



## **2016 – 17 Neighbourhood Planning Bill: Briefing**

This briefing provides an overview of the measures contained in the [Neighbourhood Planning Bill](#) that are relevant to small shops. The Neighbourhood Planning Bill is a Government-sponsored Bill. It originated in the House of Commons and will be debated by the Public Bill Committee at Committee Stage on 1<sup>st</sup> November 2016. These measures extend to England and Wales but will apply to England only once the Bill receives Royal Assent.

### **Neighbourhood Planning**

Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Communities can shape development in their areas through the production of Neighbourhood Development Plans and Neighbourhood Development Orders. This is subject to a successful referendum on the plan at the end of the plan-making process.

Reforms in the Housing and Planning Act 2016 aimed to simplify neighbourhood planning. This Bill aims to build on these reforms to strengthen neighbourhood planning and ensure communities have a stronger say in planning for their area. The National Planning Policy Framework is clear that where a planning application conflicts with a neighbourhood plan, planning permission will not normally be granted.

### **Procedure for Modifying Neighbourhood Plans and Orders**

#### *Minor modifications*

The Bill will amend section 61M of the Town and Country Planning Act 1990 to enable a local planning authority to modify an existing neighbourhood plan without the need for public consultation, examination or referendum. This applies for modifications that would not materially affect any planning permission granted or any policies contained within the plan. This means that minor modifications to a plan will not have to go through the process for creating a new plan.

#### *Significant modifications*

The Bill will amend the Planning and Compulsory Purchase Act 2004 to set out the process for the modification of an existing neighbourhood plan when the proposed modifications would materially affect policies in the plan but are not so significant or substantial as to change the nature of the plan. This process will be streamlined relative to the production of a new neighbourhood plan and would not involve a referendum. The local planning authority would decide if modifications are appropriate for the streamlined process.

### **Procedure for Modifying Neighbourhood Boundary Areas Where a Neighbourhood Plan is Already in Place**

The Bill will amend the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 to allow for boundary changes to a neighbourhood area and provide for what will happen to the neighbourhood plan that has already been made for that

area. This may be necessary, for example, following changes to parish boundaries. This means that changing boundaries will no longer leave communities temporarily or wholly without a neighbourhood plan.

The existing plan would continue to be enforced while a new plan is being prepared. When that new plan is approved at referendum, it would replace the existing plan, but only in relation to the new neighbourhood area. The existing plan would continue to be active outside the modified neighbourhood area.

### **Reviewing Statements of Community Involvement**

The Bill will amend Section 18 of the Planning and Compulsory Purchase Act 2004 to mandate local planning authorities to establish their statements of community involvement policies for involving interested parties in plan-making. A current proposal out to consultation would require local planning authorities to review their statements of community involvement every five years. At review, they would have to consider whether to revise their statements, and, if they choose not to, set out their reasons.

It is also proposed that local planning authorities must publish their policies for giving advice to groups involved in neighbourhood plans as part of the statements of community involvement. Local planning authorities would have one year following Royal Assent of the Bill to comply with these requirements.

**For more information on this briefing please contact Steve Dowling at [steve.dowling@acs.org.uk](mailto:steve.dowling@acs.org.uk) or call 01252 533009.**