



# 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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*Status: This is the original version (as it was originally enacted).*

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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.”

- (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.