

Planning and Compulsory Purchase Act 2004 c. 5

s. 20 Independent examination



Version 4 of 4

13 July 2016 - Present

Subjects

Planning

Keywords

Default; Greater London; Independent examination; Local development documents; Mayors; Planning authorities' powers and duties; Reasons; Recovery of expenses

20 Independent examination

- (1) The local planning authority must submit every development plan document to the Secretary of State for independent examination.
- (2) But the authority must not submit such a document unless—
 - (a) they have complied with any relevant requirements contained in regulations under this Part, and
 - (b) they think the document is ready for independent examination.
- (3) The authority must also send to the Secretary of State (in addition to the development plan document) such other documents (or copies of documents) and such information as is prescribed.
- (4) The examination must be carried out by a person appointed by the Secretary of State.
- (5) The purpose of an independent examination is to determine in respect of the development plan document—
 - (a) whether it satisfies the requirements of [sections 19](#) and [24\(1\)](#), regulations under [section 17\(7\)](#) and any regulations under [section 36](#) relating to the preparation of development plan documents;
 - (b) whether it is sound [*;* and]¹

[

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

]¹
- (6) Any person who makes representations seeking to change a development plan document must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.

[

 - (6A) The Secretary of State may by notice to the person appointed to carry out the examination—

- (a) direct the person not to take any step, or any further step, in connection with the examination of the development plan document, or of a specified part of it, until a specified time or until the direction is withdrawn;
- (b) require the person—
 - (i) to consider any specified matters;
 - (ii) to give an opportunity, or further opportunity, to specified persons to appear before and be heard by the person;
 - (iii) to take any specified procedural step in connection with the examination.

In this subsection “*specified*” means specified in the notice.

] ² [

(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 [

(8) The local planning authority must publish the recommendations and the reasons.

Notes

- 1 Added by Localism Act 2011 c. 20 [Pt 6 c.1 s.110\(3\)](#) (November 15, 2011)
- 2 Added by Housing and Planning Act 2016 c. 22 [Pt 6 s.144](#) (July 13, 2016)
- 3 S.20(7)-(7C) substituted for s.20(7) by Localism Act 2011 c. 20 [Pt 6 c.1 s.112\(2\)](#) (January 15, 2012: substitution has effect in relation to all adoptions of development plan documents that take place after the coming into force of this subsection, including an adoption where steps in relation to the document have taken place before then)

Part 2 LOCAL DEVELOPMENT > Documents > s. 20 Independent examination

Contains public sector information licensed under the Open Government Licence v3.0.