



Neighbourhood Planning Act 2017

2017 CHAPTER 20

PART 1

PLANNING

Local development documents

8 Content of development plan documents

- (1) In section 19 of the Planning and Compulsory Purchase Act 2004 (preparation of local development documents) after subsection (1A) insert—

“(1B) Each local planning authority must identify the strategic priorities for the development and use of land in the authority’s area.

(1C) Policies to address those priorities must be set out in the local planning authority’s development plan documents (taken as a whole).

(1D) Subsection (1C) does not apply in the case of a London borough council or a Mayoral development corporation if and to the extent that the council or corporation are satisfied that policies to address those priorities are set out in the spatial development strategy.

(1E) If a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 has the function of preparing the spatial development strategy for the authority’s area, subsection (1D) also applies in relation to—

- (a) a local planning authority whose area is within, or the same as, the area of the combined authority, and
- (b) the spatial development strategy published by the combined authority.”

- (2) In section 34 of that Act (guidance)—

- (a) the existing words become subsection (1), and
- (b) after that subsection insert—

“(2) The Secretary of State must issue guidance for local planning authorities on how their local development documents (taken as a whole) should address housing needs that result from old age or disability.”

(3) In section 35 of that Act (local planning authorities’ monitoring reports) after subsection (3) insert—

“(3A) Subsection (3B) applies if a London borough council or a Mayoral development corporation have determined in accordance with section 19(1D) that—

- (a) policies to address the strategic priorities for the development and use of land in their area are set out in the spatial development strategy, and
- (b) accordingly, such policies will not to that extent be set out in their development plan documents.

(3B) Each report by the council or corporation under subsection (2) must—

- (a) indicate that such policies are set out in the spatial development strategy, and
- (b) specify where in the strategy those policies are set out.

(3C) If a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 has the function of preparing the spatial development strategy for the authority’s area, subsections (3A) and (3B) also apply in relation to—

- (a) a local planning authority whose area is within, or the same as, the area of the combined authority, and
- (b) the spatial development strategy published by the combined authority.”

9 Power to direct preparation of joint development plan documents

(1) The Planning and Compulsory Purchase Act 2004 is amended as follows.

(2) After section 28 insert—

“28A Power to direct preparation of joint development plan documents

(1) The Secretary of State may direct two or more local planning authorities to prepare a joint development plan document.

(2) The Secretary of State may give a direction under this section in relation to a document whether or not it is specified in the local development schemes of the local planning authorities in question as a document which is to be prepared jointly with one or more other local planning authorities.

(3) The Secretary of State may give a direction under this section only if the Secretary of State considers that to do so will facilitate the more effective planning of the development and use of land in the area of one or more of the local planning authorities in question.

(4) A direction under this section may specify—

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- (a) the area to be covered by the joint development plan document to which the direction relates;
 - (b) the matters to be covered by that document;
 - (c) the timetable for preparation of that document.
- (5) The Secretary of State must, when giving a direction under this section, notify the local planning authorities to which it applies of the reasons for giving it.
- (6) If the Secretary of State gives a direction under this section, the Secretary of State may direct the local planning authorities to which it is given to amend their local development schemes so that they cover the joint development plan document to which it relates.
- (7) A joint development plan document is a development plan document which is, or is required to be, prepared jointly by two or more local planning authorities pursuant to a direction under this section.

28B Application of Part to joint development plan documents

- (1) This Part applies for the purposes of any step which may be or is required to be taken in relation to a joint development plan document as it applies for the purposes of any step which may be or is required to be taken in relation to a development plan document.
- (2) For the purposes of subsection (1) anything which must be done by or in relation to a local planning authority in connection with a development plan document must be done by or in relation to each of the authorities mentioned in section 28A(1) in connection with a joint development plan document.
- (3) If the authorities mentioned in section 28A(1) include a London borough council or a Mayoral development corporation, the requirements of this Part in relation to the spatial development strategy also apply.
- (4) Those requirements also apply if—
- (a) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 has the function of preparing the spatial development strategy for the combined authority's area, and
 - (b) the authorities mentioned in section 28A(1) include a local planning authority whose area is within, or is the same as, the area of the combined authority.

28C Modification or withdrawal of direction under section 28A

- (1) The Secretary of State may modify or withdraw a direction under section 28A by notice in writing to the authorities to which it was given.
- (2) The Secretary of State must, when modifying or withdrawing a direction under section 28A, notify the local planning authorities to which it was given of the reasons for the modification or withdrawal.
- (3) The following provisions of this section apply if—
- (a) the Secretary of State withdraws a direction under section 28A, or

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- (b) the Secretary of State modifies a direction under that section so that it ceases to apply to one or more of the local planning authorities to which it was given.
- (4) Any step taken in relation to the joint development plan document to which the direction related is to be treated as a step taken by—
- (a) a local planning authority to which the direction applied for the purposes of any corresponding document prepared by them, or
 - (b) two or more local planning authorities to which the direction applied for the purposes of any corresponding joint development plan document prepared by them.
- (5) Any independent examination of a joint development plan document to which the direction related must be suspended.
- (6) If before the end of the period prescribed for the purposes of this subsection a local planning authority to which the direction applied request the Secretary of State to do so, the Secretary of State may direct that—
- (a) the examination is resumed in relation to—
 - (i) any corresponding document prepared by a local planning authority to which the direction applied, or
 - (ii) any corresponding joint development plan document prepared by two or more local planning authorities to which the direction applied, and
 - (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- (7) The Secretary of State may by regulations make provision as to what is a corresponding document or a corresponding joint development plan document for the purposes of this section.”
- (3) In section 21 (intervention by Secretary of State) after subsection (11) insert—
- “(12) In the case of a joint local development document or a joint development plan document, the Secretary of State may apportion liability for the expenditure on such basis as the Secretary of State thinks just between the local planning authorities who have prepared the document.”
- (4) In section 27 (Secretary of State’s default powers) after subsection (9) insert—
- “(10) In the case of a joint local development document or a joint development plan document, the Secretary of State may apportion liability for the expenditure on such basis as the Secretary of State thinks just between the local planning authorities for whom the document has been prepared.”
- (5) Section 28 (joint local development documents) is amended in accordance with subsections (6) and (7).
- (6) In subsection (9) for paragraph (a) substitute—
- “(a) the examination is resumed in relation to—
 - (i) any corresponding document prepared by an authority which were a party to the agreement, or

- (ii) any corresponding joint local development document prepared by two or more other authorities which were parties to the agreement;”.
- (7) In subsection (11) (meaning of “corresponding document”) at the end insert “or a corresponding joint local development document for the purposes of this section.
- (8) In section 37 (interpretation) after subsection (5B) insert—
 - “(5C) Joint local development document must be construed in accordance with section 28(10).
 - (5D) Joint development plan document must be construed in accordance with section 28A(7).”
- (9) Schedule A1 (default powers exercisable by Mayor of London, combined authority and county council) is amended in accordance with subsections (10) and (11).
- (10) In paragraph 3 (powers exercised by the Mayor of London) after sub-paragraph (3) insert—
 - “(4) In the case of a joint local development document or a joint development plan document, the Mayor may apportion liability for the expenditure on such basis as the Mayor thinks just between the councils for whom the document has been prepared.”
- (11) In paragraph 7 (powers exercised by combined authority) after sub-paragraph (3) insert—
 - “(4) In the case of a joint local development document or a joint development plan document, the combined authority may apportion liability for the expenditure on such basis as the authority considers just between the authorities for whom the document has been prepared.”

10 County councils’ default powers in relation to development plan documents

Schedule 2 makes provision for the exercise of default powers by county councils in relation to development plan documents.

11 Format of local development schemes and documents

- (1) Section 36 of the Planning and Compulsory Purchase Act 2004 (regulations under Part 2) is amended in accordance with subsections (2) and (3).
- (2) In the heading after “Regulations” insert “and standards”.
- (3) After subsection (2) insert—
 - “(3) The Secretary of State may from time to time publish data standards for—
 - (a) local development schemes,
 - (b) local development documents, or
 - (c) local development documents of a particular kind.
- (4) For this purpose a “data standard” is a written standard which contains technical specifications for a scheme or document or the data contained in a scheme or document.

- (5) A local planning authority must comply with the data standards published under subsection (3) in preparing, publishing, maintaining or revising a scheme or document to which the standards apply.”
- (4) In section 15(8AA) of that Act (cases in which direction to revise local development scheme may be given by Secretary of State or Mayor of London)—
- (a) after “only if” insert “—(a)”, and
 - (b) at the end of paragraph (a) insert “, or
 - (b) the Secretary of State has published data standards under section 36(3) which apply to the local development scheme and the person giving the direction thinks that the scheme should be revised so that it complies with the standards.”

12 Review of local development documents

In section 17 of the Planning and Compulsory Purchase Act 2004 (local development documents) after subsection (6) insert—

- “(6A) The Secretary of State may by regulations make provision requiring a local planning authority to review a local development document at such times as may be prescribed.
- (6B) If regulations under subsection (6A) require a local planning authority to review a local development document—
- (a) they must consider whether to revise the document following each review, and
 - (b) if they decide not to do so, they must publish their reasons for considering that no revisions are necessary.
- (6C) Any duty imposed by virtue of subsection (6A) applies in addition to the duty in subsection (6).”

13 Statements of community involvement

- (1) Section 18 of the Planning and Compulsory Purchase Act 2004 (statement of community involvement) is amended as follows.
- (2) In subsection (2) after “sections” insert “13, 15,”.
- (3) After subsection (3A) insert—
- “(3B) The Secretary of State may by regulations prescribe matters to be addressed by a statement of community involvement in addition to the matters mentioned in subsection (2).”