
STATUTORY INSTRUMENTS

2012 No. 637

The Neighbourhood Planning (General) Regulations 2012

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Neighbourhood Planning (General) Regulations 2012 and come into force on 6th April 2012.

Review

- 2.—(1) Before the end of each review period, the Secretary of State must—
- (a) carry out a review of these Regulations (other than regulations 32 and 33 and Schedules 2 and 3),
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (3) “Review period” means—
- (a) the period of five years beginning with the day on which these Regulations come into force, and
 - (b) subject to paragraph (4), each successive period of five years.
- (4) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

Interpretation

3. In these Regulations—
- “the 1990 Act” means the Town and Country Planning Act 1990;
 - “the 2004 Act” means the Planning and Compulsory Purchase Act 2004;
 - “address” in relation to electronic communications means any number or address used for the purposes of such communications;

“approvals application” means an application for approval, in relation to a condition or limitation subject to which planning permission is granted by a neighbourhood development order, under section 61L(2) of the 1990 Act;

“area application” means an application for the designation of a neighbourhood area made under section 61G of the 1990 Act;

“consultation body” has the meaning given in Schedule 1;

“contact details” means the name, address and telephone number of the person concerned;

“EIA Regulations” means the Town and Country Planning (Environmental Impact Assessment) Regulations 2011(1);

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(2);

“electronic communications apparatus” has the meaning given in paragraph 1(1) of the electronic communications code;

“electronic communications code” has the meaning given in section 106(1) of the Communications Act 2003(3);

“inspection” means inspection by the public;

“neighbourhood forum application” means an application for designation of a neighbourhood forum made by an organisation or body under section 61F of the 1990 Act;

“order proposal” means a proposal for a neighbourhood development order submitted by a qualifying body(4) under paragraph 1 of Schedule 4B to the 1990 Act or community right to build order submitted by a community organisation(5) under paragraph 1 of Schedule 4B to the 1990 Act, as read with paragraph 2 of Schedule 4C to the 1990 Act; and

“plan proposal” means a proposal for a neighbourhood development plan submitted by a qualifying body(6) under paragraph 1 of Schedule 4B to the 1990 Act (as applied, with modifications, by section 38A of the 2004 Act).

Electronic communications

4.—(1) Where within these Regulations—

- (a) a person is required to consult or seek representations from another person or body; and
- (b) that other person has an address for the purposes of electronic communications;

the document, copy, notice or notification may be sent or made by way of electronic communication.

(2) Where within these Regulations a person may make representations on any matter or document, those representations may be made—

- (a) in writing, or
- (b) by way of electronic communication.

(3) Where—

- (a) an electronic communication is used as mentioned in paragraphs (1) and (2); and

(1) S.I. 2011/1824, as amended by Schedule 3 to these Regulations.

(2) 2000 c.7.

(3) 2003 c.21.

(4) For the purposes of neighbourhood development orders, the definition of “qualifying body” is in section 61E(6) of the 1990 Act (inserted by paragraph 2 of the Localism Act 2011). A “community organisation” is to be regarded as a qualifying body (see paragraph 4(2) of Schedule 4C to the 1990 Act) (as inserted by Schedule 11 to the Localism Act 2011).

(5) The definition of “community organisation” is in paragraph 3 of Schedule 4C to the 1990 Act.

(6) For the purposes of neighbourhood development plans the definition of “qualifying body” is in section 38A(12) of the 2004 Act (as inserted by paragraph 7 of the Localism Act 2011).

(b) the communication is received by the recipient outside normal working hours;
it shall be taken to have been received on the next working day.

(4) In this regulation “working day” means a day which is not a Saturday, Sunday, bank holiday under the Banking and Financial Dealings Act 1971(7) or other public holiday in England.