

# Hazelwood Neighbourhood Development Plan

*General information about the Planning System  
and  
Neighbourhood Plans*

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## The Planning System

The planning system in the UK manages the use and development of land and buildings.

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

The planning system has two main parts to it:

- **Plan making** – setting out a plan for how an area will develop over time as a guide to future development.
- **Managing development** – when development is agreed through planning permission.

Amber Valley Borough 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 the Adopted Local Plan (including emerging Local Plans and other Development Plan Documents and Supplementary Planning Documents), National Planning Policy Guidance, and any relevant Neighbourhood Plan.

## National Planning Policy Framework

The National Planning Policy Framework which sets out the Government's planning policies for England and how these are expected to be applied was published on 27 March 2012. The Framework gives guidance to local council's in drawing up local plans and on making decisions on planning applications. It includes a presumption in favour of sustainable development.

## Local Plans

Amber Valley Borough 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 Borough Council is currently preparing a new local plan for the Borough. Until it is adopted, the saved policies in the current adopted Local Plan will be used as a basis for planning decisions (along with national planning guidance and any relevant Neighbourhood Plans).



## Neighbourhood Planning

Neighbourhood planning was introduced under the Localism Act 2011 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 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 the planning policies relating to the development and use of land.

Neighbourhood plans can be prepared by Parish Councils or neighbourhood forums (in non-parished areas).

The local community can decide what 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 that 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 be one neighbourhood plan for each neighbourhood area. The neighbourhood plan must also specify a period of 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 the opportunity to comment. 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.



## Referendum

The Council then decides, having regard to the statutory criteria, whether to accept the recommendations and proceed to a referendum.

If the neighbourhood plan proceeds to a referendum, the Council are responsible for organising it. All those registered to vote within the neighbourhood area are entitled to vote in the referendum.

If more than 50% of those voting in the referendum vote 'yes', then the local planning authority will bring the Neighbourhood Plan into legal force. Once a Neighbourhood Plan is brought into legal force, it forms part of the statutory Development Plan for the area. Consequently, decisions on whether or not to grant planning permission in the neighbourhood area will need to be made in accordance with the Neighbourhood Development Plan, unless material considerations indicate otherwise.

Additional information in relation to Neighbourhood Planning is available on the following website: <https://www.gov.uk/neighbourhood-planning>

