



Planning Act 2008

2008 CHAPTER 29

PART 2 **E+W+S**

NATIONAL POLICY STATEMENTS

5 National policy statements **E+W+S**

- (1) The Secretary of State may designate a statement as a national policy statement for the purposes of this Act if the statement—
 - (a) is issued by the Secretary of State, and
 - (b) sets out national policy in relation to one or more specified descriptions of development.
 - (2) In this Act “national policy statement” means a statement designated under subsection (1) as a national policy statement for the purposes of this Act.
 - (3) Before designating a statement as a national policy statement for the purposes of this Act the Secretary of State must carry out an appraisal of the sustainability of the policy set out in the statement.
 - (4) A statement may be designated as a national policy statement for the purposes of this Act only if the consultation and publicity requirements set out in section 7, and the parliamentary requirements set out in section 9, have been complied with in relation to it [^{F1}and—
 - (a) the consideration period for the statement has expired without the House of Commons resolving during that period that the statement should not be proceeded with, or
 - (b) the statement has been approved by resolution of the House of Commons—
 - (i) after being laid before Parliament under section 9(8), and
 - (ii) before the end of the consideration period.]
- [^{F2}(4A) In subsection (4) “the consideration period”, in relation to a statement, means the period of 21 sitting days beginning with the first sitting day after the day on which the

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statement is laid before Parliament under section 9(8), and here “sitting day” means a day on which the House of Commons sits.]

- (5) The policy set out in a national policy statement may in particular—
- (a) set out, in relation to a specified description of development, the amount, type or size of development of that description which is appropriate nationally or for a specified area;
 - (b) set out criteria to be applied in deciding whether a location is suitable (or potentially suitable) for a specified description of development;
 - (c) set out the relative weight to be given to specified criteria;
 - (d) identify one or more locations as suitable (or potentially suitable) or unsuitable for a specified description of development;
 - (e) identify one or more statutory undertakers as appropriate persons to carry out a specified description of development;
 - (f) set out circumstances in which it is appropriate for a specified type of action to be taken to mitigate the impact of a specified description of development.
- (6) If a national policy statement sets out policy in relation to a particular description of development, the statement must set out criteria to be taken into account in the design of that description of development.
- (7) A national policy statement must give reasons for the policy set out in the statement.
- (8) The reasons must (in particular) include an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, climate change.
- (9) The Secretary of State must—
- (a) arrange for the publication of a national policy statement, ^{F3}...
 - ^{F4}(b)
- (10) In this section “statutory undertakers” means persons who are, or are deemed to be, statutory undertakers for the purposes of any provision of Part 11 of TCPA 1990.

Textual Amendments

- F1** Words in s. 5(4) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(2), 240(2)** (with s. 144); [S.I. 2012/628](#), [art. 7\(a\)](#)
- F2** S. 5(4A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(3), 240(2)** (with s. 144); [S.I. 2012/628](#), [art. 7\(a\)](#)
- F3** Word in s. 5(9)(a) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), **Sch. 25 Pt. 20**; [S.I. 2012/628](#), [art. 7\(b\)](#)
- F4** S. 5(9)(b) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(4), 240(2)**, **Sch. 25 Pt. 20** (with s. 144); [S.I. 2012/628](#), [art. 7](#)

Commencement Information

- II** S. 5 in force at 6.4.2009 by [S.I. 2009/400](#), [art. 2](#)

6 Review **E+W+S**

- (1) The Secretary of State must review each national policy statement whenever the Secretary of State thinks it appropriate to do so.

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- (2) A review may relate to all or part of a national policy statement.
 - (3) In deciding when to review a national policy statement the Secretary of State must consider whether—
 - (a) since the time when the statement was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the statement was decided,
 - (b) the change was not anticipated at that time, and
 - (c) if the change had been anticipated at that time, any of the policy set out in the statement would have been materially different.
 - (4) In deciding when to review part of a national policy statement (“the relevant part”) the Secretary of State must consider whether—
 - (a) since the time when the relevant part was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the relevant part was decided,
 - (b) the change was not anticipated at that time, and
 - (c) if the change had been anticipated at that time, any of the policy set out in the relevant part would have been materially different.
 - (5) After completing a review of all or part of a national policy statement the Secretary of State must do one of the following—
 - (a) amend the statement;
 - (b) withdraw the statement's designation as a national policy statement;
 - (c) leave the statement as it is.
 - (6) Before amending a national policy statement the Secretary of State must carry out an appraisal of the sustainability of the policy set out in the proposed amendment.
 - (7) The Secretary of State may amend a national policy statement only if the consultation and publicity requirements set out in section 7, and the parliamentary requirements set out in section 9, have been complied with in relation to the proposed amendment [^{F5}and—
 - (a) the consideration period for the amendment has expired without the House of Commons resolving during that period that the amendment should not be proceeded with, or
 - (b) the amendment has been approved by resolution of the House of Commons—
 - (i) after being laid before Parliament under section 9(8), and
 - (ii) before the end of the consideration period.]
- [^{F6}(7A) In subsection (7) “the consideration period”, in relation to an amendment, means the period of 21 sitting days beginning with the first sitting day after the day on which the amendment is laid before Parliament under section 9(8), and here “sitting day” means a day on which the House of Commons sits.]
- (8) Subsections (6) [^{F7}to (7A)] do not apply if the Secretary of State thinks that the proposed amendment (taken with any other proposed amendments) does not materially affect the policy as set out in the national policy statement.
 - (9) If the Secretary of State amends a national policy statement, the Secretary of State must—
 - (a) arrange for the amendment, or the statement as amended, to be published, and

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- (b) lay the amendment, or the statement as amended, before Parliament.

Textual Amendments

- F5** Words in s. 6(7) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(5), 240(2)** (with s. 144); S.I. 2012/628, art. 7(a)
- F6** S. 6(7A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(6), 240(2)** (with s. 144); S.I. 2012/628, art. 7(a)
- F7** Words in s. 6(8) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(7), 240(2)** (with s. 144); S.I. 2012/628, art. 7(a)

Commencement Information

- I2** S. 6 in force at 6.4.2009 by [S.I. 2009/400](#), **art. 2**

[^{F8}6A Interpretation of sections 5(4) and 6(7) **E+W+S**

- (1) This section applies for the purposes of section 5(4) and 6(7).
- (2) The consultation and publicity requirements set out in section 7 are to be treated as having been complied with in relation to a statement or proposed amendment (“the final proposal”) if—
 - (a) they have been complied with in relation to a different statement or proposed amendment (“the earlier proposal”),
 - (b) the final proposal is a modified version of the earlier proposal, and
 - (c) the Secretary of State thinks that the modifications do not materially affect the policy as set out in the earlier proposal.
- (3) The consultation and publicity requirements set out in section 7 are also to be treated as having been complied with in relation to a statement or proposed amendment (“the final proposal”) if—
 - (a) they have been complied with—
 - (i) in relation to a different statement or proposed amendment (“the earlier proposal”), and
 - (ii) in relation to modifications of the earlier proposal (“the main modifications”),
 - (b) the final proposal is a modified version of the earlier proposal, and
 - (c) there are no modifications other than the main modifications or, where the modifications include modifications other than the main modifications, the Secretary of State thinks that those other modifications do not materially affect the policy as set out in the earlier proposal modified by the main modifications.
- (4) If section 9(8) has been complied with in relation to a statement or proposed amendment (“the final proposal”), the parliamentary requirements set out in section 9(2) to (7) are to be treated as having been complied with in relation to the final proposal where—
 - (a) the final proposal is not the same as what was laid under section 9(2), but
 - (b) those requirements have been complied with in relation to what was laid under section 9(2).
- (5) Ignore any corrections of clerical or typographical errors in what was laid under section 9(8).

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Textual Amendments

F8 Ss. 6A, 6B inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(8), 240(2)** (with s. 144); S.I. 2012/628, art. 7(a)

6B Extension of consideration period under section 5(4A) or 6(7A) **E+W+S**

- (1) The Secretary of State may—
 - (a) in relation to a proposed national policy statement, extend the period mentioned in section 5(4A), or
 - (b) in relation to a proposed amendment of a national policy statement, extend the period mentioned in section 6(7A),by 21 sitting days or less.
- (2) The Secretary of State does that by laying before the House of Commons a statement—
 - (a) indicating that the period is to be extended, and
 - (b) setting out the length of the extension.
- (3) The statement under subsection (2) must be laid before the period would have expired without the extension.
- (4) The Secretary of State must publish the statement under subsection (2) in a way the Secretary of State thinks appropriate.
- (5) The period may be extended more than once.]

Textual Amendments

F8 Ss. 6A, 6B inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(8), 240(2)** (with s. 144); S.I. 2012/628, art. 7(a)

7 Consultation and publicity **E+W+S**

- (1) This section sets out the consultation and publicity requirements referred to in sections 5(4) and 6(7).
- (2) The Secretary of State must carry out such consultation, and arrange for such publicity, as the Secretary of State thinks appropriate in relation to the proposal.
This is subject to subsections (4) and (5).
- (3) In this section “the proposal” means—
 - (a) the statement that the Secretary of State proposes to designate as a national policy statement for the purposes of this Act, or
 - (b) (as the case may be) the proposed amendment.
- (4) The Secretary of State must consult such persons, and such descriptions of persons, as may be prescribed.
- (5) If the policy set out in the proposal identifies one or more locations as suitable (or potentially suitable) for a specified description of development, the Secretary of State must ensure that appropriate steps are taken to publicise the proposal.

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- (6) The Secretary of State must have regard to the responses to the consultation and publicity in deciding whether to proceed with the proposal.

Commencement Information

- I3** S. 7 partly in force; s. 7 in force for certain purposes at Royal Assent see s. 241
I4 S. 7 in force at 6.4.2009 in so far as not already in force by S.I. 2009/400, art. 2

8 Consultation on publicity requirements **E+W+S**

- (1) In deciding what steps are appropriate for the purposes of section 7(5), the Secretary of State must consult—
- (a) each local authority that is within subsection (2)^[F9], (3) or (3A)], and
 - (b) the Greater London Authority, if any of the locations concerned is in Greater London.
- (2) A local authority is within this subsection if any of the locations concerned is in the authority's area.
- (3) A local authority (“A”) is within this subsection if—
- (a) any of the locations concerned is in the area of another local authority (“B”),
^[F10](aa) B is a unitary council or a lower-tier district council,] and
 - (b) any part of the boundary of A's area is also a part of the boundary of B's area.
- ^[F11](3A) If any of the locations concerned is in the area of an upper-tier county council (“C”), a local authority (“D”) is within this subsection if—
- (a) D is not a lower-tier district council, and
 - (b) any part of the boundary of D's area is also part of the boundary of C's area.]
- (4) In this section “local authority” means—
- (a) a county council, or district council, in England;
 - (b) a London borough council;
 - (c) the Common Council of the City of London;
 - (d) the Council of the Isles of Scilly;
 - (e) a county council, or county borough council, in Wales;
 - (f) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39);
 - (g) a National Park authority;
 - (h) the Broads Authority.
- ^[F12](5) In this section—
- “lower-tier district council” means a district council in England for an area for which there is a county council;
- “unitary council” means a local authority that is not an upper-tier county council, a lower-tier district council, a National Park authority or the Broads Authority;
- “upper-tier county council” means a county council in England for each part of whose area there is a district council.]

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Textual Amendments

- F9** Words in s. 8(1)(a) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(9)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F10** S. 8(3)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(10)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F11** S. 8(3A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(11)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F12** S. 8(5) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(12)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)

Commencement Information

- I5** S. 8 in force at 6.4.2009 by [S.I. 2009/400](#), art. 2

9 Parliamentary requirements **E+W+S**

- (1) This section sets out the parliamentary requirements referred to in sections 5(4) and 6(7).
- (2) The Secretary of State must lay the proposal before Parliament.
- (3) In this section “the proposal” means—
 - (a) the statement that the Secretary of State proposes to designate as a national policy statement for the purposes of this Act, or
 - (b) (as the case may be) the proposed amendment.
- (4) Subsection (5) applies if, during the relevant period—
 - (a) either House of Parliament makes a resolution with regard to the proposal, or
 - (b) a committee of either House of Parliament makes recommendations with regard to the proposal.
- (5) The Secretary of State must lay before Parliament a statement setting out the Secretary of State’s response to the resolution or recommendations.
- (6) The relevant period is the period specified by the Secretary of State in relation to the proposal.
- (7) The Secretary of State must specify the relevant period in relation to the proposal on or before the day on which the proposal is laid before Parliament under subsection (2).
- ^[F13](8) After the end of the relevant period, but not before the Secretary of State complies with subsection (5) if it applies, the Secretary of State must lay the proposal before Parliament.
- (9) If after subsection (8) has been complied with—
 - (a) something other than what was laid under subsection (8) becomes the proposal, or
 - (b) what was laid under subsection (8) remains the proposal, or again becomes the proposal, despite the condition in section 5(4)(a) not having been met in relation to it,subsection (8) must be complied with anew.

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- (10) For the purposes of subsection (9)(a) and (b) ignore any proposal to correct clerical or typographical errors in what was laid under subsection (8).]

Textual Amendments

F13 S. 9(8)-(10) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 130(13)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)

Commencement Information

I6 S. 9 in force at 6.4.2009 by [S.I. 2009/400](#), art. 2

10 Sustainable development **E+W+S**

- (1) This section applies to the Secretary of State's functions under sections 5 and 6.
- (2) The Secretary of State must, in exercising those functions, do so with the objective of contributing to the achievement of sustainable development.
- (3) For the purposes of subsection (2) the Secretary of State must (in particular) have regard to the desirability of—
 - (a) mitigating, and adapting to, climate change;
 - (b) achieving good design.

Commencement Information

I7 S. 10 in force at 6.4.2009 by [S.I. 2009/400](#), art. 2

11 Suspension pending review **E+W+S**

- (1) This section applies if the Secretary of State thinks that the condition in subsection (2) or (3) is met.
- (2) The condition is that—
 - (a) since the time when a national policy statement was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the statement was decided,
 - (b) the change was not anticipated at that time, and
 - (c) if the change had been anticipated at that time, any of the policy set out in the statement would have been materially different.
- (3) The condition is that—
 - (a) since the time when part of a national policy statement (“the relevant part”) was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the relevant part was decided,
 - (b) the change was not anticipated at that time, and
 - (c) if the change had been anticipated at that time, any of the policy set out in the relevant part would have been materially different.

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- (4) The Secretary of State may suspend the operation of all or any part of the national policy statement until a review of the statement or the relevant part has been completed.
- (5) If the Secretary of State does so, the designation as a national policy statement of the statement or (as the case may be) the part of the statement that has been suspended is treated as having been withdrawn until the day on which the Secretary of State complies with section 6(5) in relation to the review.

Commencement Information

I8 S. 11 in force at 6.4.2009 by [S.I. 2009/400, art. 2](#)

^{F14}12 Pre-commencement statements of policy, consultation etc. **E+W+S**

Textual Amendments

F14 S. 12 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), ss. 130\(14\), 240\(2\), Sch. 25 Pt. 20](#) (with [s. 144](#)); [S.I. 2012/628, art. 7](#)

13 Legal challenges relating to national policy statements **E+W**

- (1) A court may entertain proceedings for questioning a national policy statement or anything done, or omitted to be done, by the Secretary of State in the course of preparing such a statement only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed during the period of 6 weeks beginning with—
 - (i) the day on which the statement is designated as a national policy statement for the purposes of this Act, or
 - (ii) (if later) the day on which the statement is published.
- (2) A court may entertain proceedings for questioning a decision of the Secretary of State not to carry out a review of all or part of a national policy statement only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed during the period of 6 weeks beginning with the day of the decision not to carry out the review.
- (3) A court may entertain proceedings for questioning a decision of the Secretary of State to carry out a review of all or part of a national policy statement only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed during the period of 6 weeks beginning with the day on which the Secretary of State complies with section 6(5) in relation to the review concerned.
- (4) A court may entertain proceedings for questioning anything done, or omitted to be done, by the Secretary of State in the course of carrying out a review of all or part of a national policy statement only if—
 - (a) the proceedings are brought by a claim for judicial review, and

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- (b) the claim form is filed during the period of 6 weeks beginning with the day on which the Secretary of State complies with section 6(5) in relation to the review concerned.
- (5) A court may entertain proceedings for questioning anything done by the Secretary of State under section 6(5) after completing a review of all or part of a national policy statement only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed during the period of 6 weeks beginning with the day on which the thing concerned is done.
- (6) A court may entertain proceedings for questioning a decision of the Secretary of State as to whether or not to suspend the operation of all or part of a national policy statement under section 11 only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed during the period of 6 weeks beginning with the day of the decision.

Commencement Information

19 S. 13 in force at 6.4.2009 by [S.I. 2009/400](#), **art. 3(a)**

Status:

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