



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 3

#### PLANNING

### CHAPTER 2

#### DEVELOPMENT PLANS ETC

PROSPECTIVE

#### *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

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

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 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”.

#### **Commencement Information**

**II** S. 98 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

## **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,”;

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- (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,
- (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.”.

#### Commencement Information

**I2** S. 99 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:**

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