
STATUTORY INSTRUMENTS

2017 No. 767 (C. 61)

TOWN AND COUNTRY PLANNING

ACQUISITION OF LAND

NEW TOWNS

The Neighbourhood Planning Act 2017
(Commencement No. 1) Regulations 2017

Made - - - - 18th July 2017

The Secretary of State, in exercise of the powers conferred by sections 44 and 46 of the Neighbourhood Planning Act 2017⁽¹⁾ and section 104 of the Deregulation Act 2015⁽²⁾, makes the following Regulations:

Citation and interpretation

1.—(1) These Regulations may be cited as the Neighbourhood Planning Act 2017 (Commencement No. 1) Regulations 2017.

(2) In these Regulations, “the Act” means the Neighbourhood Planning Act 2017.

Provisions coming into force on 19th July 2017

2. The following provisions of the Act come into force on 19th July 2017—

- (a) section 1 (duty to have regard to post-examination neighbourhood development plan);
- (b) section 3 (status of approved neighbourhood development plan);
- (c) section 11 (format of local development schemes and documents);
- (d) section 12 (review of local development documents), so far as not already in force;
- (e) section 14 (restrictions on power to impose planning conditions), for the purpose only of making regulations under section 100ZA of the Town and Country Planning Act 1990⁽³⁾;
- (f) section 16 (development of new towns by local authorities);
- (g) section 29 (supplementary provisions);
- (h) section 30 (interpretation);

(1) 2017 c.20.
(2) 2015 c.20.
(3) 1990 c.8.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) section 37 (overriding easements: land held on behalf of GLA or TfL); and
- (j) section 41 (compensation for temporary severance of land after vesting declaration).

Amendment of provision expressed by reference to commencement

3. In section 37(4)(c) of the Act, in the new definition of “relevant day” to be inserted into section 205 of the Housing and Planning Act 2016⁽⁴⁾, for “the day on which section 37 of the Neighbourhood Planning Act 2017 comes into force” substitute “19th July 2017”.

Signed by authority of the Secretary of State for Communities and Local Government

Alok Sharma
Minister of State
Department for Communities and Local
Government

18th July 2017

(4) 2016 c.22.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force various provisions of the Neighbourhood Planning Act 2017 (c.20) (the “Act”) on 19th July 2017.

Regulations 2(a) and 2(b) bring into force sections 1 and 3 of the Act. Section 1 amends section 70 of the Town and Country Planning Act 1990 (c.8) (the “1990 Act”) to require a local planning authority or other planning decision-taker to have regard to a post-examination neighbourhood development plan when dealing with an application for planning permission, so far as that plan is material to the application. Section 3 makes amendments to the Planning and Compulsory Purchase Act 2004 (c.5) (the “2004 Act”) to provide for a neighbourhood development plan for an area to become part of the development plan for that area after it is approved by each applicable referendum (a residential referendum and, where the area is a business area, a business referendum). In the very limited circumstances where the local planning authority might decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.

Regulation 2(c) brings into force section 11 of the Act, which amends section 36 of the 2004 Act to enable the Secretary of State to publish data standards which set technical specifications for local development schemes and local development documents or data contained in them. The section also amends section 15(8AA) of the 2004 Act to enable the Secretary of State or the Mayor of London (in the case of a London borough council) to direct a local planning authority to revise a local development scheme so that it complies with published data standards.

Regulation 2(d) fully brings into force section 12 of the Act, which amends section 17 of the 2004 Act to provide the Secretary of State with a power to prescribe in regulations the intervals at which local planning authorities must review their local development documents. Where an authority reviews a document but decides not to revise it, they must publish their reasons. Section 12 was commenced on the date of Royal Assent to the extent it confers power on the Secretary of State to make regulations.

Regulation 2(e) brings into force, to the extent it confers power on the Secretary of State to make regulations, section 14 of the Act. Section 14 makes amendments to the 1990 Act to allow the Secretary of State to make regulations about what kind of conditions may or may not be imposed on a relevant grant of planning permission.

Regulation 2(f) brings into force section 16 of the Act which makes amendments to the New Towns Act 1981 (c.64) to allow the Secretary of State to transfer oversight of New Town Development Corporations established under that Act to one or more local authorities covering the designated area for the new town.

Regulation 2(g) brings into force section 29 of the Act which requires regulations to be made about the reinstatement of land subject to temporary possession and resolution of disputes about reinstatement. The section also allows regulations to be made excluding the application of any of the temporary possession provisions of Part 2 Chapter 1 of the Act in relation to an acquiring authority under the Pipe-lines Act 1962, the Gas Acts 1965 and 1986 or the Electricity Act 1989, and allows other regulations to be made in relation to the authorisation and exercise of the power to take temporary possession.

Regulation 2(h) brings into force section 30 of the Act which contains interpretative provisions which are relevant to (inter alia) section 29.

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Regulation 2(i) brings into force section 37 of the Act which amends the provisions for overriding easements in sections 203 to 205 of the Housing and Planning Act 2016 (c.22).

Regulation 2(j) brings into force section 41 of the Act which amends paragraph 16 of Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (c.64) to include an equivalent provision to paragraph 28(5) of Schedule 2A to the Compulsory Purchase Act 1965 (c.56).

Regulation 3 amends a provision to be inserted into the Housing and Planning Act 2016 (c.22) to replace a reference to the day on which section 37 of the Act comes into force with 19th July 2017.