



# Localism Act 2011

## 2011 CHAPTER 20

### PART 6

#### PLANNING

### CHAPTER 3

#### NEIGHBOURHOOD PLANNING

#### **116 Neighbourhood planning**

- (1) Schedule 9 (which makes provision about neighbourhood development orders and neighbourhood development plans) has effect.
- (2) After Schedule 4A to the Town and Country Planning Act 1990 insert the Schedule 4B set out in Schedule 10 to this Act.
- (3) After the inserted Schedule 4B to that Act insert the Schedule 4C set out in Schedule 11 to this Act.

#### **117 Charges for meeting costs relating to neighbourhood planning**

- (1) The Secretary of State may with the consent of the Treasury make regulations providing for the imposition of charges for the purpose of meeting expenses incurred (or expected to be incurred) by local planning authorities in, or in connection with, the exercise of their neighbourhood planning functions.
- (2) A local planning authority's "neighbourhood planning functions" are any of their functions exercisable under any provision made by or under—
  - (a) any of sections 61E to 61Q of, or Schedule 4B or 4C to, the Town and Country Planning Act 1990 (neighbourhood development orders),
  - (b) any of sections 38A to 38C of the Planning and Compulsory Purchase Act 2004 (neighbourhood development plans), or

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- (c) this section.
- (3) The regulations must secure—
- (a) that the charges are payable in relation to development for which planning permission is granted by a neighbourhood development order made under section 61E of the Town and Country Planning Act 1990,
  - (b) that the charges become payable when the development is commenced (determined in accordance with the regulations), and
  - (c) that the charges are payable to local planning authorities.
- (4) The regulations may authorise local planning authorities to set the amount of charges imposed by the regulations; and, if so, the regulations may—
- (a) provide for the charges not to be payable at any time unless at that time a document (a “charging document”) has been published by the authority setting out the amounts chargeable under the regulations in relation to development in their area,
  - (b) make provision about the approval and publication of a charging document,
  - (c) prescribe matters to which the authorities must have regard in setting the charges,
  - (d) require the authorities, in setting the charges, to disregard such expenditure expected to be incurred as mentioned in subsection (1) as falls within a description prescribed by the regulations,
  - (e) authorise the authorities to set different charges for different cases, circumstances or areas (either generally or only to the extent specified in the regulations), and
  - (f) authorise the authorities to make exceptions (either generally or only to the extent specified in the regulations).
- (5) The regulations must make provision about liability to pay a charge imposed by the regulations.
- (6) The regulations may make provision—
- (a) enabling any person to assume (in accordance with any procedural provision made by the regulations) the liability to pay a charge imposed by the regulations before it becomes payable,
  - (b) about assumption of partial liability,
  - (c) about the withdrawal of assumption of liability,
  - (d) about the cancellation by a local planning authority of assumption of liability,
  - (e) for the owner or developer of land to be liable to pay the charge in cases prescribed by the regulations,
  - (f) about joint liability (with or without several liability),
  - (g) about liability of partnerships,
  - (h) about apportionment of liability, including provision for referral to a specified body or other person for determination and provision for appeals, and
  - (i) about transfer of liability (whether before or after the charge becomes due and whether or not liability has been assumed).
- (7) In subsection (6)(e)—
- (a) “owner” of land means a person who owns an interest in land, and
  - (b) “developer” means a person who is wholly or partly responsible for carrying out a development.

- (8) The provision for appeals that may be made as a result of subsection (6)(h) includes provision about—
- (a) the period within which the right of appeal may be exercised,
  - (b) the procedure on appeals, and
  - (c) the payment of fees, and award of costs, in relation to appeals (including provision requiring local planning authorities to bear expenses incurred in connection with appeals).

### **118 Regulations under section 117: collection and enforcement**

- (1) Regulations under section 117 must include provision about the collection of charges imposed by the regulations.
- (2) The regulations may make provision—
- (a) for payment on account or by instalments,
  - (b) about repayment (with or without interest) in cases of overpayment, and
  - (c) about the source of payments in respect of a Crown interest or Duchy interest (within the meaning of section 227(3) or (4) of the Planning Act 2008).
- (3) Regulations under section 117 must include provision about enforcement of charges imposed by the regulations; and that provision must include provision—
- (a) for a charge (or other amount payable under the regulations) to be treated as a civil debt due to a local planning authority, and
  - (b) for the debt to be recoverable summarily.
- (4) The regulations may make provision—
- (a) about the consequences of failure to assume liability, to give a notice or to comply with another procedure under the regulations,
  - (b) for the payment of interest (at a rate specified in, or determined in accordance with, the regulations),
  - (c) for the imposition of a penalty or surcharge (of an amount specified in, or determined in accordance with, the regulations),
  - (d) replicating or applying (with or without modifications) any provision made by any of sections 324 to 325A of the Town and Country Planning Act 1990 (rights of entry), and
  - (e) for enforcement in the case of death or insolvency of a person liable for the charge.

### **119 Regulations under section 117: supplementary**

- (1) Regulations under section 117 may make provision about procedures to be followed in connection with charges imposed by the regulations.
- (2) The regulations may make provision about—
- (a) procedures to be followed by a local planning authority proposing to start or stop imposing a charge,
  - (b) procedures to be followed by a local planning authority in relation to the imposition of a charge,
  - (c) the arrangements of a local planning authority for the making of any decision prescribed by the regulations,

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- (d) consultation,
  - (e) the publication or other treatment of reports,
  - (f) timing and methods of publication,
  - (g) making documents available for inspection,
  - (h) providing copies of documents (with or without charge),
  - (i) the form and content of documents,
  - (j) giving notice,
  - (k) serving notices or other documents, and
  - (l) procedures to be followed in connection with actual or potential liability for a charge.
- (3) Provision made by the regulations as a result of subsection (2)(c) is to have effect despite provision made by any enactment as to the arrangements of a local planning authority for the exercise of their functions (such as section 101 of the Local Government Act 1972 or section 13 of the Local Government Act 2000).
- (4) Regulations under section 117 may make provision binding the Crown.
- (5) Regulations under section 117 may make—
- (a) provision applying any enactment (with or without modifications), and
  - (b) provision for exceptions.
- (6) A local planning authority must have regard to any guidance issued by the Secretary of State in the exercise of any of their functions under regulations under section 117.
- (7) For the purposes of sections 117 and 118 and this section “local planning authority” means an authority that have made or have power to make—
- (a) a neighbourhood development order under section 61E of the Town and Country Planning Act 1990, or
  - (b) a neighbourhood development plan under section 38A of the Planning and Compulsory Purchase Act 2004.
- (8) Nothing in section 117, 118 or this section that authorises the inclusion of any particular kind of provision in regulations under section 117 is to be read as restricting the generality of the provision that may be included in the regulations.

## **120 Financial assistance in relation to neighbourhood planning**

- (1) The Secretary of State may do anything that the Secretary of State considers appropriate—
- (a) for the purpose of publicising or promoting the making of neighbourhood development orders or neighbourhood development plans and the benefits expected to arise from their making, or
  - (b) for the purpose of giving advice or assistance to anyone in relation to the making of proposals for such orders or plans or the doing of anything else for the purposes of, or in connection with, such proposals or such orders or plans.
- (2) The things that the Secretary of State may do under this section include, in particular—
- (a) the provision of financial assistance (or the making of arrangements for its provision) to any body or other person, and
  - (b) the making of agreements or other arrangements with any body or other person (under which payments may be made to the person).

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(3) In this section—

- (a) the reference to giving advice or assistance includes providing training or education,
- (b) any reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity),
- (c) any reference to a neighbourhood development order is to a neighbourhood development order under section 61E of the Town and Country Planning Act 1990, and
- (d) any reference to a neighbourhood development plan is to a neighbourhood development plan under section 38A of the Planning and Compulsory Purchase Act 2004.

## **121 Consequential amendments**

Schedule 12 (neighbourhood planning: consequential amendments) has effect.