

2015 No. 20

TOWN AND COUNTRY PLANNING, ENGLAND

**The Neighbourhood Planning (General) (Amendment)
Regulations 2015**

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| <i>Made</i> - - - - | <i>12th January 2015</i> |
| <i>Laid before Parliament</i> | <i>14th January 2015</i> |
| <i>Coming into force</i> - - | <i>9th February 2015</i> |

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 61G, 61I and 333(2A) of, and paragraph 1 of Schedule 4B to, the Town and Country Planning Act 1990(a), and sections 38A and 122 of the Planning and Compulsory Purchase Act 2004(b), makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Neighbourhood Planning (General) (Amendment) Regulations 2015 and come into force on 9th February 2015 (“the commencement date”).

(2) The amendments made by regulations 2(2) and (3) do not apply in relation to an area application first publicised by the local planning authority under regulation 6 of the Neighbourhood Planning (General) Regulations 2012(c) (“the 2012 Regulations”) before the commencement date.

(3) The amendments made by regulation 2(4) do not apply in relation to a plan proposal submitted to the local planning authority before the commencement date.

(4) In this regulation “area application” and “plan proposal” have the same meaning as in regulation 3 of the 2012 Regulations.

Amendment of the 2012 Regulations

2.—(1) The 2012 Regulations are amended as follows.

(2) In regulation 6 for paragraph (c) substitute—

“(c) the date by which those representations must be received, being—

- (i) in the case of an application to which paragraph (2)(b) of regulation 6A applies, not less than four weeks from the date on which the area application is first publicised;
- (i) in all other cases, not less than six weeks from the date on which the area application is first publicised.”

(a) 1990 c.8. Sections 61E to 61G, 61L and 61M, and Schedule 4B were inserted by section 116 of, and Schedules 9 and 10 to, the Localism Act 2011 (c.20). See section 336(1) for definition of “prescribed”.
(b) 2004 c.5. Section 38A was inserted by section 116 of, and paragraph 7 of Schedule 9 to, the Localism Act 2011 (c.20).
(c) S.I. 2012/637.

(3) After regulation 6 insert—

“Prescribed date for determination of an area application

6A.—(1) Where a local planning authority receive an area application from a relevant body the authority must determine the application by the date prescribed in paragraph (2).

(2) The date prescribed in this paragraph is—

- (a) in a case where the area to which the application relates falls within the areas of two or more local planning authorities, the date 20 weeks from the date immediately following that on which the application is first publicised;
- (b) in other cases, where the relevant body is a parish council and the area to which the application relates is the whole of the area of the parish council, the date eight weeks from the date immediately following that on which the application is first publicised;
- (c) in all other cases, the date 13 weeks from the date immediately following that on which the application is first publicised.”

(4) In regulation 15—

- (a) at the end of paragraph (1)(c) omit “and”;
- (b) at the end of paragraph (1)(d) omit the full stop and insert—
“; and
- (e) (i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004(a); or
- (ii) where it has been determined under regulation 9(1) of those Regulations that the plan proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination.”

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

Brandon Lewis
Minister of State

12th January 2015

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Localism Act 2011 (c.20) provided a statutory regime for neighbourhood planning. The Neighbourhood Planning (General) Regulations 2012 (“the 2012 Regulations”) make provision in relation to that regime. These Regulations amend the 2012 Regulations.

Regulation 2(3) inserts a new regulation 6A into the 2012 Regulations to prescribe the date by which a local planning authority must determine applications for designation of a neighbourhood area. Different provision is made for cases where the application area falls within the areas of two or more local planning authorities, is the whole of the area of a parish council but does *not* fall within the areas of two or more local planning authorities (in which case, regulation 2(2) reduces the minimum period that the local planning authority must allow for representations from six weeks to four weeks), and in all other cases.

Regulation 2(4) adds to the list of documents that a qualifying body must submit to a local planning authority with a proposal for a neighbourhood plan. The additional document which must

(a) S.I. 2004/1633.

be submitted is either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental assessment is not required.

An impact assessment has been prepared in relation to these Regulations. The assessment has been placed in the Library of each House of Parliament and can be found on the Department for Communities and Local Government website (<http://www.communities.gov.uk>).

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