
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Neighbourhood Planning Act 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 2 U.K.

Section 10

COUNTY COUNCILS' DEFAULT POWERS IN RELATION TO DEVELOPMENT PLAN DOCUMENTS

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

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Commencement Information

I1 [Sch. 2 para. 1](#) in force at 16.1.2018 by [S.I. 2018/38](#), [reg. 2\(c\)](#)

2 Schedule A1 (default powers exercisable by Mayor of London or combined authority) is amended in accordance with paragraphs 3 to 8.

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Commencement Information

I2 [Sch. 2 para. 2](#) in force at 16.1.2018 by [S.I. 2018/38](#), [reg. 2\(c\)](#)

3 In the heading for “or combined authority” substitute “, combined authority or county council”.

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Commencement Information

I3 [Sch. 2 para. 3](#) in force at 16.1.2018 by [S.I. 2018/38](#), [reg. 2\(c\)](#)

4 After paragraph 7 insert—

“Default powers exercisable by county council

7A In this Schedule—

“upper-tier county council” means a county council for an area for which there is also a district council;

“lower-tier planning authority”, in relation to an upper-tier county council, means a district council which is the local planning authority for an area within the area of the upper-tier county council.

7B If the Secretary of State—

- (a) thinks that a lower-tier 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, and
- (b) invites the upper-tier county council to prepare or revise the document,

the upper-tier county council may prepare or revise (as the case may be) the development plan document.

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- 7C (1) This paragraph applies where a development plan document is prepared or revised by an upper-tier county council under paragraph 7B.
- (2) The upper-tier county council must hold an independent examination.
- (3) The upper-tier county council—
- (a) must publish the recommendations and reasons of the person appointed to hold the examination, and
 - (b) may also give directions to the lower-tier planning authority in relation to publication of those recommendations and reasons.
- (4) The upper-tier county council may—
- (a) approve the document, or approve it subject to specified modifications, as a local development document, or
 - (b) direct the lower-tier planning authority to consider adopting the document by resolution of the authority as a local development document.
- 7D (1) Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 7C(2)—
- (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the upper-tier county council, and
 - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).
- (2) The upper-tier county council must give reasons for anything they do in pursuance of paragraph 7B or 7C(4).
- (3) The lower-tier planning authority must reimburse the upper-tier county council—
- (a) for any expenditure that the upper-tier county council incur in connection with anything which is done by them under paragraph 7B and which the lower-tier planning authority failed or omitted to do as mentioned in that paragraph;
 - (b) for any expenditure that the upper-tier county council incur in connection with anything which is done by them under paragraph 7C(2).
- (4) In the case of a joint local development document or a joint development plan document, the upper-tier council may apportion liability for the expenditure on such basis as the council considers just between the authorities for whom the document has been prepared.”

Commencement Information

14 [Sch. 2 para. 4](#) in force at 16.1.2018 by [S.I. 2018/38](#), [reg. 2\(c\)](#)

- 5 (1) Paragraph 8 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) omit the “or” at the end of paragraph (a), and
 - (b) at the end of paragraph (b) insert “, or
 - (c) under paragraph 7B by an upper-tier county council.”

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- (3) In sub-paragraph (2)(a)—
- (a) for “or 6(4)(a)” substitute “ , 6(4)(a) or 7C(4)(a) ”, and
 - (b) for “or the combined authority” substitute “ , the combined authority or the upper-tier county council ”.
- (4) In sub-paragraph (3)(a) for “or the combined authority” substitute “ , the combined authority or the upper-tier county council ”.
- (5) In sub-paragraph (5) for “or 6(4)(a)” substitute “ , 6(4)(a) or 7C(4)(a) ”.
- (6) In sub-paragraph (7)—
- (a) in paragraph (b) for “or 6(4)(a)” substitute “ , 6(4)(a) or 7C(4)(a) ”, and
 - (b) in the words following that paragraph for “or the combined authority” substitute “ , the combined authority or the upper-tier county council ”.

Commencement Information

I5 [Sch. 2 para. 5](#) in force at 16.1.2018 by [S.I. 2018/38](#), [reg. 2\(c\)](#)

- 6 In paragraph 9(8) for “or the combined authority” substitute “ , the combined authority or the upper-tier county council ”.

Commencement Information

I6 [Sch. 2 para. 6](#) in force at 16.1.2018 by [S.I. 2018/38](#), [reg. 2\(c\)](#)

- 7 In paragraph 12—
- (a) for “or the combined authority” substitute “ , the combined authority or the upper-tier county council ”, and
 - (b) for “or the authority” substitute “ , the authority or the council ”.

Commencement Information

I7 [Sch. 2 para. 7](#) in force at 16.1.2018 by [S.I. 2018/38](#), [reg. 2\(c\)](#)

- 8 In paragraph 13(1)—
- (a) for “or a combined authority” substitute “ , a combined authority or an upper-tier county council ”, and
 - (b) for “or the authority” substitute “ , the authority or the council ”.

Commencement Information

I8 [Sch. 2 para. 8](#) in force at 16.1.2018 by [S.I. 2018/38](#), [reg. 2\(c\)](#)

- 9 In section 17(8) (document a local development document only if adopted or approved) after paragraph (d) insert—
- “(e) is approved by an upper-tier county council (as defined in that Schedule) under paragraph 7C of that Schedule.”

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Commencement Information

I9 [Sch. 2 para. 9](#) in force at 16.1.2018 by [S.I. 2018/38](#), [reg. 2\(c\)](#)

- 10 In section 27A (default powers exercisable by Mayor of London or combined authority) for “or combined authority” in both places substitute “ , combined authority or county council ”.

Commencement Information

I10 [Sch. 2 para. 10](#) in force at 16.1.2018 by [S.I. 2018/38](#), [reg. 2\(c\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded in part by [S.I. 2020/1297 art. 3\(1\)\(g\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act excluded in part by [S.I. 2021/51 art. 3\(e\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Act excluded in part by [S.I. 2024/564 art. 6\(1\)](#)
- Act restricted by [S.I. 2024/564 Sch. 14 Pt. 3 para. 4\(1\)](#)