

Neighbourhood Planning Act 2017

2017 CHAPTER 20

PART 1

PLANNING

Neighbourhood planning

2 Notification of applications to neighbourhood planning bodies

- (1) Schedule 1 to the Town and Country Planning Act 1990 (local planning authorities: distribution of functions) is amended as follows.
- (2) Paragraph 8 (duty to notify parish council of planning application etc) is amended in accordance with subsections (3) to (5).
- (3) After sub-paragraph (3) insert—
 - "(3A) Sub-paragraph (3B) applies to a local planning authority who have the function of determining applications for planning permission or permission in principle if—
 - (a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority's area, and
 - (b) a parish council are authorised to act in relation to the neighbourhood area as a result of section 61F.
 - (3B) The local planning authority must notify the parish council of—
 - (a) any relevant planning application, and
 - (b) any alteration to that application accepted by the authority.
 - (3C) Sub-paragraph (3B) does not apply if the parish council have notified the local planning authority in writing that they do not wish to be notified of any such application.

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- (3D) If the parish council have notified the local planning authority in writing that they only wish to be notified under sub-paragraph (3B) of applications of a particular description, that sub-paragraph only requires the authority to notify the council of applications of that description.
- (3E) For the purposes of sub-paragraphs (3A) to (3D)—

"neighbourhood area" means an area designated as such under section 61G;

"relevant neighbourhood development plan" means—

- (a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3F), or
- (b) a neighbourhood development plan which forms part of a development plan by virtue of section 38(3) or (3A) of the Planning and Compulsory Purchase Act 2004 (plans which have been made or approved in a referendum);

"relevant planning application" means an application which relates to land in the neighbourhood area and is an application for—

- (a) planning permission or permission in principle, or
- (b) approval of a matter reserved under an outline planning permission within the meaning of section 92."
- (4) In the opening words of sub-paragraph (4) for "the duty" substitute " a duty under this paragraph".
- (5) In the opening words of sub-paragraph (5) for "their duty" substitute " a duty under this paragraph".
- (6) Paragraph 8A (duty to notify neighbourhood forums) is amended in accordance with subsections (7) to (9).
- (7) After sub-paragraph (1) insert—
 - "(1A) Sub-paragraph (1B) applies to a local planning authority who have the function of determining applications for planning permission or permission in principle if—
 - (a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority's area, and
 - (b) a neighbourhood forum are authorised to act in relation to the neighbourhood area as a result of section 61F.
 - (1B) The local planning authority must notify the neighbourhood forum of—
 - (a) any relevant planning application, and
 - (b) any alteration to that application accepted by the authority.
 - (1C) Sub-paragraph (1B) does not apply if the neighbourhood forum has notified the local planning authority in writing that it does not wish to be notified of any such application.
 - (1D) If the neighbourhood forum has notified the local planning authority in writing that it only wishes to be notified under sub-paragraph (1B) of applications of a particular description, that sub-paragraph only requires the authority to notify the forum of applications of that description."

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- (8) In sub-paragraph (2)—
 - (a) before the definition of "neighbourhood forum" insert—

""neighbourhood area" means an area designated as such under section 61G;", and

- (b) after the definition of "neighbourhood forum" insert—
 - ""relevant neighbourhood development plan" means—
 - (a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3F), or
 - (b) a neighbourhood development plan which forms part of a development plan by virtue of section 38(3) or (3A) of the Planning and Compulsory Purchase Act 2004 (development plans which have been approved in a referendum or made)."
- (9) In sub-paragraph (3) for "(3) to (6)" substitute "(3) and (4) to (6)".
- (10) Section 62C of the Town and Country Planning Act 1990 (notification of parish councils of applications made to Secretary of State) is amended in accordance with subsections (11) and (12).
- (11) In subsection (2) after "paragraph 8(1)" insert " or (3B)".
- (12) In subsection (3) after "Schedule 1" insert "or notifications received by the authority under paragraph 8(3C) or (3D) of that Schedule.

Commencement Information

- I1 S. 2 in force for specified purposes at Royal Assent, see s. 46
- I2 S. 2 in force at 31.1.2018 in so far as not already in force by S.I. 2018/38, reg. 3(a)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded in part by S.I. 2020/1297 art. 3(1)(g) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice Planning Court The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport Case No. CO/4844/2020))
- Act excluded in part by S.I. 2021/51 art. 3(e) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice Planning Court The Queen (on the application of Mair Bain) v. Secretary of State for Transport Case No. CO/642/2021).)
- Act excluded in part by S.I. 2024/564 art. 6(1)
- Act excluded in part by S.I. 2024/733 art. 3
- Act restricted by S.I. 2024/564 Sch. 14 Pt. 3 para. 4(1)