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STATUTORY INSTRUMENTS

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**2018 No. 38 (C. 7)**

**TOWN AND COUNTRY PLANNING, ENGLAND**

The Neighbourhood Planning Act 2017  
(Commencement No. 3) Regulations 2018

Made - - - - 15th January 2018

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 46(1), (2) and (4) of the Neighbourhood Planning Act 2017<sup>(1)</sup>:

**Citation and interpretation**

1.—(1) These Regulations may be cited as the Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018.

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

**Provisions coming into force on 16th January 2018**

2. The following provisions of the Act come into force on 16th January 2018—

- (a) section 8(1) and section 8(3) (content of development plan documents);
- (b) section 9 (power to direct preparation of joint development plan documents), so far as not already in force; and
- (c) section 10 and Schedule 2 (county councils’ default powers in relation to development plan documents).

**Provisions coming into force on 31st January 2018**

3. The following provisions of the Act come into force on 31st January 2018—

- (a) section 2 (notification of applications to neighbourhood planning bodies), so far as not already in force;
- (b) section 4 (modification of neighbourhood development order or plan) and Schedule 1 (new Schedule A2 to the Planning and Compulsory Purchase Act 2004<sup>(2)</sup>), so far as not already in force; and
- (c) section 5 (changes to neighbourhood areas etc).

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(1) 2017 c.20.  
(2) 2004 c.5.

**Provisions coming into force on 31st July 2018**

4. The following provisions of the Act come into force on 31st July 2018—
- (a) section 6 (assistance in connection with neighbourhood planning); and
  - (b) section 13(2) (statements of community involvement).

**Transitional provisions: statements of community involvement**

5.—(1) The amendments made by section 13(2) of the Act (statements of community involvement) do not apply to a local planning authority in relation to its preparation of a development plan document where, in respect of its proposals for that document, the local planning authority has complied with the requirements of regulation 18(1) of the Town and Country Planning (Local Planning)(England) Regulations 2012(3) before 31st July 2018.

(2) In this regulation-

“development plan document” and “local planning authority” have the same meaning as in section 37 of the Planning and Compulsory Purchase Act 2004.

15th January 2018

*Sajid Javid*  
Secretary of State  
Ministry of Housing, Communities and Local  
Government

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## 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”).

Regulation 2 brings into force section 8(1) and (3) and section 10 of and Schedule 2 to the Act, and fully brings into force section 9 of the Act, on 16th January 2018.

Regulation 2(a) brings into force sections 8(1) and 8(3) of the Act. Section 8(1) amends section 19 of the Planning and Compulsory Purchase Act 2004 (c.5) (“the 2004 Act”) to require local planning authorities to identify the strategic priorities for the development and use of land in their area. Section 8(3) amends section 35 of the 2004 Act to require authorities to make clear in each monitoring report published under that section the extent to which they are relying on policies in a spatial development strategy to deliver their strategic priorities, and where the relevant policies are to be found.

Regulation 2(b) fully brings into force section 9 of the Act which inserts new sections 28A to 28C of the 2004 Act. These provisions enable the Secretary of State to direct two or more local planning authorities to prepare a joint development plan document where that will facilitate the more effective planning of the development and use of land in the area of one or more of those authorities. Section 9 was commenced on Royal Assent to the extent that it confers power on the Secretary of State to make regulations.

Regulation 2(c) brings into force section 10 of and Schedule 2 to the Act. Section 10 introduces Schedule 2, which enables the Secretary of State to invite a county council to prepare a development plan document for a local planning authority in their area.

Regulation 3 fully brings into force sections 2 and 4 and brings into force section 5 of the Act on 31st January 2018.

Regulation 3(a) fully brings into force section 2 of the Act. This provision amends Schedule 1 to the Town and Country Planning Act 1990 (c.8) (“the 1990 Act”) to require a local planning authority, or the Secretary of State, to notify neighbourhood planning bodies of planning applications (or alterations to applications) in their area. This requirement applies when there is a neighbourhood development plan which forms part of the statutory development plan, or when there is a post-examination neighbourhood development plan (as defined by section 1 of the Act) in place, for a neighbourhood area all or part of which falls within the authority’s area, unless the body has given notification in writing that it does not wish to be notified of any such application. Section 2 was commenced on Royal Assent to the extent that it confers power on the Secretary of State to make provision by development order under paragraph 8(6) of Schedule 1 to the 1990 Act.

Regulation 3(b) fully brings into force section 4 of and Schedule 1 to the Act. Section 4 amends section 61M of the 1990 Act to enable a local planning authority to modify, only with the consent of the qualifying body for the neighbourhood area, a neighbourhood development order or plan if the authority considers that the modification does not materially affect any planning permission granted by the order or the policies in the plan. Section 4 also amends the 2004 Act to insert new Schedule A2 which sets out the process for the modification of a neighbourhood development plan in cases where the proposed modifications would materially affect the policies in the plan but are not so significant or substantial as to change the nature of the plan. Section 4 was commenced on Royal Assent to the extent that it confers power on the Secretary of State to make regulations.

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Regulation 3(c) brings into force section 5 of the Act. Section 5 amends the 1990 and 2004 Acts to facilitate the modification of a neighbourhood area and provide for what is to happen to a neighbourhood development order or plan that has already been made in relation to that area.

Regulation 4 brings into force section 6 and section 13(2) of the Act on 31st July 2018.

Regulation 4(a) brings into force section 6 of the Act. Section 6 amends section 18 of the 2004 Act to require a local planning authority to set out their policy for discharging the duty to give advice or assistance to qualifying bodies to facilitate proposals for neighbourhood development plans (including proposals for the modification of neighbourhood development plans) or orders.

Regulation 4(b) brings into force section 13(2) of the Act. Section 13(2) amends section 18 of the 2004 Act to require local planning authorities to set out in their statements of community involvement policies for involving interested parties in the preliminary stages of plan-making.

Regulation 5 makes transitional provision in relation to development plan documents in regard to which the local planning authority has already complied with initial preparation requirements contained in regulation 18(1) of [S.I. 2012/767](#) at the time of section 13(2) of the Act coming into force.

#### **NOTE AS TO EARLIER COMMENCEMENT REGULATIONS**

*(This note is not part of the Regulations)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 1	19th July 2017	<a href="#">2017/767</a>
Section 3	19th July 2017	<a href="#">2017/767</a>
Section 11	19th July 2017	<a href="#">2017/767</a>
Section 12 (remainder)	19th July 2017	<a href="#">2017/767</a>
Section 14 (for the purpose only of making regulations under section 100ZA of the Town and Country Planning Act 1990)	19th July 2017	<a href="#">2017/767</a>
Section 16	19th July 2017	<a href="#">2017/767</a>
Section 26(8)(b)	22nd September 2017	<a href="#">2017/936</a>
Section 29	19th July 2017	<a href="#">2017/767</a>
Section 30	19th July 2017	<a href="#">2017/767</a>
Section 32	22nd September 2017	<a href="#">2017/936</a>
Section 33	22nd September 2017	<a href="#">2017/936</a>
Section 34	22nd September 2017	<a href="#">2017/936</a>
Section 35	22nd September 2017	<a href="#">2017/936</a>
Section 36	22nd September 2017	<a href="#">2017/936</a>
Section 37	19th July 2017	<a href="#">2017/767</a>
Section 41	19th July 2017	<a href="#">2017/767</a>

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