STATUTORY INSTRUMENTS

2025 No. 412

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025

Made - - - -	*2nd April 2025*
Laid before Parliament	*3rd April 2025*
Coming into force	*1st May 2025*

The Secretary of State, in exercise of the powers conferred by sections 59 , 76C(2) and 333(2A) of the Town and Country Planning Act 1990(**a**), section 54(2), (4)(a) and (6) and 122(1) and (3) of the Planning and Compulsory Purchase Act 2004(**b**) and section 250 of the Levelling-up and Regeneration Act 2023(**c**), makes the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025 and come into force on 1st May 2025.

(2) Unless otherwise stated, each amendment made by these Regulations has the same extent as the provision amended.

The Planning (Listed Buildings and Conservation Areas) Regulations 1990

2.—(1) The Planning (Listed Buildings and Conservation Areas) Regulations 1990(**d**) are amended as follows.

(2) In regulation 2 (interpretation), after paragraph (7) insert—

"(8) Where the Secretary of State refers an application to the local planning authority under section 293E(4) of the Town and Country Planning Act 1990 and directs that the application is to be treated as having been made to that authority, references to the date an application is made—

(a) in regulation 6 (certificate to accompany applications and appeals), are to be interpreted in relation to the referred application as references to the date on which the application was originally made to the Secretary of State;

(**a**) 1990 c. 8. Section 59 was amended by paragraph 4 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27) and paragraph 5 of Schedule 7 to the Planning (Wales) Act 2015 (anaw 4). Section 76C was inserted by paragraph 5 of Schedule 1 to the Growth and Infrastructure Act 2013 and amended by paragraph 18 of Schedule 12 to the Housing and Planning Act 2016 (c. 22), paragraph 3(7) of Schedule 14 to the Environment Act 2021 (c. 30) and section 113(4) of the Levelling-up and Regeneration Act 2023 (c. 55). The term "development order" in section 76C is defined in section 336 as having the meaning given in section 59. Section 59 was amended by paragraph 4 of Schedule 1 to the Growth and Infrastructure Act 2013 and paragraph 3 of Schedule 4 and paragraph 5 of Schedule 7 to the Planning (Wales) Act 2015.

(**b**) 2004 c. 5. By virtue of section 117, the term "development order" in section 54 has the same meaning as in the Town and Country Planning Act 1990.

(**c**) 2023 c. 55.

(**d**) S.I. 1990/1519; relevant amending instruments are S.I. 2004/2210, 2010/568, 2014/1532, 2015/809 and 2018/119.

(b) in the remainder of these Regulations, are to be interpreted in relation to the referred application as references to the date on which the Secretary of State directs that the application is to be treated as having been made to the local planning authority under section 293E(4).".

(3) In regulation 5A (publicity for applications affecting setting of listed buildings)—

(a) in paragraph (1), after "section 62A" insert "or 293D",

(b) in paragraph (2A)—

(i) after "section 62A" insert "or 293D", and

(ii) for "(2B) and (2C)" substitute "(2B) to (2D)",

(c) in paragraph (2C)—

(i) after "Order 2013" insert ", or article 13 of the Town and Country Planning (Crown Development) (Procedure and Written Representations) Order 2025(**a**), as the case may be,", and

(ii) omit "(which takes the meaning given in article 14 of that Order)", and

(d) after paragraph (2C) insert—

"(2D) In paragraph (2C), "requisite notice" has the meaning given in article 14 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013(**b**), or article 15 of the Town and Country Planning (Crown Development) (Procedure and Written Representations) Order 2025, as the case may be.".

The Town and Country Planning (Simplified Planning Zones) Regulations 1992

3. In regulation 21 of the Town and Country Planning (Simplified Planning Zones) Regulations 1992(**c**) (availability of documents for purchase), in paragraph (1), after "Part III" insert "or sections 293B to 293J".

The Town and Country Planning (Public Path Orders) Regulations 1993

4. In Schedule 1 to the Town and Country Planning (Public Path Orders) Regulations 1993(**d**) (forms of public path order), in Form 1, in the preamble, for "under [Part 3][section 293A]" substitute "[under Part 3][on an application made under [section 293B][section 293D]]".

The Town and Country Planning (Inquiries Procedure) (England) Rules 2000

5.—(1) The Town and Country Planning (Inquiries Procedure) (England) Rules 2000(**e**) are amended as follows.

(2) In rule 23A (modifications where national security direction given and for urgent Crown development or works), in paragraph (2)—

(i) omit "either section 293A of the Planning Act (urgent Crown development) or", and

(ii) for ", or both, apply" substitute "applies".

(3) In rule 23B (modifications for most appeals), in paragraph (2)(b), omit "section 293A of the Planning Act or".

(4) In Part 2 of the Schedule (modifications for urgent crown development or urgent works affecting crown land), in paragraph 2, omit sub-paragraph (a).

(**a**) S.I. 2025/409.
(**b**) S.I. 2013/2140; relevant amending instruments are S.I. 2016/944, 2017/571, 2018/119 and 2021/746.
(**c**) S.I. 1992/2414, to which there are amendments not relevant to these Regulations.
(**d**) S.I. 1993/10; relevant amending instruments are S.I. 2006/1177 and 2013/2201.
(**e**) S.I. 2000/1624; relevant amending instruments are S.I. 2006/1282 and 2013/2137.

The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011

6. In regulation 3 of the Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011(**a**) (interpretation), in paragraph (1), in the definition of "planning permission", after "Part 3" in the first place it occurs, insert "or, in relation to England, Part 13".

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

7. In regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012(**b**) (exceptions), in paragraph (1)(a)(vii), after "(control over development)" insert "or granted on an application under section 293B or 293D of that Act".

The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

8.—(1) The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013(**c**) is amended as follows.

(2) In article 4 (applications for planning permission), in paragraph (1)(a), at the end insert "(or a form to substantially the same effect)".

(3) In article 5 (applications for reserved matters)—

(a) in paragraph (1), for sub-paragraphs (a) and (b) substitute—

"(a) be made in writing to the Secretary of State and give sufficient information to enable the Secretary of State to identify the outline planning permission in respect of which it is made, and

(b) include such particulars and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the outline planning permission.", and

(b) omit paragraph (2).

(4) After article 6 (applications in respect of Crown land) insert—

"**Crown development: applications under section 293D of the 1990 Act**

6A.—(1) Where the Secretary of State directs under section 293D(9) of the 1990 Act that an application is to be treated as having been made to the Secretary of State under section 62A of the 1990 Act ("the redirected application"), paragraphs (2) to (4) apply.

(2) Any references in this Order to the date of an application or to the date on which an application is made are to be interpreted in relation to the redirected application as the date on which the Secretary of State directs under section 293D(9) of the 1990 Act that the application is to be treated as having been made under section 62A of the 1990 Act.

(3) Articles 9 (notice of application to be given by the applicant) and 10 (certificates in relation to notice of applications) do not apply in relation to the redirected application provided—

(a) the applicant complied with the notice requirements specified in article 9 of the Town and Country Planning (Crown Development Applications) (Procedure and Written Representations) Order 2025(**d**) ("the 2025 Order") when the original application was made to the Secretary of State under section 293D of the 1990 Act, and

(b) the application includes the certificate required by article 10 of the 2025 Order.

(**a**) S.I. 2011/2305.
(**b**) S.I. 2012/605, to which there are amendments not relevant to these Regulations.
(**c**) S.I. 2013/2140; relevant amending instruments are S.I. 2014/1532 and 2021/746.
(**d**) S.I. 2025/409.

(4) Where paragraph (3) provides for articles 9 and 10 not to apply in relation to the redirected application, the references to article 9 contained in article 23(4) (time periods for decision) are to be interpreted as references to the equivalent provisions of article 9 of the 2025 Order.".

(5) In article 19 (duty to respond to consultation)—

(a) before paragraph (1) insert—

"(A1) The requirements to consult which are prescribed for the purposes of section 54(2) of the 2004 Act (duty to respond to consultation) are those contained in articles 17 and 18.", and

(b) in paragraph (1), for "Subject to paragraph (3)" substitute "For the purposes of section 54(4)(a) of the 2004 Act, subject to paragraph (3),".

(6) In article 29 (applications for listed building consent), in paragraph (1)(a), after "published by him" insert "(or a form to substantially the same effect)".

The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013

9. In regulation 16 of the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013(**a**) (conditional approvals), in paragraph (2)(a), after "Part 3" insert "or, in relation to England, Part 13".

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

10. In Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013(**b**) (publication, determination and implementation of proposals other than foundation proposals), in paragraph 8(1)(a), after "Part 3" insert "or Part 13".

The Town and Country Planning (Development Management Procedure) (England) Order 2015

11.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2015(**c**) is amended as follows.

(2) After article 8 (applications in respect of Crown land) insert—

"**Crown development: applications referred to local planning authority by the Secretary of State**

8A.—(1) Where the Secretary of State refers an application to the local planning authority under section 293D(7) of the 1990 Act and directs that the application is to be treated as having been made to that authority ("the referred application"), paragraphs (2) to (4) apply.

(2) Any references in this Order to the date of an application or to the date on which an application is made are to be interpreted in relation to the referred application as whichever is the later of—

(a) the date on which the local planning authority receives the referred application from the Secretary of State;

(b) the date on which the local planning authority receives the application fee from the applicant.

(**a**) S.I. 2013/3109, to which there are amendments not relevant to these Regulations.
(**b**) S.I. 2013/3110, to which there are amendments not relevant to these Regulations.
(**c**) S.I. 2015/595, relevant amending instruments are S.I. 2016/873, 2017/402, 2018/119, 2020/505, 2021/746 and 2024/50.

(3) Articles 13 (notice of applications for planning permission) and 14 (certificates in relation to notice of applications for planning permission) do not apply in relation to the referred application provided—

(a) the applicant complied with the notice requirements specified in article 9 the Town and Country Planning (Crown Development Applications) (Procedure and Written Representations) Order 2025(**a**) ("the 2025 Order") when the original application was made to the Secretary of State under section 293D of the 1990 Act, and

(b) the application includes the certificate required by article 10 of the 2025 Order.

(4) Where paragraph (3) provides for articles 13 and 14 not to apply in relation to the referred application, the references to article 13 contained in article 34(9) and (9A) (time periods for decision) are to be interpreted as references to the equivalent provisions of article 9 of the 2025 Order.".

(3) In article 15 (publicity for applications for planning permission), omit paragraph (11).

(4) Omit article 19 (consultations before the grant of planning permission: urgent Crown development).

(5) In article 33 (representations to be taken into account)—

(a) in paragraph (5), omit the words from "and to applications" to "development)", and

(b) in paragraph (7), omit sub-paragraph (c).

(6) In article 37 (appeals), in paragraph (4), omit sub-paragraph (b).

(7) In article 40 (register of applications and biodiversity gain plans)—

(a) in paragraph (4)(d), omit ", on an application under section 293A(2) of the 1990 Act (urgent Crown development)", and

(b) omit paragraph (11).

(8) In Schedule 4 (consultations before the grant of permission), omit paragraph (d) of the table.

The Town and Country Planning (General Permitted Development) (England) Order 2015

12.—(1) The Town and Country Planning (General Permitted Development) (England) Order 2015(**b**) is amended as follows.

(2) In article 3 (permitted development), in paragraph (4), after "Part 3" insert "or Part 13".

(3) In Schedule 2 (permitted development rights)—

(a) in Part 15 (power related development), in relation to Class A (gas transporters), in paragraph A(d), for "of the Act (control over development)" substitute "(control over development) or Part 13 (application of Act to Crown land) of the Act";

(b) in Part 17 (mining and mineral exploration)—

(i) in relation to Class D (coal mining development by the Coal Authority and licensed operators), in paragraph D.1(b)(i), after "Part 3" insert "or Part 13",

(ii) in relation to Class H (waste tipping at a mine), in paragraph H.3—

(aa) in the definition of "ancillary mining land" for "of the Act (control over development)" substitute "(control over development) or Part 13 (application of Act to Crown land) of the Act", and

(bb) in the definition of "waste management scheme", in paragraph (a), after "Part 3" insert "or Part 13", and

(iii) in paragraph N.1 (interpretation of Part 17)—

(**a**) S.I. 2025/409.
(**b**) S.I. 2015/596, amended by S.I. 2020/1243; there are other amending instruments but none is relevant.

(aa) in the definition of "ancillary mining land" for "of the Act (control over development)" substitute "(control over development) or Part 13 (application of Act to Crown land) of the Act", and

(bb) in the definition of "relevant scheme" for "of the Act (control over development)" substitute "(control over development) or Part 13 (application of Act to Crown land) of the Act"; and

(c) in Part 19 (development by the Crown or for national security purposes)—

(i) in relation to Class Q (development by the Crown relating to an emergency), in paragraph Q.1(b), after "Part 3" insert "or Part 13", and

(ii) in relation to Class QA (development by the Crown relating to a pandemic), in paragraph QA.1, after "Part 3" insert "or Part 13".

The Planning (Hazardous Substances) Regulations 2015

13. In regulation 26 of the Planning (Hazardous Substances) Regulations 2015(**a**) (other planning approvals for projects), in paragraph (6)(b)—

(a) for "293A" substitute "293B or 293D", and

(b) after "development" insert "or Crown development".

The Town and Country Planning (Permission in Principle) Order 2017

14.—(1) The Town and Country Planning (Permission in Principle) Order 2017(**b**) is amended as follows.

(2) In article 5G (publicity for applications for permission in principle), omit paragraph (7).

(3) Omit article 5K (consultations before the grant of planning permission: urgent Crown development).

(4) In article 5R (representations to be taken into account)—

(a) in paragraph (3), omit "and to applications made to the Secretary of State under section 293A(2) of the 1990 Act", and

(b) in paragraph (4), omit the words from "unless" to the end.

(5) In article 5V (appeals in relation to permission in principle applications), in paragraph (5), omit sub-paragraph (b) and the "or" immediately preceding it.

(6) In article 6 (planning register: permission in principle)—

(a) in paragraph (2)(c)(iv), omit ", on an application under section 293A(2) of the 1990 Act (urgent Crown development: application)", and

(b) omit paragraph (4).

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

15.—(1) The Town and Country Planning (Environmental Impact Assessment) Regulations 2017(**c**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) in the definition of "the consultation bodies"—

(i) in paragraph (a), after "by virtue of" insert "—" and number the remaining text in paragraph (a) as new sub-paragraph (i);

(ii) after new paragraph (i) insert—

(**a**) S.I. 2015/627, amended by S.I. 2017/1309; there are other amending instruments but none is relevant.
(**b**) S.I. 2017/402; relevant amending instruments are S.I. 2017/1309 and 2018/119.
(**c**) S.I. 2017/571, to which there are amendments not relevant to these Regulations.

"(ii) article 20 (consultations before determination of application) of the Town and Country Planning (Crown Development Applications) (Procedure and Written Representations) Order 2025(**a**); or

(iii) article 14 (consultation before determination of application: EIA development) of the Town and Country Planning (Crown Development) (Urgent Applications) (Procedure) (England) Order 2025(**b**).",

(b) in the definition of "inspector", at the end insert "or a person appointed by the Secretary of State pursuant to section 293I of the Act to determine an application", and

(c) in the definition of "relevant planning authority", after "(reference of applications to Secretary of State)" insert "or an application made to the Secretary of State under section 293B or 293D of the Act (urgent Crown development or Crown development)".

(3) In regulation 13 (application referred to the Secretary of State without an environmental statement)—

(a) in paragraph (1), after "(reference of applications to Secretary of State)" insert "or made to the Secretary of State under section 293B or section 293D (urgent Crown development or Crown development)", and

(b) in paragraph (3), after "for determination" insert "or an application made to the Secretary of State under section 293B or section 293D (urgent Crown development or Crown development)".

(4) In regulation 16 (scoping directions of the Secretary of State)—

(a) after paragraph (1) insert—

"(1A) A person who is minded to make an EIA application under section 293B or 293D of the Act may, notwithstanding regulation 15, ask the Secretary of State to make a direction as to the information to be provided in the environmental statement (a "Crown development scoping direction").

(1B) A person who, under paragraph (1A), requests the Secretary of State to make a Crown development scoping direction (a "Crown development scoping direction request") must submit with the Crown development scoping direction request—

(a) the documents listed in regulation 15(2)(a) or, as the case may be, 15(2)(b);

(b) where a scoping opinion request was made under regulation 15(1) in relation to the EIA application in question, the documents referred to in paragraph (1)(a) and (b);

(c) a copy of any screening opinion received by the person in relation to the EIA application in question and of any accompanying statement of reasons; and

(d) any representations that the person making the scoping direction request wishes to make.",

(b) in paragraph (2)—

(i) after "paragraph (1)" in the first place it occurs, insert "or (1A)", and

(ii) at the end, insert "or, as the case may be, sub-paragraphs (b) and (c) of paragraph (1A)",

(c) in paragraph (3), after "paragraph (1)" insert "or (1A)", and

(d) in paragraph (6), after "paragraph (1)" insert "or (1A)".

(5) In regulation 20 (publicity where an environmental statement is submitted after the planning application)—

(a) in paragraph (2)(f), after "authority" insert "or, as the case may be, the Secretary of State,", and

(b) in paragraph (7)—

(**a**) S.I. 2025/409.
(**b**) S.I. 2025/411.

(i) after "authority" in the first place it occurs, insert "or, in the case of an application made under section 293B or 293D of the Act, the Secretary of State," and

(ii) at the end insert "or, as the case may be, the Secretary of State".

(6) In regulation 23 (availability of copies of environmental statements), after "2013" insert ", article 16 of the Town and Country Planning (Crown Development Applications) (Procedure and Written Representations) Order 2025(**a**), article 9 of the Town and Country Planning (Crown Development) (Urgent Applications) (Procedure) (England) Order 2025(**b**)".

(7) In regulation 25 (further information and evidence respecting environmental statements)—

(a) in paragraph (3)(h)—

(i) after "authority" insert "or, as the case may be, the Secretary of State,", and

(ii) after "inspected" insert "in accordance with paragraph (9)", and

(b) in paragraph (9)—

(i) after "authority" insert "or, in the case of an application made under section 293B or 293D of the Act, the Secretary of State," and

(ii) for "its behalf" substitute "behalf of the authority or, as the case may be, the Secretary of State".

The Conservation of Habitats and Species Regulations 2017

16. In regulation 70 of the Conservation of Habitats and Species Regulations 2017(**c**) (grant of planning permission), in paragraph (1)(b)—

(a) omit "of that Act",

(b) after "development" insert ": application to the Welsh Ministers", and

(c) at the end insert ", section 293B (urgent Crown development: applications to the Secretary of State) or section 293D (Crown development: applications to the Secretary of State) of that Act".

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

Matthew Pennycook
Minister of State
2nd April 2025 Ministry of Housing, Communities and Local Government

(**a**) S.I. 2025/409.
(**b**) S.I. 2025/411.
(**c**) S.I. 2017/1012, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to secondary legislation that are consequential on provisions contained in the Levelling-up and Regeneration Act 2023 (c. 55) ("the 2023 Act") in addition to minor miscellaneous amendments.

Section 109 of the 2023 Act inserts new sections 293B to 293J into the Town and Country Planning Act 1990 (c. 8) to provide two new routes for applications for planning permission for Crown development in England. Sections 293B and 293C provide a route for such applications where the development is considered to be of national importance and where there is also considered to be a need for the development to be carried out as a matter of urgency. Sections 293D to 293J provide a route for such applications where development is considered to be of national importance but is not considered to be urgent.

These Regulations contain amendments to existing legislation which are consequential on new sections 293B to 293J, in particular, to ensure the new provisions are referenced where appropriate.

In addition, these Regulations contain some minor amendments to the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (S.I. 2013/2140). The amendments enable applicants for planning permission to use a form substantially to the same effect as the form provided by the Secretary of State. They also update the form and content requirements for applications for approval of reserved matters.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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£8.14

http://www.legislation.gov.uk/id/uksi/2025/412

ISBN 978-0-34-827095-2

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