

General Information about Town and Country Planning, Neighbourhood Planning and the Referendum



The Planning System

Most new buildings or major changes to existing buildings or to the local environment need consent - known as planning permission. Without a planning system everyone could construct buildings or use land in any way they wanted, no matter what effect this would have on other people who live and work in their area.

South Somerset District Council is responsible for deciding whether a development - anything from an extension on a house to an office block or industrial building - should go ahead in the District.

Planning involves making decisions about the future of our towns, villages and countryside. This is vital to balance our desire to develop the areas where we live and work with ensuring the surrounding environment isn't negatively affected for everyone.

Local Plans

South Somerset District Council must prepare a local plan which sets planning policies within the local authority area. These are very important when deciding planning applications. The preparation process should have fully involved everyone who has an interest in the document and they should have had the chance to comment.

Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.

The South Somerset District Council Local Plan was adopted in March 2015. The Council is working on preparing a new Local Plan and is carrying out consultation on Issues and Options.

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27th March 2012. The framework gives guidance to local councils and neighbourhood plan steering groups in drawing up local plans and neighbourhood plans and on making decisions on planning applications.

Neighbourhood Plans

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 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?

In South Somerset, the preparation of neighbourhood plans is led by town or parish councils. The plan can show how the community wants land to be used and developed in its area. Neighbourhood plans should not undermine the Local Plan or 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' (or adopted). The Basic Conditions are that a neighbourhood plan:

1. Has regard to national policy and guidance from Secretary of State;
2. Contributes to sustainable development;
3. Is in general conformity with the strategic policy of the development plan for the area or any part of that area;
4. 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
5. The 'making' (or adoption) of the neighbourhood 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) (either alone or in combination with other plans or projects).

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). 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 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 Town or Parish Council and having regard to the statutory criteria, whether to accept the recommendations and proceed through to a referendum to be organised and paid for by the District Council.

People who are registered electors in the neighbourhood area will be entitled to vote in the referendum and will receive a Poll Card. The referendum 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 in the 'Referendum Information Statement'.

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.