



Localism Act 2011

2011 CHAPTER 20

PART 6

PLANNING

CHAPTER 6

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

130 National policy statements

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 5(4) (statement may be designated as national policy statement only if consultation, publicity and parliamentary requirements have been complied with) after “have been complied with in relation to it” insert “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.”
- (3) In section 5 (national policy statements) after subsection (4) insert—

“(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 statement is laid before Parliament under section 9(8), and here “sitting day” means a day on which the House of Commons sits.”
- (4) In section 5(9) omit paragraph (b) (designated statement must be laid before Parliament).

Changes to legislation: Localism Act 2011, Section 130 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) In section 6(7) (national policy statement may be amended only if consultation, publicity and parliamentary requirements have been complied with) after “have been complied with in relation to the proposed amendment” insert “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.”
- (6) In section 6 (review and amendment of national policy statements) after subsection (7) insert—
- “(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.”
- (7) In section 6(8) (subsections (6) and (7) do not apply if amendment does not materially affect national policy) for “and (7)” substitute “to (7A) ”.
- (8) After section 6 insert—

“6A Interpretation of sections 5(4) and 6(7)

- (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.

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- (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).

6B Extension of consideration period under section 5(4A) or 6(7A)

- (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.”
- (9) In section 8(1)(a) (local authorities within subsection (2) or (3) to be consulted about publicity required for proposed statement identifying a location) for “or (3)” substitute “, (3) or (3A) ”.
- (10) In section 8(3) (consultation with local authorities that share a boundary with the local authority (“B”) whose area contains a location) before the “and” at the end of paragraph (a) insert—

“(aa) B is a unitary council or a lower-tier district council.”.
- (11) In section 8 (consultation on publicity requirements) after subsection (3) insert—

“(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.”
- (12) In section 8, after subsection (4) (meaning of “local authority”) insert—

“(5) In this section—

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“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.”

(13) In section 9 (parliamentary requirements for national policy statements and their amendments) after subsection (7) insert—

“(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.

(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).”

(14) Section 12 (power to designate pre-commencement statements of policy and to take account of pre-commencement consultation etc) is repealed.

Commencement Information

II S. 130 in force at 1.4.2012 by [S.I. 2012/628](#), [art. 7\(a\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)