

Rt Hon Robert Jenrick MP
Secretary of State for Housing, Communities and Local
Government
Ministry of Housing Communities and Local Government
4th Floor
Fry Building
2 Marsham Street
London
SW1P 4DF

Thursday, 10 October 2019

Dear Rt Hon Robert Jenrick MP

Thank you for your letter of yesterday's date written to the Leader of the Council.

We note that you have made a direction under s.21A of the 2004 Act. As you are aware, s.21A gives you the power to make a holding direction only where you are considering making a direction under s.21 of the Act. Importantly, section 21 gives you the following powers:

- (i) Where you think a local development document is unsatisfactory, to direct the local planning authority to modify the document in accordance with that direction (s.21(1)(a));
- (ii) To direct the Local Planning Authority to submit the local development document to you for your approval (s.21(4)). In circumstances where (as here) the Plan has already been submitted for examination, the Inspectors would have to report to you (s.21(5)); or
- (iii) To direct that the Plan be withdrawn (s.21(9)).

We cannot see how you could properly consider that any of the directions that you could make under s.21 would accord with your clearly stated view that it is essential that the plan should be progressed. In particular, we do not understand that you consider the plan to be unsatisfactory in any way (s.21(a)); that there is anything in the Plan that needs your approval (s.21(4)); or that you think the Plan should be withdrawn (s.21(9)). Section 21A does not give you the power to make a general holding direction – it must be tied to a proper consideration of whether you intend to make a direction under s.21. Given that it would be inconsistent with your stated position for you to issue a direction under any of the powers available to you under s.21, it appears that there was no proper basis for your decision to issue the direction under s.21A.

Given the importance of this matter we require a response to this letter no later than 3pm today, either explaining the basis on which you consider it might be appropriate for you to issue a direction under s.21, or (assuming you accept that there would be no basis for issuing such a direction) withdrawing the s.21A Direction.

The Council remains committed to delivering a sound local plan and considers it of the utmost importance to uphold the vital principles of local democracy. It is in no one's interest for the local plan to be placed on hold. I therefore urge you to respond to this letter by the requested deadline.

Yours sincerely



Mark Stone
Chief Executive Officer