Frequently Asked Questions: the relationship between the Local Plan Update and Neighbourhood Planning

1. How will the Local Plan Update affect Made Neighbourhood Plans?

Neighbourhood plans are a key tool for local communities to guide and influence development in their areas and help to address local issues and needs. Made plans will remain in place until they are reviewed or withdrawn and therefore will continue to form part of the development plan whilst the Local Plan is being updated and also following its adoption.

However, should there be any conflict between the policies in a neighbourhood plan and the local plan, the most up to date plan (i.e. the one adopted most recently) will always take precedence. This means that updates to the Local Plan could result in some neighbourhood plan policies being considered out of date when determining planning applications. The number of existing neighbourhood planning policies affected is likely to be limited and relate to housing provision rather than other more general policies which consider the protection of the environment or local assets for example. Officers will be able to highlight potential conflicts with individual plans as the Local Plan Update progresses.

2. What are the timescales for updating the council's current Local Plan?

A brief timetable detailing each of the key stages involved in updating the council's Local Plan is provided below. More detailed information on each key stage can be found on the council's website via https://www.basingstoke.gov.uk/LDS.

Key Stage	**Expected date**
Issues and Options consultation	Summer 2020
Consultation on draft Plan	Spring 2021
Consultation on amended Plan	Spring 2022
Submission to Planning Inspectorate	Summer 2022
Examination and main modifications	Autumn to Spring 2023
Adoption	Summer 2023

3. Can Neighbourhood Plans be reviewed?

Communities with made neighbourhood plans can review or 'modify' their plans at any time, although it is not compulsory to do so. Made neighbourhood plans are monitored annually through the Authority Monitoring Report and this can be used as a tool to consider the suitability of proceeding with an update.

The nature of any proposed changes or modifications will affect the process that the neighbourhood plan will need to go through when being reviewed. National guidance sets out three types of update or modification which can be made:

- Minor (non-material) modifications to a neighbourhood plan are those which would not materially affect the policies in the plan. 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 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.

It should be noted that a material modification would require the qualifying body (the town or parish council) to re-run the pre-submission consultation. The qualifying body would also need to state (at the pre-submission and submission stage) whether they believe the modifications are so significant or substantial as to change the nature of the plan and provide the reasons why.

4. Should communities continue to develop a Neighbourhood Plan in light of the Local Plan Update?

Town and Parish Councils, as the qualifying bodies for neighbourhood planning in parished areas, are able to develop a neighbourhood plan at any time and seven more plans are currently in the pipeline. The council will continue to actively support communities through the process.

Continuing with plan making enables communities to address issues that are important to them in the shorter term whilst also allowing them to meet the Local Plan requirements set out in Policy SS5 (Neighbourhood Planning) which includes housing requirements for named settlements. Taking a positive approach to accommodating new housing can also enable new plans to benefit from the two year protection, outlined in question 7.

It is important to note that the Local Plan Update may set new and/or additional policies and requirements, and therefore consideration will need to be given to this through the process of plan making. This could, for example, include a requirement to accommodate additional homes over the longer plan period. The council is aiming to undertake an initial issue and options consultation in summer 2020, which will consider suitable future housing requirements for the borough, based on housing figures published nationally in the spring.

Officers will continue to work with town and parish councils to determine the most appropriate approach to take in order to meet any additional requirements.

5. What is the current land supply position in the borough?

National planning policy requires Local Planning Authorities (LPA) to actively manage their housing land supply, and demonstrate that they can identify a supply of specific deliverable sites for the next five years. For a number of reasons, the council cannot meet this requirement at the current time. As such, the presumption in favour of sustainable development applies. This means that when determining relevant planning applications the housing policies of the council's Local Plan and neighbourhood plans are considered out of date, with the exception of the parish of Kingsclere (see Q7). Planning applications for new housing can therefore only be refused where the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against policies in national guidance. Non housing related policies are not affected by this position.

6. Where is affected and for how long?

The whole borough (with the exception of Kingsclere Parish) is affected by the current land supply position and the presumption in favour of sustainable development will remain in place until a sufficient supply of deliverable housing sites can be identified. The land supply position is updated

annually with a base date of 1 April. Proactive steps are being taken by the council to help address the current shortfall.

7. Can we review our made neighbourhood Plan to protect the parish from speculative development?

Paragraph 14 of the NPPF enables the five year land supply requirement to be reduced to three in areas which have an up to date neighbourhood plan in place (less than two years old), and which contain policies and allocations to meet the identified housing requirement. Parishes in this position effectively remove the presumption in favour of sustainable development within their parish as long as three years of land supply can be demonstrated. Currently, the only parish in the borough in this position is Kingsclere.

The council's advice to those who are looking to review a made plan is to review and update existing neighbourhood plans alongside the Local Plan Update process (as outlined in Q2) to ensure that the evolving Plan (which will set the overarching spatial strategy up to at least 2038) is reflected. This will ensure that Neighbourhood Plans remain up to date upon Local Plan adoption. As outlined above, the council is aiming to undertake an initial issue and options consultation in summer 2020, which will consider suitable future housing requirements for the borough.

Whilst a qualifying body can update its plan at any time to include new housing site allocations, there are a number of risks associated with this, as explained in Q8.

8. What are the risks of including new site allocations at this stage?

Paragraph 14 of the NPPF only applies where a neighbourhood plan meets its identified housing requirement All of the made neighbourhood plans in the borough already meet (or have allocations and policies in place to ensure that they do meet) their identified needs, as set out in the adopted Local Plan (policy SS5). Any review or update of existing Plans will need to reflect an additional requirement. National policy and guidance sets out that councils can provide indicative housing figures for neighbourhood plans if requested to do. Alternatively plans can set their own requirement in light of their own housing need studies. Any figure would need to be justified through the neighbourhood planning process, at examination, and this would include the council needing to justify any requirement it gave to inform the Plan in question. In advance of the Local Plan Update, with the spatial strategy for future growth in the borough yet to be determined, it will be difficult for the council to set out what a new requirement should be with any certainty. There is a risk that any figure could ultimately be out of date when the new Local Plan is adopted and therefore require a further review.

In order to allocate new land, most of the statutory neighbourhood planning process needs to be rerun. This includes significant areas of work including undertaking site assessment work, completing two stages of consultation (pre-submission and submission), undertaking an examination with an independent examiner and potentially completing a Strategic Environmental Assessment. The level of work required will depend, to a large degree on the amount of work undertaken previously, and also the scale of the allocations involved. The decision on the need for a referendum will ultimately fall to the neighbourhood plan examiner but will be required where the plan is considered to constitute a material modification which is deemed to be significant or substantial enough to change the nature of the plan.

The process of reviewing a made plan to include new allocations is likely to take approximately two years and will not provide a quick resolution to the current supply position. A number of local neighbourhood plans, which have gone through the site allocation process, have taken three to four years to complete the process. Increased weight is given to neighbourhood plan policies which are at a more advanced stage, with advanced plans, being afforded greater weight.

Individual communities may have bespoke circumstances which warrant a further consideration of the benefits of reviewing their current plan in light of speculative development. This would include the consideration of the level of work undertaken in developing the current neighbourhood plan, including the identification of suitable alternative sites and the necessary evidence to support an allocation. Officers are available to discuss this matter further.

Neighbourhood plans that are currently being prepared and which meet their identified housing requirements, as set out in the Local Plan, will potentially benefit from the Paragraph 14 protection when they are adopted.

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