

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. 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.

Cheshire West and Chester Council is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre - should go ahead within the borough.

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 national planning policy guidance, the Local Plan and any relevant neighbourhood plan.

Local Plans

Cheshire West and Chester Council must prepare a local plan which sets 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 Cheshire West and Chester Local Plan is currently at Publication Draft stage. Until the Local Plan is adopted, the saved policies in the current Local Plans for the former authority areas will be used as a basis for planning decisions (along with national planning guidance and any relevant neighbourhood plans).

National Planning Policy Framework

The National Planning Policy Framework 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 to give members of the community a more hands on role in the planning of 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 the development and use of land.

Neighbourhood plans can be prepared by Parish Councils or neighbourhood forums (in areas not covered by a Parish).

The local community can decide to include in a neighbourhood plan, but it must meet the following 'Basic Conditions':

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

Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.

There is a statutory process that must be followed for the making of a neighbourhood plan. The neighbourhood area (area to which the plan relates) must be designated and 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 people are given an opportunity to submit comments. An independent examiner reviews these comments and checks whether the neighbourhood plan meets the basic conditions and other requirements set out in the regulations. This is to make sure that referendums only take place when proposals are workable and of a decent quality. The examiner then reports whether any modifications should be made to the plan and whether it should proceed to referendum stage.

The Council then decide, having regard to the statutory criteria, whether to accept the recommendations and proceed through referendum. If the neighbourhood plan proceeds to referendum, the Council are responsible for organising the referendum. The referendum will consider whether the local planning authority should use the neighbourhood plan for the area concerned to help it decide planning applications. All those registered to vote within the neighbourhood area are entitled to vote in the referendum.

The local planning authority must make a neighbourhood plan which is the subject of a Referendum if more than half of those voting have voted in favour of the plan. The local planning authority must make or adopt the plan as soon reasonably practicable after the Referendum is held if the vote is in favour of the plan.

Once made and adopted the neighbourhood plan will be part of the statutory development plan and will be used in determining decisions on planning applications.

Additional information in relation to neighbourhood planning is available on the following website:

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