

# **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.

Hinckley and Bosworth Borough Council is responsible for deciding whether a development (anything from a house extension 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 taken based on numerous documents, including the Borough Council's Local Plan, any relevant neighbourhood plans and national policy prepared by Central Government.

## **Local Plans**

Hinckley and Bosworth Borough Council is responsible for preparing a Local Plan which sets out local 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 Local Plan for Hinckley and Bosworth is currently made up of the following suite of documents: the Core Strategy (adopted in 2009), Hinckley Town Centre Area Action Plan (adopted in 2011), Earl Shilton and Barwell Area Action Plan (adopted in 2014) and the Site Allocations and Development Management Policies DPD (adopted 2016). There is also a series of supporting documents and evidence base studies.

## **National Planning Policy Framework**

The latest National Planning Policy Framework (NPPF) was published in December 2024. 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 (2011) in order to give communities a greater say in the planning system in 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 development and the use of land.

Neighbourhood plans are prepared by town or parish councils, or neighbourhood forums where there is no parish council. The plan can show how the community wants land to be

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

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

- It must have regard to national planning policy and advice contained in guidance issued by the Secretary of State.
- It must contribute to the achievement of sustainable development
- It must be in general conformity with strategic policies in the development plan for the local area (i.e. the Local Plan)
- It must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

Neighbourhood planning is optional and aims to help local communities play a direct role in planning the areas in which they live and work.

There is a statutory process that must be followed in order to make (adopt) a neighbourhood plan. The neighbourhood area (area to which the plan relates) must be designated by the Borough Council following an application from the qualifying body (parish/town council or neighbourhood forum). 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 there is the opportunity to submit comments.

Once a neighbourhood plan or order has been prepared, an independent examiner will check that it meets the basic conditions mentioned above. The examiner also reviews comments submitted and takes them into consideration. This is to ensure that referendums only take place when proposals are workable and of sufficient quality to meet the 'Basic Conditions'. The examiner then reports whether any modifications should be made to the plan and whether it should then proceed to referendum.

The Council 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, which the Local Planning Authority organise.

People living in then neighbourhood area (or any other area which the Examiner has deemed should be included in the referendum) will be entitled to vote in the referendum. This will be conducted following similar procedures to those used at local government elections.

If more than 50% of people voting in the referendum support the plan, then the local planning authority must bring it into force. The local planning authority must make or adopt the plan as soon as reasonably practicable after the successful outcome of a referendum.

Once made, the neighbourhood plan will be part of the statutory development plan and be used in determining planning applications within the neighbourhood area.

Made Neighbourhood Plans can also be reviewed. There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:

- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

Therefore there is a possibility that a reviewed neighbourhood plan could go to referendum also.

Once a reviewed neighbourhood plan is made, the original neighbourhood plan is superseded, and the updated plan will become part of the statutory development plan and be used in determining planning applications within the neighbourhood area.