



# Neighbourhood Planning Act 2017

## 2017 CHAPTER 20

### PART 1

#### PLANNING

##### *Development of new towns by local authorities*

#### **16 Development of new towns by local authorities**

- (1) The New Towns Act 1981 is amended as follows.
- (2) After section 1 insert—

##### **“1A Local authority to oversee development of new town**

- (1) This section applies where the Secretary of State is considering designating an area of land in England as the site of a proposed new town in an order under section 1.
- (2) The Secretary of State may, in an order under section 1, appoint one or more local authorities to oversee the development of the area as a new town.
- (3) But a local authority may only be appointed if the area of land mentioned in subsection (1) is wholly or partly within the area of the local authority.
- (4) The Secretary of State may by regulations make provision about how a local authority is to oversee the development of an area as a new town.
- (5) Regulations under subsection (4) may, for example—
  - (a) provide that a local authority is to exercise specified functions under this Act which would otherwise be exercisable by the Secretary of State, the appropriate Minister or the Treasury;
  - (b) provide that a local authority is to exercise such functions subject to specified conditions or limitations;

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*Changes to legislation: There are currently no known outstanding effects for the Neighbourhood Planning Act 2017, Cross Heading: Development of new towns by local authorities. (See end of Document for details)*

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- (c) provide that specified functions under this Act may be exercised only with the consent of a local authority;
  - (d) make provision about the membership of a corporation established under section 3, including the proportion of the members of the corporation who may be members of or employed by a local authority;
  - (e) modify provisions of this Act;
  - (f) make different provision for different purposes;
  - (g) make incidental, supplementary or consequential provision.
- (6) In subsection (5)(a) the reference to “functions” does not include a power to make regulations or other instruments of a legislative character.
- (7) Where two or more local authorities are appointed in an order containing provision by virtue of subsection (2), the Secretary of State may in that order provide—
- (a) that a specified function is to be exercised by a specified local authority, or
  - (b) that a specified function is to be exercised by two or more specified local authorities jointly.
- (8) In this section—
- “local authority” means—
    - (a) a district council,
    - (b) a county council, or
    - (c) a London borough council;
  - “specified” means specified in—
    - (a) an order containing provision by virtue of subsection (2), or
    - (b) regulations under subsection (4).”
- (3) In section 77 (regulations and orders)—
- (a) in subsection (2), after “which” insert “, subject to subsection (2A), ”, and
  - (b) after subsection (2) insert—
- “(2A) A statutory instrument containing regulations under section 1A(4) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

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**Commencement Information**

**II** S. 16 in force at 19.7.2017 by [S.I. 2017/767](#), **reg. 2(f)**

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