

Briefing note: weight of emerging neighbourhood plans January 2019

A number of neighbourhood plans are now being progressed in Hart District. This note sets out the weight to be attached to emerging policies at different stages in the neighbourhood plan process. Once a neighbourhood plan is 'made' (adopted) it carries the same weight as other development plan policies.

Like all planning policy documents, neighbourhood plans will gather increasing weight as a material consideration, the further they get through the process.

For all Plans the **National Planning Policy Framework** 2018 says (Para 48):

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Further guidance is found in the Planning Practice Guidance
<https://www.gov.uk/guidance/neighbourhood-planning--2>

Conflict between policies

If there is any conflict between the neighbourhood plan policies and those of other elements of the Development Plan then the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. (NPPG Neighbourhood Planning – para 09)

Stage of plan preparation:

The regulated stages of neighbourhood plan preparation and the level of weight to be attached are set out below. Up to date information on the progress of each Neighbourhood Plan can be found at <http://www.hart.gov.uk/neighbourhood-planning>.

In summary, as at 24 January 2019 the following Plans have some weight in decision making:

Rotherwick NP	– Full weight as part of the Development Plan
Winchfield	– Full weight as part of the Development Plan
Odiham	– Full weight as part of the Development Plan

Examiner Reports – The weight of a Neighbourhood Plan relates to the modifications made to the policies in the Plan as a result of the Examiners recommendations. The Examiners comments in themselves carry no development plan weight.

Stage	Comments	Weight in Decision Making
Neighbourhood Area Designation agreed by HDC	All that is really known is the intention of a community to prepare a plan – there is likely to be little content to take into consideration and, importantly, detailed proposals	No weight can be given
Relevant Plans:	Blackwater & Hawley http://www.hart.gov.uk/blackwater-hawley-0 Yateley https://www.hart.gov.uk/yateley	
Pre-submission Consultation (carried out by NP Group)	Following this 6 week consultation the neighbourhood plan group will have evidence of community support for the plan – and if any policies are not supported or need to be changed. However the plan might not be legally compliant and has not been tested against the Basic Conditions ¹ .	Little weight can be given as the Plan has not been tested and may be subject to change following consultation.
Relevant Plans:	Crandall Neighbourhood Plan consultation November – December 2018 https://www.crandall-pc.gov.uk/neighbourhood-plan/neighbourhood-plan-reg14-consultation Hook Neighbourhood Plan consultation November/December 2018 http://neighbourhoodplan.hook.gov.uk/ Crookham Village January – March 2019 https://www.hugofox.com/community/crookham-village-neighbourhood-plan-7984/home	
Submission/Legal Compliance	The plan is formally submitted to Hart District Council and checked for legal compliance.	Limited weight can be given as the Plan is still subject to consultation, examination and referendum and may still be subject to significant change.
Relevant Plans:	Dogmersfield NP https://www.hart.gov.uk/dogmersfield	
Publication Consultation	This 6 week consultation is undertaken when Hart District Council confirms the plan as being legally compliant.	Prior to the outcome of the Examination any limited weight is

¹ These are the tests against which the Plan will be examined and include: having regard to national policies, general conformity with the strategic development plan policies and contributes to the achievement of sustainable development.

(carried out by HDC)	Representations made at this stage will be assessed by an independent Examiner.	dependent on the level of objection received to the consultation – taking into account any comments received and with the knowledge that the examiner can require changes to the plan
Relevant Plans:	Fleet NP (January – March 2019) https://www.hart.gov.uk/fleet Hartley Wintney NP (January – March 2019) https://www.hart.gov.uk/hartley-wintney	
Examination	The Examiner determines whether the plan meets the Basic Conditions and recommends whether it proceeds to referendum or not. He may also require changes to be made to the plan. The Council decides whether to accept the recommended changes and whether the plan will proceed to referendum	Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.
Relevant Plans:	None currently at this stage.	
Referendum	Those on the Electoral Register within the plan area vote in a referendum, in a Yes/No vote on whether the plan should be adopted. A simple majority of those who vote, regardless of turnout, means that the Plan can be adopted.	As above, after successful Referendum the plan carries substantial weight.
Relevant Plans:	None currently at this stage	
Adoption	The plan is adopted by Hart District Council. The Council makes the plan if it considers that it is compatible with EU obligations and does not breach the European Convention on Human Rights.	The Neighbourhood Plan has full development plan weight in decision making.
Relevant Plans:	Rotherwick Neighbourhood Plan (15 December 2016) Winchfield Neighbourhood Plan (30 March 2017) www.hart.gov.uk/winchfield Odiham Neighbourhood Plan (29 June 2017)	

www.hart.gov.uk/odiham