STATUTORY INSTRUMENTS

2026 No. 1143

TRANSPORT AND WORKS, ENGLAND AND WALES
TRANSPORT, ENGLAND AND WALES
CANALS AND INLAND WATERWAYS, ENGLAND AND WALES
TRIBUNALS AND INQUIRIES, ENGLAND

The Transport and Works (Applications, Objections, Listed Buildings, Inquiries and Decisions Procedure) (England and Wales) (Amendment) Regulations 2026

Made - - - -	*27th October 2026*
Laid before Parliament	*30th October 2026*
Coming into force - -	*20th November 2026*

These Regulations are made by—

(a) the Secretary of State, in exercise of the powers conferred by sections 6(2) and (4), 7(4), 10(1) and (5), 13(7) and (8), and 15(2) and (3) of the Transport and Works Act 1992(**1**); and

(b) the Lord Chancellor, in exercise of the powers conferred by section 9 of the Tribunals and Inquiries Act 1992(**2**).

Insofar as these Regulations apply to Wales, they are made with the agreement of the Welsh Ministers(**3**).

(**1**) 1992 c. 42. Section 6 was amended by S.I. 1998/2226, S.I. 2006/958 and S.I. 2017/1070. Section 13(7) and (8) were inserted by section 40 of the Planning and Infrastructure Act 2025 (c. 34). Section 13 was amended by S.I. 2017/1070.

(**2**) 1992 c. 53. Section 9 was amended by section 2(6) of the Growth and Infrastructure Act 2013 (c. 27), S.I. 2013/2042 and S.I. 2018/644. There are other amendments to section 9 that are not relevant to these Regulations.

(**3**) For the requirement for agreement to the exercise of functions in relation to Wales, see article 5(1) of, and Schedule 2 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). This function has now been transferred to Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Transport and Works (Applications, Objections, Listed Buildings, Inquiries and Decisions Procedure) (England and Wales) (Amendment) Regulations 2026 and come into force on 20th November 2026.

(2) These Regulations extend to England and Wales.

(3) Regulations 1, 2, 3(1), (5)(b) and (6), and 4 apply to England and Wales.

(4) Regulation 3(2) to (5)(a) applies to England only.

(5) The provisions in these Regulations apply in relation to a relevant application as follows—

(a) in relation to a relevant application made on or after 20th November 2026, all of the regulations apply,

(b) in relation to a relevant application made before 20th November 2026, and for which a relevant notice has not been issued, only regulation 3 applies, and

(c) in relation to any other relevant application made before 20th November 2026, none of the regulations apply.

(6) In paragraph (5)—

(a) "relevant application" means an application for an order under section 1 or 3 of the Transport and Works Act 1992, and

(b) "relevant notice" means the written notice as defined in rule 2 (interpretation) of the Transport and Works (Inquiries Procedure) Rules 2004(**4**).

Amendment of the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992

2.—(1) The Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992(**5**) are amended as follows.

(2) In regulation 2 (interpretation), omit the following definitions—

(a) "the 1990 Act";

(b) "conservation area consent" and "listed building consent";

(c) "the Listed Buildings Regulations".

(3) In regulation 5(1)(b) (concurrent inquiries), omit "listed building consent, conservation area consent or".

(4) Omit regulation 3.

(5) Omit regulation 3A.

(6) Omit Schedule 1.

(7) Omit Schedule 1A.

Amendment of the Transport and Works (Inquiries Procedure) Rules 2004

3.—(1) The Transport and Works (Inquiries Procedure) Rules 2004(**6**) are amended as follows.

(2) In rule 7 (service of statement of case, etc), in paragraph (6), for "12" substitute "10".

(3) In rule 9 (inquiry timetable)—

(a) at the end of paragraph (1)(a), omit "and",

(**4**) S.I. 2004/2018.
(**5**) S.I. 1992/3138.
(**6**) S.I. 2004/2018, as amended by S.I. 2023/795.

(b) after paragraph (1)(a), insert—

"(aa) propose the date on which the inquiry must close, being no later than the date falling three months after the date on which it commences, and",

(c) in the words following sub-paragraph (b), for "of the date so specified" substitute "of the date specified under sub-paragraph (b)",

(d) in paragraph (2), after "the timetable", in both places where those words occur, insert "and the date on which the inquiry must close",

(e) for paragraph (4), substitute—

"(4) Where a pre-inquiry meeting is held pursuant to rule 8, the inspector—

(a) may arrange a timetable for the proceedings at, or at part of, the inquiry and may at any time vary the timetable; and

(b) must set the date on which the inquiry must close, being no later than the date falling three months after the date on which it commences.", and

(f) after paragraph (5), insert—

"(6) The inspector may, with the consent of the Secretary of State, subsequently vary or suspend the date on which the inquiry must close.".

(4) In rule 13(9) (date and notification of inquiry), for "date, time and place", substitute "date, time, the date on which the inquiry must close, and place".

(5) In rule 20 (procedure after inquiry)—

(a) in paragraph (1), for "After the close of an inquiry" substitute "By the end of the period of 3 months beginning with the date on which the inquiry is completed", and

(b) after paragraph (3), insert—

"(3A) The Secretary of State must determine an application by the end of the period of three months beginning with the later of—

(a) the date on which the Secretary of State receives the report made pursuant to paragraph (1), and

(b) the date on which the Secretary of State receives the last of any additional information requested following receipt of that report.

(3B) The Secretary of State must notify the applicant and any objector of the date for determination of the application.".

(6) In rule 23 (allowing further time)—

(a) renumber the text after the heading as rule 23(1), and

(b) after the renumbered paragraph (1), insert—

"(2) Where the Secretary of State allows further time for the determination of an application, the Secretary of State must notify the applicant and any objector of the revised date for determination of the application.

(3) Without prejudice to the generality of paragraph (1), where an applicant directed to pay the costs of the inquiry or hearing pursuant to section 250(4) and (5)(**7**) (power to direct inquiries) of the Local Government Act 1972 (as modified by section 11(5) and (6)(**8**)) fails to pay those costs by the date on which payment should have been received in accordance with the direction, the Secretary of State may extend the date for determination of the application by the extended period.

(**7**) 1972 c. 70. Section 250 was amended by Part 3 of Schedule 12 to the Housing and Planning Act 1986 (c. 63). There are other amendments not relevant to these Regulations.

(**8**) Section 11 was amended by section 39 of the Planning and Infrastructure Act 2025 (c. 34).

(4) In this rule, "the extended period" means the period beginning with the day after that on which the payment should have been received in accordance with the direction issued pursuant to section 250(4) and (5) of the Local Government Act 1972 and ending with that on which the payment is received.".

Amendment of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

4.—(1) The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(**9**) are amended as follows.

(2) In rule 4(1) (interpretation and notices)—

(a) in the definition of "expiry date for objections"—

(i) for "a date" substitute "a working day", and

(ii) for "42 days" substitute "30 days (in relation to England) or 42 days (in relation to Wales)",

(b) in the definition of "operative date", for "28" substitute "14", and

(c) after the definition of "universal service provider", insert—

""working day" means a day other than Saturday, Sunday, Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(**10**);".

(3) After rule 4, insert—

"**Pre-application consultation**

4A.—.—(1) Where a proposed application includes a request for—

(a) a deemed marine licence under section 19A(1)(**11**); or

(b) a deemed marine licence under section 19A(3),

the applicant must consult the bodies identified in paragraph (2) before submitting pre-application documents pursuant to rule 5.

(2) The bodies referred to in paragraph (1) are—

(a) in respect of sub-paragraph (a), the Marine Management Organisation; and

(b) in respect of sub-paragraph (b), Natural Resources Wales.".

(4) In rule 5 (pre-application draft order and explanatory memorandum), after paragraph (1) insert—

"(1A) Where the draft of the proposed order referred to in paragraph (1)(a) includes provision deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009(**12**), the applicant must send to the Marine Management Organisation (in relation to England) or Natural Resources Wales (in relation to Wales), a draft of the proposed marine licence not later than 28 days before making an application.".

(5) In rule 10 (documents accompanying application)—

(a) after paragraph (6), insert—

(**9**) S.I. 2006/1466, amended by section 164(3) of the Levelling-up and Regeneration Act 2023 (c. 55), sections 36 to 45 of the Planning and Infrastructure Act 2025 (c. 34), S.I. 2010/439, 2011/556 and 2085, 2012/147, 1658 and 2590, 2015/377, 627 and 1682, 2017/979 and 1070, 2019/311, 2023/424 and 795, 2024/924 and 2025/82.
(**10**) 1971 c. 80.
(**11**) Section 19A was inserted by section 44(1) of the Planning and Infrastructure Act 2025.
(**12**) 2009 c. 23.

"(6A) Paragraph (6B) applies where the applicant seeks—

(a) a direction from the Secretary of State under section 17(**13**) that listed building consent for the works is deemed to be granted; or

(b) a direction from the Welsh Ministers under section 17A(**14**) that—

(i) listed building consent for the works is deemed to be granted; or

(ii) conservation area consent for the works is deemed to be granted.

(6B) The applicant must submit with the application—

(a) a request in writing specifying the works for which the direction for such consent is sought;

(b) a statement of any proposed conditions;

(c) in respect of a direction under section 17, a design and access statement in accordance with regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990(**15**);

(d) in respect of a direction under section 17A, a heritage impact statement in accordance with regulation 4 of the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024(**16**); and

(e) such plans, drawings and other information as have not otherwise been submitted with the application and which are necessary to describe the works which are the subject of the request for the direction.", and

(b) after paragraph (7), insert—

"(7A) Where the applicant seeks to include in the order provision deeming a marine licence to have been granted under section 19A (deemed consent under marine licence), the applicant must submit with the application—

(a) a request in writing specifying the development for which the marine licence is sought;

(b) a statement of any proposed conditions; and

(c) such further documents as have not otherwise been submitted with the application and which are necessary to support the request for the deemed marine licence.".

(6) In rule 14(5)(d) (publicity for application), for the words from "paragraph (6)" to "sought" substitute "any of paragraphs (6) to (7A) of rule 10 apply, a statement that the applicable permission, consent or licence as the case may be has been sought".

(7) In rule 21 (objections and other representations: general)—

(a) in paragraph (2), for "42 days" substitute "30 days (in relation to England) or 42 days (in relation to Wales)", and

(b) after paragraph (2), insert—

"(2A) Where the 30 or 42 day period, as the case may be, identified in paragraph (2) ends on a day other than a working day, the relevant date is the next working day.".

(8) After rule 22, insert—

(**13**) Section 17 was inserted by section 43(1) of the Planning and Infrastructure Act 2025.
(**14**) Section 17A was inserted by section 43(1) of the Planning and Infrastructure Act 2025.
(**15**) S.I. 1990/1519. Regulation 3A was inserted by regulation 3 of S.I. 2006/1063, and was amended by S.I. 2010/2185, 2013/1239 and 2026/170.
(**16**) S.I. 2024/930 (W. 155).

"**No objections or other representations received**

22A.—.—(1) Where—

(a) no other representation complying with rule 21(1) or (2) is received; and

(b) either—

(i) no objection complying with rule 21(1) or (2) is received; or

(ii) it appears to the Secretary of State that each objection received which complies with rule 21(1) or (2) is of a type mentioned in section 10(3)(a) or (b),

this rule applies.

(2) The Secretary of State must determine the application by the end of the period of three months beginning with the later of—

(a) the expiry date for objections; and

(b) the date on which the Secretary of State receives the last of any additional information requested following the expiry date for objections.

(3) The Secretary of State must notify the applicant of the date for determination of the application.

(4) Where paragraph (1)(b)(ii) applies, the Secretary of State must also notify each objector—

(a) that the objection appears to the Secretary of State to be of a type mentioned in section 10(3)(a) or (b); and

(b) of the date for determination of the application.

Withdrawal of objections and other representations

22B.—.—(1) This rule applies where all objections and other representations complying with rule 21(1) or (2) which have been received are withdrawn before the operative date.

(2) Where paragraph (1) applies, the Secretary of State must determine the application by the end of the period of three months beginning with the later of—

(a) the date on which the last objection or other representation was withdrawn; and

(b) the date on which the Secretary of State receives the last of any additional information requested following that withdrawal.

(3) The Secretary of State must notify the applicant of the date for determination of the application.".

(9) In rule 24 (procedure by written representations)—

(a) in paragraph (1), for "Where none of the steps mentioned" substitute "Where rules 22A or 22B do not apply, and none of the steps mentioned",

(b) in paragraph (2), for "28" substitute "14",

(c) in paragraph (3), for "7" substitute "5",

(d) in paragraph (4), for "21" substitute "14",

(e) in paragraph (6), for "7" substitute "5",

(f) after paragraph (10), insert—

"(10A) Where this rule applies, the Secretary of State must determine an application by the end of the period of three months beginning with whichever is the latest of—

(a) the date on which the Secretary of State is satisfied under paragraph (5) that there is sufficient information to enable a decision to be made;

(b) the date on which the Secretary of State is satisfied under paragraph (8) that neither sub-paragraph (a) nor (b) of that paragraph applies; or

(c) the date on which the Secretary of State decides that no further opportunity to comment should be given to the applicant or to an objector.

(10B) The Secretary of State must notify the applicant and any objector of the date for determination of the application.", and

(g) after paragraph (12), insert—

"(13) Where the 5 day period identified in paragraphs (3) and (6) ends on a day other than a working day, the relevant date is the next working day.".

(10) After rule 25 (submission of written objections and other representations to inquiry or hearing), insert—

"**Determination following hearing**

25A.—.—(1) This rule applies where the Secretary of State has given an objector an opportunity of appearing before and being heard by a person appointed pursuant to section 11(2).

(2) The Secretary of State must determine the application by the end of the period of three months beginning with the later of—

(a) the date on which the Secretary of State receives the report of the person appointed; and

(b) the date on which the Secretary of State receives the last of any additional information requested by the Secretary of State following the hearing.

(3) The Secretary of State must notify the applicant and any objector of the date for determination of the application.

Procedure following quashing of decision

25B.—.—(1) Where a determination of an application is quashed in proceedings before any court, the Secretary of State—

(a) must send to the applicant and those persons who submitted objections a written statement of the matters with respect to which further representations are invited for the purpose of further consideration of the application; and

(b) must afford to those persons the opportunity of making written representations in respect of those matters.

(2) Any persons making representations under paragraph (1)(b) must submit such representations to the Secretary of State within 3 weeks of the date of the written statement sent under paragraph (1)(a).".

(11) In rule 26 (power to set later time limits)—

(a) renumber the text after the heading as rule 26(1), and

(b) after the renumbered paragraph (1), insert—

"(2) Where the Secretary of State allows further time for the determination of an application, the Secretary of State must notify the applicant and any objector of the revised date for determination of the application.".

(12) In Schedule 2 (forms of notice)—

(a) in Form 1, in the paragraph starting "*[The application will contain/contains", after "deemed planning permission]" insert ", [a deemed listed building [and conservation area] consent], [a deemed marine licence]", and

(b) in Form 5, in the paragraph starting "Where an objection is made"—

(i) after "opportunity to be heard" insert "if the Secretary of State considers that the objection is serious enough to merit such treatment", and

(ii) omit from "However, this rule" to the end of the paragraph.

(13) In Schedule 5 (those to be served with a copy of the application and documents)—

(a) after row 1, insert—

"1A. Works within English tidal waters that would require a licence under Part 4 of the Marine and Coastal Access Act 2009 (**17**).	1A. The Marine Management Organisation.
1B. Works within Welsh tidal waters that would require a licence under Part 4 of the Marine and Coastal Access Act 2009.	1B. Natural Resources Wales.",

(b) in column (2) of row 14, for "the National Assembly for Wales and the Royal Commission on Ancient and Historical Monuments in Wales" substitute "the Welsh Ministers, the Royal Commission on Ancient and Historical Monuments in Wales and the relevant planning authority",

(c) in column (2) of row 15, for "the National Assembly for Wales" substitute "the Welsh Ministers and the relevant planning authority",

(d) in column (1) of row 16, after "section 8C of the Historic Buildings and Ancient Monuments Act 1953" insert "or section 192 of the Historic Environment (Wales) Act 2023(**18**)", and

(e) in column (2) of row 16, for "the National Assembly for Wales" substitute "the Welsh Ministers and the relevant planning authority".

(14) In Schedule 6 (those to be served with notice of application), after row 16, insert—

"17. Works— (a) affecting a building listed under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990(**19**); (b) affecting a building listed under Part 3 of the Historic Environment (Wales) Act 2023(**20**); (c) for the demolition of any building in a conservation area designated under Part 4 of the Historic Environment (Wales) Act 2023.	17. In respect of works under (a), a person who is— (a) an owner of the freehold estate; or (b) entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired. In respect of works under (b) and (c), a person who is— (a) an owner of the freehold estate; or

(**17**) 2009 c. 23.
(**18**) 2023 asc 3.
(**19**) c. 9. There are amendments to Part 1 but none are relevant.
(**20**) 2023 asc 3. There are amendments to Part 3, but none are relevant.

	(b) a tenant under a lease granted or extended for a fixed term that has at least seven years left to run.
18. Works affecting a building listed under Part 3 of the Historic Environment (Wales) Act 2023 where the application is for the demolition of a listed building, or partial demolition of a listed building.	18. The bodies listed in regulation 9(3) of the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024 (**21**). ”.

(15) In paragraph 11 of Schedule 7 (proposals for Orders under section 7)—

(a) renumber paragraph 11 as paragraph 11(1),

(b) in the renumbered paragraph 11(1)(d), for “42 days” substitute “30 days (in relation to England) or 42 days (in relation to Wales)”, and

(c) after the renumbered paragraph 11(1), insert—

“(2) Where the 30-day period, or 42-day period, as the case may be, identified in sub-paragraph (1)(d) ends on a day other than a working day, the relevant date is the next working day.”.

Signed by authority of the Secretary of State

Simon Lightwood
Parliamentary Under Secretary of State
Department for Transport

27th October 2026

Signed by authority of the Lord Chancellor

Alex Davies-Jones
Parliamentary Under Secretary of State
Ministry of Justice

27th October 2026

(**21**) S.I. 2024/930 (W. 155).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend, subject to the transitional provisions in regulation 1, the Transport and Works (Inquiries Procedure) Rules 2004 (S.I. 2004/2018) ("the 2004 Rules"), the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006/1466) ("the 2006 Rules") and the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992 ("the 1992 Regulations").

Regulation 2 amends the 1992 Regulations. It omits various provisions to facilitate the introduction of the deemed listed building regime into the Transport and Works Act 1992, introduced by section 43 of the Planning and Infrastructure Act 2025 (c. 34). Regulation 3 amends the 2004 Rules. It introduces statutory deadlines for various stages of the inquiry, and reduces the time allowed for the issuance of statements of matters by the Secretary of State under rule 7 of the 2004 Rules. Regulation 4 amends the 2006 Rules. It introduces a three-month statutory deadline for decisions on applications, according to the relevant point at which consideration of the application concludes. It makes provision to facilitate the introduction of deemed listed building consent, conservation area consent, and marine licence by sections 43 and 44 of the Planning and Infrastructure Act 2025. It reduces the time period for various stages in the written representation procedure under rule 24 of the 2006 Rules. It introduces a procedure following the quashing of a decision, in line with the existing arrangements under the 2004 Rules.

A full impact assessment has not been prepared for this instrument because the impacts are expected to be below the threshold requiring a full Impact Assessment.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.