



Housing and Planning Act 2016

2016 CHAPTER 22

PART 6

PLANNING IN ENGLAND

Local planning

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—
 - (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.

Changes to legislation: *Housing and Planning Act 2016, Section 146 is up to date with all changes known to be in force on or before 23 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) 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

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

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\(8\)\(a\)\(ii\)](#)