

General Information on Planning and Neighbourhood Planning

The Planning System

1. The planning system manages the use and development of land and buildings. It “ensures that the right development happens in the right place at the right time, benefitting communities and the economy. It plays a critical role in identifying what development is needed and where, what areas need to be protected or enhanced and in assessing whether proposed development is suitable” (Plain English Guide to the Planning System, DCLG, Jan 2015).

2. There are two main parts to the planning system:

- Plan making – setting out policies to guide development over time;
- Determining planning applications – decisions on whether or not a proposed development should receive planning permission.

3. Not all forms of development require planning permission as some building operations, such as small extensions to the rear of residential properties, or some changes of use, are covered by permitted development rights. For development proposals in Westminster that do require planning permission Westminster City Council are responsible for deciding whether the development should go ahead. Decisions on planning applications are based on national planning policy and the statutory development plan (which in Westminster includes the London Plan, Westminster City Plan, saved Westminster UDP policies, and any ‘made’ neighbourhood plans).

The National Planning Policy Framework

4. The National Planning Policy Framework (NPPF) was first published in March 2012. It has subsequently been revised, and the current version was published in July 2018. It sets out the government’s planning policies for England and how these are expected to be applied, both in terms of plan making and determining planning applications. It makes clear that the purpose of planning is to help achieve sustainable development, which balances economic, social and environmental goals. The NPPF can be viewed at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>. It is supported by associated planning practice guidance on a range of topics, which can be found at <https://www.gov.uk/government/collections/planning-practice-guidance>

The Development Plan

5. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In Westminster, the development plan currently comprises:

- The London Plan (adopted 2011, with further alterations in 2015 and minor modifications in 2016) – which sets out the development strategy for all London boroughs and overall framework for each borough’s local plan. It includes matters such as housing development targets for each borough, London’s network of town centres, and guidance on the strategic functions of land within parts of central London designated as the Central Activity Zone (CAZ).
- Westminster City Plan (adopted November 2016) and policies saved from the Westminster UDP (adopted in 2007) – together these set out policies for development across Westminster, including identifying broad areas for growth within the city, identifying key development sites, and providing detailed policies on a range matters including affordable housing, mixed use development, design and conservation.

6. Both the London Plan and the Westminster City Plan are currently in the process of being revised. The new City Plan will replace both the existing City Plan and the saved policies from the UDP, and is expected to be adopted in 2020. It 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.

7. Once 'made', neighbourhood plans will also form part of the development plan for the neighbourhood area they relate to.

Neighbourhood Planning

8. Neighbourhood planning was introduced under the Localism Act 2011, and gives new rights and powers to help local communities shape new development in their local area. It enables communities to develop a shared vision for their neighbourhood, and develop local policies for determining planning applications.

9. Neighbourhood plans can be prepared by neighbourhood forums (or parish councils, where they exist). 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;
- contribute to the achievement of sustainable development;
- be in general conformity with strategic policies in the development plan for the local; and
- be compatible with EU obligations and human rights requirements.

10. In accordance with the NPPF, neighbourhood plans should also not promote less development than set out in the Local Plan (in Westminster this is currently the City Plan and saved policies from the UDP), or undermine its strategic policies.

11. There is a statutory process that must be followed for the making of a neighbourhood plan. The boundary of the neighbourhood area to which any neighbourhood plan relates must be designated by the council, and there can only be one neighbourhood plan for each neighbourhood area. The neighbourhood plan must also set out what time period it will apply for.

12. The draft neighbourhood plan must be prepared through a process of consultation with local residents and businesses. The final draft of the plan must also be subject to a consultation period of a minimum of 6 weeks, where interested parties are given the opportunity to submit representations on it. 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 then reports whether any modifications should be made to the plan and whether it should proceed to referendum.

13. Westminster City Council then decides, having regard to the statutory criteria, whether to accept the examiner's recommendations and proceed to referendum. If the neighbourhood plan proceeds to referendum, the council is responsible for organising the referendum. The referendum will determine whether the council should use the neighbourhood plan for the area concerned to help it decide planning applications. All those registered to vote in the election of Councillors within the neighbourhood area are entitled to vote in the referendum. Where a neighbourhood area is also designated as a business area, an additional referendum of eligible non-domestic rate payers is also held.

14. For plans only subject to a resident's referendum, if more than half of those voting in the referendum have voted in favour of the plan the council must 'make' (i.e. adopt), the neighbourhood plan, as soon reasonably practicable. Where separate referendums are held for residents and businesses, if more than half of those voting in each referendum have voted in favour of the plan the council must also 'make' (i.e. adopt), the neighbourhood plan, as soon reasonably practicable. In the event that the plan only gathers majority support at one referendum, the council then decides if the plan should be made (i.e. adopted). In such circumstances the council take into consideration the following factors:

- how close the result is in each referendum (i.e. did one referendum have a much larger majority voting one way than the other); and
- the level of turnout in each referendum (i.e. percentage of eligible voters who voted in the relevant referendum).

15. Once a neighbourhood plan has been approved at a referendum, it will be part of the statutory development plan and will be used by the council in determining decisions on planning applications.

16. Additional information in relation to neighbourhood planning is available on the following website: <https://www.gov.uk/guidance/neighbourhood-planning--2>