



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 3

PLANNING

CHAPTER 2

DEVELOPMENT PLANS ETC

Development plans and national policy

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—

“(9A) In subsection (2A)—

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- (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.”

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.

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—

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- (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.”

Spatial development strategy for London

95 Contents of the spatial development strategy

- (1) Section 334 of GLAA 1999 (the spatial development strategy) is amended as follows.
- (2) For subsections (2) to (6) substitute—
- “(2A) The spatial development strategy must include a statement of the Mayor’s policies (however expressed), in relation to the development and use of land in Greater London, which are—
- (a) of strategic importance to Greater London, and
 - (b) designed to achieve objectives that relate to the particular characteristics or circumstances of Greater London.
- (2B) The spatial development strategy may specify or describe infrastructure the provision of which the Mayor considers to be of strategic importance to Greater London for the purposes of—
- (a) supporting or facilitating development in Greater London,
 - (b) mitigating, or adapting to, climate change, or
 - (c) promoting or improving the economic, social or environmental well-being of Greater London.
- (2C) The spatial development strategy may specify or describe affordable housing the provision of which the Mayor considers to be of strategic importance to Greater London.
- (2D) For the purposes of subsections [\(2A\)](#) to [\(2C\)](#) a matter—
- (a) may be of strategic importance to Greater London if it does not affect the whole area of Greater London, but
 - (b) is not to be regarded as being of strategic importance to Greater London, unless it is of strategic importance to more than one London borough.
- (2E) The Secretary of State may, by regulations under section 343 below, prescribe further matters the spatial development strategy may, or must, deal with.”

(3) After subsection (8) insert—

- “(9) The spatial development strategy must be designed to secure that the use and development of land in Greater London contribute to the mitigation of, and adaptation to, climate change.
- (10) The spatial development strategy must take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to an area in Greater London, including in particular—
- (a) the areas identified in the strategy as areas which—
 - (i) are, or could become, of particular importance for biodiversity, or
 - (ii) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
 - (b) the priorities set out in the strategy for recovering or enhancing biodiversity, and
 - (c) the proposals set out in the strategy as to potential measures relating to those priorities.
- (11) The spatial development strategy must not—
- (a) include anything that is not permitted or required by or under subsections (2A) to (8),
 - (b) specify particular sites where development should take place, or
 - (c) be inconsistent with or (in substance) repeat any national development management policy.”

96 Adjustment of terminology

- (1) In section 337 of GLAA 1999 (publication of spatial development strategy)—
- (a) for the heading substitute “Adoption.”;
 - (b) in subsection (1), for “publish” substitute “adopt”;
 - (c) after that subsection insert—

“(1A) The Mayor adopts the strategy by publishing it together with a statement that it has been adopted.”;
 - (d) in subsection (2), for “published” substitute “adopted”;
 - (e) in subsection (4), for “published”, in both places it occurs, substitute “adopted”;
 - (f) in subsection (5), for “publication” substitute “adoption”;
 - (g) in subsection (6), for “published” substitute “adopted”;
 - (h) in subsection (7), for “publish” substitute “adopt”;
 - (i) in subsection (8), for “publish” substitute “adopt”;
 - (j) in subsection (9), for “published” substitute “adopted”.
- (2) Also in GLAA 1999—
- (a) in section 41(1)(c), for “published” substitute “adopted”;
 - (b) in section 43(5)(a), for “published”, in both places it occurs, substitute “adopted”;
 - (c) in section 334(1), for “publish” substitute “adopt”;

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- (d) in section 336—
 - (i) in subsection (1), for “publishes” substitute “adopts”;
 - (ii) in subsection (4), for “publish” substitute “adopt”;
 - (e) in section 338(1), for “publishing” substitute “adopting”;
 - (f) in section 341—
 - (i) in subsection (1), for “publish” substitute “adopt”;
 - (ii) in subsection (2), for “publish” substitute “adopt”;
 - (iii) in subsection (3), for “publication”, in both places it occurs, substitute “adoption”;
 - (g) in section 343(1)(c), after “publication,” insert “adoption,”.
- (3) In section 74(1C)(b) of TCPA 1990, for “published” substitute “adopted”.
- (4) Any reference in an enactment to a strategy, or alteration or replacement of a strategy, adopted under Part 8 of GLAA 1999 (or the adoption of it) includes reference to a strategy, alteration or replacement published under that Part before this section comes into force (or the publication of it).

Local planning

97 Plan making

[Schedule 7](#) contains provision for, and in connection with, joint spatial development strategies, local plans, minerals and waste plans and supplementary plans.

Neighbourhood planning

98 Contents of a neighbourhood development plan

- (1) Section 38B of PCPA 2004 (provision that may be made by neighbourhood development plans) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) A neighbourhood development plan may include—
- (a) policies (however expressed) in relation to the amount, type and location of, and timetable for, development in the neighbourhood area in the period for which the plan has effect;
 - (b) other policies (however expressed) in relation to the use or development of land in the neighbourhood area which are designed to achieve objectives that relate to the particular characteristics or circumstances of that area, any part of that area or one or more specific sites in that area;
 - (c) details of any infrastructure requirements, or requirements for affordable housing, to which development in accordance with the policies, included in the plan under paragraph (a) or (b), would give rise;
 - (d) requirements with respect to design that relate to development, or development of a particular description, throughout the neighbourhood area, in any part of that area or at one or more specific

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sites in that area, which the qualifying body considers should be met for planning permission for the development to be granted.”

(3) After subsection (2A) insert—

“(2B) So far as the qualifying body considers appropriate, having regard to the subject matter of the neighbourhood development plan, the plan must—

- (a) be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change, and
- (b) take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area, including in particular—
 - (i) the areas identified in the strategy as areas which—
 - (A) are, or could become, of particular importance for biodiversity, or
 - (B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
 - (ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and
 - (iii) the proposals set out in the strategy as to potential measures relating to those priorities.

(2C) The neighbourhood development plan must not—

- (a) include anything that is not permitted or required by or under subsections (A1) to (2A) or regulations under subsection (4), or
- (b) be inconsistent with or (in substance) repeat any national development management policy.”

(4) In subsection (4)(b), after “requiring” insert “or permitting”.

99 Neighbourhood development plans and orders: basic conditions

(1) In paragraph 8(2) of Schedule 4B to TCPA 1990 (basic conditions for making neighbourhood development order or neighbourhood plan)—

- (a) for paragraph (e) substitute—
 - “(ea) the making of the order would not have the effect of preventing development from taking place which—
 - (i) is proposed in the development plan for the area of the authority (or any part of that area), and
 - (ii) if it took place, would provide housing,”;
- (b) after paragraph (f) (but before the “and” at the end of that paragraph) insert—
 - “(fa) any requirements imposed in relation to the order by or under [Part 6](#) of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with.”.

(2) In section 38C(5) of PCPA 2004 (neighbourhood development plans: modifications of Schedule 4B to TCPA 1990), in paragraph (d), for the words from “if” to the end substitute “if—

- (i) sub-paragraphs (2)(b) and (c) were omitted,

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- (ii) in sub-paragraph (2), for paragraph (ea) there were substituted—
 - “(ea) the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made,” and
 - (iii) sub-paragraphs (3) to (5) were omitted.”
- (3) In paragraph 11(2) of Schedule A2 to PCPA 2004 (modification of neighbourhood development plans: basic conditions)—
- (a) for paragraph (c) substitute—
 - “(ca) the making of the plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the draft plan were not to be made,”;
 - (b) after paragraph (d) (but before the “and” at the end of that paragraph) insert—
 - “(da) any requirements imposed in relation to the plan by or under [Part 6](#) of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with.”.

Requirement to assist with plan making

100 Requirement to assist with certain plan making

In Part 3 of PCPA 2004 (development), after section 39 (sustainable development) insert—

“Assistance with certain parts of development plan etc

39A Power to require assistance with certain plan making

- (1) Subsection (2) applies if a plan-making authority notifies a prescribed public body in writing that the authority requires the body, under this section, to assist the authority in relation to the preparation or revision of a relevant plan by the authority.
- (2) The prescribed public body must do everything that the plan-making authority reasonably requires of the body to assist the authority in relation to the preparation or revision of the relevant plan.
- (3) The Secretary of State may by regulations make provision as to—
 - (a) what a plan-making authority must, may or may not require a prescribed public body to do under [subsection \(2\)](#);
 - (b) the procedure to be followed in doing anything under this section;
 - (c) the determination of the time by or at which anything must be done under this section;

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- (d) the form and content of a notification under [subsection \(1\)](#) or of any other document or information provided under this section.
- (4) A “plan-making authority” is a body which, or other person who, is to prepare or revise (whether acting alone or jointly) a relevant plan.
- (5) Each of the following is a “relevant plan”—
 - (a) a local plan, a minerals and waste plan, a supplementary plan or policies map under Part 2;
 - (b) a spatial development strategy under Part 8 of the Greater London Authority Act 1999 or Part 2 of this Act;
 - (c) an infrastructure delivery strategy under Part 10A of the Planning Act 2008;
 - (d) a marine plan under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions.
- (6) A “prescribed public body” is a body which, or other person who, is prescribed or of a prescribed description and certain of whose functions are of a public nature.
- (7) References in this section to the preparation or revision of a relevant plan include any activities that could reasonably be considered to prepare the way for the preparation or revision of the plan.
- (8) In this section—
 - “the English inshore region” and “the English offshore region” have the same meaning as in the Marine and Coastal Access Act 2009;
 - “revision”, in relation to a relevant plan, includes any alteration, amendment, replacement or other modification (and related expressions are to be read accordingly).”

Minor and consequential amendments

101 Minor and consequential amendments in connection with [Chapter 2](#)

[Schedule 8](#) contains minor and consequential amendments in connection with [Chapter 2](#).