



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

#### *[<sup>F1</sup>Neighbourhood development orders*

#### **[<sup>F1</sup>61E Neighbourhood development orders**

- (1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development order.
- (2) A “neighbourhood development order” is an order which grants planning permission in relation to a particular neighbourhood area specified in the order—
  - (a) for development specified in the order, or
  - (b) for development of any class specified in the order.
- (3) Schedule 4B makes provision about the process for the making of neighbourhood development orders, including—
  - (a) provision for independent examination of orders proposed by qualifying bodies, and
  - (b) provision for the holding of referendums on orders proposed by those bodies.
- (4) A local planning authority to whom a proposal for the making of a neighbourhood development order has been made—
  - (a) must make a neighbourhood development order to which the proposal relates if in each applicable referendum under that Schedule more than half of those voting have voted in favour of the order, and
  - (b) if paragraph (a) applies, must make the order as soon as reasonably practicable after the referendum is held.
- (5) If—

*Status: Point in time view as at 15/06/2013. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 61E is up to date with all changes known to be in force on or before 11 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) there are two applicable referendums under that Schedule (because the order relates to a neighbourhood area designated as a business area under section 61H), and
  - (b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the order,
- the authority may (but need not) make a neighbourhood development order to which the proposal relates.
- (6) A “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development order to act in relation to a neighbourhood area as a result of section 61F.
- (7) For the meaning of “neighbourhood area”, see sections 61G and 61I(1).
- (8) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the order would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- (9) Regulations may make provision as to the procedure to be followed by local planning authorities in cases where they act under subsection (8).
- (10) The regulations may in particular make provision—
- (a) for the holding of an examination,
  - (b) as to the payment by a local planning authority of remuneration and expenses of the examiner,
  - (c) as to the award of costs by the examiner,
  - (d) as to the giving of notice and publicity,
  - (e) as to the information and documents that are to be made available to the public,
  - (f) as to the making of reasonable charges for anything provided as a result of the regulations,
  - (g) as to consultation with and participation by the public, and
  - (h) as to the making and consideration of representations (including the time by which representations must be made).
- (11) The authority must publish in such manner as may be prescribed—
- (a) their decision to act under subsection (4) or (8),
  - (b) their reasons for making that decision, and
  - (c) such other matters relating to that decision as may be prescribed.
- (12) The authority must send a copy of the matters required to be published to—
- (a) the qualifying body that initiated the process for the making of the order, and
  - (b) such other persons as may be prescribed.
- (13) A local planning authority must publish each neighbourhood development order that they make in such manner as may be prescribed.]

#### Textual Amendments

- F1** Ss. 61E-61Q and cross-heading inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2)(5)(j), [Sch. 9 para. 2](#); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

**Status:**

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