

Town and Country Planning, Neighbourhood Plans and Neighbourhood Plan Referendums

1. A qualifying body such as a Parish or Town Council is able to initiate a process to require a local planning authority (in this instance, Broadland District Council and Broads Authority) to make a Neighbourhood Development Plan. A Neighbourhood Development Plan (or Neighbourhood Plan) is a Plan which sets out policies in relation to the development and use of land in the whole or any part of a particular neighbourhood area. The neighbourhood area is specified in the Plan.
2. There can only be one Neighbourhood Plan for each neighbourhood area. The Neighbourhood Plan must specify a period for which it is to have effect.
3. There is a statutory process which must be followed for the making of a Neighbourhood Plan which includes provision for its independent examination and for the holding of a referendum in relation to the draft Plan which is proposed.
4. Once a Parish/Town Council has produced a draft Neighbourhood Plan and submitted it to the local planning authority, the latter will check the plan document, before appointing a qualified, independent person to conduct an examination.
5. The independent examiner checks that the Neighbourhood Plan which is proposed meets the basic conditions which are set out in legislation. The independent examiner may recommend changes to be made to the Neighbourhood Plan. He/she reports to the local planning authority. The local planning authority considers the examiner's report and decides, having regard to the statutory criteria, whether to accept the changes which the examiner has proposed. If the independent examiner (and subsequently the local authority) is satisfied that the Plan meets the basic conditions, with or without certain modifications, then he/she will recommend that the draft Neighbourhood Plan proceeds to a referendum, in which the Plan must secure enough votes for it to become adopted.
6. The referendum is conducted through the local authority, which has responsibility for the conduct of elections. The referendum will consider the question on whether the local planning authority should use the Neighbourhood Plan for the area concerned to help it decide planning applications. The local planning authority must make or adopt the Plan as soon as reasonably practicable after the referendum is held if the vote is in favour of the Plan (i.e. if greater than half of those voting have voted in favour of the plan).
7. The referendum only relates to the area which is covered by the proposed Neighbourhood Plan. It is only those who are entitled to vote in the referendum and who are registered to vote within addresses in the neighbourhood area who can vote upon the question of whether the Neighbourhood Plan should be taken into account by the local planning authority in the consideration of planning applications.

8. Once made and adopted, the Neighbourhood Plan will become part of the Development Plan for the District. A local planning authority, in dealing with planning applications, must have regard to:
 - a) The provisions of the development plan so far as material to the applications;
 - b) Any local finance consideration as far as material to the application; and
 - c) Any other material considerations
9. The determination of a planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. An adopted Neighbourhood Plan will be one of the documents which will be taken into account in the consideration of applications for planning permissions which are made within the area of the Neighbourhood Plan. The Neighbourhood Plan only applies within the specific area for which it has been proposed and made.
10. Information in relation to neighbourhood planning is available on the following website:
www.gov.uk/guidance/neighbourhood-planning--2.