STATUTORY INSTRUMENTS

2016 No. 873

TOWN AND COUNTRY PLANNING, ENGLAND

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

Made - - - -	*5th September 2016*
Laid before Parliament	*7th September 2016*
Coming into force - -	*1st October 2016*

The Secretary of State, in exercise of the powers conferred by sections 61E(4)(b), 61F(12)(b), 61G(11), (12) and (13), 74(1)(c), 333(2A) and (7) of, and paragraph 8(6) of Schedule 1 (as applied by paragraph 8A(3) of that Schedule) to, and paragraph 1 of Schedule 4A to, and paragraphs 13(1), 13A, 13B(4)(a) and 13C of Schedule 4B to, the Town and Country Planning Act 1990(**1**), and sections 38A(3), 38A(4)(b), 38C and 122(3) of the Planning and Compulsory Purchase Act 2004(**2**), makes the following Regulations.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 and come into force on 1st October 2016 ("the commencement date").

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

"the 1990 Act" means the Town and Country Planning Act 1990;

"the 2012 Regulations" means the Neighbourhood Planning (General) Regulations 2012(**3**);

(**1**) 1990 c.8. Sections 61E to 61G were inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c.20). Section 61E(4)(b) was amended by section 140(2) of the Housing and Planning Act 2016 (c. 22) ("the 2016 Act"). Section 61G(12) and (13) were inserted by section 139 of the 2016 Act. Section 333(2A) was inserted by paragraph 14(2) of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5). Amendments have been made to section 333(4) that are not relevant to these Regulations. Paragraph 8 of Schedule 1 was substituted by paragraph 53(5) of Schedule 7 to the Planning and Compensation Act 1991 (c.34). Amendments have been made to paragraph 8 that are not relevant to these Regulations. Paragraph 8A of Schedule 1 was inserted by section 142 of the 2016 Act. Schedule 4A was inserted by Schedule 1 to the Planning and Compulsory Purchase Act 2004 (c. 5). Amendments have been made to Schedule 4A that are not relevant to these Regulations. Schedule 4B was inserted by Schedule 10 to the Localism Act 2011. Paragraphs 13A to 13C of Schedule 4B were inserted by section 140(1) of the 2016 Act. See section 336(1) of the 1990 Act for definition of "prescribed". Amendments have been made to section 336(1) that are not relevant to these Regulations.

(**2**) 2004 c.5. Sections 38A to 38C were inserted by paragraph 7 of Schedule 9 to the Localism Act 2011. Section 38A(4)(b) was amended by section 140(3) of the 2016 Act. See section 38A(12) for definition of "prescribed".

(**3**) S.I. 2012/637, amended by S.I. 2015/20.

"the 2015 Order" means the Town and Country Planning (Development Management Procedure) (England) Order 2015 Order(**4**); and

"area application", "neighbourhood forum application", "order proposal" and "plan proposal" have the meaning given by regulation 3 of the 2012 Regulations.

Amendment of the 2012 Regulations

2.—(1) The 2012 Regulations are amended as follows.

(2) After regulation 5 insert—

"**Designation of the whole of the area of a parish council**

5A.—(1) This regulation applies where—

(a) a local planning authority receive an area application from a parish council;

(b) the area specified in the application consists of the whole of the parish council's area; and

(c) if any part of the specified area is part of a neighbourhood area, none of that neighbourhood area extends outside the parish council's area.

(2) The local planning authority must exercise their powers under section 61G of the 1990 Act to designate the specified area as a neighbourhood area.

(3) Where this regulation applies, regulations 6 and 6A do not apply.".

(3) In regulation 6, in paragraph (c) omit the words from "—(i)" to "cases,".

(4) In regulation 6A—

(a) omit paragraph (2)(b);

(b) after paragraph (2) insert—

"(3) Where the application has not been determined by the date prescribed in paragraph (2), the local planning authority must exercise their powers under section 61G of the 1990 Act so as to secure that the whole of the area specified in the application is designated as a neighbourhood area unless on that date—

(a) some or all of the specified area has been designated as a neighbourhood area; or

(b) some or all of the specified area is specified in another area application and that other area application has not been determined.".

(5) After regulation 9 insert—

"**Prescribed date for determination of a neighbourhood forum application**

9A.—(1) Where a local planning authority receive a neighbourhood forum application, which they do not decline to consider under regulation 11, the authority must determine the application by the date prescribed in paragraph (2).

(2) The date prescribed in this paragraph is—

(a) in a case where the neighbourhood area to which the application relates falls within the areas of two or more local planning authorities, the date which is the last day of the period of 20 weeks beginning with the day immediately following that on which the application is first publicised in accordance with regulation 9;

(**4**) S.I. 2015/595.

(b) in all other cases, the date which is the last day of the period of 13 weeks beginning with the day immediately following that on which the application is first publicised in accordance with regulation 9.

(3) The date prescribed in paragraph (2) does not apply where, on that date, the authority are considering another neighbourhood forum application and that other application relates to an area which consists of or includes some or all of the neighbourhood area to which the application mentioned in paragraph (1) relates.".

(6) After regulation 17 insert—

"**Decision on examiner's recommendations**

17A.—(1) This regulation applies where an examiner has made a report under paragraph 10 of Schedule 4B to the 1990 Act (applied by section 38A(3) of the 2004 Act) in relation to a plan proposal.

(2) The persons prescribed for the purposes of paragraph 13(1) of that Schedule are—

(a) the qualifying body;

(b) any person whose representation was submitted to the examiner of the plan proposal in accordance with regulation 17(d); and

(c) any consultation body which is referred to in the consultation statement mentioned in regulation 15.

(3) Representations invited under paragraph 13(1) must be submitted on or before the date which is the last day of the period of 6 weeks beginning with the day immediately following that on which the local planning authority first invited representations.

(4) On or after the date prescribed in paragraph (5) the local planning authority must decide what action to take in response to each recommendation made by the report mentioned in paragraph (1).

(5) The date prescribed in this paragraph is—

(a) where the local planning authority and the qualifying body agree a date, that date;

(b) where sub-paragraph (a) does not apply but paragraph 13 of Schedule 4B to the 1990 Act (applied by section 38A(3) of the 2004 Act) applies—

(i) where the authority refer the issue to independent examination, the date which is the last day of the period of 5 weeks beginning with the day immediately following that on which they receive the report of the examiner on that issue;

(ii) where the authority do not refer the issue to independent examination, the date which is the last day of the period of 5 weeks beginning with the day immediately following the date prescribed in paragraph (3);

(c) in all other cases, the date which is the last day of the period of 5 weeks beginning with the day immediately following that on which the local planning authority receive the report mentioned in paragraph (1).".

(7) After regulation 18 insert—

"**Prescribed date for making a neighbourhood development plan**

18A.—(1) The date prescribed for the purposes of section 38A(4)(b) of the 2004 Act is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held.

(2) Paragraph (1) does not apply where proceedings for questioning anything relating to an applicable referendum are brought in accordance with section 61N(3) of the 1990 Act (applied by section 38C(2)(d) of the 2004 Act) before the neighbourhood development plan is made.".

(8) After regulation 24 insert—

"**Decision on examiner's recommendations**

24A.—(1) This regulation applies where an examiner has made a report under paragraph 10 of Schedule 4B to the 1990 Act in relation to an order proposal.

(2) The persons prescribed for the purposes of paragraph 13(1) of that Schedule are—

(a) the qualifying body;

(b) any person whose representation was submitted to the examiner of the order proposal in accordance with regulation 24(f); and

(c) any consultation body which is referred to in the consultation statement mentioned in regulation 22.

(3) Representations invited under paragraph 13(1) must be submitted on or before the date which is the last day of the period of 6 weeks beginning with the day immediately following that on which the local planning authority first invited representations.

(4) The local planning authority must decide what action to take in response to each recommendation made by the report mentioned in paragraph (1) by the date prescribed in paragraph (5).

(5) The date prescribed in this paragraph is—

(a) where the local planning authority and the qualifying body agree a date, that date;

(b) where sub-paragraph (a) does not apply but paragraph 13 of Schedule 4B to the 1990 Act applies—

(i) where the authority refer the issue to independent examination, the date which is the last day of the period of 5 weeks beginning with the day immediately following that on which they receive the report of the examiner on that issue;

(ii) where the authority do not refer the issue to independent examination, the date which is the last day of the period of 5 weeks beginning with the day immediately following the date prescribed in paragraph (3);

(c) in all other cases, the date which is the last day of the period of 5 weeks beginning with the day immediately following that on which the local planning authority receive the report mentioned in paragraph (1).".

(9) After Regulation 25—

"**Prescribed date for making a neighbourhood development order**

25A.—(1) The date prescribed for the purposes of section 61E(4)(b) of the 1990 Act is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held.

(2) Paragraph (1) does not apply where proceedings for questioning anything relating to an applicable referendum are brought in accordance with section 61N(3) of the 1990 Act before the neighbourhood development order is made.".

(10) After regulation 31 insert—