

General Information about Neighbourhood Planning and the Referendum

What is a Neighbourhood Plan?

Neighbourhood planning was introduced under the Localism Act (2011) in order to give communities a greater say in the planning system in their neighbourhoods. It introduced new rights and powers to allow local communities to shape new development in their local area by coming together to prepare Neighbourhood Development Plans (usually referred to as Neighbourhood Plans). It enables communities to develop a shared vision for their neighbourhood and deliver the sustainable development they need through planning policies relating to development and the use of land.

Who can prepare a Neighbourhood Plan?

Neighbourhood Plans are prepared by town or parish councils or neighbourhood forums where there is no parish council. The plan can show how the community wants land to be used and developed in its area. Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies.

The local community can decide what to include in a Neighbourhood Plan, but it must meet the following 'Basic Conditions' set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. A Neighbourhood Plan must meet these conditions if it is to proceed to a referendum and be made. The Basic Conditions are:

1. Has regard to national policy and guidance from Secretary of State;
2. Has special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses;
3. Has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area;
4. Contributes to sustainable development;
5. Is in general conformity with the strategic policy of the development plan for the area or any part of that area;
6. Does not breach or is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment Directive of 2001/42/EC and compatibility with Convention rights, within the meaning of the Human Rights Act 1998; and
7. Prescribed conditions are met and prescribed matters are complied with.

Neighbourhood planning is optional and aims to help local communities play a direct role in planning for the areas in which they live and work.

How Neighbourhood Plans are prepared?

There is a statutory process that must be followed in order to make a Neighbourhood Plan. The neighbourhood area (area to which the plan relates) must be designated by the District Council following an application from the qualifying body (parish/town council or neighbourhood forum).

There can only be one Neighbourhood Plan for each neighbourhood area. The neighbourhood plan must also specify a period for which it is to have effect.

The draft plan must be prepared through a process of consultation with local residents and businesses and the final draft plan must be subject to a set 'publicity period,' where there is the opportunity to submit comments.

Once a neighbourhood plan or order has been prepared, an independent Examiner will check that it meets the 'Basic Conditions' mentioned above. The Examiner also reviews comments submitted and takes them into consideration. This is to ensure that referendums only take place when proposals are workable and of sufficient quality to meet the 'Basic Conditions'. The Examiner then reports whether any modifications should be made to the plan and whether it should then proceed to a referendum.

The District Council will then decide, in conjunction with the Parish Council, and having regard to the statutory criteria, whether to accept the recommendations and proceed through to referendum. This will be organised by the local planning authority.

People who are registered electors in the neighbourhood area will be entitled to vote in the referendum and will receive a Poll Card shortly. This will be conducted following similar procedures to those used at local government elections. For further information on the conduct of the Referendum, including deadlines for registration, postal and proxy votes can be found on the 'Notice of Referendum'.

If more than 50% of people voting in the referendum support the plan, the local planning authority must bring it into force. The local planning authority must 'make' the plan as soon as reasonably practicable after the successful outcome of a referendum. Once made, the Neighbourhood Plan will be part of the statutory development plan and be used in determining planning applications within the neighbourhood area.