
STATUTORY INSTRUMENTS

2012 No. 637

The Neighbourhood Planning (General) Regulations 2012

PART 6

Neighbourhood development orders and community right to build orders

Pre-submission consultation and publicity

- 21.** Before submitting an order proposal to the local planning authority, a qualifying body must—
- (a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area—
 - (i) details of the proposals for a neighbourhood development order or community right to build order;
 - (ii) details of where and when the proposals may be inspected;
 - (iii) details of how to make representations; and
 - (iv) the date by which those representations must be received, being not less than 6 weeks from the date on which details of the proposals are first publicised;
 - (b) consult—
 - (i) any consultation body referred to in paragraph 2(1)(a) to (c) of Schedule 1 whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development order or a community right to build order; and
 - (ii) where the qualifying body considers the development to be authorised under the proposed neighbourhood development order or community right to build order which falls within any category set out in the Table in paragraph 2 of Schedule 1, any consultation body mentioned in the Table in relation to each of those categories; and
 - (iii) any person who, on the date 21 days before the order proposal is submitted under regulation 22, the qualifying body considers to be—
 - (aa) an owner of any of the land which is proposed to be developed under the order proposal; and
 - (bb) a tenant of any of that land; and
 - (c) send a copy of the proposals for a neighbourhood development order or a community right to build order to the local planning authority.

Order proposals

- 22.—(1)** Where a qualifying body submits an order proposal to the local planning authority it must include—
- (a) a map which identifies the land to which the order proposal relates;
 - (b) a consultation statement;
 - (c) the proposed neighbourhood development order or community right to build order;

- (d) where the qualifying body considers it appropriate, following consultation with the Historic Buildings and Monument Commission for England (known as English Heritage), an archaeology statement;
 - (e) a statement explaining how the proposed neighbourhood development order or a community right to build order meets the basic conditions in paragraph 8(2) of Schedule 4B to the 1990 Act; and
 - (f) in the case of a proposal for a community right to build order, details of the enfranchisement rights^{M1}, if any, which the qualifying body proposes are not exercisable and the properties, or types of properties, in relation to which to the enfranchisement rights are not exercisable.
- (2) In this regulation—
- “archaeology statement” means a document which—
- (a) confirms that the information in relation to archaeology contained in the historic environment record for the neighbourhood area has been reviewed;
 - (b) sets out the findings from that review for the area to which the order proposal relates; and
 - (c) explains how the findings have been taken into account in preparing the order proposal, but where no findings relevant to the neighbourhood area were identified in the review the archaeology statement need only—
 - (i) confirm that the review mentioned in sub-paragraph (a) took place; and
 - (ii) explain there were no findings relevant to the neighbourhood area; and
- “consultation statement” means a document which—
- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development order or community right to build order;
 - (b) explains how they were consulted;
 - (c) summarises the main issues and concerns raised by the persons consulted; and
 - (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development order or community right to build order.

Marginal Citations

M1 “Enfranchisement rights” are defined in paragraph 11 of Schedule 4C to the 1990 Act.

Publicising an order proposal

23.—(1) As soon as possible after receiving an order proposal which includes each of the documents referred to in regulation 22(1), a local planning authority must—

- (a) publicise the following on their website and in such other manner they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area—
 - (i) details of the order proposal;
 - (ii) details of where and when the order proposal may be inspected;
 - (iii) details of how to make representations;

- (iv) a statement that any representations may include a request to be notified of the local planning authority's decision under regulation 26 in relation to the neighbourhood development order or community right to build order; and
 - (v) the date by which those representations must be received, being not less than 6 weeks from the date on which the proposal is first publicised; and
- (b) notify any consultation body which is referred to in the consultation statement submitted in accordance with regulation 22, that the order proposal has been received.

[^{F1}(2) As soon as possible after receiving an order proposal to which regulation 33 of the EIA Regulations applies, the local planning authority must, in addition to any publicity required under paragraph (1), publicise the information described in paragraph (1)(a) and the environmental statement submitted in accordance with the EIA Regulations by giving notice—

- (a) by site display in at least one place on or near the land to which the order proposal relates for not less than 30 days;
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the order proposal relates is situated; and
- (c) by publication on a website maintained by or on behalf of the authority.]

Textual Amendments

- F1** Reg. 23(2) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **75(3)** (with regs. 47, 70)

Submission of order proposal to examination

24. As soon as possible after the appointment of a person to carry out an examination under paragraph 7 of Schedule 4B to the 1990 Act, a local planning authority must send the following to the person appointed—

- (a) the order proposal;
- (b) the documents referred to in regulation 22(1);
- (c) if the order proposal is one to which [^{F2}regulation 33] of the EIA Regulations applies, the environmental statement submitted in accordance with those Regulations;
- (d) if the order proposal is one to which [^{F3}the Conservation of Habitats and Species Regulations 2017] applies, the information submitted in accordance with [^{F4}regulation 63(2)] of those Regulations;
- (e) any other document submitted to the local planning authority by the qualifying body in relation to the order proposal; and
- (f) a copy of any representations which have been made in accordance with regulation 23.

Textual Amendments

- F2** Words in reg. 24(c) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **75(4)** (with regs. 47, 70)
- F3** Words in reg. 24(d) substituted (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 6 para. 27(3)(a)**
- F4** Words in reg. 24(d) substituted (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 6 para. 27(3)(b)**

[^{F5}Decision on examiner's recommendations

24A.—(1) This regulation applies where an examiner has made a report under paragraph 10 of Schedule 4B to the 1990 Act in relation to an order proposal.

(2) The persons prescribed for the purposes of paragraph 13(1) of that Schedule are—

- (a) the qualifying body;
- (b) any person whose representation was submitted to the examiner of the order proposal in accordance with regulation 24(f); and
- (c) any consultation body which is referred to in the consultation statement mentioned in regulation 22.

(3) Representations invited under paragraph 13(1) must be submitted on or before the date which is the last day of the period of 6 weeks beginning with the day immediately following that on which the local planning authority first invited representations.

(4) The local planning authority must decide what action to take in response to each recommendation made by the report mentioned in paragraph (1) by the date prescribed in paragraph (5).

(5) The date prescribed in this paragraph is—

- (a) where the local planning authority and the qualifying body agree a date, that date;
- (b) where sub-paragraph (a) does not apply but paragraph 13 of Schedule 4B to the 1990 Act applies—
 - (i) where the authority refer the issue to independent examination, the date which is the last day of the period of 5 weeks beginning with the day immediately following that on which they receive the report of the examiner on that issue;
 - (ii) where the authority do not refer the issue to independent examination, the date which is the last day of the period of 5 weeks beginning with the day immediately following the date prescribed in paragraph (3);
- (c) in all other cases, the date which is the last day of the period of 5 weeks beginning with the day immediately following that on which the local planning authority receive the report mentioned in paragraph (1).]

Textual Amendments

F5 Reg. 24A inserted (1.10.2016) by [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016 \(S.I. 2016/873\)](#), regs. 1(1), **2(8)** (with reg. 4(3))

Publication of the examiner's report and order proposal decisions

25.—(1) Paragraph (2) applies where a local planning authority decide—

- (a) to decline to consider an order proposal under paragraph 5 of Schedule 4B to the 1990 Act;
- (b) to refuse an order proposal under paragraph 6 of Schedule 4B to the 1990 Act;
- (c) what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act in relation to a neighbourhood development order or community right to build order (as modified in the case of community right to build orders by paragraphs 7 to 10 of Schedule 4C to the 1990 Act);
- (d) what modifications, if any, they are to make to the draft neighbourhood development order or community right to build order under paragraph 12(6) of Schedule 4B to the 1990 Act

(as modified in the case of community right to build orders by paragraphs 7 to 10 of Schedule 4C to the 1990 Act);

- (e) whether to extend the area to which the referendum is (or referendums are) to take place; or
- (f) that they are not satisfied with the proposed neighbourhood development order or community right to build order under paragraph 12(10) of Schedule 4B to the 1990 Act (as modified in the case of community right to build orders by paragraphs 7 to 10 of Schedule 4C to the 1990 Act).

(2) As soon as possible after making a decision referred to in paragraph (1), a local planning authority must publish—

- (a) the decision and their reasons for it (“the decision statement”),
- (b) details of where and when the decision statement may be inspected, and
- (c) in the case of a decision mentioned in sub-paragraph (c), the report made by the examiner under paragraph 10 of Schedule 4B to the 1990 Act,

on their website and in such other manner as they consider is likely to bring the decision statement and, as the case may be, the report to the attention of people who live, work or carry on business in the neighbourhood area.

[^{F6}Prescribed date for making a neighbourhood development order

25A.—(1) The date prescribed for the purposes of section 61E(4)(b) of the 1990 Act is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held.

(2) Paragraph (1) does not apply where proceedings for questioning anything relating to an applicable referendum are brought in accordance with section 61N(3) of the 1990 Act before the neighbourhood development order is made.]

Textual Amendments

- F6** Reg. 25A inserted (1.10.2016) by [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016 \(S.I. 2016/873\)](#), regs. 1(1), **2(9)** (with reg. 4(3))

Decision on an order proposal

26. As soon as possible after deciding to make the neighbourhood development order or community right to build order under section 61E(4) of the 1990 Act or to refuse to make it under section 61E(8) of the 1990 Act (as modified in the case of community right to build orders by paragraphs 7 to 10 of Schedule 4C to the 1990 Act), a local planning authority must—

- (a) publish on their website and in such other manner as they consider is likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area—
 - (i) a document setting out their decision and their reasons for making that decision (“the decision document”);
 - (ii) details of where and when the decision document may be inspected;
- (b) send a copy of the decision document to—
 - (i) the qualifying body or the community organisation, as the case may be; and
 - (ii) any person who asked to be notified of the decision.

Publicising a neighbourhood development order or a community right to build order

27. As soon as possible after making a neighbourhood development order or community right to build order under section 61E(4) of the 1990 Act, a local planning authority must —

- (a) publish on their website and in such other manner as they consider is likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area —
 - (i) the neighbourhood development order or community right to build order; and
 - (ii) details of where and when the order may be inspected;
- (b) notify any person who asked to be notified of the making of the neighbourhood development order or community right to build order that it has been made and where and when it may be inspected.

Changes to legislation:

There are currently no known outstanding effects for the The Neighbourhood Planning (General) Regulations 2012, PART 6.