

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 6. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 6

Section 93(5)

DETERMINATIONS AND OTHER DECISIONS: HAVING REGARD TO NATIONAL DEVELOPMENT MANAGEMENT POLICIES

Town and Country Planning Act 1990

1 TCPA 1990 is amended as follows.

Commencement Information

I1 Sch. 6 para. 1 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

2 In section 59A (development orders: permission in principle), in subsection (11), after “development plan” insert “, any national development management policies so far as they are material”.

Commencement Information

I2 Sch. 6 para. 2 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

3 In section 70 (determination of applications for planning permission: general considerations),—

(a) in subsection (2), after paragraph (aza) insert—

“(azb) any national development management policies, so far as material to the application.”;

(b) in subsection (2A), for “(2)(b)” substitute “(2)(azb) and (b)”.

Commencement Information

I3 Sch. 6 para. 3 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

4 In section 70A (power to decline to determine subsequent application)—

(a) after subsection (5) insert—

“(5A) The relevant considerations, in relation to a local planning authority in England, are—

(a) the development plan so far as material to the application;

(b) any national development management policies so far as material to the application;

(c) any other material considerations.”;

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- (b) in subsection (6), after “considerations” insert “, in relation to a local planning authority in Wales,”.

Commencement Information

I4 Sch. 6 para. 4 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 5 In section 74 (directions etc as to method of dealing with applications)—
- (a) in subsection (1)(b), at the end insert “or, in the case of an authority in England, any national development management policy”;
- (b) in subsection (1C), after paragraph (a) (but before the “and” at the end of that paragraph) insert—
- “(aa) any national development management policies,”.

Commencement Information

I5 Sch. 6 para. 5 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 6 In section 91 (general condition limiting duration of planning permission), in subsection (2), for “shall be” substitute “must be—
- (a) in the case of an authority in England, a period which the authority consider appropriate having regard to the provisions of the development plan, to any national development management policies so far as they are material and to any other material considerations, or
- (b) in the case of an authority in Wales,”.

Commencement Information

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

- 7 In section 92 (outline planning permission), in subsection (6), for “shall have regard” substitute “must have regard—
- (a) in the case of an authority in England, to the provisions of the development plan, to any national development management policies so far as they are material and to any other material considerations, or
- (b) in the case of an authority in Wales,”.

Commencement Information

I7 Sch. 6 para. 7 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 8 In section 97 (power to revoke or modify planning permission or permission in principle), in subsection (2), for “shall have regard” substitute “must have regard—
- (a) in the case of an authority in England, to the development plan, to any national development management policies so far as they are material and to any other material considerations, or
- (b) in the case of an authority in Wales,”.

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I8 Sch. 6 para. 8 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

9 In section 102 (orders requiring discontinuance of use or alteration or removal of buildings or works)—

- (a) in subsection (1), for “the development plan and to any other material considerations” substitute “the relevant considerations”;
- (b) after that subsection insert—

“(1A) In subsection (1) “the relevant considerations” are—

- (a) in the case of an authority in England, the development plan, any national development management policies so far as they are material and any other material considerations, or
- (b) in the case of an authority in Wales, the development plan and any other material considerations.”

Commencement Information

I9 Sch. 6 para. 9 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

10 In section 172 (issue of enforcement notice), in subsection (1)(b), for “regard” substitute “regard—

- (i) in the case of an authority in England, to the development plan, to any national development management policies so far as they are material and to any other material considerations, or
- (ii) in the case of an authority in Wales,”.

Commencement Information

I10 Sch. 6 para. 10 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

11 In section 177 (grant or modification of planning permission on appeals against enforcement notices), for subsection (2) substitute—

“(2) In considering whether to grant planning permission under subsection (1)

- (a) if the land to which the enforcement notice relates is in England, the Secretary of State must have regard—
 - (i) to the provisions of the development plan, so far as material to the subject matter of the enforcement notice,
 - (ii) to any national development management policies, so far as material to the subject matter of the enforcement notice, and
 - (iii) to any other material considerations, or
- (b) if the land to which the enforcement notice relates is in Wales, the Welsh Ministers must have regard—

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- (i) to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and
- (ii) to any other material considerations.”

Commencement Information

I11 Sch. 6 para. 11 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 12 In Schedule 4B (process for making of neighbourhood development orders)—
- (a) in paragraph 5(5), before paragraph (a) insert—
 - “(za) national development management policies that are relevant to the draft neighbourhood development order to which the proposal in question relates,”;
 - (b) in paragraph 8(2), after paragraph (d) insert—
 - “(da) the making of the order is in general conformity with any national development management policies that are relevant to it,”.

Commencement Information

I12 Sch. 6 para. 12 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

- 13 In Schedule 9 (requirements relating to discontinuance of mineral working), in paragraph 1—
- (a) in sub-paragraph (1), for “the development plan and to any other material considerations” substitute “the relevant considerations”;
 - (b) after that sub-paragraph insert—
 - “(1A) In sub-paragraph (1) “the relevant considerations” are—
 - (a) in the case of an authority in England, the development plan, any national development management policies so far as they are material and any other material considerations, or
 - (b) in the case of an authority in Wales, the development plan and any other material considerations.”

Commencement Information

I13 Sch. 6 para. 13 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Commencement Information

- I1** Sch. 6 para. 1 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I2** Sch. 6 para. 2 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I3** Sch. 6 para. 3 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I4** Sch. 6 para. 4 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I5** Sch. 6 para. 5 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I6** Sch. 6 para. 6 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I7** Sch. 6 para. 7 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

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- I8** Sch. 6 para. 8 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I9** Sch. 6 para. 9 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I10** Sch. 6 para. 10 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I11** Sch. 6 para. 11 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I12** Sch. 6 para. 12 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- I13** Sch. 6 para. 13 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Planning (Hazardous Substances) Act 1990

- 14 In section 9 of the Hazardous Substances Act (determination of applications for hazardous substances consent), in subsection (2), after paragraph (c) insert—
- “(ca) in the case of an authority in England, to any national development management policies so far as they are material;”.

Commencement Information

- I14** Sch. 6 para. 14 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Greater London Authority Act 1999

- 15 In section 337(2) of GLAA 1999 (matters that may give rise to modification of spatial development strategy for London before publication), after paragraph (c) (but before the “or” at the end of that paragraph) insert—
- “(ca) any national development management policies (within the meaning given by [section 38ZA](#) of the Planning and Compulsory Purchase Act 2004) so far as they are material;”.

Commencement Information

- I15** Sch. 6 para. 15 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

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