



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 3

#### PLANNING

### CHAPTER 2

#### DEVELOPMENT PLANS ETC

#### *Neighbourhood planning*

PROSPECTIVE

#### **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,”;
  - (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.”.

*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 99. (See end of Document for details)*

- (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

**II** S. 99 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 99.