

Briefing note – How Local Plans and Neighbourhood Plans fit together

1. Context

- 1.1. Neighbourhood Planning was introduced by the Localism Act (2011) and offers a number of new tools for communities to shape the places in which they live and work. Over 1,700 communities across the country are currently involved in neighbourhood planning – the vast majority of these are preparing Neighbourhood Plans. Nationwide, 126 Neighbourhood Plans have completed the plan-making process and passed the referendum stage¹.
- 1.2. The neighbourhood plan-making process is set out in legal **regulations**. Guidance for preparing a Neighbourhood Plan is set out in the **National Planning Policy Framework (NPPF)** and **National Planning Practice Guidance (NPPG)**.

2. What is a Neighbourhood Plan?

- 2.1. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. The preparation of a Neighbourhood Plan is led by the Parish Council or a Neighbourhood Forum (where no parish council exists), with involvement from the local community.
- 2.2. Communities can use Neighbourhood Plans to set planning policies to be used by the local authority in determining decisions on planning applications.

3. The need for conformity

- 3.1. The Local Plan, prepared by the District Council, is the principal planning document for the area. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development and must be consistent with the NPPF. Local Plans should set out the strategic priorities for the area, for example, the number of new homes and jobs needed in the area and requirement for infrastructure and facilities.
- 3.2. Neighbourhood Plans should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in **general conformity**

¹ Source: DCLG Notes on Neighbourhood Planning No.17 – Dec 2015

with the strategic policies of the Local Plan. Crucially, this means that a Neighbourhood Plan cannot propose less growth than required by the Local Plan.

- 3.3. It should be noted that to achieve 'general conformity', the Neighbourhood Plan does not need to be identical to the Local Plan. It is reasonable for a Neighbourhood Plan to influence strategic priorities, providing it does not undermine them.

4. Role of Neighbourhood Plans in Decision-making

Precedence

- 4.1. To complete the preparation of a Neighbourhood Plan, a local referendum is held. If supported by the majority of voters, the Neighbourhood Plan must be used by the Council in determining planning applications.
- 4.2. The NPPF indicates that the policies of the Neighbourhood Plan take precedence over existing non-strategic policies in the Local Plan. This enables Neighbourhood Plan policies to be very effective in shaping development in their area.

Presumption in favour of sustainable development

- 4.3. Where there is no Local Plan in place, or certain policies are deemed to be out of date, the presumption in favour of sustainable development will apply. This means that the Council should approve planning applications without delay, unless any adverse impacts significantly outweigh the benefits or the NPPF indicates development should be restricted.
- 4.4. To ensure Neighbourhood Plans remain effective, the Council should ensure its Local Plan is prepared expediently and is kept up-to-date.

Emerging Plans

- 4.5. In taking planning decisions the Council may, in certain circumstances, also give 'weight' to relevant policies in emerging Local and Neighbourhood Plans. This means that Neighbourhood Plans which are at a draft stage of preparation can play a role in shaping new development.

What happens if Neighbourhood Plan is prepared in advance of Local Plan?

- 4.6. A community may decide to prepare a Neighbourhood Plan at any time. The Planning and Compulsory Purchase Act 2004 (s38) indicates that where there is conflict between policies, the conflict must be resolved in favour of the policy contained in the most recent plan. This means that where a Neighbourhood Plan is completed in advance of the Local Plan, there is a risk that the Local Plan could inadvertently undermine the earlier Neighbourhood Plan.
- 4.7. To avoid potential conflict, the District Council and Parish Council should work together to ensure conflicting policies do not arise.

5. How can the Local Plan support the preparation of Neighbourhood Plans?

- 5.1. Neighbourhood Plans are a powerful tool to shape their local area, as Neighbourhood Plan policies take precedence over non-strategic Local Plan policies in decision-making. In other words, the Neighbourhood Plan “trumps” the Local Plan (on certain matters).
- 5.2. Achieving general conformity means the Local Plan will provide a strategic policy framework which underpins Neighbourhood Plans. This can help give a Neighbourhood Plan *direction* – helping the community to identify local issues and shape priorities.
- 5.3. To support Neighbourhood Planning, the East Cambs Local Plan (which is at an early stage of preparation as at January 2016) will:
 - Be prepared expediently to ensure an up-to-date Local Plan is in place;
 - Address clearly and fully the strategic priorities for the district;
 - Clarify which policies are “strategic” (and which are “non-strategic”);
 - Acknowledge the ambitions of any emerging neighbourhood plans, ensuring Local Plan policies are carefully worded to avoid any future conflict with Neighbourhood Plan policies; and
 - Leave ‘space’ for Neighbourhood Plans – some (non-strategic) issues may be more effectively dealt with through Neighbourhood Plans.