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SCHEDULES

PROSPECTIVE

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS IN CONNECTION WITH CHAPTER 2 OF PART 3

Planning and Compulsory Purchase Act 2004

- 26 (1) Schedule A1 (default powers exercisable by Mayor of London, combined authority or county council) is amended as follows.
- (2) For paragraph 1 substitute—
- “1 (1) This paragraph applies if the Secretary of State thinks that a London borough council, in their capacity as a local planning authority, are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.
- (2) If the local plan has not come into effect, the Secretary of State may invite the Mayor of London to take over preparation of the local plan from the London borough council, in which case the Mayor may do so.
- (3) If the local plan has come into effect, the Secretary of State may invite the Mayor of London to revise the local plan, in which case the Mayor may do so.”
- (3) In paragraph 2—
- (a) in sub-paragraph (1), for “development plan document” substitute “local plan”;
- (b) after that sub-paragraph insert—
- “(1A) If the Mayor of London is to prepare the local plan, the Mayor must publish a document setting out—
- (a) the Mayor’s timetable for preparing the plan, and
- (b) if the Mayor intend to depart from anything specified in a local plan timetable in relation to the plan, details of how the Mayor intends to depart from it.”;
- (c) for sub-paragraph (4) substitute—
- “(4) The Mayor of London may then—
- (a) where the Mayor has prepared a local plan, approve the local plan, approve the local plan subject to specified modifications or direct the council to consider adopting the local plan by resolution of the council, or

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- (b) where the Mayor is to revise a local plan, make the revision or make the revision subject to specified modifications.”

(4) In paragraph 3—

(a) for sub-paragraph (1) substitute—

“(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 2(2)—

- (a) reading references to the local planning authority as references to the Mayor of London, and
- (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”;

(b) in sub-paragraph (3)(a), omit “or omitted”;

(c) for sub-paragraph (4) substitute—

- (i) for “joint local development document or a joint development plan document” substitute “joint local plan”;
- (ii) for “the document” substitute “the plan”.

(5) In paragraph 4, for “section 29” substitute “section 15J”.

(6) For paragraph 5 substitute—

- “5
- (1) This paragraph applies if the Secretary of State thinks that a constituent planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.
 - (2) If the local plan has not come into effect, the Secretary of State may invite the combined authority to take over preparation of the local plan from the constituent planning authority, in which case the combined authority may do so.
 - (3) If the local plan has come into effect, the Secretary of State may invite the combined authority to revise the local plan, in which case the combined authority may do so.”

(7) In paragraph 6—

(a) in sub-paragraph (1), for “development plan document” substitute “local plan”;

(b) after that sub-paragraph insert—

“(1A) If the combined authority are to prepare the local plan, the combined authority must publish a document setting out—

- (a) their timetable for preparing the plan, and
- (b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.”;

(c) for sub-paragraph (4) substitute—

“(4) The combined authority may then—

- (a) where the combined authority have prepared a local plan, approve the local plan, approve the local plan subject to

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- specified modifications or direct the constituent planning authority to consider adopting the local plan by resolution of the authority, or
- (b) where the combined authority are to revise a local plan, make the revision or make the revision subject to specified modifications.”
- (8) In paragraph 7—
- (a) for sub-paragraph (1) substitute—
- “(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 6(2)—
- (a) reading references to the local planning authority as references to the combined authority, and
- (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”;
- (b) in sub-paragraph (3)(a), omit “or omitted”;
- (c) in sub-paragraph (4)—
- (i) for “joint local development document or a joint development plan document” substitute “joint local plan”;
- (ii) for “the document” substitute “the plan”.
- (9) In paragraph 7ZA (inserted by paragraph 156 of Schedule 4 to this Act), in paragraph (b) of the definition of “constituent planning authority”, for “29” substitute “15J”.
- (10) For paragraph 7ZB (inserted by paragraph 156 of Schedule 4 to this Act) substitute—
- “7ZB (1) This paragraph applies if the Secretary of State thinks that a constituent planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.
- (2) If the local plan has not come into effect, the Secretary of State may invite the combined county authority to take over preparation of the local plan from the constituent planning authority, in which case the combined county authority may do so.
- (3) If the local plan has come into effect, the Secretary of State may invite the combined county authority to revise the local plan, in which case the combined county authority may do so.”
- (11) In paragraph 7ZC (inserted by paragraph 156 of Schedule 4 to this Act)—
- (a) in sub-paragraph (1), for “development plan document” substitute “local plan”;
- (b) after that sub-paragraph insert—
- “(1A) If the combined county authority are to prepare the local plan, the combined county authority must publish a document setting out—
- (a) their timetable for preparing the plan, and

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- (b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.”;
- (c) for sub-paragraph (4) substitute—

“(4) The combined county authority may then—

- (a) where the combined county authority have prepared a local plan, approve the local plan subject to specified modifications or direct the constituent planning authority to consider adopting the local plan by resolution of the authority, or
- (b) where the combined county authority are to revise a local plan, make the revision or make the revision subject to specified modifications.”

(12) In paragraph 7ZD (inserted by paragraph 156 of Schedule 4 to this Act)—

- (a) for sub-paragraph (1) substitute—

“(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 7ZC(2)—

- (a) reading references to the local planning authority as references to the combined county authority, and
- (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”;

- (b) in sub-paragraph (3)(a), omit “or omitted”;

- (c) in sub-paragraph (4)—

- (i) for “joint local development document or a joint development plan document” substitute “joint local plan”;
- (ii) for “the document” substitute “the plan”.

(13) For paragraph 7B substitute—

- “7B (1) This paragraph applies if the Secretary of State thinks that a lower tier planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.
- (2) If the local plan has not come into effect, the Secretary of State may invite the upper-tier county council to take over preparation of the local plan from the lower-tier planning authority, in which case the upper-tier county council may do so.
- (3) If the local plan has come into effect, the Secretary of State may invite the upper-tier county council to revise the local plan, in which case the upper-tier county council may do so.”

(14) In paragraph 7C—

- (a) in sub-paragraph (1), for “development plan document” substitute “local plan”;
- (b) after that sub-paragraph insert—

“(1A) If the upper-tier county council are to prepare the local plan, the upper-tier county council must publish a document setting out—

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- (a) their timetable for preparing the plan, and
- (b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.”;
- (c) for sub-paragraph (4) substitute—

“(4) The upper-tier county council may then—

- (a) where the upper-tier county council have prepared a local plan, approve the local plan, approve the local plan subject to specified modifications or direct the lower-tier planning authority to consider adopting the local plan by resolution of the authority, or
- (b) where the upper-tier county council are to revise a local plan, make the revision or make the revision subject to specified modifications.”

(15) In paragraph 7D—

- (a) for sub-paragraph (1) substitute—

“(1) Subsections (4) to (12) of [section 15D](#), and [section 15DA](#), apply to an examination held under paragraph 7C(2)—

- (a) reading references to the local planning authority as references to the upper-tier county council, and
- (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”;
- (b) in sub-paragraph (3)(a), omit “or omitted”;
- (c) in sub-paragraph (4)—
 - (i) for “joint local development document or a joint development plan document” substitute “joint local plan”;
 - (ii) for “the document” substitute “the plan”.

(16) In paragraph 8—

- (a) in sub-paragraph (1)—
 - (i) for “development plan document” substitute “local plan”;
 - (ii) for “revised” substitute “a revision of a local plan”;
- (b) in sub-paragraph (2)—
 - (i) for “development plan document” substitute “local plan”;
 - (ii) in paragraph (a), for “document” (in both places) substitute plan;
 - (iii) in that paragraph, for “section 23” substitute “[section 15EA](#)”;
- (c) in sub-paragraph (3)(b), for “document” substitute “plan”;
- (d) in sub-paragraph (5)—
 - (i) for “development plan document” substitute “local plan”;
 - (ii) for “section 23” substitute “[section 15EA](#)”;
 - (iii) for “the document” substitute “the plan”;
- (e) in sub-paragraph (6), for “document” (in each place) substitute “plan”;
- (f) in sub-paragraph (7)—
 - (i) in paragraph (a), for “development plan document” substitute “local plan”;

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- (ii) in paragraph (b), for “section 23” substitute “[section 15EA](#)”;
 - (iii) in the words after paragraph (b), for “document” substitute “plan”;
 - (g) after sub-paragraph (7) insert—
 - “(7A) Sub-paragraphs (2) to (7) and paragraph 9 apply in relation to a revision to a local plan to which this paragraph applies as they apply in relation to a local plan to which this paragraph applies—
 - (a) reading references to the plan being adopted or approved as references to the revision being made, and
 - (b) reading references to paragraph 2(4)(a), 6(4)(a), 7ZC(4)(a) or 7C(4)(a) as references to paragraph 2(4)(b), 6(4)(b), 7ZC(4)(b) or 7C(4)(b).”
- (17) In paragraph 9, for “document” (in each place) substitute “plan”.
- (18) For paragraph 10 substitute—
- “10 Subsections (4) to (12) of [section 15D](#), and [section 15DA](#), apply to an examination of a local plan held under paragraph 9(3)—
- (a) reading references to the local planning authority as references to Secretary of State, and
 - (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”
- (19) In paragraph 11, for “local development scheme” substitute “local plan timetable”.
- (20) In paragraph 13—
- (a) in sub-paragraph (1)—
 - (i) for “development plan document” substitute “local plan”;
 - (ii) after “step” insert “, or not to take a step specified in the direction,”;
 - (iii) for “adoption or approval of the document” substitute “plan”;
 - (b) in sub-paragraph (2), for “document” substitute “plan”;
 - (c) in sub-paragraph (3), for “document” (in both places) substitute “plan”.

Commencement Information

II Sch. 8 para. 26 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

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