



Localism Act 2011

2011 CHAPTER 20

PART 6

PLANNING

CHAPTER 1

PLANS AND STRATEGIES

109 Abolition of regional strategies

- (1) The following provisions are repealed—
 - (a) sections 70(5), 82(1) and (2) and 83 of the Local Democracy, Economic Development and Construction Act 2009 (interpretation and effect of regional strategies), and
 - (b) the remaining provisions of Part 5 of that Act (regional strategy).
- (2) Subsection (1)(b) does not apply to—
 - (a) section 85(1) (consequential provision) of that Act,
 - (b) Schedule 5 to that Act (regional strategy: amendments) (but see Part 16 of Schedule 25 to this Act), or
 - (c) Part 4 of Schedule 7 to that Act (regional strategy: repeals).
- (3) The Secretary of State may by order revoke the whole or any part of a regional strategy under Part 5 of that Act.
- (4) An order under subsection (3) may, in particular, revoke all of the regional strategies (or all of the remaining regional strategies) under Part 5 of that Act.
- (5) The Secretary of State may by order revoke the whole or any part of a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (directions preserving development plan policies) if and so far as it relates to a policy contained in a structure plan.

Status: Point in time view as at 22/11/2012.

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- (6) An order under subsection (5) may, in particular, revoke all directions (or all remaining directions) under paragraph 1(3) of that Schedule so far as they relate to policies contained in structure plans.
- (7) Schedule 8 (which contains amendments that are consequential on this section) has effect.

Commencement Information

- II** S. 109 partly in force; s. 109(1)(b)(2)-(6) wholly in force and s. 109(7) in force for specified purposes at Royal Assent see s. 240(5)(h)

110 Duty to co-operate in relation to planning of sustainable development

- (1) In Part 2 of the Planning and Compulsory Purchase Act 2004 (local development) after section 33 insert—

“33A Duty to co-operate in relation to planning of sustainable development

- (1) Each person who is—
- (a) a local planning authority,
 - (b) a county council in England that is not a local planning authority, or
 - (c) a body, or other person, that is prescribed or of a prescribed description,
- must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person—
- (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
 - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are—
- (a) the preparation of development plan documents,
 - (b) the preparation of other local development documents,
 - (c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
 - (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
 - (e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.

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- (4) For the purposes of subsection (3), each of the following is a “strategic matter”—
- (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
 - (b) sustainable development or use of land in a two-tier area if the development or use—
 - (i) is a county matter, or
 - (ii) has or would have a significant impact on a county matter.
- (5) In subsection (4)—
- “county matter” has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph 1(1)(i)),
- “planning area” means—
- (a) the area of—
 - (i) a district council (including a metropolitan district council),
 - (ii) a London borough council, or
 - (iii) a county council in England for an area for which there is no district council,but only so far as that area is neither in a National Park nor in the Broads,
 - (b) a National Park,
 - (c) the Broads,
 - (d) the English inshore region, or
 - (e) the English offshore region, and
- “two-tier area” means an area—
- (a) for which there is a county council and a district council, but
 - (b) which is not in a National Park.
- (6) The engagement required of a person by subsection (2)(a) includes, in particular—
- (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
 - (b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.
- (7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.
- (8) A person, or description of persons, may be prescribed for the purposes of subsection (1)(c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.
- (9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.

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(10) In this section—

“the English inshore region” and “the English offshore region” have the same meaning as in the Marine and Coastal Access Act 2009, and

“land” includes the waters within those regions and the bed and subsoil of those waters.”

(2) In section 16 of the Planning and Compulsory Purchase Act 2004 (applying Part 2 for purposes of a county council's minerals and waste development scheme) after subsection (4) insert—

“(5) Also, subsection (3)(b) does not apply to section 33A(1)(a) and (b).”

(3) In section 20(5) of the Planning and Compulsory Purchase Act 2004 (development plan documents: purpose of independent examination) after paragraph (b) insert “; and

(c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.”

111 Local development schemes

(1) Section 15 of the Planning and Compulsory Purchase Act 2004 (preparation, revision and promulgation of local development schemes) is amended as follows.

(2) Omit subsection (3) (requirements as to preparation of schemes).

(3) In subsection (4) (Secretary of State or Mayor of London may direct that scheme be amended) after “thinks appropriate” insert “ for the purpose of ensuring effective coverage of the authority's area by the development plan documents (taken as a whole) for that area ”.

(4) In subsection (6A)(b) (provision about directions given by Mayor of London under subsection (4)) for “the scheme is not to be brought into effect” substitute “ effect is not to be given to the direction ”.

(5) For subsection (7) (regulations about publicity, inspection and bringing schemes into effect) substitute—

“(7) To bring the scheme into effect, the local planning authority must resolve that the scheme is to have effect and in the resolution specify the date from which the scheme is to have effect.”

(6) After subsection (8A) insert—

“(8AA) A direction may be given under subsection (8)(b) only if the person giving the direction thinks that revision of the scheme is necessary for the purpose of ensuring effective coverage of the authority's area by the development plan documents (taken as a whole) for that area.”

(7) After subsection (9) insert—

“(9A) The local planning authority must make the following available to the public—

(a) the up-to-date text of the scheme,

(b) a copy of any amendments made to the scheme, and

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- (c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable mentioned in subsection (2)(f).”

112 Adoption and withdrawal of development plan documents

- (1) The Planning and Compulsory Purchase Act 2004 is amended as follows.
- (2) For section 20(7) (independent examiner must make recommendations with reasons) substitute—

- “(7) Where the person appointed to carry out the examination—
 - (a) has carried it out, and
 - (b) considers that, in all the circumstances, it would be reasonable to conclude—
 - (i) that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, and
 - (ii) that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document's preparation,

the person must recommend that the document is adopted and give reasons for the recommendation.

- (7A) Where the person appointed to carry out the examination—
 - (a) has carried it out, and
 - (b) is not required by subsection (7) to recommend that the document is adopted,

the person must recommend non-adoption of the document and give reasons for the recommendation.

- (7B) Subsection (7C) applies where the person appointed to carry out the examination—
 - (a) does not consider that, in all the circumstances, it would be reasonable to conclude that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, but
 - (b) does consider that, in all the circumstances, it would be reasonable to conclude that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document's preparation.

- (7C) If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that—

- (a) satisfies the requirements mentioned in subsection (5)(a), and
- (b) is sound.”

- (3) For section 23(2) and (3) (adoption of development plan documents, whether as prepared or with modifications, must be in accordance with independent examiner's recommendations) substitute—

- “(2) If the person appointed to carry out the independent examination of a development plan document recommends that it is adopted, the authority may adopt the document—

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- (a) as it is, or
 - (b) with modifications that (taken together) do not materially affect the policies set out in it.
- (2A) Subsection (3) applies if the person appointed to carry out the independent examination of a development plan document—
- (a) recommends non-adoption, and
 - (b) under section 20(7C) recommends modifications (“the main modifications”).
- (3) The authority may adopt the document—
- (a) with the main modifications, or
 - (b) with the main modifications and additional modifications if the additional modifications (taken together) do not materially affect the policies that would be set out in the document if it was adopted with the main modifications but no other modifications.”
- (4) Omit section 22(2) (development plan document not to be withdrawn once submitted for independent examination unless examiner or Secretary of State directs that it be withdrawn).
- (5) In section 21 (intervention by Secretary of State) after subsection (9) insert—
- “(9A) The Secretary of State may at any time—
- (a) after a development plan document has been submitted for independent examination under section 20, but
 - (b) before it is adopted under section 23,
- direct the local planning authority to withdraw the document.”
- (6) The amendments made by subsections (2) and (3) apply in relation to all adoptions of development plan documents that take place after the coming into force of those subsections, including an adoption where steps in relation to the document have taken place before then.

113 Local development: monitoring reports

- (1) Section 35 of the Planning and Compulsory Purchase Act 2004 (local planning authority must make annual report to Secretary of State) is amended as follows.
 - (2) Omit subsection (1) (duty to make annual report).
 - (3) In subsection (2) (contents of annual report) for “The annual report must contain” substitute “Every local planning authority must prepare reports containing”.
 - (4) In subsection (3) (rules about annual reports) for the words from the beginning to the end of paragraph (b) substitute—
- “A report under subsection (2) must—
- (a) be in respect of a period—
 - (i) which the authority considers appropriate in the interests of transparency,
 - (ii) which begins with the end of the period covered by the authority's most recent report under subsection (2), and

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(iii) which is not longer than 12 months or such shorter period as is prescribed;”.

(5) After subsection (3) insert—

“(4) The authority must make the authority's reports under this section available to the public.”

(6) In the heading for “Annual” substitute “Authorities” and for “report” substitute “reports”.

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