



# Housing and Planning Act 2016

## 2016 CHAPTER 22

### PART 6

#### PLANNING IN ENGLAND

##### *Local planning*

#### **143 Power to direct amendment of local development scheme**

(1) In section 15 of the Planning and Compulsory Purchase Act 2004 (local development scheme), before subsection (4) insert—

“(3A) If a local planning authority have not prepared a local development scheme, the Secretary of State or the Mayor of London may—

- (a) prepare a local development scheme for the authority, and
- (b) direct the authority to bring that scheme into effect.”

(2) In subsections (4) and (8AA) of that section, for “effective coverage” substitute “ full and effective coverage (both geographically and with regard to subject matter) ”.

(3) In subsections (4A)(a), (5), (6), (6A) and (6B)(a) of that section, after “under subsection” insert “ (3A) or ”.

#### **Commencement Information**

II [S. 143](#) in force at 13.7.2016 by [S.I. 2016/733](#), [reg. 3\(c\)](#)

#### **144 Power to give direction to examiner of development plan document**

In section 20 of the Planning and Compulsory Purchase Act 2004 (independent examination), after subsection (6) insert—

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“(6A) The Secretary of State may by notice to the person appointed to carry out the examination—

- (a) direct the person not to take any step, or any further step, in connection with the examination of the development plan document, or of a specified part of it, until a specified time or until the direction is withdrawn;
- (b) require the person—
  - (i) to consider any specified matters;
  - (ii) to give an opportunity, or further opportunity, to specified persons to appear before and be heard by the person;
  - (iii) to take any specified procedural step in connection with the examination.

In this subsection “specified” means specified in the notice.”

#### Commencement Information

I2 S. 144 in force at 13.7.2016 by S.I. 2016/733, reg. 3(c)

### 145 Intervention by Secretary of State

(1) In section 21 of the Planning and Compulsory Purchase Act 2004 (intervention by Secretary of State), in subsection (3), after “if” insert “ or to the extent that ”.

(2) In subsection (5) of that section—

- (a) in paragraph (a), after “until the Secretary of State gives his decision” insert “ , or withdraws the direction ”;
- (b) for paragraph (b) substitute—
  - “(b) if the direction is given, and not withdrawn, before the authority have submitted the document under section 20(1), the Secretary of State must hold an independent examination;”;
- (c) in paragraph (c), for “he” substitute “ , and is not withdrawn before those recommendations are made, the person ”;
- (d) for paragraph (d) substitute—
  - “(d) the document has no effect unless the document or (as the case may be) the relevant part of it has been approved by the Secretary of State, or the direction is withdrawn.”

(3) After that subsection insert—

“(5A) Subsections (4) to (7C) of section 20 apply to an examination held under subsection (5)(b), the reference to the local planning authority in subsection (7C) of that section being read as a reference to the Secretary of State.

(5B) For the purposes of subsection (5)(d) the “relevant part” of a development plan document is the part that—

- (a) is covered by a direction under subsection (4) which refers to only part of the document, or

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- (b) continues to be covered by a direction under subsection (4) following the partial withdrawal of the direction.”

(4) At the end of that section insert—

“(11) The local planning authority must reimburse the Secretary of State for any expenditure incurred by the Secretary of State under this section that is specified in a notice given to the authority by the Secretary of State.”

(5) After that section insert—

**“21A Temporary direction pending possible use of intervention powers**

- (1) If the Secretary of State is considering whether to give a direction to a local planning authority under section 21 in relation to a development plan document or other local development document, he may direct the authority not to take any step in connection with the adoption of the document—
- (a) until the time (if any) specified in the direction, or
- (b) until the direction is withdrawn.
- (2) A document to which a direction under this section relates has no effect while the direction is in force.
- (3) A direction given under this section in relation to a document ceases to have effect if a direction is given under section 21 in relation to that document.”

**Commencement Information**

- I3** S. 145(1)-(4) in force at 1.10.2016 by S.I. 2016/733, reg. 4(1)(c)
- I4** S. 145(5) in force at 26.5.2016 by S.I. 2016/609, reg. 2

**146 Secretary of State's default powers**

For section 27 of the Planning and Compulsory Purchase Act 2004 substitute—

**“27 Secretary of State's default powers**

- (1) This section applies if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document.
- (2) The Secretary of State may—
- (a) prepare or revise (as the case may be) the document, or
- (b) give directions to the authority in relation to the preparation or revision of the document.
- (3) The Secretary of State must either—
- (a) hold an independent examination, or
- (b) direct the authority to submit the document for independent examination.
- (4) The Secretary of State must either—

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- (a) publish the recommendations and reasons of the person appointed to hold the examination, or
  - (b) give directions to the authority in relation to publication of those recommendations and reasons.
- (5) The Secretary of State may—
- (a) approve the document, or approve it subject to specified modifications, as a local development document,
  - (b) direct the authority to consider adopting the document by resolution of the authority as a local development document, or
  - (c) (except where it was prepared or revised by the Secretary of State under subsection (2)(a)) reject the document.
- (6) Subsections (4) to (7C) of section 20 apply (subject to subsection (7) below) to an examination held under subsection (3)(a), the reference to the local planning authority in subsection (7C) of that section being read as a reference to the Secretary of State.
- (7) Subsections (5)(c), (7)(b)(ii) and (7B)(b) of section 20 do not apply to an independent examination held—
- (a) under subsection (3)(a), or
  - (b) in response to a direction under subsection (3)(b),
- in respect of a document prepared or revised by the Secretary of State under subsection (2)(a).
- (8) The Secretary of State must give reasons for anything he does in pursuance of subsection (2) or (5).
- (9) The authority must reimburse the Secretary of State for any expenditure he incurs in connection with anything—
- (a) which is done by him under subsection (2)(a), and
  - (b) which the authority failed or omitted to do as mentioned in subsection (1).”

#### Commencement Information

**I5** S. 146 in force at 1.10.2016 by S.I. 2016/733, reg. 4(1)(d)

### 147 Default powers exercisable by Mayor of London or combined authority

- (1) After section 27 of the Planning and Compulsory Purchase Act 2004 insert—

**“27A Default powers exercisable by Mayor of London or combined authority**

Schedule A1 (default powers exercisable by Mayor of London or combined authority) has effect.”

- (2) Before Schedule 1 to that Act insert, as Schedule A1, the Schedule set out in Schedule 11 to this Act.

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(3) In section 17 of that Act (local development documents), at the end of subsection (8) insert—

- “(c) is approved by the Mayor of London under paragraph 2 of Schedule A1;
- (d) is approved by a combined authority under paragraph 6 of that Schedule.”

**Commencement Information**

**I6** S. 147 in force at 1.10.2016 by S.I. 2016/733, reg. 4(1)(e)

**148 Costs of independent examinations held by Secretary of State**

(1) Section 303A of the Town and Country Planning Act 1990 (responsibility of local planning authorities for costs of holding certain inquiries etc) is amended as follows.

(2) In subsection (1A), after “section 20” insert “, 21(5)(b), 27(3)(a) ”.

(3) For subsection (9A) substitute—

“(9A) A reference to a local planning authority causing a qualifying procedure to be carried out includes a reference to the case where under the Planning and Compulsory Purchase Act 2004—

- (a) the local planning authority are required to submit a document to the appropriate authority for independent examination, or
- (b) the Secretary of State holds an independent examination in relation to a document prepared by the local planning authority, or by the Secretary of State under section 27(2)(a) of that Act.”

**Commencement Information**

**I7** S. 148 in force at 1.10.2016 by S.I. 2016/733, reg. 4(1)(f)

**Changes to legislation:**

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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. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)