



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 3

PLANNING

CHAPTER 4

GRANT AND IMPLEMENTATION OF PLANNING PERMISSION

114 Condition relating to development progress reports

- (1) TCPA 1990 is amended as follows.
- (2) In section 56(3) (time when development begun), after “89,” insert “90B,”.
- (3) Before section 91 (including the italic heading before that section) insert—

“Development progress reports

90B Condition relating to development progress reports in England

- (1) This section applies where relevant planning permission is granted for relevant residential development in England.
- (2) The relevant planning permission must be granted subject to a condition that a development progress report must be provided to the local planning authority in whose area the development is to be carried out for each reporting period.
- (3) The first reporting period in relation to the development is to be a period—
 - (a) beginning at a prescribed time or by reference to a prescribed event, and
 - (b) during which the development is begun.

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 114. (See end of Document for details)

- (4) A new reporting period is to begin immediately after the end of a reporting period which is not the last reporting period.
- (5) A reporting period which is not the last reporting period is to be a period of 12 months.
- (6) The last reporting period is to be a period ending with the day on which the development is completed (subject to any provision made under [subsection \(9\)](#)).
- (7) A “development progress report”, in relation to relevant residential development, means a report which sets out—
 - (a) the progress that has been made, and that remains to be made, towards completing the dwellings the creation of which the development is to involve, as at the end of the reporting period to which the report relates,
 - (b) the progress which is predicted to be made towards completing those dwellings over each subsequent reporting period up to and including the last reporting period, and
 - (c) such other information as may be prescribed in regulations under [subsection \(9\)](#).
- (8) If relevant planning permission is granted without the condition required by [subsection \(2\)](#), it is to be treated as having been granted subject to that condition.
- (9) The Secretary of State may by regulations make provision—
 - (a) about the form and content of development progress reports;
 - (b) about when and how development progress reports are to be provided to local planning authorities;
 - (c) about who may or must provide development progress reports to local planning authorities;
 - (d) about the provision of development progress reports and other information to local planning authorities where there is a change in circumstances in connection with relevant residential development, such as (for example) where the development is no longer intended to be completed in accordance with—
 - (i) the relevant planning permission;
 - (ii) a previous development progress report;
 - (iii) any timescales specified in a commencement notice given under section 93G;
 - (e) about when a condition under [subsection \(2\)](#) is to be treated as being discharged;
 - (f) about when relevant residential development is to be treated as being completed for the purposes of this section.
- (10) In this section—
 - “relevant planning permission” means planning permission other than—
 - (a) planning permission granted by a development order;
 - (b) planning permission granted for development carried out before the grant of that permission;

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 114. (See end of Document for details)

- (c) planning permission granted for a limited period;
 - (d) planning permission granted by an enterprise zone scheme;
 - (e) planning permission granted by a simplified planning zone scheme;
- “relevant residential development” means development which—
- (a) involves the creation of one or more dwellings, and
 - (b) is of a prescribed description.”
- (4) In section 69 (register of applications etc)—
- (a) in subsection (1), after paragraph (e) insert—
 - “(f) development progress reports under section 90B;”;
 - (b) in subsection (2), after paragraph (b) insert—
 - “(c) such information as is prescribed with respect to development progress reports under section 90B that are provided to the local planning authority;”.
- (5) In section 70 (determination of applications: general considerations), in subsection (1) (a), after “sections” insert “90B,”.
- (6) In section 73 (determination of applications to develop land after non-compliance), before subsection (4) insert—
- “(2E) Nothing in this section authorises the disapplication of the condition under section 90B (condition relating to development progress reports in England).”
- (7) In section 96A (power to make non-material changes to planning permission), before subsection (4) insert—
- “(3B) The conditions referred to in subsection (3)(b) do not include the condition under section 90B (condition relating to development progress reports in England).”
- (8) In section 97 (revocation or modification of planning permission), at the end insert—
- “(9) Subsection (1) does not permit the revocation or modification of the condition under section 90B (condition relating to development progress reports in England).”
- (9) In section 100ZA(13)(c) (restrictions on power to impose planning conditions in England), as amended by paragraph 3(12) of Schedule 14 to the Environment Act 2021, at the end insert “or the condition under section 90B (condition relating to development progress reports in England)”.
- (10) Until paragraph 3(12) of Schedule 14 to the Environment Act 2021 comes into force, section 100ZA(13)(c) has effect as if at the end there were inserted “but do not include the condition under section 90B (condition relating to development progress reports in England)”.

Commencement Information

II S. 114 in force at 26.12.2023 for specified purposes, see s. 255(3)(a)

Changes to legislation:

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 114.