



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 3 **U.K.**

#### PLANNING

### CHAPTER 2 **U.K.**

#### DEVELOPMENT PLANS ETC

#### *Development plans and national policy*

PROSPECTIVE

### 93 **Role of development plan and national policy in England** **U.K.**

(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.”

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 93. (See end of Document for details)*

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- (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.

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#### **Commencement Information**

- II** S. 93 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 93.