

## **Note to Local Planning Authorities**

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

#### *The Context*

These Regulations come into force on 25 March 2026. Amongst other things, they implement section 98 (contents of a neighbourhood development plan) and section 99 (neighbourhood development plans and orders: basic conditions) of the Levelling-up and Regeneration Act 2023. A link to the Regulations is provided below:

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

#### *The details*

The implications of section 98 are minor. The implications of section 99 are more significant as they revise the basic conditions. Furthermore, the revised basic conditions are absolute rather than a matter of judgement.

A link to the Act (and to the details of sections 98 and 99) is provided below:

[Levelling-up and Regeneration Act 2023](#)

#### *The transitional arrangements*

The Regulations include transitional arrangements. As examiners we are looking to come to terms with the details of these arrangements as they do not refer directly to neighbourhood development plans and comment more generally about development plan documents (in the Interpretations). As such they are not as clear as the arrangements which were included in the last two updates of the NPPF which specifically mentioned neighbourhood development plans.

Plainly there is a pressing need to take a view on how to progress neighbourhood development plans currently at examination. As an interim measure, we are working on the basis that the former provisions of the Planning and Compulsory Purchase Act 2004 (and therefore the existing basic conditions) will apply to any neighbourhood development plan submitted before 31 December 2026 (as set out in part 4(4) of the Regulations).

#### *The way forward*

If necessary, we can refine this interim approach if further information on the transitional arrangements arises in the lead-up to the availability of the fact-check report and/or within the fact-check period. In this context there may be merit in you seeking advice from your legal colleagues on this matter given that the Council will need to make its own judgement in due course about the extent to which a Plan meets the basic conditions.

Plainly in the medium term, the implementation of sections 98 and 99 of the Levelling-up and Regeneration Act 2023 will have an impact on the submission of neighbourhood plans (and their examinations) from 1 January 2027.

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