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## SCHEDULES

### SCHEDULE 2

Section 10

#### COUNTY COUNCILS' DEFAULT POWERS IN RELATION TO DEVELOPMENT PLAN DOCUMENTS

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

##### 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.

##### 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”.

##### 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 ”.

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**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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