

General information about the planning system and neighbourhood plans

The Planning System

Most new buildings, major changes to existing buildings or major changes to the local environment (including building work, engineering work and mining work) need consent – known as planning permission.

Ashfield District Council is responsible for deciding whether a development (anything from a house extension to a new shopping centre) should go ahead within the Council area.

Planning involves making decisions about the future of our cities, towns and countryside and considering the sustainable needs of future communities.

Decisions on planning applications are based on Local Plan, any relevant neighbourhood plans and national planning policy is a material consideration.

Local Plans

Ashfield District Council is responsible for preparing a Local Plan which sets out local planning policies within the local authority area. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. They must be positively prepared, justified, effective and consistent with national policy in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.

The Local Plan for Ashfield is currently provided by the Ashfield Local Plan Review 2002. The replacement plan, the Ashfield Local Plan Publication 2016, has been submitted for Examination by a planning inspector.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27 March 2012. The framework gives guidance to local councils in drawing up Local Plans and on making decisions on planning applications. It includes a presumption in favour of sustainable development.

Neighbourhood planning

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.

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. The local community can decide what to include in a neighbourhood plan, but it must meet the following 'Basic Conditions' set out in legislation

- It must have regard to national planning policy and advice contained in guidance issued by the Secretary of State.
- It must contribute to the achievement of sustainable development.
- It must be in general conformity with strategic policies in the development plan for the local area (i.e. the Local Plan).
- It must be compatible with EU obligations and human rights requirements

Neighbourhood planning is optional and aims to help local communities play a direct role in planning the areas in which they live and work. There is a statutory process that must be followed in order to make (adopt) 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 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'. 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 referendum.

The District Council will then decide having regard to the statutory criteria, whether to accept the recommendations and proceed through to referendum. If the Plan precedes to referendum, the District Council will be responsible for organising the Referendum. People living in the neighbourhood area (or any other area which the Examiner has deemed should be included in the referendum) will be entitled to vote in the referendum. This will be conducted following similar procedures to those used at local government elections.

If more than 50% of people voting in the referendum support the plan, the local planning authority must bring it into force and the plan will be used in determining planning applications within the neighbourhood area.

Additional information on neighbour planning is available on the Government website at:

<https://www.gov.uk/government/publications/neighbourhood-planning>

Information on the neighbourhood plans being brought forward in Ashfield is available at:

<https://www.ashfield.gov.uk/residents/planning-and-building-control/forward-planning/neighbourhood-plans/>