



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 3

PLANNING

CHAPTER 2

DEVELOPMENT PLANS ETC

Development plans and national policy

PROSPECTIVE

92 Development plans: content

(1) Section 38 of PCPA 2004 (development plan) is amended as follows.

(2) In subsection (1), for “(2)” substitute “(2A)”.

(3) For subsections (2) and (3) substitute—

“(2A) For the purposes of any area in England the development plan is—

- (a) each spatial development strategy that is operative in relation to that area,
- (b) each local plan which has effect in relation to that area,
- (c) each minerals and waste plan which has effect in relation to that area,
- (d) each supplementary plan which has effect in relation to that area,
- (e) each neighbourhood development plan which has been made in relation to that area, and
- (f) each policies map for that area.”

(4) For subsection (9) substitute—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Cross Heading: Development plans and national policy. (See end of Document for details)

“(9A) In subsection (2A)—

- (a) “spatial development strategy”, “local plan”, “minerals and waste plan” and “supplementary plan” have the same meaning as in Part 2 (see, in particular, section 15LH), and
- (b) policies map must be construed in accordance with section 15LD.”

Commencement Information

II S. 92 not in force at Royal Assent, see s. 255(3)(b)

PROSPECTIVE

93 Role of development plan and national policy in England

(1) Section 38 of PCPA 2004 (development plan) is amended as follows.

(2) After subsection (5) insert—

“(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- (a) the development plan, and
- (b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.”

(3) In subsection (6), for “If” substitute “For the purposes of any area in Wales, if”.

(4) After subsection (9A) (inserted by section 92(4) of this Act) insert—

“(9B) National development management policy must be construed in accordance with section 38ZA.”

(5) Schedule 6 amends various Acts relating to planning so that they provide that, in making a determination, regard is to be had to the development plan and any national development management policies.

Commencement Information

I2 S. 93 not in force at Royal Assent, see s. 255(3)(b)

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Cross Heading: Development plans and national policy. (See end of Document for details)

94 National development management policies: meaning

After section 38 of PCPA 2004 insert—

“38ZA Meaning of “national development management policy”

- (1) A “national development management policy” is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.
- (2) The Secretary of State may—
 - (a) revoke a direction under [subsection \(1\)](#);
 - (b) modify a national development management policy.
- (3) The Secretary of State must have regard to the need to mitigate, and adapt to, climate change—
 - (a) in preparing a policy which is to be designated as a national development management policy, or
 - (b) in modifying a national development management policy.
- (4) Before making or revoking a direction under [subsection \(1\)](#), or modifying a national development management policy, the Secretary of State must ensure that such consultation with, and participation by, the public or any bodies or persons as the Secretary of State thinks appropriate takes place.
- (5) The only cases in which no consultation or participation need take place under [subsection \(4\)](#) are those where the Secretary of State thinks that none is appropriate because—
 - (a) a proposed modification of a national development management policy does not materially affect the policy or only corrects an obvious error or omission, or
 - (b) it is necessary, or expedient, for the Secretary of State to act urgently.”

Commencement Information

I3 S. 94 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I4 S. 94 in force at 31.1.2024 by [S.I. 2024/92](#), [reg. 2\(c\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Cross Heading: Development plans and national policy.