



Neighbourhood Planning Act 2017

2017 CHAPTER 20

PART 1

PLANNING

Neighbourhood planning

5 Changes to neighbourhood areas etc

- (1) The Town and Country Planning Act 1990 is amended in accordance with subsections (2) to (4).
- (2) In section 61F (authorisation to act in relation to neighbourhood areas) after subsection (8) insert—
 - “(8A) A designation ceases to have effect if—
 - (a) a new parish council is created or there is a change in the area of a parish council, and
 - (b) as a result, the neighbourhood area for which the neighbourhood forum is designated consists of or includes the whole or any part of the area of the parish council.
 - (8B) The operation of subsection (8A) does not affect the validity of any proposal for a neighbourhood development order made before the event mentioned in paragraph (a) of that subsection took place.”
- (3) In section 61G (meaning of “neighbourhood area”) after subsection (6) insert—
 - “(6A) The power in subsection (6) to modify designations already made includes power—
 - (a) to change the boundary of an existing neighbourhood area,
 - (b) to replace an existing neighbourhood area with two or more separate neighbourhood areas, and

Status: This is the original version (as it was originally enacted).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

- (c) to replace two or more existing neighbourhood areas with a single neighbourhood area.
- (6B) A neighbourhood area created by virtue of subsection (6A)(b) may have the boundary created by splitting it from the existing area or a different boundary.
- (6C) A neighbourhood area created by virtue of subsection (6A)(c) may have the boundary created by combining the existing areas or a different boundary.
- (6D) A modification under subsection (6) of a designation already made does not affect the continuation in force of a neighbourhood development order even though as a result of the modification—
 - (a) it no longer relates to a neighbourhood area, or
 - (b) it relates to more than one neighbourhood area.”
- (4) In section 61J (provision that may be made by neighbourhood development order) after subsection (5) insert—

“(5A) Subsection (5) is subject to section 61G(6D) (effect of modification of existing neighbourhood area).”
- (5) The Planning and Compulsory Purchase Act 2004 is amended in accordance with subsections (6) to (8).
- (6) In section 38A (meaning of “neighbourhood development plan”) after subsection (11A) (as inserted by section 4) insert—

“(11B) Subsection (11C) applies if, as a result of a modification of a neighbourhood area under section 61G(6) of the principal Act, a neighbourhood development plan relates to more than one neighbourhood area.

(11C) The replacement of the plan by a new plan in relation to one or some of those areas does not affect the continuation in force of the plan in relation to the other area or areas.”
- (7) In section 38B (provision that may be made by neighbourhood development plans) after subsection (2) insert—

“(2A) Subsections (1)(c) and (2) are subject to section 61G(6D) of the principal Act (as applied by section 38C(5A) of this Act).”
- (8) In section 38C (supplementary provisions) after subsection (5) insert—

“(5A) Section 61G(6D) of the principal Act is to apply in relation to neighbourhood development plans as if it also provided that a modification under section 61G(6) of that Act of a designation of a neighbourhood area does not affect the continuation in force of a neighbourhood development plan even though, as a result of the modification, more than one plan has effect for the same area.”