

PLANNING AND COMPULSORY PURCHASE ACT 2004 Section 21 showing (in **bold**) changes inserted into Section 21 by the Housing & Planning Act 2016 Section 145 followed by the additional Section 21A inserted by Section 145 of the 2016 Act (shown in **bold**).

## 21 Intervention by Secretary of State

(1) If the Secretary of State thinks that a local development document is unsatisfactory—

(a) he may at any time before the document is adopted under section 23 direct the local planning authority to modify the document in accordance with the direction;

(b) if he gives such a direction he must state his reasons for doing so.

(2) The authority—

(a) must comply with the direction;

(b) must not adopt the document unless the Secretary of State gives notice that he is satisfied that they have complied with the direction.

(3) But subsection (2) does not apply if **or to the extent that** the Secretary of State withdraws the direction.

(4) At any time before a development plan document is adopted by a local planning authority the Secretary of State may direct that the document (or any part of it) is submitted to him for his approval.

(5) The following paragraphs apply if the Secretary of State gives a direction under subsection (4)-

(a) the authority must not take any step in connection with the adoption of the document until the Secretary of State gives his decision, **or withdraws the direction**;

(b) if the direction is given, and not withdrawn, before the authority have submitted the document under section 20(1) the Secretary of State must hold an independent examination;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) if the direction is given after the authority have submitted the document but before the person appointed to carry out the examination has made his recommendations **and is not withdrawn before those recommendations are made, the person** must make his recommendations to the Secretary of State;

**(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or (as the case may be) the relevant part of it has been approved by the Secretary of State, or the direction is withdrawn.**

**(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 which**

- (a) is covered by a direction under subsection (4) which refers to only part of the document, or**
- (b) continues to be covered by a direction under subsection (4) following the partial withdrawal of the direction.**

(6) The Secretary of State must publish the recommendations made to him by virtue of subsection (5)(b) or (c) and the reasons of the person making the recommendations.

(7) In considering a document or part of a document submitted under subsection (4) the Secretary of State may take account of any matter which he thinks is relevant.

(8) It is immaterial whether any such matter was taken account of by the authority.

(9) In relation to a document or part of a document submitted to him under subsection (4) the Secretary of State—

- (a) may approve, approve subject to specified modifications or reject the document or part;
- (b) must give reasons for his decision under paragraph (a).

(10) In the exercise of any function under this section the Secretary of State must have regard to the local development scheme.

**(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.**

## **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.”**