

Briefing note: weight of emerging neighbourhood plans November 2020

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** (para 48) says:

From the day of publication, decision-takers may also give weight (unless other material considerations indicate otherwise) to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced the 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).

National Planning Policy Guidance (NPPG) says:

An emerging neighbourhood plan is likely to be a material consideration in many cases. [Paragraph 48](#) of the revised National Planning Policy Framework (see above) sets out that weight may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. A referendum ensures that the community has the final say on whether the neighbourhood plan comes into force as part of the development plan. Where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with NPPF. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. All representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority's [publicity period](#).

[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.

New para 107 introduced in response to the Coronavirus pandemic states :

Decision-making: Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.

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 009)

Further Guidance:

[National Planning Practise Guidance](#)

[Locality – Neighbourhood Planning](#)

[Planning Advisory Service/Local Government Association](#)

[National Association of Local Councils \(NALC\)](#)

Weight of Neighbourhood Plan VS Stage of plan preparation:

Stage	Comment	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	None
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.
Submission/Legal Compliance	The plan is formally submitted to Hart District Council and checked for legal compliance.	Limited weight can be given, subject to evidence of support (this will be set out in a Consultation Statement). Any weight is dependent on the Council being of the opinion that the plan is legally compliant (but the Examiner must confirm this).
Publication Consultation (carried out by HDC)	This 6 week consultation is undertaken when Hart District Council confirms the plan as being legally compliant. Further comments made at this stage will be assessed by the Examiner.	Increasing weight can be given after the close of consultation – taking into account any comments received during the consultation and with the knowledge that the examiner

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.

		can require changes to the plan
Examination	The Examiner determines whether the plan meets the Basic Conditions and recommends whether it can proceed to a 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.	A successful plan carries considerable weight. It has now been confirmed that subject to Modifications the plan is legally compliant and meets the Basic Conditions. 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.
Decision to proceed to Referendum	Hart District Council is required to accept the changes Recommended by the Examiner and agree that the NP can proceed to a referendum.	Where the local planning authority has issued a decision statement detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.
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, regardless of turnout, means that the Plan can be adopted.	After successful Referendum the plan carries substantial weight.
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 and has no powers to amend the content.	The Neighbourhood Plan has full development plan weight in decision making.