**EXPLANATORY MEMORANDUM TO**

# THE TOWN AND COUNTRY PLANNING (CONSEQUENTIAL AND MISCELLANEOUS AMENDMENTS) REGULATIONS 2025

**2025 No. 412**

## 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.

## 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 Lucy Hargreaves, Deputy Director for Planning – Development Management, at the Ministry of Housing, Communities, and Local Government confirms that this Explanatory Memorandum meets the required standard.

## 3. Contact

3.1 Stephen Borrows at the Ministry of Housing, Communities, and Local Government Telephone: 0303 4440000 or email: PDMCorrespondence@communities.gov.uk can be contacted with any queries regarding the instrument.

## Part One: Explanation, and context, of the Instrument

## 4. Overview of the Instrument

***What does the legislation do?***

4.1 This instrument amends secondary legislation to reflect the two new routes to planning permission for Crown development in England, introduced by the Levelling-up and Regeneration Act 2023 ('LURA') into the Town and Country Planning Act 1990 ('TCPA').

4.2 This instrument also makes minor amendments to the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 ('Section 62A Order'). These amendments allow for applications for planning permission, and connected applications for listed building consent, made to the Secretary of State under section 62A of the TCPA to be submitted using application forms substantially to the same effect as those published by the Secretary of State. Further, the instrument updates the form and content requirements for an application for the approval of reserved matters made under section 62A of the TCPA. These amendments ensure consistency with the requirements for applications made to the local planning authority.

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 the whole of the United Kingdom.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

## 5. Policy Context

***What is being done and why?***

Planning permission for Crown development

5.1 In recent years, Government departments have faced challenges securing planning permission for their own development, especially for urgent projects which are in response to national emergencies. The existing framework for securing planning permission for nationally important and urgent Crown development, within section 293A of the TCPA, which was introduced in 2006 when the Crown was made subject to planning control, has never been used. This process requires Ministers to carry out a 21-day consultation before making a decision and for an inquiry to be held where the local planning authority requests, which means decisions cannot be made urgently.

5.2 To this end, other routes for securing planning permission have been used where planning permission is sought for nationally important urgent projects. This includes Special Development Orders, under section 59 of the TCPA, which have been used to permission temporary lorry facilities at Manston Airfield.

5.3 In addition, departments have experienced issues in securing permission through local planning authorities for nationally important planned projects such as prisons or defence facilities. In some cases, decisions have been delayed, slowing down government capital investment programmes; while some national security projects involved sensitive information which cannot be readily shared with local planning authorities.

5.4 The LURA made provision to address these challenges. Section 109 of the LURA inserts new sections 293B to 293J into the TCPA to provide two new routes for applications for planning permission and applications for the approval of reserved matters 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 ('Urgent Crown Development'). Sections 293D to 293J provide a route for such applications, and, where applicable, connected listed building consent applications, where development is considered to be of national importance but is not considered to be urgent ('Crown Development').

5.5 The new routes allow an appropriate authority (as defined in section 293 of the TCPA, such as a government department) to apply to the Secretary of State for planning permission instead of the local planning authority. The new routes apply to England only and replace the existing urgent Crown development provisions in section 293A of the TCPA, which remain in place for Wales only.

5.6 This instrument amends secondary legislation to reflect the introduction of the new routes to planning permission for Crown Development and Urgent Crown Development, and that the existing route for urgent Crown development in section 293A of the TCPA no longer applies to England.

The Section 62A Order

5.7 This instrument also makes minor amendments to the Section 62A Order to ensure consistency with how applications for planning permission, connected applications for listed building consent, and applications for approval of reserved matters are made to

local planning authorities. The amendments allow for applications for planning permission and connected applications for listed building consent to be made using a form which is to substantially the same effect as the form published by the Secretary of State. The instrument further updates the form and content requirements for applications for approval of reserved matters.

***What was the previous policy, how is this different?***

5.8 The LURA laid out the legislative framework for the new Crown Development and Urgent Crown Development routes for planning permission. The LURA also made some consequential amendments to primary legislation to reflect these new routes. However, further consequential amendments to secondary legislation are needed to reflect the introduction of these new routes. This instrument then is necessary to make these amendments and ensure that the statute book reflects the planning system once the new routes are in force.

5.9 The amendments to the Section 62A Order will enable applicants to apply for planning permission and make connected applications for listed building consent under section 62A of the TCPA by using a form substantively to the same effect as that published by the Secretary of State. The applicant will also no longer be required to submit an application form and associated plans when applying for approval of reserved matters, following the grant of outline planning permission. Instead, applicants must submit sufficient information to enable the Secretary of State to identify the outline planning permission in respect of which the application is made, and such particulars, plans, and drawings as are necessary to deal with the matters reserved in the outline planning permission.

## 6. Legislative and Legal Context

***How has the law changed?***

Planning permission for Crown development

6.1 This instrument is part of a package of statutory instruments to be made to implement the new Crown Development and Urgent Crown Development routes for planning permission introduced by section 109 of the LURA.

6.2 This instrument makes amendments to secondary legislation which are consequential on the introduction by the LURA of the new Crown Development and Urgent Crown Development routes for planning permission. There are currently many references to planning permission generally, and planning permission under section 293A of the TCPA specifically, in legislation.

6.3 The introduction of the new Crown Development and Urgent Crown Development routes for planning permission and their replacement, in England, of the existing urgent Crown development provisions in section 293A of the TCPA give rise to the need to make several consequential amendments to update these references. For example, regulation 14 of this instrument removes references to section 293A of the TCPA in the Town and Country Planning (Permission in Principle) Order 2017 as this Order applies in England only and section 293A of the TCPA no longer applies in England. This instrument also includes amendments to insert references to the new Crown Development and Urgent Crown Development routes into legislation which pre-dates the introduction of these routes to ensure that the legislation can apply to the new routes.

6.4 In addition to this instrument, there are further statutory instruments to support the implementation of the Crown Development and Urgent Crown Development routes introduced in the LURA:

(a) The Town and Country Planning (Crown Development) (Urgent Applications) (Procedure) (England) Order 2025, which sets out the procedure to be followed where an Urgent Crown development application for planning permission is made in accordance with sections 293B of the TCPA;

(b) The Town and Country Planning (Crown Development Applications) (Procedure and Written Representations) Order 2025, which set out the procedure to be followed where a Crown development application for planning permission, approval of reserved matters, or a connected listed building application is made in accordance with sections 293D and 293E of the TCPA;

(c) The Town and Country Planning (Crown Development Applications) (Hearings and Inquiries) Rules 2025, which set the rules which are to be followed where a hearing or inquiry takes place before a Crown development application for planning permission or a connected listed building application is determined;

(d) The Levelling-up and Regeneration Act 2023 (Commencement No. 7) Regulations 2025, which commence the Crown Development and Urgent Crown Development provisions in the LURA, except in so far as these provisions relate to an application for permission in principle or an application for hazardous substances consent under the Planning (Hazardous Substances) Act 1990;

(e) The Environment Act 2021 (Commencement No. 10) Regulations 2025, which commence section 98 of, and paragraphs 1 and 2 of Schedule 14 to, the Environment Act 2021 in so far as they relate to Crown Development and Urgent Crown Development; and

(f) The Community Infrastructure Levy (Amendment etc.) (England) Regulations 2025, which amend the Community Infrastructure Levy Regulations 2010 to ensure that a planning permission granted pursuant to an application made under section s293D of the TCPA (Crown Development) is a planning permission for the purposes of the 2010 Regulations.

The Section 62A Order

6.5 Regulation 8 of this instrument also makes minor technical amendments to the Section 62A Order. The Section 62A Order sets out the procedures in connection with applications under section 62A of the TCPA. Section 62A of the TCPA provides that a local planning authority may be designated by the Secretary of State. Where an authority is designated, an applicant may submit their planning application to the Secretary of State for determination. This instrument amends Articles 4 and 29 of the Section 62A Order to enable application forms, which are to substantially the same effect as those published by the Secretary of State, to be used to submit applications for planning permission and connected applications for listed building consent respectively.

6.6 The instrument also amends Article 5 of the Section 62A Order to provide for applications for approval of reserved matters to be made in writing, giving sufficient information to enable the Secretary of State to identify the outline planning permission in respect of which the application is made, and including such particulars and being accompanied by such plans and drawings as are necessary to deal with the matters reserved in the outline planning permission. The amendments to the Section 62A

Order bring the procedure for applications made to the Secretary of State under section 62A of the TCPA into conformity with the procedure for applications made to local planning authorities under section 70 of the TCPA.

***Why was this approach taken to change the law?***

6.7 This is the only possible approach to make the necessary changes.

## 7. Consultation

***Summary of consultation outcome and methodology***

7.1 There has not been a public consultation on this instrument because the changes it makes are consequential and/or minor and technical in nature.

7.2 However, the Ministry of Housing, Communities and Local Government has engaged with the Welsh Government about the changes being made as a consequence of the LURA. This instrument incorporates their feedback.

## 8. Applicable Guidance

8.1 Existing Planning Practice Guidance[1] will be updated to coincide with the coming into force of the statutory instruments, setting out the procedure to be followed in connection with applications made under the Crown Development and Urgent Crown Development routes.

## Part Two: Impact and the Better Regulation Framework

## 9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private or voluntary sectors are foreseen. An impact assessment was prepared for the LURA and copies of that assessment may be found at https://publications.parliament.uk/pa/bills/cbill/58-03/0169/LevellingUpandRegenerationBillImpactAssessment.pdf and can be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

***Impact on businesses, charities and voluntary bodies***

9.2 There is no, or no significant, impact on businesses, charities, or voluntary bodies because the changes made by this instrument are consequential and/or minor and technical in nature.

9.3 The legislation does not impact small or micro businesses.

9.4 There are no significant negative impacts on the public sector, although the Crown development reforms (as a package) will bring benefits to the public sector and public bodies as both Crown Development routes will enable faster planning decisions on Government public service development, which could provide cost savings for capital programmes. The scale of the impacts would be dependent on the extent to which this route is used and the scale of the programmes.

[1] https://www.gov.uk/guidance/crown-development

## 10. Monitoring and review

***What is the approach to monitoring and reviewing this legislation?***

10.1 The instrument does not include a statutory review clause. This is because there is no expected significant impact on businesses (greater than +/-£10 million net annualised).

10.2 The Ministry of Housing, Communities, and Local Government will monitor the overall effect of the implementation of the Crown Development and Urgent Crown Development routes for planning permission.

## Part Three: Statements and Matters of Particular Interest to Parliament

## 11. Matters of special interest to Parliament

11.1 None.

## 12. European Convention on Human Rights

12.1 As this instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## 13. The Relevant European Union Acts

13.1 This 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").