

Strategic Planning Board 22nd May Update Report

The following comments are to be included as an update to the report for item 11, Brereton Neighbourhood Area Application and are to replace the text under paragraph 8:

8. Legal Implications (Authorised by the Borough Solicitor)

8.1 Chapter 3 of the Localism Act 2011 (sections 116 to 121), in force since 15 November 2011, introduced the concept of Neighbourhood Planning. It made substantial amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004. It provided that any qualifying body (including a Parish Council) is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development order. Such an order would grant planning permission in relation to a particular neighbourhood area as specified in the order, for development as specified in it, or for development of any class specified in the order. A “neighbourhood area” can be an area within the local planning authority’s area; power to designate as such is only exercisable where a relevant body (including a Parish Council) has applied to the local planning authority, and the LPA is determining the application; the legislation includes some restriction on this power in Section 61G (5). Schedule 4B of the Town and Country Planning Act 1990 (as inserted by the Localism Act) sets out a detailed process for the making of neighbourhood development orders, including a process for submitting any draft for independent examination, and, on the making of an order, a referendum. The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the 1990 and 2004 Acts, and these Regulations, which came into force on 6 April 2012, make further detailed provision on this subject.