EXPLANATORY MEMORANDUM TO

THE LEVELLING-UP AND REGENERATION ACT 2023 (COMMENCEMENT NO. 11 AND SAVING AND TRANSITIONAL PROVISIONS) REGULATIONS 2026

2026 No. 169 (C. 16)

THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2026

2026 No. 186

THE TOWN AND COUNTRY PLANNING (COSTS OF INDEPENDENT EXAMINATIONS FOR LOCAL PLANNING ETC.) (STANDARD DAILY AMOUNT) (ENGLAND) REGULATIONS 2026

2026 No. 187

THE PLANNING AND COMPULSORY PURCHASE ACT 2004 (LOCAL PLANNING) (MODIFICATION AND CONSEQUENTIAL AMENDMENTS) (ENGLAND) REGULATIONS 2026

2026 No. 170

AND

THE REQUIREMENT TO ASSIST WITH CERTAIN PLAN MAKING (PRESCRIBED PUBLIC BODIES) (ENGLAND) REGULATIONS 2026

2026 No. 188

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.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee.

2. Declaration

2.1 Matthew Pennycook MP, Minister for Housing and Planning, at The Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Arthur Young, Deputy Director for Development Plans, at The Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Christopher Mountain at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries

regarding the instrument: christopher.mountain@communities.gov.uk. Alternatively, the department can be contacted by telephone: 0303 444 0000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Regulations introduce a package of five Statutory Instruments which commence and implement sections 92, 97, 98, 99, 100 and 101 of, and much of Schedules 7 and 8 to, the Levelling-up and Regeneration Act 2023 ("the Act").

4.2 These Regulations set out plan-making procedural requirements to take account of the changes made by the Act to the plan-making provisions in Part 2 of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004"), and of Schedule 4B to the Town and Country Planning Act 1990 with regard to the neighbourhood planning provisions.

4.3 Details of the practical impacts of this legislation are set out in section 5 of this Explanatory Memorandum.

Where does the legislation extend to, and apply?

4.4 The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026 extend to England and Wales and apply in relation to England only.

4.5 The Town and Country Planning (Local Planning) (England) Regulations 2026 extend to England and Wales and apply in relation to England only.

4.6 The Town and Country Planning (Costs of Independent Examinations for Local Planning Etc.) (Standard Daily Amount) (England) Regulations 2026 extend to England and Wales and apply in relation to England only.

4.7 Regulations 1 to 7 of the Planning and Compulsory Purchase Act 2004 (Local Planning) (Modification and Consequential Amendments) (England) Regulations 2026 extend to England and Wales. Amendments made by this Statutory Instrument to other pieces of legislation have the same extent as the provision amended.

4.8 The Requirement to Assist with Certain Plan Making (Prescribed Public Bodies) (England) Regulations 2026 extend to England and Wales and apply in relation to England only.

5. Policy Context

What is being done and why?

5.1 The planning system is plan-led. Government is committed to achieving universal coverage of up-to-date local plans. Local plans are a tool to support growth through development, improve living standards, improve the quality of the environment and deliver the development the country needs. Reform of the plan-making system is necessary to introduce a faster, clearer and more accessible process for preparing plans.

5.2 The reforms to the plan-making system also apply to Minerals and Waste planning. Government is committed to ensuring that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs, and to ensure the effective planning of waste management infrastructure.

5.3 Reforms to the neighbourhood planning system are also implemented by this package of instruments, expanding what neighbourhood plans can and should include. Neighbourhood planning was established by the Localism Act 2011 as the most local tier of the plan-making system and gives communities the ability to shape and direct development in their local areas.

5.4 The new plan-making system also introduces supplementary plans. These are a new type of plan that relevant plan making authorities can choose to prepare to set locally-specific design standards or shape and direct site-specific development. They must undergo consultation and independent examination.

The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026

5.5 This Statutory Instrument commences the reforms to the plan-making system provided by sections 92, 97, 98, 99, 100 and 101 of, and much of Schedules 7 and 8 to, the Act, which substitutes much of Part 2 of the PCPA 2004 in relation to local planning, and amends Schedule 4B to the Town and Country Planning Act 1990 with regard to neighbourhood planning reforms, subject to the transitional arrangements and saving provisions set out in Schedule 1. The transitional arrangements and saving provisions in Schedule 1 make provision for the transition from the plan-making system provided by Part 2 of the PCPA 2004 as it had effect immediately before the commencement of section 97 of, and Schedule 7 to, the Act ("the previous plan-making system) to the plan-making system provided by Part 2 of the PCPA 2004 as amended by those provisions ("the new plan-making system").

5.6 The Town and Country Planning (Local Planning) (England) Regulations 2012 ("the 2012 Regulations") are revoked by the Town and Country Planning (England) Regulations 2026. However, this Statutory Instrument makes saving provisions for the 2012 Regulations for the purposes of development plan documents progressing to adoption under the transitional arrangements set out in Schedule 1 to the Statutory Instrument, and for the purpose of any action that the Secretary of State may wish to take in relation to a development plan document or proposed development plan document. These arrangements will help provide a smooth transition to the new system. They also align with government's ambition to reach full coverage up-to-date local plans as soon as possible.

5.7 Development plan documents being prepared under the previous system must be submitted to the Secretary of State for examination by 31 December 2026. The Secretary of State has the discretion to direct a later date, although it is expected that this power would only be used in exceptional circumstances. Saving provisions are provided for most of the previous plan-making system, the 2012 Regulations and other relevant legislation, for those development plan documents proceeding to adoption under the previous plan-making system.

5.8 All development plan documents which had effect before the commencement of the new plan-making system or which are adopted or approved under the transitional arrangements set out in this Statutory Instrument, as well as any remaining regional strategy policies which continue to have effect as part of the development plan for an area, will remain in effect until the local planning authority bring into force a local plan or minerals and waste plan under the new plan-making system. Statements of community involvement and local development schemes will also remain in effect where they relate to emerging 'old-style' local plans, until those plans are adopted.

5.9 This Statutory Instrument does not save the Duty to Co-operate in relation to planning of sustainable development, set out in Section 33A of the PCPA 2004. This is to further support a smooth transition to the new plan-making system, which will rely on revised national policy and the new tier of strategic planning provided by the Planning and Infrastructure Act 2025 to ensure effective co-operation between plan-making authorities.

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

5.10 This Statutory Instrument sets out consequential amendments to other secondary legislation to ensure consistency in terminology, for example where existing regulations refer to local development documents. These references are typically replaced by references to local plans, minerals and waste plans and supplementary plans to align the statute with the new plan-making terminology in the Act.

5.11 The Statutory Instrument modifies primary legislation in relation to joint local plans and joint supplementary plans, in order to ensure that the plan-making system works properly for these types of plans.

5.12 This Statutory Instrument also modifies primary legislation to ensure that minerals and waste planning authorities have the flexibility for their minerals and waste plan to be made up of more than one document if they wish.

The Town and Country Planning (Local Planning) (England) Regulations 2026

5.13 This Statutory Instrument sets out the process and steps that a local planning authority must take when preparing a local plan or a supplementary plan. It also sets out the steps a minerals and waste planning authority must take when preparing a minerals and waste plan document or a supplementary plan, and the Mayor of London must take when preparing a supplementary plan. This instrument revokes and supersedes the equivalent 2012 plan-making regulations, which in turn superseded the Town and Country Planning (Local Development) (England) Regulations 2004, which came into force shortly after Royal Assent of the PCPA 2004.

5.14 Legislation is necessary to ensure that there is a nationally consistent approach to plan-making. This consistency is necessary to prevent ambiguity and uncertainty in the plan-making process, so that all participants are clear about what is expected at each stage.

5.15 The new plan-making system is being introduced to ensure plans are prepared faster and updated more regularly. The new system also aims to increase the quantity and quality of community engagement in plan-making, to improve transparency and to facilitate more efficient digital approaches. The key stages of the new plan-making process and the requirements of this Statutory Instrument are, in summary:

Roll out

5.16 The Schedule to this Statutory Instrument sets out dates by which local planning authorities must begin local plan preparation under the new plan-making system and by which minerals and waste planning authorities must begin minerals and waste plan document preparation under the new plan-making system. Authorities have discretion to begin preparation of plans in the new plan-making system earlier than the specified dates if they wish. These arrangements supplement the saving and transition provisions to help provide a smooth transition to the new system and support government's ambition to reach full coverage up-to-date local plans as soon as possible.

Preparation, form and content of local plans

5.17 Local planning authorities must begin preparation of a new local plan to replace an existing local plan, adopted or approved under the new plan-making system, within 5 years of the existing plan being adopted or approved under Part 2 of the PCPA 2004 (as amended). Preparation of a new plan begins for these purposes when the authority publishes a gateway 1 self-assessment summary. This provision will ensure that local plans are routinely kept up-to-date.

5.18 There is an equivalent requirement on minerals and waste planning authorities in relation to minerals and waste plan documents. Where an existing document which is, or forms part of a minerals and waste plan, is to be replaced by more than one new document, the authority must begin preparation of each new document within 5 years.

5.19 This Statutory Instrument requires that, in addition to the requirements set out in section 15C of the PCPA 2004 (as inserted by Schedule 7 to the Act), a local plan must contain a vision for the future of the local planning authority's area, no more than ten measurable outcomes to support that vision, and the date on which the plan is adopted. A local plan must also identify any policies in the development plan for the authority's area which has effect, which the authority consider are superseded by the plan. These provisions, together with plan-making content in the National Planning policy Framework and relevant guidance, will deliver government's ambition for local plans.

5.20 A local plan must be published on the local planning authority's website in a searchable electronic format.

5.21 Equivalent provision is made in relation to documents which are or form part of a minerals and waste plan. In addition, a document which forms part of a minerals and waste plan must specify each other document which collectively forms part of the minerals and waste plan.

Local plan timetable and minerals and waste timetables

5.22 In the previous plan-making system it could be challenging for communities and other stakeholders to understand when local plans or minerals and waste plans would come forward and when they could get involved in the process. The new plan-making system replaces the previous requirement to adopt a Local Development Scheme or a minerals and waste development scheme with a new requirement to prepare, maintain and publish a local plan timetable or minerals and waste plan timetable.

5.23 This Statutory Instrument requires local planning authorities and minerals and waste planning authorities to prepare their local plan timetable or minerals and waste plan timetable consistently, so that they report against the same, defined plan-making milestones. These milestones include when plan-making steps are undertaken, when consultation periods begin and end, and when outputs following gateways and examination are published.

5.24 The Regulations specify when these details must be included in a published local plan timetable.

Notice of Intention to Commence

5.25 Local planning authorities must publish a notice of intention to commence local plan preparation and minerals and waste planning authorities must publish a notice of intention to commence minerals and waste plan document preparation ("notice of intention to commence") at least 4 months before publishing their self-assessment

summary. The Regulations set out the required content of such notices to ensure consistency in their preparation.

5.26 The notice of intention to commence will give communities and other stakeholders advance notice of plan-making so that they can understand when and how they can get involved in the process. It is intended to increase participation in the plan-making process.

Scoping consultation

5.27 To provide meaningful early engagement in the plan-making process, local planning authorities and minerals and waste planning authorities must invite representations on matters including what their local plan or minerals and waste plan document should contain and how future engagement should be carried out. The earliest point at which this consultation can commence is on the date on which the authority publish their notice of intention to commence. Representations must be invited from defined general and specific consultation bodies and can be made by any persons, including local residents in the authority's area.

5.28 The Regulations do not specify a minimum consultation period for this stage, but it must conclude before the authority publish their self-assessment summary.

5.29 A summary of scoping consultation must be published prior to the consultation on the proposed local plan content and evidence or the consultation on the proposed minerals and waste plan document content and evidence. The summary must include details of the bodies who were invited to make representations, how they were invited to do so, a summary of the main issues raised in any representations received and how the authority have (to date) had regard to any representations received.

Gateway 1: self-assessment of readiness for local plan preparation/minerals and waste plan document preparation

5.30 Local planning authorities and minerals and waste planning authorities must prepare and publish a self-assessment summary which sets out details relating to their readiness to begin local plan or minerals and waste plan document preparation. The Regulations specify the categories of information in relation to which details must be included in the self-assessment summary, as well as when this document must be published.

5.31 This is the first of three new gateways that apply to the local and minerals and waste plan preparation process. The first gateway is a self-assessment designed to help ensure that the right processes and resources are in place to prepare the plan.

Consultation on proposed local plan content and evidence/proposed minerals and waste plan document content and evidence

5.32 Following publication of the summary of scoping consultation, local planning authorities and minerals and waste planning authorities must consult on their proposed content and evidence for their local plan or minerals and waste plan document.

5.33 This Statutory Instrument sets out the content and evidence which must be published and consulted on, who must be consulted and the minimum length of the public consultation: 6 weeks.

5.34 A summary of this consultation must be published before authorities can begin gateway 2, setting out details of the bodies who were invited to make representations, how they were invited to do so, a summary of the main issues raised in any

representations received and how the authority have (to date) had regard to any representations received.

Map of proposed local plan policies/map of proposed minerals and waste plan document policies

5.35 This Statutory Instrument requires local planning authorities to prepare a map of proposed local plan policies and minerals and waste planning authorities to prepare a map of proposed minerals and waste plan document policies. The Regulations aid the plan-making authority by providing a set of minimum requirements covering the preparation and formatting of policies maps. This will make it easier for plan-users to engage with the plan-making process and to visualise the geographic extent of the policies in the draft plan. These documents must be made available at the consultation on the proposed local plan or the consultation on the proposed minerals and waste plan document, and must be submitted to the appointed person at gateway 3 and to the Secretary of State when submitting the proposed local plan or minerals and waste plan document for examination.

Gateway 2: observations or advice from an appointed person

5.36 Following the publication of the summary of consultation on proposed local plan content and evidence and before the consultation on the proposed local plan, local planning authorities must seek observations and advice from a person appointed by the Secretary of State under section 15CA(3) of the PCPA 2004 (as inserted by Schedule 7 to the Act). An equivalent requirement applies in relation to minerals and waste planning authorities between the publication of the summary of consultation on proposed minerals and waste plan document content and evidence consultation and the consultation on the proposed minerals and waste plan document.

5.37 As with the examination of local plans and minerals and waste plans, the expectation is that a Planning Inspectorate Inspector will be the "appointed person" to provide gateway 2 observations and advice.

5.38 Local planning authorities and minerals and waste planning authorities must seek observations and advice in relation to matters including their progress towards preparing a sound plan or document, their progress towards meeting some of the gateway 3 prescribed requirements, and what further work could be carried out by the authority.

5.39 The authority must submit to the appointed person the documents and information that it considers necessary to seek this feedback. The Regulations do not prescribe documentation or information that must be submitted at this stage. Expectations on gateway 2 inputs are set out in planning guidance. This provides flexibility for plan-making authorities to seek detailed, or relatively light-touch observations and advice, depending on the complexity of their plan. We will keep this arrangement under review and consider whether we need to prescribe gateway 2 inputs in light of practice.

5.40 As soon as is reasonably practicable after receiving the appointed person's observations and advice, the local planning authority or minerals and waste planning authority must publish them, make available the documents or other information sent to the appointed person, notify any person who required to be notified, and send a copy of the observations and advice provided by person appointed by the Secretary of State to any person (including any organisation) identified or referred to in them.

Consultation on the proposed local plan/consultation on the proposed minerals and waste plan document

5.41 After publishing any observations or advice received at gateway 2, local planning authorities must consult on their proposed local plan submission documents and minerals and waste planning authorities must consult on their proposed minerals and waste plan document submission documents. The Regulations specify the documents (and their content) which must be published at this stage of the process and the minimum length of the public consultation: 8 weeks.

5.42 A summary of this consultation must be published before authorities can begin gateway 3. The summary must set out details of the bodies who were invited to make representations, how they were invited to do so, a summary of the main issues raised in any representations received and how the authority have (to date) had regard to any representations received.

Conformity with operative spatial development strategy

5.43 Where a local plan or minerals and waste plan document is being prepared within an area with an operative spatial development strategy ("SDS"), the local planning authority or minerals and waste planning authority are required to consult the body or person who published or adopted the SDS on whether the proposed local plan or minerals and waste plan document is in general conformity with the SDS.

5.44 This consultation requirement has been carried over from the previous system and is notable in the context of the provisions in the Planning and Infrastructure Act 2025 which provide for national coverage of SDSs. The consultation must be undertaken at the same time as the consultation on the proposed local plan or the consultation on the proposed minerals and waste plan document. The local planning authority or minerals and waste planning authority must submit copies of any representations received to the appointed person at gateway 3 and to the Secretary of State when submitting the proposed local plan or minerals and waste plan document for examination.

Supplementary plans statement

5.45 This Statutory Instrument requires local planning authorities and minerals and waste planning authorities to prepare a statement setting out their proposed approach in relation to any supplementary plans prepared by them which are in effect as part of the development plan for the authority's area. The statement must set out whether the authority intends for each supplementary plan to remain in effect following the adoption of the proposed local plan or minerals and waste plan document or for it to be revoked.

5.46 This statement must be submitted to the appointed person at gateway 3 and to the Secretary of State when submitting the proposed local plan or minerals and waste plan document for examination.

Gateway 3: prescribed requirements assessment by an appointed person

5.47 This Statutory Instrument requires local planning authorities and minerals and waste planning authorities to seek observations and advice from an appointed person as to whether certain prescribed requirements are met.

5.48 To pass gateway 3, the proposed local plan or the proposed minerals and waste plan document must meet the prescribed requirements set out in this Instrument. This includes identified legal plan-preparation requirements, in addition to confirmation

that the authority are ready to proceed to examination. This final gateway has been designed to support the objective of faster local plan examinations.

5.49 To create a nationally consistent assessment against the prescribed requirements, the Regulations prescribe the documents that must be submitted to the appointed person at gateway 3. These include the proposed local plan or minerals and waste plan document and the map of proposed local plan policies or map of proposed minerals and waste plan document policies. To help the appointed person in carrying out the gateway 3 assessment, the authority must also submit a statement of compliance which must set out how the proposed local plan or minerals and waste plan document complies with the prescribed requirements.

5.50 Compliance with the legal requirement for plans to conform with an operative spatial development strategy is not a prescribed requirement for gateway 3. Instead, this matter will be considered at examination to ensure that interested parties have a right to be heard on SDS compliance at examination.

5.51 A statement of soundness must also be submitted, detailing how the local planning authority or minerals and waste planning authority consider that their evidence demonstrates that the proposed local plan or minerals and waste plan document is sound. Soundness will be tested at the examination. The Regulations specify the further documents which must also be submitted at this stage.

5.52 The appointed person must provide their conclusion on whether each prescribed requirement is met in writing, together with an explanation for each conclusion.

5.53 Following confirmation from the appointed person that the prescribed requirements have been met, the local planning authority or minerals and waste planning authority must make available both a statement confirming that gateway 3 has been completed and the gateway 3 submission documents as they were submitted to the appointed person.

5.54 Where the appointed person concludes that the proposed local plan or minerals and waste plan document does not meet one or more of the prescribed requirements, the local planning authority or minerals and waste planning authority must repeat gateway 3 as soon as is reasonably practicable after the matters identified by the appointed person have been addressed. Gateway 3 can be repeated more than once if this is necessary. Consultation stages may be repeated if necessary, but gateway 2 may not be repeated.

Examination

5.55 When the person appointed by the Secretary of State at gateway 3 advises that each of the prescribed requirements are met, the local planning authority or minerals and waste planning authority must submit their proposed local plan or minerals and waste plan document for independent examination. This Statutory Instrument sets out the other documents and information which must be submitted alongside the plan/document.

5.56 At least 6 weeks before the opening of an examination hearing, the local planning authority or minerals and waste planning authority must make available the date, time and place of where the hearing is to be held and notify any person who requested to be notified of this.

5.57 The purpose of the examination is to determine whether it is reasonable to conclude that the local plan or minerals and waste plan document is sound. The National Planning Policy Framework sets out the tests of soundness against which plans are

assessed. Examination hearings are open to the public and the "right to be heard" during the examination has been retained from the previous plan-making system.

5.58 Where the examiner identifies that further work is required in order for the plan to become sound and decides to pause the examination under section 15DA of the PCPA 2004 (as inserted by Schedule 7 to the Act), this Statutory Instrument sets out that the maximum length of the pause is 6 months.

5.59 The local planning authority or minerals and waste planning authority must publish the recommendations and reasons received from the examiner as soon as is reasonably practicable and notify any person who requested to be notified of this.

Adoption, withdrawal and revocation of a local plan or minerals and waste plan document

5.60 This Statutory Instrument requires local planning authorities and minerals and waste planning authorities, as soon as is reasonably practicable after adopting a local plan or a document which is or forms part of a minerals and waste plan, to make available the plan/document and an adoption statement. They must also notify any person who requested to be notified of the adoption of the plan/document.

5.61 The Regulations set out the steps that a local planning authority or a minerals and waste planning authority must take on withdrawal or revocation of a local plan or minerals and waste plan document. These steps include actions such as making certain information available and ceasing to make documents available.

Supplementary plans

5.62 This Statutory Instrument sets out the process which a relevant plan-making authority must follow in preparing a supplementary plan under section 15CC of the PCPA 2004 (as inserted by Schedule 7 to the Act). Supplementary plans form part of the development plan and have the same weight as a local plan or minerals and waste plan for the purposes of decision-making. These are a new type of plan that relevant plan making authorities can choose to prepare to set locally-specific design standards or shape and direct site-specific development. They must undergo consultation and independent examination.

5.63 The relevant plan-making authority must give notice publicly that a supplementary plan is being prepared by publishing a notice of intention to commence supplementary plan-preparation, specifying information including the subject matter of the supplementary plan and the geographical area, site or sites to which it is to relate. If it is to be a joint supplementary plan, the notice must identify the other authorities who are to prepare the joint supplementary plan.

5.64 Details relating to the preparation of the supplementary plan, including anticipated dates for consultation and adoption, must be included in the local plan timetable or minerals and waste plan timetable where the relevant plan-making authority is a local planning authority or a minerals and waste planning authority.

5.65 If the supplementary plan preparation process precedes preparation of a local plan or minerals and waste plan document, then the timetable must be published no later than on the date the authority publish their notice of intention to commence supplementary plan preparation.

5.66 In preparing a supplementary plan, relevant plan-making authorities must have regard to the same matters which local planning authorities are required to have regard to when preparing local plans, which include national policies and advice contained in

guidance issued by the Secretary of State. Government intends to set out specific plan-making policies for supplementary plans in the National Planning Policy Framework.

5.67 The preparation of a supplementary plan must include a minimum of one consultation for a period of no less than 6 weeks. Details of the consultation and the process of providing representations must be set out in a notice of supplementary plan consultation.

5.68 The relevant plan-making authority must invite representations from defined bodies and persons. There are different consultation bodies depending on whether the supplementary plan is being prepared by local plan-making authority, minerals and waste plan-making authority or the Mayor of London. This will be largely determined by the geographic boundary or the nature of the policies within the supplementary plan which may cross boundaries.

5.69 The Regulations specify the documents which must be submitted to examination alongside the proposed supplementary plan. The procedure for the examination of supplementary plans is set out in section 15DB of the PCPA 2004 (as inserted by Schedule 7 to the Act).

5.70 As soon as reasonably practicable after adopting the supplementary plan, the relevant plan-making authority must make the adopted document available and publish an adoption statement. The adoption statement must specify matters including the date on which the document was adopted and details of where it is available for inspection.

5.71 The relevant plan-making authority must notify any person who has asked to be notified of the adoption of the supplementary plan.

5.72 A supplementary plan must be published on the relevant plan-making authority's website in a searchable electronic format. It must include the date on which it is adopted. A supplementary plan must also identify any policies in the development plan which has effect for the area or a site to which the supplementary plan relates which the authority consider are superseded by the plan.

5.73 This Statutory Instrument sets out the process where a supplementary plan is revoked, as well as the circumstances in which supplementary plans can be revoked by a relevant plan-making authority themselves.

Joint plans

5.74 There remains a recognition that the preparation of joint plans (i.e. joint local plans, joint minerals and waste plan documents and joint supplementary plans) can be an effective way of planning for an area's strategic priorities, addressing cross-boundary issues and sharing resources during plan preparation.

5.75 This Statutory Instrument sets out the process for preparing joint plans. Certain procedural requirements relating to the preparation of joint plans must be carried out jointly by authorities, some must be taken individually, and others are left to the discretion of the authorities whether or not they wish to undertake them jointly or individually. This is intended to provide a flexible approach to joint plan-making and a transparent process.

5.76 The Statutory Instrument provides the preparation process for local plans which incorporate any minerals and waste planning content up to the 'plan content and evidence consultation' stage, in order to allow the preparation of such plans to commence as soon as possible. Government intends to make amendments to this Statutory Instrument in due course, to set out the remaining preparation procedure for these plans.

Policies map

5.77 Section 15LD of the PCPA 2004 (inserted by Schedule 7 to the Act) requires each local planning authority to prepare and keep up to date a policies map.

5.78 This Statutory Instrument requires local planning authorities to publish their policies map on their website as soon as is reasonably practicable after adopting a local plan under the new plan-making system.

5.79 The policies map must visually illustrate the geographical application of any policies within the development plan for the authority's area which has effect which relate to part of the authority's area. Where a policy relates to the whole of the local planning authority's area, then it must include a description of the policy, and if it has them, its title and reference number.

5.80 The Regulations require local planning authorities to bring their policies map up to date as soon as is reasonably practicable after an identified event occurs. These events include the adoption or approval of a new document within the development plan which results in a change to the geographical application of the development plan.

5.81 When a local planning authority update their policies map, they must publicise this fact on their website.

Availability of documents

5.82 At defined stages during the preparation of a local plan, minerals and waste plan document or supplementary plan, a local planning authority, minerals and waste planning authority or (as the case may be) the Mayor of London must make certain documents available for public inspection on their website. Arrangements must be in place for inspection of certain documents at the authority's principal office, during normal office hours. The Regulations also allow authorities to levy a reasonable charge to cover the cost of printing, posting and packaging if someone requests their own paper copy of a document. All these arrangements largely mirror the requirements of the 2012 Regulations on the availability of plan-making documents.

The Town and Country Planning (Costs of Independent Examinations for Local Planning etc.) (Standard Daily Amount) (England) Regulations 2026

5.83 This Statutory Instrument enables the Secretary of State to set a standard daily remuneration amount for independent examinations in the new plan-making system. It also provides for remuneration of a person appointed to provide observations and advice for the purposes of the new plan-making gateway assessments. It sets out the maximum daily remuneration rate and provides for payment of travel and subsistence expenses incurred.

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

5.84 The requirement to assist is a new power given to plan-making authorities to enable them to require prescribed public bodies to provide them with plan-making assistance. Requests made under the Requirement to Assist must be reasonable; relating directly to the plan in question and to the statutory functions of the relevant prescribed body.

5.85 This Statutory Instrument prescribes the public bodies who plan-making authorities can exercise the requirement to assist in relation to. Government has chosen not to regulate the process for the exercising of the requirements to assist at this time. Guidance will be provided and the matter will remain under review.

6. Legislative and Legal Context

How has the law changed?

6.1 Five statutory instruments deliver plan-making reforms to implement sections 92, 97, 98, 99, 100 and 101 of and much of Schedules 7 and 8 to the Levelling-up Regeneration Act 2023 which provides a new plan-making process in Part 2 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act").

6.2 The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026 ("the Commencement Regulations") bring into force the relevant provisions of the Levelling-up and Regeneration Act 2023 and set out transitional and saving provisions to manage the shift from the 2004 Act plan-making system to the new one. The Commencement Regulations make savings for the Town and Country Planning (Local Planning) (England) Regulations 2012, whilst preserving plans that have already been adopted, as well as certain emerging plans. The Commencement Regulations also provide that the Secretary of State can continue to take any intervention action in relation to these plans.

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2026 revoke and are intended to replace the 2012 Regulations and set out the new steps for preparing local plans, supplementary plans, and minerals and waste plans, including supplementary plans prepared by the Mayor of London.

6.4 The Town and Country Planning (Costs of Independent Examinations for Local Planning etc.) (Standard Daily Amount) (England) Regulations 2026 ("the Fees Regulations") revoke the Town and Country Planning (Costs of Independent Examinations) (Standard Daily Amount) (England) Regulations 2006, although these Regulations are saved for the purposes of independent examinations continuing under the plan-making system as saved through the Commencement Regulations. The Fees Regulations enable the Secretary of State to set a standard daily remuneration rate for independent examinations under the new plan-making system and also set a standard daily remuneration rate for appointed persons providing advice or observations as part of the new gateway process, as well as providing that a travel and subsistence allowance is payable.

6.5 The Requirement to Assist with Certain Plan Making (Prescribed Public Bodies) (England) Regulations 2026 prescribe the public bodies which can be required to assist under new section 39A of the 2004 Act, as inserted by section 100 of the Act, in relation to the preparation or revision of a relevant plan by a plan-making authority.

6.6 The Planning and Compulsory Purchase Act 2004 (Local Planning) (Modification and Consequential Amendments) (England) Regulations 2026 ("the Modification Regulations") modify Part 2, section 15IA(3) and 15IC(3) and (4) of the Act, in relation to joint local plans and joint supplementary plans. The Modification Regulations also modify section 15G, which deals with the revocation of local plans and supplementary plans, so that this provision works for joint plans. The Modification Regulations also make various modifications to Part 2 of the 2004 Act for minerals and waste plans, in reliance on the power in section 15CB(9). The Modification Regulations also make amendments to various pieces of secondary legislation consequential on the coming into force of section 97 of and Schedules 7 and 8 to the Levelling-up and Regeneration Act 2023.

6.7 Further modification regulations will be laid separately in due course, making further provisions in relation to minerals and waste plans. These Regulations will in part rely

on a power which is modified by the Modification Regulations so will be laid after the first set of modification regulations have come into force.

Why was this approach taken to change the law?

6.8 The only possible approach to make the necessary changes is through a package of the statutory instruments to achieve the reforms required to implement the relevant sections of the Levelling-up and Regeneration Act 2023.

7. Consultation

7.1 Between 22 December 2022 and 2 March 2023 a national planning policy consultation was undertaken, which included a chapter on preparing for the new system of plan-making.

7.2 The outcome of this consultation chapter was set out in a subsequent consultation, which focussed just on the implementation of the plan making reforms set out in the Act. This consultation ran between 25 July and 18 October 2023.

7.3 The July 2023 consultation contained fifteen chapters and sought views on various matters relating to the Regulations, policy and guidance for the new plan-making system.

7.4 Several events for local planning authorities were held around the country during the consultation, arranged by the Local Government Association's Planning Advisory Service.

7.5 Responses were accepted through an online survey, by email and by written correspondence. 490 responses were received, including 207 from local planning authorities.

7.6 The summary of responses and government response to the July 2023 consultation was published on the same webpage as the consultation itself, on 27 February 2025.[1]

7.7 The response document sets out that government intends to take forward most of the regulatory proposals described. On a handful of matters, the response set out that further consideration was needed. These included rolling out the new system, where, after further consideration, the Regulations provide dates by which local authorities must have commenced preparation of a new system plan. Also, on the Requirement to Assist, the government has worked with stakeholders to refine the list of prescribed bodies set out in regulations.

7.8 Additionally, on supplementary plans, the consultation response set out that government may consider broadening the scope of multi-site allocations. This will not be taken forward.

7.9 The abolition of the Duty to Co-operate ("the Duty") for the existing plan-making system, provided through the saving provision in the Commencement Regulations, did not feature in the July 2023 consultation. In light of concerns raised by the Planning Inspectorate about the Duty being difficult to comply with; leading to some notable

[1] Consultation on implementation of the plan making reforms July 2023, and February 2025 summary of responses and government response: https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation
Hard copies can be obtained by writing to the Ministry of Housing, Communities and Local Government at 2 Marsham Street, London SW1P 4DF.

local plan failures[2], and after seeking sector feedback, the intention to abolish the Duty for the existing system was explained in a letter from Minister Pennycook to the Planning Inspectorate on 27 November 2025[3] and in a written ministerial statement made on the same day.[4]

8. Applicable Guidance

8.1 These Regulations will be supported by a comprehensive suite of guidance to support planning authorities and users of the system. This includes a new online resource called 'Create and Update a Local Plan'[5], which provides information and guidance for local planning authorities on plan-making plan.

8.2 This guidance, building upon Planning Practice Guidance that local planning authorities are already familiar with, has been updated to reflect these plan-making reforms. The guidance has taken on board feedback through the 'user testing' phase with local planning authorities to ensure it is relevant and applicable.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A Regulatory Impact Assessment under the Better Regulation Framework has not been produced for these instruments.

9.2 The Regulatory Impact Assessment for the Act provides analysis of the primary legislative measures that the measures set out in these instruments derive.[6]

Impact on businesses, charities and voluntary bodies

9.3 No, or no significant, impact on the private, voluntary or public sector is foreseen.

9.4 The legislation does not impact small or micro businesses.

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[2] Letter from the Planning Inspectorate to Minister of State Housing and Planning October 2025: https://assets.publishing.service.gov.uk/media/690485bdef26c341988b24d0/PINS_CEO_to_Minister_Pennycook_-_30-10-25_-_COMMS.pdf
A hard copy can be obtained by writing to the Ministry of Housing, Communities and Local Government at 2 Marsham Street, London SW1P 4DF.

[3] Letter from Minister of State Housing and Planning to the Planning Inspectorate November 2025: https://assets.publishing.service.gov.uk/media/69286415345e31ab14ecf67d/Local_Plans_letter_to_PINS.pdf
A hard copy can be obtained by writing to the Ministry of Housing, Communities and Local Government at 2 Marsham Street, London SW1P 4DF.

[4] Reforming Local Plan-Making written Ministerial statement November 2025: https://questions-statements.parliament.uk/written-statements/detail/2025-11-27/hcws1104
A hard copy can be obtained by writing to the Ministry of Housing, Communities and Local Government at 2 Marsham Street, London SW1P 4DF.

[5] Government Guidance on Creating and Updating a Local Plan: https://www.gov.uk/government/collections/create-or-update-a-local-plan-using-the-new-system
A hard copy of the guidance can be obtained by writing to the Ministry of Housing, Communities and Local Government at 2 Marsham Street, London SW1P 4DF.

[6] Levelling-Up and Regeneration Bill Impact Assessment December 2022: https://publications.parliament.uk/pa/bills/cbill/58-03/0169/LevellingUpandRegenerationBillImpactAssessment.pdf
Levelling-Up and Regeneration Bill Impact Assessment Annexes December 2022: https://publications.parliament.uk/pa/bills/cbill/58-03/0169/LevellingUpandRegenerationBillImpactAssessmentAnnexes.pdf
A hard copy can be obtained free of charge by writing to the Minstry of Housing, Communities and Local Government at 2 Marsham Street, London SW1P 4DF.

9.5 A New Burdens Assessment for plan-making reforms will have been completed before these Instruments come into force.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Ministry of Communities and Local Government will monitor the operation of the provisions in these instruments and the new plan-making system more broadly; considering whether any amendments may be needed as and when appropriate.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 Regulations to amend the Modification Regulations (The Planning and Compulsory Purchase Act 2004 (Local Planning) (Modification and Consequential Amendments) (England) Regulations 2026) are intended to be laid shortly. These Regulations will make further provision in relation to minerals and waste plans. The Regulations will rely in part on a power which is modified by the Modification Regulations, so cannot be laid until the Modification Regulations come into force.

11.2 As set out in paragraph 5.76, government intends to bring forward amendments to the Town and Country Planning (Local Planning) (England) Regulations 2026 in due course, to set out the later stages of the preparation process for local plans which incorporate minerals and waste planning content. Government also intends to bring forward further amendments setting out details of plan-making monitoring requirements under section 15LC of the PCPA 2004 (as inserted by Schedule 7 to the Act), certain procedural matters in relation to the PCPA 2004 Secretary of State plan intervention powers (as inserted by Schedule 7 to the Act) and minor updates to plan-making components of local government legislation.

11.3 Given the government's ambition to achieve full coverage of up-to-date local plans across the country as soon as possible, it was deemed expedient to commence the core components of new plan-making system as soon as possible, to enable authorities to commence plan preparation in March 2026, with the matters above added to the statute soon afterwards.

12. European Convention on Human Rights

12.1 As these instruments are subject to negative procedure and do 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").