



## **General Information Statement on Town and Country Planning, including Neighbourhood Planning**

This statement has been produced to support North Devon's Council's role in hosting neighbourhood plan referendums. It provides general information about the planning system, the role of neighbourhood plans, and summarises how they are produced.

### **The Planning System**

The planning system manages the use and development of land and buildings, with the aim of creating sustainable places to live and work. Without a planning system in place, development would not be controlled and could take place anywhere, with considerable impact on people and the environment. Potential development activity is managed through planning applications, using local plans as a basis to make decisions.

The planning system has two parts which are usually the responsibility of the local planning authority (in this case, North Devon Council):

- Plan making - setting out proposals for development and policies to guide development over a period of time.
- Development management – where planning decisions are made through the assessment of planning applications.

Not all forms of development require planning permission as some proposed development, depending on the scale and type, is covered by permitted development. For development that requires planning permission, North Devon Council is responsible for deciding whether the development should go ahead.

### **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The framework gives guidance to local planning authorities in drawing up development plans and on making decisions on planning applications. The NPPF includes a presumption in favour of sustainable development and sets out core planning principles, including environmental, social and economic principles. [Planning Practice Guidance](#) (PPG) supports the NPPF and provides further guidance on planning issues, including neighbourhood planning guidance.

## **Local Plans**

Local plans are prepared by local planning authorities and set out the strategic priorities and planning policies for the local authority area. The policies in a local plan set out to deliver key development including homes and jobs required, the provision of retail and community facilities and infrastructure. Policies relating to managing climate change, conservation and enhancement of the natural and historic environment are also included. Local plans must be positively prepared, justified, effective, and consistent with national policy.

The current Local Plan for the District is the adopted North Devon and Torridge Local Plan (2011-2031).

## **Neighbourhood Planning**

Neighbourhood planning was introduced under the 2011 Localism Act. It provides the opportunity for local communities to shape future development in their local area, through the development of a neighbourhood plan, which will be used alongside local and national planning policies when determining planning applications.

The development of a neighbourhood plan is led by a 'qualifying body', whether a town or parish council, or a bespoke neighbourhood forum. Neighbourhood plans have to meet a number of basic conditions, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, in order to proceed to referendum stage. An independent examiner is appointed to check that a plan meets the basic conditions, as set out below:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with European Union (EU) and European Convention on Human Rights

There is a statutory process that must be followed in order to produce and 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. 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 must be subject to a formal consultation period, providing the opportunity for all interested parties to make comments. All comments received must then be assessed and, where relevant, reflected in refinements to the plan.

Once a neighbourhood plan has been finalised, a further public consultation is undertaken to inform the examination process. Once appointed, an independent examiner will check that the plan meets the basic conditions mentioned above. The examiner will also consider any comments submitted. This is to ensure that referendums only take place when proposals are workable and of sufficient quality to meet the 'basic conditions'. The examination concludes with the publication of an examination report, identifying 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. 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, a neighbourhood plan will be part of the statutory development plan and be used in determining planning applications within the neighbourhood area.