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Changes to legislation: There are currently no known outstanding effects for the
Levelling-up and Regeneration Act 2023, Schedule 8. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 8

Section 101

MINOR AND CONSEQUENTIAL AMENDMENTS IN CONNECTION WITH CHAPTER 2 OF PART 3

Local Government Act 1972

- 1 In section 138C of the Local Government Act 1972 (application of sections 138A and 138B to other authorities), in subsections (1)(s) and (2)(c), for “an order under section 29” substitute “regulations made under [section 15J](#)”.

Commencement Information

- 11** Sch. 8 para. 1 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Town and Country Planning Act 1990

- 2 TCPA 1990 is amended as follows.

Commencement Information

- 12** Sch. 8 para. 2 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 3 In section 2A (the Mayor of London: applications of potential strategic importance), in subsection (6)(aa), for “development plan document” substitute “local plan, document which is or forms part of a minerals and waste plan or supplementary plan”.

Commencement Information

- 13** Sch. 8 para. 3 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 4 In section 59A (development orders: permission in principle)—
- (a) in paragraph (b) of subsection (3)—
 - (i) for “development plan document” substitute “local plan or supplementary plan”;
 - (ii) for “section 37” substitute “[section 15LH](#)”;
 - (b) after that paragraph insert—
 - “(ba) a document which is, or forms part of, a minerals and waste plan within the meaning of Part 2 of the 2004 Act (“a minerals and waste plan document”);”

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- (c) in subsection (5)(b), for “development plan document” substitute “local plan, minerals and waste plan document or supplementary plan”.

Commencement Information

I4 Sch. 8 para. 4 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 5 In section 70(4) (determination of applications: definitions), in paragraph (1) of the definition of “relevant authority”, for “section 29” substitute “[section 15J](#)”.

Commencement Information

I5 Sch. 8 para. 5 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 6 In section 74 (directions etc as to method of dealing with applications), in subsection (1BB) for “development plan document” substitute “local plan, document which is or forms part of a minerals and waste plan or supplementary plan”.

Commencement Information

I6 Sch. 8 para. 6 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 7 (1) Section 303A (responsibility of local planning authorities for costs of holding certain inquiries etc) is amended as follows.

- (2) In subsection (1A)—

- (a) before paragraph (a) insert—

“(za) a public examination under [section 15AC](#) of the Planning and Compulsory Purchase Act 2004;”;

- (b) in paragraph (a), for “20, 21(5)(b), 27(3)(a)” substitute “[15D](#), [15DB](#), [15H\(3\)\(b\)](#), [15HA\(6\)\(a\)](#)”.

- (3) In subsection (9A)—

- (a) in paragraph (a)—

(i) after “submit a” insert “strategy, plan or”;

(ii) after “for” insert “public or”;

- (b) in paragraph (b), for “27(2)(a)” substitute “[15HA\(3\)\(b\)](#) or [15HA\(6\)\(a\)](#)”.

- (4) After subsection (9A) insert—

“(9B) In a case where a qualifying procedure is carried out in relation to a plan that is prepared jointly by two or more local planning authorities under Part 2 of the Planning and Compulsory Purchase Act 2004, the Secretary of State may for the purposes of this section apportion the amount that may be recovered in accordance with subsections (4) to (6) between those authorities, on such basis as the Secretary of State considers just and reasonable.”

- (5) In subsection (10), before paragraph (a) insert—

“(za) any reference to an independent examination under [section 15D](#) of the Planning and Compulsory Purchase Act 2004 includes a pause of such an examination under [section 15DA](#) of that Act;”.

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(6) After subsection (11) insert—

“(12) In this section references to a local planning authority are, in relation to a local planning authority in England, to a local planning authority for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 and include a minerals and waste planning authority for the purposes of that Part.”

Commencement Information

I7 Sch. 8 para. 7 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

8 In section 306 (contributions by local authorities and statutory undertakers), in subsection (2)(ab)—

- (a) after “by a” insert “minerals and waste planning authority or”;
- (b) after “duty of” insert “minerals and waste planning authority or”.

Commencement Information

I8 Sch. 8 para. 8 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

9 In section 324 (rights of entry), in subsection (1)(a), for “local development document” substitute “local plan, document which is or forms part of a minerals and waste plan or supplementary plan”.

Commencement Information

I9 Sch. 8 para. 9 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

10 In section 336 (interpretation), after the definition of “mortgage” insert—
““national development management policy” must be construed in accordance with [section 38ZA](#) of the Planning and Compulsory Purchase Act 2004;”.

Commencement Information

I10 Sch. 8 para. 10 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

11 (1) Schedule 1 (local planning authorities: distribution of functions) is amended as follows.

(2) In paragraph 7, for sub-paragraph (10) substitute—

“(10) A relevant county policy is a policy contained in a relevant document, plan or revision which—

- (a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or
- (b) has been adopted, approved or made for the purposes of that Part.

(10A) In sub-paragraph (10)—

- (a) a “relevant document, plan or revision” means—

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- (i) a document prepared to be, or to form part of, the county planning authority’s minerals and waste plan for the purposes of Part 2 of the 2004 Act,
- (ii) a revision of a document which is, or forms part of, the county planning authority’s minerals and waste plan for the purposes of that Part,
- (iii) a supplementary plan prepared by the county planning authority acting as a minerals and waste planning authority under that Part, or
- (iv) a revision of a such a supplementary plan;
- (b) the reference to submission of a relevant document, plan or revision for independent examination under Part 2 of the 2004 Act is to be taken to include any case where an independent examination is held under that Part.”

(3) In paragraph 8(3E), in paragraph (b) of the definition of “relevant neighbourhood development plan”, for “(3)” substitute “(2A)”.

(4) In paragraph 8A(2), in paragraph (b) of the definition of “relevant neighbourhood development plan”, for “(3)” substitute “(2A)”.

Commencement Information

111 Sch. 8 para. 11 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 12 In Schedule 13 (blighted land), in paragraph 1A—
- (a) for “development plan document”, in the first place it appears, substitute “local plan, minerals and waste plan or supplementary plan”;
 - (b) for Note (2) substitute—
 - “(2) For the purposes of this paragraph a local plan is a local plan, or revision of such a plan, which—
 - (a) has been submitted for independent examination under Part 2 of the Planning and Compulsory Purchase Act 2004 (in this paragraph, “the 2004 Act”) and has not been withdrawn, or
 - (b) has been adopted, approved or made for the purposes of that Part.
 - (2ZA) For the purposes of this paragraph a minerals and waste plan is a document prepared to be or to form part of a minerals and waste plan, or a revision of such a document, which—
 - (a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or
 - (b) has been adopted, approved or made for the purposes of that Part.
 - (2ZB) For the purposes of this paragraph a supplementary plan is a supplementary plan, or a revision of such a plan, which—

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- (a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or
- (b) has been adopted, approved or made for the purposes of that Part.”;
- (c) omit Note (3);
- (d) for Note (4) substitute—

“(4) In Notes (2) to (2ZB) the references to submission of a local plan, a supplementary plan, a document or a revision for independent examination under Part 2 of the 2004 Act are to be taken to include any case where an independent examination is held under that Part.”

Commencement Information

I12 Sch. 8 para. 12 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Commencement Information

I2 Sch. 8 para. 2 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I3 Sch. 8 para. 3 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I4 Sch. 8 para. 4 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I5 Sch. 8 para. 5 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I6 Sch. 8 para. 6 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I7 Sch. 8 para. 7 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I8 Sch. 8 para. 8 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I9 Sch. 8 para. 9 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I10 Sch. 8 para. 10 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I11 Sch. 8 para. 11 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I12 Sch. 8 para. 12 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Greater London Authority Act 1999

13 GLAA 1999 is amended as follows.

Commencement Information

I13 Sch. 8 para. 13 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

14 In section 338 (examination in public), at the end of subsection (1) insert “in relation to the proposed strategy”.

Commencement Information

I14 Sch. 8 para. 14 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

15 In section 346 (monitoring and data collection), in paragraph (b), for “local development documents” substitute “local plan, any document which is or forms part of a minerals and waste plan and any supplementary plans”.

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Commencement Information

I15 Sch. 8 para. 15 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 16 In section 347 (functional bodies to have regard to strategy)—
- (a) for “section 24” substitute “sections [15CA\(2\)](#) and [15CC\(7\)](#)”;
 - (b) for “requires certain of a Mayoral development corporation’s documents” substitute “require local plans, minerals and waste plans and supplementary plans”.

Commencement Information

I16 Sch. 8 para. 16 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Commencement Information

I13 Sch. 8 para. 13 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I14 Sch. 8 para. 14 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I15 Sch. 8 para. 15 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I16 Sch. 8 para. 16 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Planning and Compulsory Purchase Act 2004

- 17 PCPA 2004 is amended as follows.

Commencement Information

I17 Sch. 8 para. 17 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 18 For section 14 (survey of area: county councils) substitute—
- “14 Survey of area: minerals and waste planning authorities and county councils**
- (1) A minerals and waste planning authority must keep under review the matters which may be expected to affect minerals and waste development in the relevant area or the planning of such development.
 - (2) Subsections (2) to (5) of section 13 apply for the purposes of subsection (1) as they apply for the purposes of that section and—
 - (a) references to the local planning authority must be construed as references to the minerals and waste planning authority,
 - (b) references to the area of the local planning authority must be construed as references to the relevant area, and
 - (c) references to the local planning authority for a neighbouring area must be construed as references to—
 - (i) in the case of a neighbouring area in England, the minerals and waste planning authority for that area, or

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(ii) in the case of a neighbouring area in Wales, the local planning authority for that area for the purposes of Part 6.

(3) The Secretary of State may by regulations require or (in a particular case) may direct a county council to keep under review in relation to their area such of the matters mentioned in section 13(1) to (4) as the Secretary of State prescribes or directs (as the case may be).

(4) For the purposes of subsection (3)—

(a) it is immaterial whether the matter relates to minerals and waste development;

(b) if a matter which is prescribed or in respect of which the Secretary of State gives a direction falls within section 13(4) the county council must consult the local planning authority for the area in question.

(5) The county council must make available the results of their review under subsection (3) to such persons as the Secretary of State prescribes or directs (as the case may be).”

Commencement Information

I18 Sch. 8 para. 18 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

19 In section 38 (development plan), in subsection (7), after “enactments” insert “mentioned in subsection (1)”.

Commencement Information

I19 Sch. 8 para. 19 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

20 In section 38A (meaning of “neighbourhood development plan”), in subsection (12)

(a) after “this section” insert “and section 38B”;

(b) in the definition of “local planning authority”, for the words from “section 37” to the end of the definition substitute “[section 15LF](#)”.

Commencement Information

I20 Sch. 8 para. 20 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

21 In section 39 (sustainable development), in subsection (1)—

(a) in paragraph (b), for “local development documents” substituted “a joint spatial development strategy, local plan, minerals and waste plan or supplementary plan”;

(b) after that paragraph insert—

“(ba) under section 38A to 38C in relation to a neighbourhood development plan.”

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Commencement Information

I21 Sch. 8 para. 21 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

22 In section 61 (Wales: survey), for subsection (6) substitute—

“(6) If a neighbouring area is in England, the reference in subsection (5) to the local planning authority for that area is to be construed as a reference to the local planning authority and the minerals and waste planning authority, in each case for the purposes of Part 2, for that area.”

Commencement Information

I22 Sch. 8 para. 22 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

23 (1) Section 113 (validity of strategies, plans and documents) is amended as follows.

(2) In subsection (1)—

(a) after paragraph (ba) insert—

- “(bb) a local plan;
- (bc) a minerals and waste plan;
- (bd) a supplementary plan;”;

(b) omit paragraph (c);

(c) in paragraph (e), for “(c)” substitute “(bb), (bc), (bd)”;

(d) in paragraph (f), for “the Mayor of London’s” substitute “a”;

(e) in paragraph (g), for “the” substitute “a”.

(3) In subsection (9)—

(a) in paragraph (c), for “development plan document” substitute “local plan, minerals and waste plan or supplementary plan”;

(b) in paragraph (e), after “strategy” insert “for London”;

(c) after that paragraph insert—

“(f) in the case of a spatial development strategy adopted by a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, or any alteration or replacement of it, whichever provisions of (or applied by) an order under that Act give the combined authority powers in relation to such a strategy;

(g) sections [15A](#) to [15AF](#) above, in the case of a joint spatial development strategy or any alteration of it.”

(4) In subsection (11)—

(a) in paragraph (c)—

(i) for “development plan document” substitute “local plan, minerals and waste plan or supplementary plan”;

(ii) for the words from “by the local” to the end substitute “or approved (as the case may be) under Part 2;”;

(b) in paragraph (e)—

(i) for “the”, in the second place it occurs, substitute “a”;

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(ii) for “the Mayor of London publishes it” substitute “it becomes operative”.

(5) After subsection (12) insert—

“(13) In this section, “spatial development strategy”, “spatial development strategy for London” and “joint spatial development strategy” must be construed in accordance with [section 15LH](#).”

Commencement Information

I23 Sch. 8 para. 23 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

24 In section 116 (Isles of Scilly), in subsection (2)(b), after “local planning authority” insert “or minerals and waste planning authority”.

Commencement Information

I24 Sch. 8 para. 24 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

25 In section 122 (regulations and orders)—

(a) in subsection (5), before paragraph (a) insert—

“(za) regulations under [section 15A\(2\)\(c\)](#);

(zb) regulations made under [section 39A\(3\)](#).”;

(b) in subsection (6), after “(5)” insert “(za), (zb)”.

Commencement Information

I25 Sch. 8 para. 25 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

26 (1) Schedule A1 (default powers exercisable by Mayor of London, combined authority or county council) is amended as follows.

(2) For paragraph 1 substitute—

“1 (1) This paragraph applies if the Secretary of State thinks that a London borough council, in their capacity as a local planning authority, are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.

(2) If the local plan has not come into effect, the Secretary of State may invite the Mayor of London to take over preparation of the local plan from the London borough council, in which case the Mayor may do so.

(3) If the local plan has come into effect, the Secretary of State may invite the Mayor of London to revise the local plan, in which case the Mayor may do so.”

(3) In paragraph 2—

(a) in sub-paragraph (1), for “development plan document” substitute “local plan”;

(b) after that sub-paragraph insert—

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“(1A) If the Mayor of London is to prepare the local plan, the Mayor must publish a document setting out—

- (a) the Mayor’s timetable for preparing the plan, and
 - (b) if the Mayor intend to depart from anything specified in a local plan timetable in relation to the plan, details of how the Mayor intends to depart from it.”;
- (c) for sub-paragraph (4) substitute—

“(4) The Mayor of London may then—

- (a) where the Mayor has prepared a local plan, approve the local plan, approve the local plan subject to specified modifications or direct the council to consider adopting the local plan by resolution of the council, or
- (b) where the Mayor is to revise a local plan, make the revision or make the revision subject to specified modifications.”

(4) In paragraph 3—

(a) for sub-paragraph (1) substitute—

“(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 2(2)—

- (a) reading references to the local planning authority as references to the Mayor of London, and
 - (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”;
- (b) in sub-paragraph (3)(a), omit “or omitted”;
- (c) for sub-paragraph (4) substitute—
- (i) for “joint local development document or a joint development plan document” substitute “joint local plan”;
 - (ii) for “the document” substitute “the plan”.

(5) In paragraph 4, for “section 29” substitute “section 15J”.

(6) For paragraph 5 substitute—

- “5
- (1) This paragraph applies if the Secretary of State thinks that a constituent planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.
 - (2) If the local plan has not come into effect, the Secretary of State may invite the combined authority to take over preparation of the local plan from the constituent planning authority, in which case the combined authority may do so.
 - (3) If the local plan has come into effect, the Secretary of State may invite the combined authority to revise the local plan, in which case the combined authority may do so.”

(7) In paragraph 6—

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- (a) in sub-paragraph (1), for “development plan document” substitute “local plan”;
 - (b) after that sub-paragraph insert—
 - “(1A) If the combined authority are to prepare the local plan, the combined authority must publish a document setting out—
 - (a) their timetable for preparing the plan, and
 - (b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.”;
 - (c) for sub-paragraph (4) substitute—
 - “(4) The combined authority may then—
 - (a) where the combined authority have prepared a local plan, approve the local plan, approve the local plan subject to specified modifications or direct the constituent planning authority to consider adopting the local plan by resolution of the authority, or
 - (b) where the combined authority are to revise a local plan, make the revision or make the revision subject to specified modifications.”
- (8) In paragraph 7—
- (a) for sub-paragraph (1) substitute—
 - “(1) Subsections (4) to (12) of [section 15D](#), and [section 15DA](#), apply to an examination held under paragraph 6(2)—
 - (a) reading references to the local planning authority as references to the combined authority, and
 - (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”;
 - (b) in sub-paragraph (3)(a), omit “or omitted”;
 - (c) in sub-paragraph (4)—
 - (i) for “joint local development document or a joint development plan document” substitute “joint local plan”;
 - (ii) for “the document” substitute “the plan”.
- (9) In paragraph [7ZA](#) (inserted by paragraph [156](#) of Schedule [4](#) to this Act), in paragraph (b) of the definition of “constituent planning authority”, for “29” substitute “15J”.
- (10) For paragraph [7ZB](#) (inserted by paragraph [156](#) of Schedule [4](#) to this Act) substitute—
- “7ZB (1) This paragraph applies if the Secretary of State thinks that a constituent planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.
 - (2) If the local plan has not come into effect, the Secretary of State may invite the combined county authority to take over preparation of the local plan from the constituent planning authority, in which case the combined county authority may do so.

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- (3) If the local plan has come into effect, the Secretary of State may invite the combined county authority to revise the local plan, in which case the combined county authority may do so.”
- (11) In paragraph 7ZC (inserted by paragraph 156 of Schedule 4 to this Act)—
- (a) in sub-paragraph (1), for “development plan document” substitute “local plan”;
- (b) after that sub-paragraph insert—
- “(1A) If the combined county authority are to prepare the local plan, the combined county authority must publish a document setting out—
- (a) their timetable for preparing the plan, and
- (b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.”;
- (c) for sub-paragraph (4) substitute—
- “(4) The combined county authority may then—
- (a) where the combined county authority have prepared a local plan, approve the local plan subject to specified modifications or direct the constituent planning authority to consider adopting the local plan by resolution of the authority, or
- (b) where the combined county authority are to revise a local plan, make the revision or make the revision subject to specified modifications.”
- (12) In paragraph 7ZD (inserted by paragraph 156 of Schedule 4 to this Act)—
- (a) for sub-paragraph (1) substitute—
- “(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 7ZC(2)—
- (a) reading references to the local planning authority as references to the combined county authority, and
- (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”;
- (b) in sub-paragraph (3)(a), omit “or omitted”;
- (c) in sub-paragraph (4)—
- (i) for “joint local development document or a joint development plan document” substitute “joint local plan”;
- (ii) for “the document” substitute “the plan”.
- (13) For paragraph 7B substitute—
- “7B (1) This paragraph applies if the Secretary of State thinks that a lower tier planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.
- (2) If the local plan has not come into effect, the Secretary of State may invite the upper-tier county council to take over preparation of the local

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plan from the lower-tier planning authority, in which case the upper-tier county council may do so.

(3) If the local plan has come into effect, the Secretary of State may invite the upper-tier county council to revise the local plan, in which case the upper-tier county council may do so.”

(14) In paragraph 7C—

- (a) in sub-paragraph (1), for “development plan document” substitute “local plan”;
- (b) after that sub-paragraph insert—

“(1A) If the upper-tier county council are to prepare the local plan, the upper-tier county council must publish a document setting out—

- (a) their timetable for preparing the plan, and
 - (b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.”;
- (c) for sub-paragraph (4) substitute—

“(4) The upper-tier county council may then—

- (a) where the upper-tier county council have prepared a local plan, approve the local plan, approve the local plan subject to specified modifications or direct the lower-tier planning authority to consider adopting the local plan by resolution of the authority, or
- (b) where the upper-tier county council are to revise a local plan, make the revision or make the revision subject to specified modifications.”

(15) In paragraph 7D—

- (a) for sub-paragraph (1) substitute—

“(1) Subsections (4) to (12) of [section 15D](#), and [section 15DA](#), apply to an examination held under paragraph 7C(2)—

- (a) reading references to the local planning authority as references to the upper-tier county council, and
 - (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”;
- (b) in sub-paragraph (3)(a), omit “or omitted”;
- (c) in sub-paragraph (4)—
- (i) for “joint local development document or a joint development plan document” substitute “joint local plan”;
 - (ii) for “the document” substitute “the plan”.

(16) In paragraph 8—

- (a) in sub-paragraph (1)—
 - (i) for “development plan document” substitute “local plan”;
 - (ii) for “revised” substitute “a revision of a local plan”;
- (b) in sub-paragraph (2)—
 - (i) for “development plan document” substitute “local plan”;

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- (ii) in paragraph (a), for “document” (in both places) substitute plan;
 - (iii) in that paragraph, for “section 23” substitute “[section 15EA](#)”;
 - (c) in sub-paragraph (3)(b), for “document” substitute “plan”;
 - (d) in sub-paragraph (5)—
 - (i) for “development plan document” substitute “local plan”;
 - (ii) for “section 23” substitute “[section 15EA](#)”;
 - (iii) for “the document” substitute “the plan”;
 - (e) in sub-paragraph (6), for “document” (in each place) substitute “plan”;
 - (f) in sub-paragraph (7)—
 - (i) in paragraph (a), for “development plan document” substitute “local plan”;
 - (ii) in paragraph (b), for “section 23” substitute “[section 15EA](#)”;
 - (iii) in the words after paragraph (b), for “document” substitute “plan”;
 - (g) after sub-paragraph (7) insert—
 - “(7A) Sub-paragraphs (2) to (7) and paragraph 9 apply in relation to a revision to a local plan to which this paragraph applies as they apply in relation to a local plan to which this paragraph applies—
 - (a) reading references to the plan being adopted or approved as references to the revision being made, and
 - (b) reading references to paragraph 2(4)(a), 6(4)(a), 7ZC(4)(a) or 7C(4)(a) as references to paragraph 2(4)(b), 6(4)(b), 7ZC(4)(b) or 7C(4)(b).”
- (17) In paragraph 9, for “document” (in each place) substitute “plan”.
- (18) For paragraph 10 substitute—
- “10 Subsections (4) to (12) of [section 15D](#), and [section 15DA](#), apply to an examination of a local plan held under paragraph 9(3)—
- (a) reading references to the local planning authority as references to Secretary of State, and
 - (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”
- (19) In paragraph 11, for “local development scheme” substitute “local plan timetable”.
- (20) In paragraph 13—
- (a) in sub-paragraph (1)—
 - (i) for “development plan document” substitute “local plan”;
 - (ii) after “step” insert “, or not to take a step specified in the direction,”;
 - (iii) for “adoption or approval of the document” substitute “plan”;
 - (b) in sub-paragraph (2), for “document” substitute “plan”;
 - (c) in sub-paragraph (3), for “document” (in both places) substitute “plan”.

Commencement Information

I26 Sch. 8 para. 26 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

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

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Schedule 8. (See end of Document for details)

Commencement Information

- I17 Sch. 8 para. 17 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I18 Sch. 8 para. 18 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I19 Sch. 8 para. 19 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I20 Sch. 8 para. 20 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I21 Sch. 8 para. 21 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I22 Sch. 8 para. 22 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I23 Sch. 8 para. 23 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I24 Sch. 8 para. 24 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I25 Sch. 8 para. 25 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I26 Sch. 8 para. 26 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Commons Act 2006

- 27 In Schedule 1A to the Commons Act 2006 (exclusion of right under section 15 of that Act (registration of greens): England), in the Table—
- (a) in paragraph 3 of the first column—
 - (i) for “development plan document” substitute “local plan, a document which is to be or to form part of a minerals and waste plan or a supplementary plan”;
 - (ii) for “section 17(7)” substitute “section [15LE\(2\)\(g\)](#)”;
 - (b) in paragraph (a) of the entry in the second column corresponding to paragraph 3—
 - (i) after “The” insert “plan or”;
 - (ii) for “under section 22(1) of the 2004 Act” substitute “under—
 - (i) in the case of a local plan, section [15E](#) of the 2004 Act;
 - (ii) in the case of a document which is to be or to form part of a minerals and waste plan, section [15E](#) of that Act (as applied by section [15CB\(8\)](#) of that Act);
 - (iii) in the case of a supplementary plan, regulations made under section [15CC\(11\)](#) of that Act.”;
 - (c) for paragraph (b) of the entry in the second column corresponding to paragraph 3 substitute—
 - “(b) The plan or document is adopted or approved under Part 2 of that Act (but see paragraph 4 of this Table).”;
 - (d) in paragraph (c) of the entry in the second column corresponding to paragraph 3, after “which the” insert “plan or”;
 - (e) for paragraph 4 of the first column substitute—
 - “4 A local plan, a document which is or forms part of a minerals and waste plan or a supplementary plan, which identifies the land for potential development, is adopted or approved under Part 2 of the 2004 Act.”;
 - (f) in paragraph (a) of the entry in the second column corresponding to paragraph 4—
 - (i) after “The” insert “plan or”;

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- (ii) for “section 25 of the 2004 Act” substitute “section 15G of the 2004 Act (including as applied by section 15CB(8) of that Act, in the case of a minerals and waste plan)”;
- (g) in paragraph (b) of the entry in the second column corresponding to paragraph 4, after “in the” insert “plan or”.

Commencement Information

I27 Sch. 8 para. 27 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Planning and Energy Act 2008

28 The Planning and Energy Act 2008 is amended as follows.

Commencement Information

I28 Sch. 8 para. 28 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 29 (1) Section 1 (energy policies) is amended as follows.
- (2) In subsection (1), for “development plan documents,” substitute “local plan and any supplementary plan, a minerals and waste planning authority may in their minerals and waste plan and any supplementary plan,”.
 - (3) After that subsection insert—
 - “(1ZA) In relation to the minerals and waste plan or supplementary plan of a minerals and waste planning authority, references in subsection (1) to development in their area are to minerals and waste development in the relevant area.”
 - (4) In subsection (4)—
 - (a) in paragraph (a), for “section 19” substitute “sections 15C, 15CA and 15CC”;
 - (b) after that paragraph insert—
 - “(aza) sections 15CB and 15CC of that Act, in the case of a minerals and waste planning authority;”.
 - (5) In subsection (5), for “development plan documents” substitute “a local plan, a minerals and waste plan or a supplementary plan”.

Commencement Information

I29 Sch. 8 para. 29 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 30 In section 2 (interpretation), for the definition of “development plan document” substitute—
- ““local plan”, “minerals and waste development”, “minerals and waste plan”, “minerals and waste planning authority”, “relevant area” and “supplementary plan” have the same meaning as in Part 2 of the Planning and Compulsory Purchase Act 2004 (see, in particular, section 15LH of that Act);”.

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Commencement Information

I30 Sch. 8 para. 30 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Commencement Information

I28 Sch. 8 para. 28 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I29 Sch. 8 para. 29 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I30 Sch. 8 para. 30 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Marine and Coastal Access Act 2009

31 (1) Schedule 6 to the Marine and Coastal Access Act 2009 (marine plans: preparation and adoption) is amended as follows.

(2) In paragraph 1—

(a) in sub-paragraph (2), after paragraph (d) insert—

“(da) any minerals and waste planning authority whose relevant area adjoins or is adjacent to the marine plan area;”;

(b) in sub-paragraph (3)—

(i) in paragraph (a) of the definition of “local planning authority”, for “section 37” substitute “section 15LF”;

(ii) after that definition insert—

““minerals and waste planning authority” means an authority which is a minerals and waste planning authority for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (see [section 15LG](#) of that Act) and “relevant area” has the meaning given by that section.”

(3) In paragraph 3(6), in paragraph (a) of the definition of “development plan”, for “section 38(2) to (4)” substitute “section 38(2A) to (4)”.

Commencement Information

I31 Sch. 8 para. 31 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Waste (England and Wales) Regulations 2011 (S.I. 2011/988)

32 In regulation 16(3) of the Waste (England and Wales) Regulations 2011 (general interpretation: meaning of planning authority), for sub-paragraph (b) substitute—

“(ba) a local planning authority or minerals and waste planning authority for the purposes of Part 2 of the 2004 Act;”.

Commencement Information

I32 Sch. 8 para. 32 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
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Housing and Planning Act 2016

33 The Housing and Planning Act 2016 is amended as follows.

Commencement Information

I33 Sch. 8 para. 33 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

34 In section 6 (starter homes: monitoring), in subsection (2), omit paragraph (c).

Commencement Information

I34 Sch. 8 para. 34 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

35 In section 7 (starter homes: compliance directions), in subsection (1)(b) for “local development document” substitute “local plan, document which is or forms part of a minerals and waste plan or supplementary plan”.

Commencement Information

I35 Sch. 8 para. 35 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

36 In section 8 (starter homes: interpretation), for the definition of “local development document” substitute—

““local plan”, “minerals and waste plan” and “supplementary plan” have the same meaning as in Part 2 of the Planning and Compulsory Purchase Act 2004 (see, in particular, section 15LH of that Act);”.

Commencement Information

I36 Sch. 8 para. 36 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Commencement Information

I33 Sch. 8 para. 33 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I34 Sch. 8 para. 34 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I35 Sch. 8 para. 35 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I36 Sch. 8 para. 36 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012)

37 The Conservation of Habitats and Species Regulations 2017 are amended as follows.

Commencement Information

I37 Sch. 8 para. 37 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

38 (1) Regulation 41 (nature conservation policy in planning contexts) is amended as follows.

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- (2) In paragraph (1), after “of land” insert “or minerals and waste development”.
- (3) In paragraph (2)(a)(i)—
 - (a) for “section 17(3)” substitute “sections 15C(3) and (4) and 15CC(3)”;
 - (b) for “local development documents” substitute “local plans and supplementary plans made by local planning authorities”.
- (4) Omit the “and” at the end of paragraph (2)(a)(ii).
- (5) After paragraph (2)(a) insert—
 - “(aa) in relation to minerals and waste development, sections 15CB(2) and (3) and 15CC(5) of that Act; and”.

Commencement Information

I38 Sch. 8 para. 38 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 39
- (1) Regulation 108 (co-ordination for land use plan prepared by more than one authority) is amended as follows.
 - (2) In paragraph (1), for the words from “prepare” to the end substitute “prepare a relevant joint plan”.
 - (3) In paragraph (2), for “joint local development document or plan” substitute “relevant joint plan”.
 - (4) In paragraph (3), for “joint local planning document or plan” substitute “relevant joint plan”.
 - (5) In paragraph (5), for “joint local development document or plan” substitute “relevant joint plan”.
 - (6) After that paragraph insert—
 - “(6) In this regulation “relevant joint plan” means—
 - (a) a joint spatial development strategy, joint local plan or joint supplementary plan (within the meaning of Part 2 of the 2004 Planning Act),
 - (b) a document which is or forms part of a joint minerals and waste plan under sections 15I and 15IA of that Act (as applied by section 15CB(8) of that Act), or
 - (c) a joint local development plan under section 72 of that Act.”

Commencement Information

I39 Sch. 8 para. 39 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 40
- (1) Regulation 111 (interpretation of Chapter 8 of Part 6) is amended as follows.
 - (2) In paragraph (1)—
 - (a) in paragraph (b) of the definition of “land use plan”—
 - (i) for “local development document as provided for in” substitute “joint spatial development strategy, local plan, document which is

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or forms part of a minerals and waste plan, supplementary plan or any revision of such a plan or document under”;

(ii) omit the words from “other” to the end;

- (b) in paragraph (a) of the definition of “plan-making authority”, after “replacement” insert “or section 15CC of the 2004 Planning Act (supplementary plans)”;
- (c) in paragraph (b) of the definition of “plan-making authority” omit “or an order under section 29(2) of the 2004 Planning Act (joint committees)”;
- (d) after that paragraph insert—
 - “(ba) a local planning authority or minerals and waste planning authority for the purposes of Part 2 of the 2004 Planning Act;”;
- (e) in paragraph (c) of the definition of “plan-making authority”, omit sub-paragraph (i);
- (f) after that paragraph insert—
 - “(ca) anyone exercising powers under section 15H, 15HA or 15HB of, or Schedule A1 to, the 2004 Planning Act;”.

(3) In paragraph (2)—

- (a) for sub-paragraphs (a) and (b) substitute—
 - “(aa) the adoption of a joint spatial development strategy under section 15AD of the 2004 Planning Act or of an alteration of such a strategy under section 15AF of that Act;
 - (ab) the adoption or approval of a local plan, document which is or forms part of a minerals and waste plan, supplementary plan or a revision of any such document or plan under Part 2 of the 2004 Planning Act;”;
- (b) in sub-paragraph (c) for “publication” substitute “adoption”.

Commencement Information

I40 Sch. 8 para. 40 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Commencement Information

I37 Sch. 8 para. 37 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I38 Sch. 8 para. 38 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I39 Sch. 8 para. 39 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I40 Sch. 8 para. 40 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Schedule 8.