

## SCHEDULES

### SCHEDULE 12

Section 121

#### NEIGHBOURHOOD PLANNING: CONSEQUENTIAL AMENDMENTS

##### *Town and Country Planning Act 1990*

- 1 The Town and Country Planning Act 1990 is amended as follows.
- 2 In section 56(3) (time when development begun)—
  - (a) after “sections” insert “[61L\(5\)](#) and [\(7\)](#),” and
  - (b) for “and 94” substitute “, 94 and [108\(3E\)\(c\)\(i\)](#)”.
- 3 In section 57(3) (extent of permission granted by development order), for “or a local development order” substitute “, a local development order or a neighbourhood development order”.
- 4 In section 58(1)(a) (grant of planning permission by development order), for “or a local development order” substitute “, a local development order or a neighbourhood development order”.
- 5 In section 62 (applications for planning permission), after subsection (2) insert—

“(2A) In subsections (1) and (2) references to applications for planning permission include references to applications for approval under section [61L\(2\)](#).”
- 6 In section 65 (notice etc of applications for planning permission), after subsection (3) insert—

“(3A) In subsections (1) and (3) references to any application for planning permission or any applicant for such permission include references to any application for approval under section [61L\(2\)](#) or any applicant for such approval.”
- 7 (1) Section 69 (register of applications etc) is amended as follows.
  - (2) In subsection (1), after paragraph (c) insert—

“(ca) neighbourhood planning matters;”.
  - (3) In subsection (2)(b), after “order” insert “, neighbourhood planning matter”.
  - (4) After subsection (2) insert—

“(2A) For the purposes of subsections (1) and (2) “neighbourhood planning matters” means—

    - (a) neighbourhood development orders;
    - (b) neighbourhood development plans (made under section 38A of the Planning and Compulsory Purchase Act 2004); and
    - (c) proposals for such orders or plans.”

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- 8 (1) Section 71 (consultations in connection with determinations under s.70) is amended as follows.
- (2) After subsection (2) insert—
- “(2ZA) In subsections (1) and (2) references to an application for planning permission include references to an application for approval under section 61L(2).”
- (3) After subsection (3) insert—
- “(3A) Subsection (3) does not apply in relation to planning permission granted by a neighbourhood development order.”
- 9 In section 74 (directions etc as to method of dealing with applications), after subsection (1) insert—
- “(1ZA) In subsection (1)—
- (a) in paragraph (c) the reference to planning permission for any development includes a reference to an approval under section 61L(2), and
- (b) in paragraph (f) references to applications for planning permission include references to applications for approvals under section 61L(2).”
- 10 In section 77(1) (certain applications to be referred to the Secretary of State), for “or a local development order” substitute “, a local development order or a neighbourhood development order”.
- 11 In section 78(1)(c) (right of appeal in relation to certain planning directions), for “or a local development order” substitute “, a local development order or a neighbourhood development order”.
- 12 In section 88(9) (grant of planning permission in enterprise zone), for “or a local development order” substitute “, a local development order or a neighbourhood development order”.
- 13 In section 91(4)(a) (no limit to duration of planning permission granted by development order), for “or a local development order” substitute “, a local development order or a neighbourhood development order”.
- 14 In section 94(1) (termination of planning permission by reference to time limit: completion notices), at the end of paragraph (c) insert “; or
- (d) a planning permission under a neighbourhood development order is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period, that development has been begun within that period, but that period has elapsed without the development having been completed.”
- 15 (1) Section 108 (compensation for refusal or conditional grant of planning permission formerly granted by development order or local development order) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “or a local development order” substitute “, a local development order or a neighbourhood development order”, and

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- (b) in the words after paragraph (b), for “or a local development order” substitute “, the local development order or the neighbourhood development order”.
- (3) In subsection (2), for “or a local development order” substitute “, a local development order or a neighbourhood development order”.
- (4) In subsection (3B), at the end insert—
- “(c) in the case of planning permission granted by a neighbourhood development order, the condition in subsection (3E) is met.”
- (5) After subsection (3D) insert—
- “(3E) The condition referred to in subsection (3B)(c) is that—
- (a) the planning permission is withdrawn by the revocation of the neighbourhood development order,
- (b) notice of the revocation was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation took effect, and
- (c) either—
- (i) the development authorised by the neighbourhood development order had not begun before the notice was published, or
- (ii) section 61L(7) applies in relation to the development.”
- (6) In the title, for “**or a local development order**” substitute “, **local development order or neighbourhood development order**”.
- 16 In section 109(6) (apportionment of compensation for depreciation), in the definition of “relevant planning permission”, for “or a local development order” substitute “, the local development order or the neighbourhood development order”.
- 17 In section 171H(1)(a) (temporary stop notice: compensation), for “a development order or local development order” substitute “by a development order, a local development order or a neighbourhood development order”.
- 18 In section 197 (planning permission to include appropriate provision for preservation and planting of trees), at the end insert—
- “Nothing in this section applies in relation to neighbourhood development orders.”
- 19 In section 253(2)(c) (cases in which certain procedures may be carried out in anticipation of planning permission), for “or a local development order” substitute “, a local development order or a neighbourhood development order”.
- 20 In section 264(5) (land treated not as operational land)—
- (a) in paragraph (b), omit “or a local development order”, and
- (b) after paragraph (c) (but before the “or” at the end of the paragraph) insert—
- “(ca) granted by a local development order or a neighbourhood development order;”.
- 21 (1) Section 324 (rights of entry) is amended as follows.
- (2) In subsection (1), after paragraph (a) insert—
- “(aa) the preparation, making, modification or revocation of a neighbourhood development plan under Part 3 of that Act;”.
- (3) After that subsection insert—

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“(1A) For the purposes of subsection (1)(c) the reference to a proposal by the local planning authority to make any order under Part 3 includes a reference to a proposal submitted (or to be submitted) to the authority for the making by them of a neighbourhood development order.”

22 (1) Section 333 (regulations and orders) is amended as follows.

(2) In subsection (3) (regulations to be subject to annulment) after “except regulations under section 88” insert “or paragraph 15(5) or 16 of Schedule 4B”.

(3) After that subsection insert—

“(3A) No regulations may be made under paragraph 15(5) or 16 of Schedule 4B unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.”

23 In paragraph 1A of Schedule 13 (blighted land: land allocated for public authority functions in development plans etc)—

(a) after “for the area in which the land is situated” insert “or by a neighbourhood development plan for the area in which the land is situated”,

(b) after Note (2) insert—

“(2A) For the purposes of this paragraph a neighbourhood development plan includes a draft of a neighbourhood development plan which has been submitted for examination under paragraph 7(2) of Schedule 4B (as applied by section 38A(3) of the 2004 Act).”, and

(c) after Note (5) insert—

“(6) Note (2A) does not apply if the proposal for the draft plan is withdrawn under paragraph 2 of Schedule 4B (as applied by section 38A(3) of the 2004 Act) at any time after the draft plan has been submitted for examination.”

*Planning (Listed Buildings and Conservation Areas) Act 1990*

24 The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

25 In section 66 (general duty as respects listed buildings in exercise of planning functions), at the end insert—

“(4) Nothing in this section applies in relation to neighbourhood development orders.”

26 In section 72 (general duty as respects conservation areas in exercise of planning functions), at the end insert—

“(4) Nothing in this section applies in relation to neighbourhood development orders.”

*Planning and Compulsory Purchase Act 2004*

27 The Planning and Compulsory Purchase Act 2004 is amended as follows.

28 In section 18 (statement of community involvement), after subsection (2) insert—

“(2A) The reference in subsection (2) to functions under Part 3 of the principal Act does not include functions under any provision of that Act relating to neighbourhood development orders (including any function under any of sections 61F to 61H of that Act).”

29 In section 40(2) (local development orders), omit paragraphs (b) to (k).

30 In section 116(2)(b) (Isles of Scilly), after “Part 2” insert “or 3”.

#### *Housing and Regeneration Act 2008*

31 In section 13(5) of the Housing and Regeneration Act 2008 (power of Secretary of State to make designation orders)—

(a) in paragraph (a) of the definition of “local planning authority”, after “Part 2” insert “or 3”, and

(b) in paragraph (c) of the definition of “permitted purposes”, after “Part 2” insert “or 3”.