STATUTORY INSTRUMENTS

2026 No. 188

MARINE MANAGEMENT, ENGLAND

TOWN AND COUNTRY PLANNING, ENGLAND

The Requirement to Assist with Certain Plan Making (Prescribed Public Bodies) (England) Regulations 2026

Made - - - -	*at 8.11 a.m. on 3rd March 2026*
Laid before Parliament	*4th March 2026*
Coming into force - -	*25th March 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 39A(6) of the Planning and Compulsory Purchase Act 2004(**a**).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Requirement to Assist with Certain Plan Making (Prescribed Public Bodies) (England) Regulations 2026.

(2) These Regulations come into force on 25th March 2026.

(3) These Regulations extend to England and Wales and apply in relation to England only.

Prescribed public bodies

2.—(1) The public bodies prescribed for the purposes of section 39A of the Planning and Compulsory Purchase Act 2004 are—

(a) Active Travel England(**b**);

(b) Canal & River Trust(**c**);

(c) the Civil Aviation Authority(**d**);

(d) the Coal Authority(**e**);

(**a**) 2004 c. 5. Section 39A was inserted by section 100 of the Levelling-up and Regeneration Act 2023 (c. 55). Section 122(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) 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.

(**b**) Active Travel England is an executive agency of the Department for Transport.

(**c**) Canal & River Trust is a company limited by guarantee (company registration number 07807276) whose registered office is at National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire, CH65 4FW and a registered charity registered with the Charity Commission number 1146792.

(**d**) The Civil Aviation Authority was constituted as a body corporate under section 2 of the Civil Aviation Act 1982 (c. 16); section 2 was amended by section 95(1) of the Civil Aviation Act 2012 (c. 19).

(**e**) The Coal Authority was established as a body corporate under section 1 of the Coal Industry Act 1994 (c. 21); it operates under the name "Mining Remediation Authority".

(e) the English Sports Council(**a**);

(f) the Environment Agency(**b**);

(g) the Forestry Commission(**c**);

(h) a highway authority within the meaning in section 1 of the Highways Act 1980(**d**), any part of whose area is in or adjoins the area to which the relevant plan(**e**) relates (including the Secretary of State, where the Secretary of State is the highway authority);

(i) the Historic Buildings and Monuments Commission for England(**f**);

(j) the Homes and Communities Agency(**g**);

(k) if it exercises functions in the area to which the relevant plan relates—

(i) an integrated care board established under Chapter A3 of Part 2 of the National Health Service Act 2006(**h**);

(ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989(**i**) (licences authorising supply, etc.);

(iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986(**j**) (licensing of public gas transporters);

(iv) a sewerage undertaker appointed under section 6(1) of the Water Industry Act 1991(**k**);

(v) a water undertaker appointed under section 6(1) of the Water Industry Act 1991;

(l) an Integrated Transport Authority for an integrated transport area within the meaning in section 77(1) of the Local Transport Act 2008(**l**), which is in or adjoins the area to which the relevant plan relates;

(m) a lead local flood authority for all or part of the area to which the relevant plan relates;

(n) a local authority with responsibility for discharging education functions for all or part of the area to which the relevant plan relates;

(o) the Marine Management Organisation(**m**);

(**a**) The English Sports Council was established by Royal Charter on 19th September 1996; it operates under the name "Sport England".

(**b**) The Environment Agency was established as a body corporate under section 1 of the Environment Act 1995 (c. 25).

(**c**) Section 1(1) of the Forestry Act 1967 (c. 10) provides that the Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 shall continue in existence. They are referred to in the Forestry Act 1967 (c. 10) as "the Commissioners"; subsection (1A) provides that, in that Act, *"the appropriate forestry authority"* means, in relation to England, the Commissioners; section 1 was amended by section 4 of the Wildlife and Countryside (Amendment) Act 1985 (c. 31); S.I. 2013/755; there are other amendments to section 1 which are not relevant to these Regulations.

(**d**) 1980 c. 66; section 1 was amended by paragraph 1 of Schedule 4 and Schedule 17 to the Local Government Act 1985 (c. 51); section 21(2) of the New Roads and Street Works Act 1991 (c. 22); section 259(2) and (3) of the Greater London Authority Act 1999 (c. 29); paragraph 2 of Schedule 1 to the Infrastructure Act 2015 (c. 7); there are other amendments to section 1 which are not relevant to these Regulations.

(**e**) *See* section 39A(5) of the Planning and Compulsory Purchase Act 2004 for the definition of *"relevant plan"*.

(**f**) The Historic Buildings and Monuments Commission for England was established by section 32 of the National Heritage Act 1983 (c. 47); it operates under the name "Historic England".

(**g**) The Homes and Communities Agency is a body corporate established by section 1 of the Housing and Regeneration Act 2008 (c. 17); it operates under the name "Homes England".

(**h**) 2006 c. 41; Chapter A3 was inserted by section 19(2) of the Health and Care Act 2022 (c. 31).

(**i**) 1989 c. 29; section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27); section 6(1)(b) and (c) were amended by section 136(1) of, and Part 1 of Schedule 23 to, the Energy Act 2004 (c. 20); there are other amendments to these provisions which are not relevant to these Regulations.

(**j**) 1986 c. 44; section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and relevantly amended by section 3(2), section 76(2) and (3), and paragraph 4 of Schedule 6 to the Utilities Act 2000, section 149(5) of the Energy Act 2004, and by S.I. 2011/2704.

(**k**) 1991 c. 56; section 6 was amended by section 36(2) and paragraph 3 of Schedule 8 to the Water Act 2003 (c. 37); paragraph 6 of Schedule 7 to the Water Act 2014 (c. 21); paragraph 28(4)(b) of Schedule 23 to the Deregulation Act 2015 (c. 20).

(**l**) 2008 c. 26; section 77(1) of the Local Transport Act 2008 renamed passenger transport areas established under section 9(1)(a)(i) of the Transport Act 1968 (c. 73) as integrated transport areas.

(**m**) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009 (c. 23).

(p) the Mayor of London;

(q) Natural England(**a**);

(r) Network Rail Infrastructure Limited(**b**);

(s) the Office for Nuclear Regulation(**c**);

(t) the Office of Rail and Road(**d**);

(u) the responsible authority for a local nature recovery strategy that relates to all or part of the area to which the relevant plan relates appointed under section 105(2) of the Environment Act 2021(**e**);

(v) Transport for London(**f**);

(w) a relevant authority any part of whose area is in or adjoins the area to which the relevant plan relates.

(2) In this Regulation—

"the area to which the relevant plan relates" means—

(a) in relation to a local plan or policies map, the local planning authority's area(**g**);

(b) in relation to a minerals and waste plan, the minerals and waste planning authority's relevant area(**h**);

(c) in relation to a supplementary plan(**i**), the area, site or sites to which the plan relates;

(d) in relation to a marine plan, the English inshore region, the English offshore region or any part of either of those regions(**j**);

"education functions" means the functions specified in Schedule 36A to the Education Act 1996(**k**);

"Integrated Transport Authority" means—

(a) an authority which is known as an Integrated Transport Authority as a result of section 77(2) of the Local Transport Act 2008 (change of name of passenger transport areas and PTAs), or

(b) an authority established under Part 5 of that Act (Integrated Transport Authorities etc.);

"lead local flood authority" means—

(a) the unitary authority for the area, or

(**a**) Natural England was constituted under section 1 of the Natural Environment and Rural Communities Act 2006 (c. 16); section 1 was amended by section 311 of the Marine and Coastal Access Act 2009 (c. 23).

(**b**) Network Rail Infrastructure Limited is a company limited by guarantee (company registration number 02904587).

(**c**) The Office for Nuclear Regulation was established by section 77 of the Energy Act 2013 (c. 32).

(**d**) The Office of Rail and Road was established by section 15 of the Railways and Transport Safety Act 2003 (c. 20); section 15 was amended by S.I. 2015/1682.

(**e**) 2021 c. 30.

(**f**) Transport for London was established by section 154 of the Greater London Authority Act 1999 (c. 29).

(**g**) *See* section 15LH(3) of the Planning and Compulsory Purchase Act 2004 ("the Act") for the definition of *"local plan"* and section 15LF of the Act for the definition of *"local planning authority"*.

(**h**) *See* section 15LH(3) of the Planning and Compulsory Purchase Act 2004 ("the Act") for the definitions of *"minerals and waste plan"* and *"relevant area"*, and section 15LG of the Act for the definition of *"minerals and waste planning authority"*.

(**i**) *See* section 15LH(3) of the Planning and Compulsory Purchase Act 2004 for the definition of *"supplementary plan"*.

(**j**) *See* section 51 of the Marine and Coastal Access Act 2009 (c. 23) ("the Act") for the definition of *"marine plan"* and section 322(1) of the Act for the definitions of *"English inshore region"* and *"English offshore region"*.

(**k**) 1996 c. 56; Schedule 36A was inserted by S.I. 2010/1158, and has been amended by paragraph 42(3) of Schedule 26 and paragraph 1 of Schedule 27 to the Equality Act 2010 (c. 15); paragraph 62(2) and (3) of Schedule 3 to the Children and Families Act 2014 (c. 6); there are other amendments which are not relevant to these Regulations.

(b) if there is no unitary authority, the county council for the area;

"local authority" means—

(a) a county council;

(b) a metropolitan district council(**a**);

(c) a non-metropolitan district council for an area for which there is no county council(**b**);

(d) a London borough council;

(e) the Common Council of the City of London in its capacity as a local authority;

"local policing body" means—

(a) a police and crime commissioner elected under section 1 of the Police Reform and Social Responsibility Act 2011(**c**);

(b) the Mayor's Office for Policing and Crime established under section 3 of the Police Reform and Social Responsibility Act 2011;

(c) the Common Council of the City of London in its capacity as a police authority;

"relevant authority" means—

(a) a local planning authority;

(b) a minerals and waste planning authority;

(c) a local policing body;

(d) a combined authority established under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009(**d**);

(e) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023(**e**);

"unitary authority" means—

(a) the council of a county for which there are no district councils;

(b) the council of a district in an area for which there is no county council;

(c) the council of a London borough;

(d) the Common Council of the City of London;

(e) the Council of the Isles of Scilly.

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

Matthew Pennycook
Minister of State
At 8.11 a.m. on 3rd March 2026 Ministry of Housing, Communities and Local Government

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(**a**) *See* section 1(2) and (3) of the Local Government Act 1972 (c. 70).
(**b**) *See* section 270(2) of the Local Government Act 1972 (c. 70) for the definition of *"non-metropolitan district"*.
(**c**) 2011 c. 13; section 1 was amended by section 22(1) of and paragraph 87(2) and (3) of Schedule 1 to the Policing and Crime Act 2017 (c. 3) and S.I. 2017/470; there are amendments to section 3 which are not relevant to these Regulations.
(**d**) 2009 c. 20; section 103 was amended by sections 12(2) and 14(2) of the Cities and Local Government Devolution Act 2016 (c. 1); paragraph 189 of Schedule 4 to the Levelling-up and Regeneration Act 2023 (c. 55).
(**e**) 2023 c. 55.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 39A of the Planning and Compulsory Purchase Act 2004 (c. 5) ("the Act"), as inserted by section 100 of the Levelling-up and Regeneration Act 2023 (c. 55), established a power for a plan-making authority to notify a prescribed public body in writing that the authority requires the body to assist the authority in relation to the preparation or revision of a relevant plan under section 39A(5) of the Act by the authority. Where this power is exercised, the prescribed public body must do everything that the plan-making authority reasonably requires of the body to assist the authority in relation to the preparation or revision of the relevant plan.

These Regulations prescribe the persons and bodies who are a "prescribed public body" for the purposes of section 39A of the Act and therefore can be subject to a notification under section 39A(1) requiring assistance in relation to the preparation of a relevant plan.

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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ISBN 978-0-34-828025-8

£6.40

http://www.legislation.gov.uk/id/uksi/2026/188

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