
EXPLANATORY NOTE

(This note is not part of these Regulations)

The Localism Act 2011 (c. 20) provided a statutory regime for neighbourhood planning through amendments to the Town and Country Planning Act 1990 (c. 8) and the Planning and Compulsory Purchase Act 2004 (c. 5). The Housing and Planning Act 2016 (c. 22) made further amendments.

The Neighbourhood Planning (General) Regulations 2012 (S.I. 2012/637, “the 2012 Regulations”), as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015 (S.I. 2015/20, “the 2015 Regulations”), make provision in relation to the neighbourhood planning regime. These Regulations further amend the 2012 Regulations.

Regulation 2(2) to (4) amend the 2012 Regulations to prescribe circumstances in which a local planning authority must designate all of the area specified in a neighbourhood area application.

Regulation 2(5) inserts a new regulation 9A of the 2012 Regulations, which prescribes the date by which a local planning authority must determine a neighbourhood forum application.

Regulation 2(6) inserts a new regulation 17A of the 2012 Regulations. This prescribes the date by which a local planning authority must decide what action to take in response to the recommendations of the examiner of a neighbourhood development plan proposal and, where the proposed decision differs from that recommended by the examiner, the persons who must be notified and the date by which representations must be submitted. Regulation 2(8) makes equivalent provision for neighbourhood development order proposals.

Regulation 2(7) inserts a new regulation 18A of the 2012 Regulations, which prescribes the date by which a local planning authority must make a neighbourhood development plan approved at referendum. Regulation 2(9) makes equivalent provision for neighbourhood development orders.

Regulation 2(10) inserts a new Part 8A of the 2012 Regulations. This provides for cases where a qualifying body requests the Secretary of State to intervene to decide whether to put a proposal for a neighbourhood development order or plan to referendum.

Regulation 3 amends the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) to make provision for cases where a neighbourhood forum is notified of a planning application in their area, and for forums to be consulted on local development order proposals and applications for urgent Crown development.

Regulation 4 makes transitional provision.

An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or the voluntary sector.