



Housing and Planning Act 2016

2016 CHAPTER 22

PART 6

PLANNING IN ENGLAND

Local planning

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 - “(b) if the direction is given, and not withdrawn, before the authority have submitted the document under section 20(1), the Secretary of State must hold an independent examination;”;
 - (c) in paragraph (c), for “he” substitute “ , and is not withdrawn before those recommendations are made, the person ”;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or (as the case may be) the relevant part of it has been approved by the Secretary of State, or the direction is withdrawn.”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.

Changes to legislation: Housing and Planning Act 2016, Section 145 is up to date with all changes known to be in force on or before 22 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

(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
- (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

I1 S. 145(1)-(4) in force at 1.10.2016 by S.I. 2016/733, reg. 4(1)(c)

I2 S. 145(5) in force at 26.5.2016 by S.I. 2016/609, reg. 2

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