to (3G). These modifications set out how functions are to be exercised under Part 2 of the Act in relation to a joint minerals and waste plan document, by the relevant authorities in relation to that document for the purposes of section 15IA of the Act, and other persons.

A Regulatory Impact Assessment under the Better Regulation Framework has not been produced for this instrument. The Regulatory Impact Assessment for the Levelling-up and Regeneration Act 2023 provides analysis of the primary legislative measures from which the measures set out in this instrument derive. Copies can be obtained at https://publications.parliament.uk/pa/bills/cbill/58-03/0169/LevellingUpandRegenerationBillImpactAssessment.pdf or from the Ministry of

Housing, Communities and Local Government at 2 Marsham Street, London, SW1P 4DF. The Annexes to that document can be obtained at https://publications.parliament.uk/pa/bills/cbill/58-03/0169/LevellingUpandRegenerationBillImpactAssessmentAnnexes.pdf or from the Ministry of Housing, Communities and Local Government at 2 Marsham Street, London, SW1P 4DF.

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