



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 3

PLANNING

CHAPTER 1

PLANNING DATA

84 Power in relation to the processing of planning data

- (1) Regulations made by an appropriate authority under this Chapter (“planning data regulations”) may make provision requiring a relevant planning authority, in processing such of its planning data as is specified or described in the regulations, to comply with any approved data standards which are applicable.
- (2) “Planning data”, in relation to a relevant planning authority, means any information which is provided to, or processed by, the authority—
 - (a) for the purposes of a function under a relevant planning enactment, or
 - (b) for any other purpose relating to planning or development in England.
- (3) “Approved data standards”, in relation to planning data, are such written standards, containing technical specifications or other requirements in relation to the data, or in relation to providing or processing the data, as may be published by an appropriate authority from time to time.
- (4) A devolved authority may only publish approved data standards in relation to planning data about which the devolved authority acting alone could make planning data regulations.

Commencement Information

- II** S. 84 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 1. (See end of Document for details)

I2 S. 84 in force at 31.3.2024 by S.I. 2024/389, reg. 2(a)

85 Power in relation to the provision of planning data

- (1) A relevant planning authority may by publishing a notice require a person, or persons of a particular description, in providing to the authority such planning data as is specified or described in planning data regulations, to provide the data—
 - (a) in any form and manner, or
 - (b) in a particular form and manner,
 which complies with any approved data standards which are applicable.
- (2) A relevant planning authority may not impose a requirement under [subsection \(1\)](#)—
 - (a) on the Crown,
 - (b) on a court or tribunal, or
 - (c) in relation to the provision of planning data for the purposes of, or in contemplation of, legal proceedings before a court or tribunal.
- (3) If a relevant planning authority imposes a requirement under [subsection \(1\)](#) on a person, provision in a relevant planning enactment does not apply to the extent that it requires or permits the person to provide the planning data to the authority in a form or manner which is inconsistent with the requirement imposed under [subsection \(1\)](#).
- (4) Subsections [\(5\)](#) to [\(7\)](#) apply if—
 - (a) in providing planning data to a relevant planning authority, a person fails to comply with a requirement imposed under [subsection \(1\)](#), and
 - (b) the authority does not consider that the person has a reasonable excuse for the failure.
- (5) The authority may serve a notice on the person rejecting for such purposes as may be specified in the notice—
 - (a) all or any part of the planning data, and
 - (b) if the authority considers it appropriate to do so, any other information provided with the planning data or any document in or with which the planning data is provided.
- (6) Any planning data, other information or document rejected under [subsection \(5\)](#) is to be treated as not having been provided to the authority for the purposes specified in the notice.
- (7) If the planning data, other information or document is subsequently provided to the authority in a form and manner which complies with the requirement under [subsection \(1\)](#), the authority may treat the planning data, other information or document as having been provided at the time that it would have been provided had it not been rejected under [subsection \(5\)](#).
- (8) Planning data regulations may include provision about how the powers in this section are to be exercised, including provision about—
 - (a) the provision or publication of notices or other documents;
 - (b) the form and content of notices or other documents (and, for these purposes, the regulations may confer a discretion on a relevant planning authority);
 - (c) time limits;
 - (d) any other procedural matters.

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 1. (See end of Document for details)

Commencement Information

- I3** S. 85 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I4 S. 85 in force at 31.3.2024 by [S.I. 2024/389, reg. 2\(b\)](#)

86 Power to require certain planning data to be made publicly available

- (1) Planning data regulations may make provision requiring a relevant planning authority to make such of its planning data as is specified or described in the regulations available to the public under an approved open licence.
- (2) The power under [subsection \(1\)](#) does not include power to require a relevant planning authority to make planning data available in breach of—
- any obligation of confidence owed by the authority, or
 - any other restriction on making the planning data available (however imposed).
- (3) An “approved open licence”, in relation to a planning authority’s planning data, means a licence—
- which sets out terms and conditions under which the planning data may be used by the public free of charge, and
 - which is in such form and has such content as is, for the time being, specified or described in a document published by the Secretary of State.

Commencement Information

- I5** S. 86 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I6 S. 86 in force at 31.3.2024 by [S.I. 2024/389, reg. 2\(c\)](#)

PROSPECTIVE

87 Power to require use of approved planning data software in England

- (1) Planning data regulations made by the Secretary of State may make provision restricting or preventing a relevant planning authority in England from using or creating, or having any right in relation to, planning data software which—
- is specified or described in the regulations for the purposes of this subsection, but
 - is not approved in writing by the Secretary of State.
- (2) “Planning data software” means software which is capable of being used for the purposes of enabling or facilitating the provision of planning data to, or the processing of planning data by, relevant planning authorities.

Commencement Information

- I7** S. 87 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 1. (See end of Document for details)

PROSPECTIVE

88 Disclosure of planning data does not infringe copyright in certain cases

- (1) A relevant planning authority that makes planning data available to a person does not, in doing so, infringe copyright if making the data available is necessary for the purposes of enabling or facilitating—
- (a) the development of planning data software which is to be submitted for approval under [section 87\(1\)](#), or
 - (b) the upgrade, modification or maintenance of, or the provision of technical support in respect of, planning data software which is approved under [section 87\(1\)](#).
- (2) The person to whom the planning data is made available does not infringe any copyright by using it for the purpose mentioned in subsection (1) for which it is made available.

Commencement Information

- I8** S. 88 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

89 Requirements to consult devolved administrations

- (1) The Secretary of State may only make planning data regulations which contain provision—
- (a) within Scottish devolved legislative competence, or
 - (b) which could be made by the Scottish Ministers,
- with the consent of the Scottish Ministers, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence.
- (2) The Secretary of State may only make planning data regulations which contain provision that confers a function on, or modifies or removes a function of, the Scottish Ministers after consulting the Scottish Ministers, unless—
- (a) that provision is contained in regulations which require the consent of the Scottish Ministers by virtue of subsection (1), or
 - (b) that provision is merely incidental to, or consequential on, provision that would be outside Scottish devolved legislative competence.
- (3) Provision is “within Scottish devolved legislative competence” where, if the provision were included in an Act of the Scottish Parliament, it would be within the legislative competence of that Parliament.
- (4) The Secretary of State may only make planning data regulations which contain provision within Welsh devolved legislative competence with the consent of the Welsh Ministers, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence.
- (5) The Secretary of State may only make planning data regulations which contain provision that could be made by the Welsh Ministers or that confers a function on, or

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modifies or removes a function of, the Welsh Ministers or a devolved Welsh authority after consulting the Welsh Ministers, unless—

- (a) that provision is contained in regulations which require the consent of the Welsh Ministers by virtue of subsection (4), or
 - (b) that provision is merely incidental to, or consequential on, provision that would be outside Welsh devolved legislative competence.
- (6) “Devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).
- (7) Provision is “within Welsh devolved legislative competence” where, if the provision were included in an Act of Senedd Cymru, it would be within the legislative competence of the Senedd (including any provision that could be made only with the consent of a Minister of the Crown).
- (8) The Secretary of State may only make planning data regulations which contain provision within Northern Ireland devolved legislative competence with the consent of the relevant Northern Ireland department, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence.
- (9) The Secretary of State may only make planning data regulations which contain provision that could be made by a Northern Ireland department or that confers a function on, or modifies or removes a function of, a Northern Ireland department after consulting the relevant Northern Ireland department, unless—
- (a) that provision is contained in regulations which require the consent of the relevant Northern Ireland department by virtue of subsection (8), or
 - (b) that provision is merely incidental to, or consequential on, provision that would be outside Northern Ireland devolved legislative competence.
- (10) The “relevant Northern Ireland department” is such Northern Ireland department as the Secretary of State considers appropriate having regard to the provision which is to be contained in the regulations concerned.
- (11) Provision is within “Northern Ireland devolved legislative competence” where the provision—
- (a) would be within the legislative competence of the Northern Ireland Assembly, if contained in an Act of that Assembly, and
 - (b) would not, if contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State.
- (12) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.

Commencement Information

I9 S. 89 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I10 S. 89 in force at 31.3.2024 by [S.I. 2024/389, reg. 2\(d\)](#)

90 Planning data regulations made by devolved authorities

[Schedule 13](#) contains restrictions on the exercise of the powers under this Chapter by devolved authorities.

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Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 1. (See end of Document for details)

Commencement Information

- I11** S. 90 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
I12 S. 90 in force at 31.3.2024 by [S.I. 2024/389](#), [reg. 2\(e\)](#)

91 Interpretation of Chapter

In this Chapter—

“appropriate authority” means—

- (a) the Secretary of State,
- (b) a devolved authority, or
- (c) the Secretary of State acting jointly with one or more devolved authorities;

“approved data standards” has the meaning given in [section 84\(3\)](#);

“devolved authority” means—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, or
- (c) a Northern Ireland department;

“planning data” has the meaning given in [section 84\(2\)](#);

“planning data regulations” has the meaning give in [section 84\(1\)](#);

“planning data software” has the meaning given in [section 87\(2\)](#);

“process”, in relation to information, means to perform an operation or set of operations on information, or on sets of information, such as—

- (a) collection, recording, organisation, structuring or storage,
- (b) adaptation or alteration,
- (c) retrieval, consultation or use,
- (d) disclosure by transmission, dissemination or otherwise making available,
- (e) alignment or combination, or
- (f) restriction, erasure or destruction;

“provided” includes submitted, issued, served, notified and published (and related expressions are to be construed accordingly);

“public authority” means any person certain of whose functions are of a public nature;

“relevant planning authority” means—

- (a) a local planning authority (within the meaning given in [section 15LH](#) of PCPA 2004),
- (b) a minerals and waste planning authority (within the meaning given in [section 15LH](#) of PCPA 2004),
- (c) a hazardous substances authority (within the meaning given in the Hazardous Substances Act) in relation to land in England,
- (d) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,
- (e) a combined county authority established under section 9 of this Act,
- (f) the Greater London Authority,
- (g) the Mayor of London,

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- (h) a Mayoral development corporation in relation to which a decision of the Mayor under any of subsections (2) to (5) of section 202 of the Localism Act 2011 has effect,
 - (i) an urban development corporation established, for an area in England, under section 135 of the Local Government, Planning and Land Act 1980,
 - (j) a development corporation established, in relation to a site in England, under section 3 of the New Towns Act 1981,
 - (k) the Secretary of State when exercising a function under a relevant planning enactment,
 - (l) a Panel or person who, pursuant to a decision of the Secretary of State under section 61(2) of the Planning Act 2008, is to handle an application for an order granting development consent,
 - (m) a public authority that has functions under [Part 6](#) of this Act, or
 - (n) any other public authority prescribed by planning data regulations that has functions relating to—
 - (i) planning or development in England, or
 - (ii) nationally significant infrastructure projects (within the meaning given in the Planning Act 2008);
- “relevant planning enactment” means any enactment comprised in or made under—
- (a) the Local Government, Planning and Land Act 1980, so far as relating to planning or development in England,
 - (b) the New Towns Act 1981, so far as relating to planning or development in England,
 - (c) TCPA 1990,
 - (d) the Listed Buildings Act,
 - (e) the Hazardous Substances Act,
 - (f) the Planning (Consequential Provisions) Act 1990,
 - (g) Part 8 of GLAA 1999,
 - (h) PCPA 2004,
 - (i) the Planning Act 2008,
 - (j) the Localism Act 2011, so far as relating to planning or development in England,
 - (k) this Part or [Part 4](#) or [6](#) of this Act, or
 - (l) any other enactment prescribed by planning data regulations to the extent that it confers functions on a public authority relating to—
 - (i) planning or development in England, or
 - (ii) nationally significant infrastructure projects (within the meaning given in the Planning Act 2008).

Commencement Information

I13 S. 91 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

I14 S. 91 in force at 31.3.2024 by [S.I. 2024/389](#), [reg. 2\(f\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 1.