

Briefing note: weight of emerging neighbourhood plans July 2017

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** 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:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). (NPPF Annex 1 - para 216)

National Planning Policy Guidance (NPPG) says:

'An emerging neighbourhood plan may be a material consideration.Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies....Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan.It is for the decision maker in each case to determine what a material consideration is and what weight to give it.' (NPPG Neighbourhood Planning para 07)

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)

Further Guidance

Further guidance can be found in the NPPG including:

Guidance on prematurity - http://planningguidance.communities.gov.uk/blog/guidance/determining-a-planning-application/how-must-decisions-on-applications-for-planning-permission-be-made/#paragraph_014

Weight to an emerging neighbourhood plan -

http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/what-is-neighbourhood-planning/what-is-a-neighbourhood-plan-and-what-is-its-relationship-to-a-local-plan/#paragraph_007

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> or please contact Katie Bailey (ext 4146).

In summary, as at 29th June 2017 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 Crondall http://www.hart.gov.uk/crondall Crookham Village http://www.hart.gov.uk/crookham-village Dogmersfield http://www.hart.gov.uk/dogmersfield Fleet http://www.hart.gov.uk/fleet Hartley Wintney http://www.hart.gov.uk/hartley-wintney Hook http://www.hart.gov.uk/hook	
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:	None currently at this stage	

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.

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).
Relevant Plans:	None currently at this stage.	
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 can require changes to the plan
Relevant Plans:	None currently at this stage.	
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	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.
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, regardless of turnout, means that the Plan can be adopted.	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	The Neighbourhood Plan has full development plan weight in decision making.

	European Convention on Human Rights and has no powers to amend the content.	
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	