



# PINS NOTE 06/2017

To: All Inspectors

Relevancy: All Planning, Enforcement, Infrastructure and Local Plans casework

Date of Issue: 20 July 2017

Currency: 20 January 2018

## NEIGHBOURHOOD PLANNING REFORMS: COMMENCEMENT OF NEIGHBOURHOOD PLANNING ACT 2017

### Action

1. Inspectors should be aware that determinations for planning casework in England from 20 July 2017 will need to take into account provisions commenced in the Neighbourhood Planning Act 2017, in particular s1, which requires the decision-maker to have regard to a post-examination neighbourhood plan and s3, which requires that a neighbourhood plan becomes part of the development plan for that area if it is approved by an applicable referendum, but ceases to form part of the development plan if the LPA decides not to make the plan. In view of the changes, Inspectors will need to consider the need to go back to the parties where neighbourhood plans have become part of the development plan or have been removed.

### Background

2. A letter to Chief Planning Officers was issued on 20 July 2017 alerting them to two important sections of the Neighbourhood Planning Act 2017<sup>1</sup> (the '2017 Act') which commenced on 20 July 2017<sup>2</sup>, amongst other provisions, these are as follows:
  - a) [Section 1 of the 2017 Act](#), which amends section 70 of the Town and Country Planning Act 1990<sup>3</sup> to require a local planning

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<sup>1</sup> [2017 \(c.20\)](#)

<sup>2</sup> [Enacted by r2 of the Neighbourhood Planning Act 2017 \(Commencement No. 1\) Regulations 2017, SI2017/767 \(c.61\)](#)

<sup>3</sup> 1990 (c.8)

authority or other planning decision-taker to have regard to a post-examination neighbourhood plan when determining a planning application, so far as that plan is material to the application.

- b) [Section 3 of the 2017 Act](#), which amends section 38 of the Planning and Compulsory Purchase Act 2004<sup>4</sup> to provide for a neighbourhood plan for an area to become part of the development plan for that area after it is approved in each applicable referendum (a residential referendum and, where the area is a business area, a business referendum). In the very limited circumstances that 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.
3. The advice in the Neighbourhood Planning PPG will be updated in due course as well as the Local Plans ITM Chapter. Details of the other provisions enacted from the commencement will be announced by DCLG in due course and will be advised to Inspectors where necessary in due course.

### **Contacts for further information**

4. Salaried Inspectors should contact XXXX (Planning casework), XXXX (Enforcement casework), XXXX (Plans casework), or XXXX (National Infrastructure casework) for advice on individual cases. NSIs should contact XXXX in the first instance. Salaried Inspectors should contact XXXX regarding any general queries on this Note.

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<sup>4</sup> 2004 (c.5)