



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

[^{F1}Neighbourhood development orders

[^{F1}61G Meaning of “neighbourhood area”

- (1) A “neighbourhood area” means an area within the area of a local planning authority in England which has been designated by the authority as a neighbourhood area; but that power to designate is exercisable only where—
 - (a) a relevant body has applied to the authority for an area specified in the application to be designated by the authority as a neighbourhood area, and
 - (b) the authority are determining the application (but see subsection (5)).
- (2) A “relevant body” means—
 - (a) a parish council, or
 - (b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).
- (3) The specified area—
 - (a) in the case of an application by a parish council, must be one that consists of or includes the whole or any part of the area of the council, and
 - (b) in the case of an application by an organisation or body, must not be one that consists of or includes the whole or any part of the area of a parish council.
- (4) In determining an application the authority must have regard to—
 - (a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and
 - (b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.

Status: Point in time view as at 04/12/2020.

Changes to legislation: *Town and Country Planning Act 1990, Section 61G is up to date with all changes known to be in force on or before 16 July 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)*

- (5) If—
- (a) a valid application is made to the authority,
 - (b) some or all of the specified area has not been designated as a neighbourhood area, and
 - (c) the authority refuse the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area,
- the authority must exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas.
- (6) The authority may, in determining any application, modify designations already made; but if a modification relates to any extent to the area of a parish council, the modification may be made only with the council's consent.
- [The power in subsection (6) to modify designations already made includes power—
- ^{F2}(6A)
 - (a) to change the boundary of an existing neighbourhood area,
 - (b) to replace an existing neighbourhood area with two or more separate neighbourhood areas, and
 - (c) to replace two or more existing neighbourhood areas with a single neighbourhood area.
- (6B) A neighbourhood area created by virtue of subsection (6A)(b) may have the boundary created by splitting it from the existing area or a different boundary.
- (6C) A neighbourhood area created by virtue of subsection (6A)(c) may have the boundary created by combining the existing areas or a different boundary.
- (6D) A modification under subsection (6) of a designation already made does not affect the continuation in force of a neighbourhood development order even though as a result of the modification—
- (a) it no longer relates to a neighbourhood area, or
 - (b) it relates to more than one neighbourhood area.]

(7) The areas designated as neighbourhood areas must not overlap with each other.

(8) A local planning authority must publish a map setting out the areas that are for the time being designated as neighbourhood areas.

(9) If the authority refuse an application, they must give reasons to the applicant for refusing the application.

(10) In this section “specified”, in relation to an application, means specified in the application.

(11) Regulations may make provision in connection with the designation of areas as neighbourhood areas; and the regulations may in particular make provision—

 - (a) as to the procedure to be followed in relation to designations,
 - (b) as to the giving of notice and publicity in connection with designations,
 - (c) as to consultation with and participation by the public in relation to designations,
 - (d) as to the making and consideration of representations about designations (including the time by which representations must be made),
 - (e) as to the form and content of applications for designations,

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- (f) requiring an application for a designation to be determined by a prescribed date,
- (g) entitling or requiring a local planning authority in prescribed circumstances to decline to consider an application for a designation, and
- (h) about the modification of designations (including provision about the consequences of modification on proposals for neighbourhood development orders, or on neighbourhood development orders, that have already been made).

[Regulations under subsection (11) may provide that where an application under this ^{F3}(12) section—

- (a) meets prescribed criteria, or
- (b) has not been determined within a prescribed period,

the local planning authority must, except in prescribed cases or circumstances, exercise their powers under this section to designate the specified area as a neighbourhood area.

(13) The reference in subsection (12) to the designation of an area as a neighbourhood area includes the modification under subsection (6) of a designation already made.]]

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)
- F2** S. 61G(6A)-(6D) inserted (31.1.2018) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), [ss. 5\(3\)](#), 46(1); [S.I. 2018/38](#), reg. 3(c)
- F3** S. 61G(12)(13) inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [ss. 139](#), 216(1)(d)

Modifications etc. (not altering text)

- C1** [S. 61G\(6D\)](#) applied (with modifications) by 2004 c. 5, s. 38C(5A) (as inserted (31.1.2018) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), [ss. 5\(8\)](#), 46(1); [S.I. 2018/38](#), reg. 3(c))

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