
STATUTORY INSTRUMENTS

2017 No. 1243

TOWN AND COUNTRY PLANNING, ENGLAND

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017

Made - - - - *11th December 2017*
Laid before Parliament *13th December 2017*
Coming into force - - *31st January 2018*

The Secretary of State, in exercise of the powers conferred by sections 59(1), (2)(b) and (3)(a) and 333(7) of and paragraph 8(6) of Schedule 1 (as applied by paragraph 8A(3) of that Schedule) and paragraph 13A of Schedule 4B to the Town and Country Planning Act 1990⁽¹⁾ and by section 122(3) of and paragraphs 1(4) and (5), 4, 9(2), 13(7), 14(7) and 16 of Schedule A2 to the Planning and Compulsory Purchase Act 2004⁽²⁾ makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 and come into force on 31st January 2018.

Amendment of the Neighbourhood Planning (General) Regulations 2012

2. The Neighbourhood Planning (General) Regulations 2012⁽³⁾ are amended in accordance with the following provisions.

Amendment of regulation 3

3. In regulation 3 (interpretation), after the definition of “inspection” insert —
““modification proposal” means a proposal submitted by a qualifying body under paragraph 1 of Schedule A2 to the 2004 Act;”.

(1) 1990 c.8. Section 59(2)(b) was amended by paragraphs 1 and 3 of Schedule 4 to the Planning (Wales) Act 2015 (anaw 4) and by paragraphs 1 and 4 of Schedule 1 to the Growth and Infrastructure Act 2013 (c.27). Paragraph 8 of Schedule 1 was substituted by paragraph 53 of Schedule 7 to the 1991 Act. Paragraph 13A of Schedule 4B was inserted by the Housing and Planning Act 2016 c.22.

(2) 2004 c.5. Schedule A2 was inserted by section 4 of the Neighbourhood Planning Act 2017 c.20.

(3) S.I. 2012/637. Regulations 15(1)(c) and (e) were amended by S.I. 2015/20 and regulations 17A and 18A were inserted by S.I. 2016/873

Amendment of regulation 14

- 4.—(1) Regulation 14 (pre-submission consultation and publicity) is amended as follows.
- (2) After “plan proposal” insert “or a modification proposal”.
 - (3) After each occurrence of “neighbourhood development plan” insert “or modification proposal”.
 - (4) Omit “and” at the end of regulation 14(a)(iii).
 - (5) At the end of regulation 14(a)(iv) insert—
“and
(v) in relation to a modification proposal, a statement setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion;”.

Amendment of regulation 15

- 5.—(1) Regulation 15 (plan proposals) is amended as follows.
- (2) In the heading to regulation 15, after “Plan proposals” insert “and modification proposals”.
 - (3) After the first occurrence of “plan proposal” insert “or a modification proposal” and after the subsequent occurrence of “plan proposal” insert “or the modification proposal”.
 - (4) In regulation 15(1)(a), after “proposed neighbourhood development plan” insert “or neighbourhood development plan as proposed to be modified”.
 - (5) In regulation 15(1)(c), after “proposed neighbourhood development plan” insert “or neighbourhood development plan as proposed to be modified”.
 - (6) In regulation 15(1)(d), after “paragraph 8 of Schedule 4B to the 1990 Act” insert “or in the case of a modification proposal, how the neighbourhood development plan as proposed to be modified meets the requirements of paragraph 11 of Schedule A2 to the 2004 Act” and omit “and” at the end of the line.
 - (7) After regulation 15(1)(e), insert—
“and
(f) in relation to a modification proposal, a statement setting out the whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion.”
 - (8) In regulation 15(2)(a) and (d), after “proposed neighbourhood development plan” insert “or neighbourhood development plan as proposed to be modified.”

Amendment of regulation 16

- 6.—(1) Regulation 16 (publicising a plan proposal) is amended as follows.
- (2) In the heading to regulation 16, after “plan proposal” insert “or a modification proposal”.
 - (3) After the first occurrence of “plan proposal” insert “or a modification proposal” and after each subsequent occurrence of “plan proposal” insert “or the modification proposal”.
 - (4) In regulation 16(a)(iv) before “a statement” insert “in the case of a plan proposal,”.

Amendment of regulation 17

- 7.—(1) Regulation 17 (submission of plan proposal to examination) is amended as follows.
- (2) In the heading to regulation 17, after “plan proposal” insert “or modification proposal”.
 - (3) After “the 2004 Act” insert “or paragraph 9 of Schedule A2 to the 2004 Act”.
 - (4) After each occurrence of “plan proposal” insert “or the modification proposal”.
 - (5) At the end of regulation 17(c) omit “and”.
 - (6) After regulation 17(d) insert —
“and
(e) in relation to a modification proposal—
 - (i) a copy of the neighbourhood development plan as proposed to be modified;
 - (ii) a statement setting out the whether or not the authority consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the authority is of this opinion.”.

Amendment of regulation 17A

8. In regulation 17A(4) (decision on examiner’s recommendations), for “after” substitute “before”.

Amendment of regulation 18

- 9.—(1) Regulation 18 (publication of the examiner’s report and plan proposal decisions) is amended as follows.
- (2) In the heading to regulation 18, after “plan proposal” insert “or modification proposal”.
 - (3) In regulation 18(1)(a), after “2004 Act” insert “or a modification proposal under paragraph 5 of Schedule A2 to the 2004 Act”.
 - (4) In regulation 18(1)(b), after “2004 Act” insert “or a modification proposal under paragraph 8 of Schedule A2 to the 2004 Act”.
 - (5) At the end of regulation 18(1)(c), insert “or under paragraph 13 of Schedule A2 to the 2004 Act in relation to a proposed modification of a neighbourhood development plan”.
 - (6) In regulation 18(1)(d), after “2004 Act” insert “or paragraph 14(6) of Schedule A2 to the 2004 Act”.
 - (7) In regulation 18(1)(f), after “2004 Act” insert “or the draft plan under paragraph 14(4) of Schedule A2 to the 2004 Act”.
 - (8) In regulation 18(2)(c) after “2004 Act” insert “or paragraph 13 of Schedule A2 to the 2004 Act”.

Amendment of regulation 18A

10. In regulation 18A (prescribed date for making a neighbourhood development plan), after paragraph (2) add—
“(3) The date prescribed for the purposes of paragraph 14(7) of Schedule A2 to the 2004 Act is—

- (b) the last day of the period of 5 weeks beginning with the day immediately following that on which the examiner's report was received by the local authority in accordance with paragraph 13 of Schedule A2 to the 2004 Act; or
- (c) such later date as may be agreed in writing by the local planning authority and the qualifying body."

Amendment of regulation 20

11. In regulation 20 (publicising a neighbourhood development plan), after "section 38A(4)" insert "or section 38A(11)".

Amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2015

12.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2015(4) is amended as follows.

(2) In Article 25(1) (representations by parish council before determination of application), after "paragraph 8(1)" insert "or paragraph 8(3B)".

(3) In Article 25A (representations by neighbourhood forum before determination of application), after "paragraph 8A(1)" insert "or paragraph 8A(1B)".

Transitional provisions

13. The amendments made by regulations 3 to 11 do not apply in relation to a proposal for the modification of a neighbourhood development plan which is submitted to a local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012 before 31st January 2018.

Signed by the authority of the Secretary of State for Communities and Local Government

Alok Sharma
Minister of State
Department for Communities and Local
Government

11th December 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Neighbourhood Planning (General) Regulations 2012 (“the 2012 Regulations”) and the Town and Country Planning (Development Management Procedure)(England) Order 2015.

Regulation 3 inserts a new definition into the 2012 Regulations, to explain what a modification proposal is, in relation to a neighbourhood plan.

Regulations 4 to 7 and 9 to 11 make amendments to the 2012 Regulations to apply the existing procedure for making a neighbourhood development plan in Part 5 of the 2012 Regulations to the modification of a neighbourhood development plan. This is in consequence of the coming into force of section 4 of the Neighbourhood Planning Act 2017, which inserts Schedule A2 into the Planning and Compulsory Purchase Act 2004, which deals with the modification of neighbourhood development plans and mirrors many of the provisions of Schedule 4B to the Town and Country Planning Act 1990.

Regulation 8 corrects a minor error in regulation 17A, which was inserted into the 2012 Regulations by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

Regulation 12 amends the Town and Country Planning (Development Management Procedure) (England) Order 2015 in consequence of the changes in relation to notification of applications to neighbourhood planning bodies, as a result of the coming into force of section 2 of the Neighbourhood Planning Act 2017.

Regulation 13 makes transitional provision in relation to a proposal for the modification of a neighbourhood development plan which is submitted to a local planning authority under regulation 15 of the 2012 Regulations before 31st January 2018, so that the existing requirements for modification of a neighbourhood development plan continue to apply – i.e. that the same process is followed as for the making of a new neighbourhood development plan.

A full regulatory impact assessment has not been prepared as this instrument will not have a significant financial impact.