



## **General information on Town and Country Planning including 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 statutory 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 or work in their area.

Malvern Hills District 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 District.

Planning involves making decisions about the future of our towns, villages and countryside, ensuring the needs of communities are met in a sustainable manner.

Decisions on planning applications are based on National Planning Policy and Guidance, the Local Plan and any relevant Neighbourhood Plan, collectively known as the Local Development Framework.

### **Local Plans**

Malvern Hills District Council is required to prepare a Local Plan which sets out planning policies for the local authority area. Local Plans must be prepared with the objective of contributing towards 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 Malvern Hills District currently consists of the South Worcestershire Development Plan (SWDP) which was adopted in February 2016. The SWDP is a joint Local Plan between Malvern Hills, Wychavon and Worcester City Councils with the aim of ensuring that future development within south Worcestershire is well planned and managed effectively whilst having a positive impact on the environment, in the period up to 2030.

## **National Planning Policy Framework**

The revised National Planning Policy Framework (NPPF) was published in July 2021. It provides guidance to local Councils in drawing up Local Plans and on making decisions on planning applications. It includes the presumption in favour of sustainable development.

## **Neighbourhood Planning**

Neighbourhood Planning was introduced in the Localism Act 2011 to give members of the community a more active 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 produce a Neighbourhood Plan. 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 Town / Parish Council's or Neighbourhood Forums (in areas not covered by a Town / Parish Council).

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

- a) Must have regard to National Planning Policy and advice contained in guidance issued by the Secretary of State;
- b) Must contribute to the achievement of sustainable development;
- c) Must be in general conformity with strategic policies in the development plan for the local area (i.e. the Local Plan); and
- d) 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 (adoption) of a Neighbourhood Plan. The Neighbourhood Area (area to which the Neighbourhood Plan relates) must be designated and there can only be one Neighbourhood Plan in 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 business 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. The

examiner reports whether a Neighbourhood Plan should proceed to Referendum, and if it requires any modifications to do so.

Malvern Hills District Council then decide, having regard to the statutory criteria, whether to accept the recommended modifications and proceed to Referendum. The Council is responsible for the organisation of the Referendum. The Referendum considers whether the local planning authority should use the Neighbourhood to help it decide planning applications in that area. All those registered to vote in the Neighbourhood Area are entitled to vote in the Referendum.

The local planning authority must make (or adopt) a Neighbourhood Plan which is subject to a Referendum if the majority (more than 50%) of those voting have voted in favour of the Plan. The Neighbourhood Plan then becomes part of the Local Development Framework. Planning law requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Further information in relation to Neighbourhood Planning is available at <https://www.gov.uk/guidance/neighbourhood-planning--2>.