

- (iv) any other person the local planning authority consider necessary in order to bring the revocation to the attention of people who live, work or carry on business in the area to which the revoked neighbourhood development order, community right to build order or neighbourhood development plan related; and
- (c) cease to make the revoked neighbourhood development order, community right to build order or neighbourhood development plan available on their website and at any other place where it was available for inspection.

PART 9

European legislation

Habitats

32. The provisions of Schedule 2 have effect.

Environmental impact assessment

33. The provisions of Schedule 3 have effect.

Signed by authority of the Secretary of State for Communities and Local Government

Greg Clark
Minister of State

1st March 2012

Department for Communities and Local Government

SCHEDULE 1

Regulation 3

Consultation Bodies

Neighbourhood development plans

- 1.** For the purposes of regulations 14 and 16, a “consultation body” means—
- (a) where the local planning authority is a London borough council, the Mayor of London;
 - (b) a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;
 - (c) the Coal Authority^(a);
 - (d) the Homes and Communities Agency^(b);
 - (e) Natural England^(c);
 - (f) the Environment Agency^(d);
 - (g) the Historic Buildings and Monuments Commission for England (known as English Heritage)^(e);
 - (h) Network Rail Infrastructure Limited (company number 2904587);
 - (i) the Highways Agency;
 - (j) the Marine Management Organisation^(f);

(a) See section 1 of the Coal Industry Act 1994 (c.21).
 (b) See section 2 of the Housing and Regeneration Act 2008 (c.17).
 (c) See section 1 of the Natural Environment and Rural Communities Act 2006 (c.16).
 (d) See section 1(1) of the Environment Act 1995 (c.25).
 (e) See section 32 of the National Heritage Act 1983 (c.47).
 (f) See section 1 of the Marine and Coastal Access Act 2009 (c.23).

- (k) any person—
 - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003; and
 - (ii) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;
- (l) where it exercises functions in any part of the neighbourhood area—
 - (i) a Primary Care Trust established under section 18 of the National Health Service Act 2006(a) or continued in existence by virtue of that section;
 - (ii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989(b);
 - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986(c);
 - (iv) a sewerage undertaker; and
 - (v) a water undertaker;
- (m) voluntary bodies some or all of whose activities benefit all or any part of the neighbourhood area;
- (n) bodies which represent the interests of different racial, ethnic or national groups in the neighbourhood area;
- (o) bodies which represent the interests of different religious groups in the neighbourhood area;
- (p) bodies which represent the interests of persons carrying on business in the neighbourhood area; and
- (q) bodies which represent the interests of disabled persons in the neighbourhood area.

Neighbourhood development orders and community right to build orders

2.—(1) For the purposes of regulations 21 and 23, a “consultation body” means—

- (a) any person referred to in paragraph 1(k) and (l);
- (b) where the neighbourhood area to which the neighbourhood development order or community right to build order relates consists of or includes the whole or any part of the area of a parish council, that parish council;
- (c) any parish council or, in the case of a neighbourhood development order (but not a community right to build order), a neighbourhood forum for an area which adjoins the neighbourhood area; and
- (d) where the development to be authorised under the proposed neighbourhood development order or community right to build order falls within any category set out in the following Table, the person mentioned in the Table in relation to each of those categories.

Table

<i>Paragraph</i>	<i>Development</i>	<i>Consultation body</i>
(a)	Any development.	The Historic Buildings and Monument Commission for England (known as English Heritage)
(b)	Development which falls within a category specified in Schedule 5 to the Town and Country	The person mentioned in relation to that category of

(a) 2006 c.41.

(b) 1989 c.29. Section 6 was substituted by section 30 of the Utilities Act 2000 (c.27).

(c) 1986 c.44. Section 7 was amended sections 3(2), 76(1) and (3) of, and paragraphs 1 and 4 of Schedule 6 to, the Utilities Act 2000.

	Planning (Development Management Procedure) (England) Order 2010 ⁽¹⁾ .	development in Schedule 5 to that Order
(c)	Development of land— (i) forming the site of or in the neighbourhood of a civil aerodrome or technical site; or (ii) involving the construction of any building or works extending 91.4 metres or more above ground level.	The Civil Aviation Authority and NATS Holdings Limited
(d)	Development of land— (i) forming the site of or in the neighbourhood of a military aerodrome, technical site or explosives storage area; or (ii) involving the construction of any highway or formation, laying out or alteration of any means of access to a highway, which is planned to run within 300 metres of the perimeter of a military aerodrome.	Secretary of State for Defence
(e)	Development which, in the qualifying body's opinion, is likely to affect any garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953 ⁽²⁾ .	The Garden History Society
(f)	Development in the area of a London borough council to which any of Protected Vista Directions issued by the Secretary of State for Communities and Local Government in July 2010 apply ⁽³⁾ .	Mayor of London and, in relation to the protected vista of the Tower of London from outside City Hall on Queen's Walk, the Historic Royal Palaces Trust
(g)	Development described in article 26(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (development affecting existing or proposed highways).	The Highways Agency

⁽¹⁾ S.I. 2010/2184.

⁽²⁾ 1953 c.49.

⁽³⁾ London Protected Vista Directions were made by the Secretary of State under section 74(1)(c) of the 1990 Act.

(2) In the above Table—

- (a) in paragraphs (c) and (d) “aerodrome” means any area of land or water designed, equipped, set apart, commonly used or in prospective use for affording facilities for the landing and departure of aircraft and includes any area of space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing or departure of aircraft capable of descending or climbing vertically, particulars of which have been furnished by the Civil Aviation Authority or the Secretary of State to the local planning authority or authorities for the area in which it is situated;
- (b) in paragraph (c) “technical site” means any area within which is sited or is proposed to be sited equipment operated by or on behalf of NATS Holdings Limited, any of its

subsidiaries or such other person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000^(a) for the provision of air traffic services, particulars of which have been furnished by the Civil Aviation Authority to the planning authority or authorities for the area in which it is situated;

- (c) in paragraph (d) “technical site” means any area within which is sited or is proposed to be sited equipment operated by or on behalf of the Secretary of State for Defence for the provision of air traffic services, particulars of which have been furnished by the Secretary of State for Defence to the planning authority or authorities for the area in which it is situated; and
- (d) in paragraph (g) “trunk road” and “special road” have the meanings given in section 329 of the Highways Act 1980^(b).

SCHEDULE 2

Regulation 32

Habitats

Neighbourhood development plans

1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act^(c)—

The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010^(d)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007^(e)) (either alone or in combination with other plans or projects).

Amendments to the Conservation of Habitats and Species Regulations 2010

2. The Conservation of Habitats and Species Regulations 2010 are amended in accordance with the following paragraphs.

3. After regulation 78 (local development orders) insert—

“Neighbourhood development orders

Neighbourhood development orders

78A. A neighbourhood development order may not grant planning permission for development which—

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and
- (b) is not directly connected with or necessary to the management of the site.”.

4. After regulation 102 (assessment of implications) insert the following—

(a) 2000 c.38.
(b) 1980 c.66.
(c) Schedule 4B was inserted by section 116 of, and Schedule 10 to, the Localism Act 2011 (c.20). Paragraph 8 of Schedule 4B applies to neighbourhood development plans by virtue of section 38A(3) of the Planning and Compulsory Purchase Act 2004 (c.5) (Section 38A was inserted by paragraph 7 of Schedule 9 to the Localism Act 2011)
(d) S.I. 2010/490, to which there are amendments not relevant to these regulations. “European site” is defined in regulations 3(1) and 8.
(e) S.I. 2007/1842, to which there are amendments not relevant to these regulations. “European offshore marine site” is defined in regulation 15.