
STATUTORY INSTRUMENTS

2023 No. 908

The Building Safety Act 2022 (Consequential Amendments etc.) Regulations 2023

Amendments to the Highways Act 1980

6.—(1) The Highways Act 1980(1) is amended as follows.

(2) In section 203 (interpretation of Part XI)—

(a) in subsection (2)(b)(i) after “any land” insert “in Wales”;

(b) after subsection (2)(b)(i) insert—

“(ia) any land in England shown as a proposed street on plans with respect to that building which accompany an application for building control approval under building regulations or on an application for planning permission under the Town and Country Planning Act 1990.”;

(c) in subsection (3), at the appropriate places insert—

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”;

““building safety regulator” means the regulator within the meaning of Part 2 of the Building Safety Act 2022.”.

(3) In section 219 (payments to be made by owners of new buildings in respect of street works), in subsection (1)(a), after “a building” insert—

“—

(i) in England for which an application for building control approval must be made, or

(ii) in Wales”.

(4) In section 220 (determination of liability for, and amount of, payments)—

(a) in subsection (1)—

(i) after “erection of a building” insert “in Wales”;

(ii) omit “(2) or”;

(iii) omit “district council or”;

(iv) for “subsections (2) and (2A)” substitute “subsection (2A)”;

(b) after subsection (1) insert—

“(1A) In a case in England to which section 219 applies the street works authority shall, within 6 weeks from their granting of any required application for building control approval relating to the erection of a building or, in a case to which subsection (2) applies, the granting of such an application by the district council or the building safety regulator, serve a notice on the person by or on whose behalf the application for building control

approval was made requiring the payment or the securing under section 219 of a sum specified in the notice.”;

(c) for subsection (2) substitute—

“(2) In any case in England to which section 219 may be applicable—

- (a) where (outside Greater London) the advance payments code is in force in the whole or any part of a non-metropolitan district, the district council shall within one week from the date of granting the application for building control approval relating to the erection of a building in England in an area in which that code is in force inform the street works authority that the application has been granted; and
- (b) where the building safety regulator has granted an application for building control approval relating to the erection of a building in England in an area in which the advance payments code is in force, the regulator shall within one week from the date of granting the application inform the street works authority that the application has been granted.”;

(d) in subsections (3), (4), (7) and (8) for “subsection (1)”, in each place it occurs, substitute “subsection (1) or (1A)”.

(5) In section 223 (determination to cease to have effect when plans not proceeded with)—

(a) in subsection (1) after “erection of a building” insert “in Wales”;

(b) after subsection (1) insert—

“(1A) Where, on the granting of an application for building control approval for the erection of a building in England, the amount to be paid or secured under section 219 has been determined under section 220, and subsequently—

- (a) by virtue of section 32 of the Building Act 1984 the approval is treated as not having been given, or
- (b) before any work has been done in or for the purpose of erecting the building the owner gives notice of their intention not to proceed with the building to—
 - (i) the building safety regulator, as respect a higher-risk building, or
 - (ii) the local authority, as respects any other building,

the said determination and any payment made or security given in accordance with it are, unless there have already been carried out or commenced in the street under the private street works code street works in respect of which the owner of the land on which the building was to be erected is liable, of no effect for the purposes of this Part of this Act.”;

(c) in subsection (2) after “subsection (1)” insert “or (1A)”;

(d) after subsection (5) insert—

“(5A) Where—

- (a) a person gives notice in accordance with subsection (1A)(b) of their intention not to proceed with the building and by reason thereof a determination is of no effect, and
- (a) subsequently notice is given by the owner of the land that they intend to proceed with the building in accordance with the approval given under the application for building control approval as originally made,

the notice to be served under section 220(1A) by the street works authority shall, in lieu of being served as required by that subsection, be served within one month from the date of the service of the notice of intention to proceed with the building, and section 220 has effect accordingly.”;

(e) for the opening words of subsection (6) substitute—

“(5B) As respects England, in any case to which this section may be applicable and one of the events referred to in subsection (5C) takes place—

- (a) where the advance payments code is in force in the whole or any part of a non-metropolitan district, the district council shall within one week inform the county council of the happening of the event in question;
- (b) where the building safety regulator has granted an application for building control approval relating to the erection of a building in an area in which the advance payments code is in force, the regulator shall within one week inform the street works authority of the happening of the event in question.

(5C) The events mentioned in subsection (5B) are—

- (a) the lapse, under section 32 of the Building Act 1984, of a building control approval granted by the district council, or the building safety regulator, as the case may be;
- (b) the giving of any notice by an owner of an intention not to proceed with a building in respect of which an application for building control approval was made;
- (c) the giving of any notice by an owner of an intention to proceed with the building in accordance with the application for building control approval as originally made.

(6) The following kinds of event are relevant for the purposes of subsection (7)—”.

(6) In section 224 (certain matters to be local land charges), in subsection (2)(a), after “section 220(1)” insert “, (1A)”.