

Neighbourhood Planning - Where to Now? Q&A's

Peter Edwards' (Planning Progress - peteredwards@planningprogress.co.uk) answers are in blue.

Many of the questions below ask what should be done pending the currently proposed planning reforms and because many of those reforms are still only at the consultation stage, it is impossible to give clear answers (even the MHCLG officials seemed unable to answer most of the questions directed at them in the Thursday session). In short, the government has no clear idea of the likely detail. Therefore, the general advice is to keep a watching brief, monitor the situation and be ready to progress NDPs and NDP modifications again when things are a little clearer. That general advice is referred to below as '*Monitor national reforms and your LPA's website for updates*'.

It is difficult to give technically detailed answers in this format so references below to 'TPNP' (Ch. or p.) are directions to the relevant parts of Peter's book, 'The Power of Neighbourhood Planning'; <https://bathpublishing.com/collections/planning/products/the-power-of-neighbourhood-planning>.

1. How do you think neighbourhood planning will change as a result of the Planning Government White Paper? *It really is too early to say - the signs are not good but hopefully they'll be quite a backlash against what's currently proposed.*
2. Do you have any idea when this white paper may be passed? *It will many months in my view before the proposals, as modified by the consultation responses, are made law.*
3. Our neighbourhood plan was made a few years ago. I am struggling to find guidance on how to 'review' the made plan. Where is the best place to go for guidance? Everything seems to be focussed towards getting the plan written in the first place and no further. *There are statutory provisions and National Planning Practice Guidance (NPPG) on NDP reviews - see TPNP p148.*
4. Our Neighbourhood Plan is now 2 years old, should we review it now, given the fact our Local Plan is under review, as well as the White Paper? *Monitor national reforms and your LPA's website for updates.*
5. Our LA adopted its Local Plan in 2019, our Neighbourhood Plan was adopted by the LA in Jan 2017. The Local Plan has run roughshod over our Neighbourhood Plan and so we want to refresh our plan to protect the development areas that have been identified. But we are concerned about timescale. Pressure to carry out the plan whilst external funding is available until March 2021, but do we refresh our plan at a time when the White Paper in its consultation stage? Could you advise please? *Monitor national reforms and your LPA's website for updates.*
6. Would you recommend that councils with adopted NDPs carry on with planned reviews, or hold off until the legal situation becomes clearer? *Monitor national reforms and your LPA's website for updates.*
7. My TC's first plan failed to pass the referendum and now needs revisiting, reviewing and a significant portion re writing. Is there any point in doing this until the outcome of the proposed changes are known? *Monitor national reforms and your LPA's website for updates.*
8. We are at the Policy writing stage of our Plan. Our LA Local Plan was found not to be sound and they are currently undertaking a Part Review. Do we plough on and complete our NDP or do we wait until the LA Local Plan has been passed and the Policies in the NPPF are formalised? *Indeed, continue to progress local aspects of your NDP if you can but await progress on the LP -*

also there may well be a new NPPF coming out of the reforms. Monitor national reforms and your LPA's website for updates.

9. Can you please tell us how long a Neighbourhood Plan is valid for? In theory for as long as the plan period stated on its cover - normally 10 years - though certain individual policies may lose currency and validity in far less time than that - reviews should be considered almost constantly but certainly every two years even if only to modify certain policies.
10. Why don't the government invest in regenerating all the empty properties instead of building new all the time? We have some real eye sores that could be made fantastic right in the centre of the town. I couldn't agree more! The real reason is that the big developers who have the govt round their little finger aren't interested in renovating existing properties.
11. Is the book a step-by-step guide on how to setting up a neighbourhood plan - or is it more prose based background and ideas? Both - TPNP Ch5 'Making a Neighbourhood Plan' is a step-by-step guide, see also Ch6 'Neighbourhood Plans and Housing'.
12. Who do you apply to for reviewing a NP? Liaise with LPA first - depending on the changes an examination may be required - see TPNP p148.
13. Are there differences in Wales? Some very minor differences - check with your LPA.
14. Have any NP's been challenged and if so, how many NP's have been ignored/overtured? Yes, don't know how many - if the challenge succeeds then usually only individual policies are affected.
15. Speaking from experience as a community rep on a plan steering committee, the process of plan-making is a real boost to community self-awareness and engagement. How can we build on that? And how can we use it as a basis for establishing parish councils where these have taken place in non-parished areas? Build on it by continuing to engage in planning and development issues wherever possible and monitor the NDP and its effectiveness. PCs cannot be established in unparished areas.
16. As a community and parish really affected by the local authority's lack of 5 year land supply (for the 2nd time in the last 5 years) - and the NPPF change that says that the adopted Plans with a site allocation can now only hold down to a 3 year supply for 2 years now - this is very frustrating for our NHP which goes to Reg 16 next week - that it will only "last" and protect us for 2 years, and yet took us 8 years to get here.....
 - a. Do you think this will be updated/looked at by the Planning for the Future, or even be completely overturned by the Planning for the Future?
 - b. What else can we do other than lobby our MPs (which we have banded together and done as a collective of parish/town councils in the area) to get this new 2 year rule overturned?

I completely agree, this is a major problem and a major flaw in the system - I cannot see the reforms changing this for the better - in fact binding housing numbers are to be set nationally so will probably circumvent NDPs altogether. Lobby your MP!

17. Do you have any advice about parishes like ours that were about to go to public consultation as lockdown hit? Although we have been allowed/enabled to do an online public consultation we know that any referendum are postponed until May 2021. Would we be better easing off our planned timetable or get the consultations /inspections done in the interim? It depends on how effectively you think you can undertake the consultations currently - if you can then plough on.

18. Locally the residents want to manage the housing, but because the last local plan was 2003 and there is no 5 year land supply (and not building enough) there have been some large scale developments and concern there may be an even larger one in the offing so an over provision according to identified local need, Would there still be a problem if the NDP has no additional housing? [Potentially, yes.](#)
19. An examiner took all site allocations out of an NDP supported by a new officer at the LPA who had not been involved in previous negotiations. Why was this allowed? The NDP group was enormously frustrated. [I don't know all the details but if the NDP was in general conformity, then it shouldn't have been allowed and the examiner overstepped the mark!](#)
20. I remember hearing that with one of the early NPs the examination changed the plan so much that the QB (& parish council) campaigned against it during the referendum. Sadly I can't remember where, and didn't hear what the end result was. Do you happen to recognise the case and know the answer? [Swanwick Neighbourhood Plan - in Derbyshire.](#)
21. We talk about Neighbourhood Plan, but the acronym we use is NDP, i.e. Neighbourhood DEVELOPMENT Plan which implies there will be development, more buildings. Are we being disingenuous? [Well, in the sense that an NDP should not try to prevent development \(though there are ways around that\), yes!](#)
22. We are thinking of getting together with a group of neighbouring parishes to put together a plan which will incorporate a development expansion area. The expansion area is on our boundary and not in our area but our area will certainly be impacted. Can we have our own plan, but also be involved in a separate plan about the expansion area adjacent to our boundary? [Potentially yes, provided there are two separate neighbourhood areas that do not overlap.](#)
23. We have a MADE NP (Dec 2018) covering the rural area (4 PCs joint effort) but our Local Authority constantly ignores it and overrules our objections to inappropriate development - to the frustration of the PCs, 6 years' work down the drain!! What can we do? [I can really understand your frustration - you should inform the LPA of your concerns but I realise that may not get you very far. Individual LPA decisions that are unlawful for not considering the NDP could be subject to a judicial review but that is costly - any wealthy residents who would be willing to support such a challenge? Other PCs have done this.](#)
24. Could a neighbourhood plan specify the quality of housing, such as passive housing or use of renewable energy schemes? [I doubt it in all honesty because important as they are, such details are not strictly planning issues but down to building regs. It is an absolute travesty in my view that building regs do not endorse these principles - we have barely moved forward at all in 20 years on this; appalling!](#)
25. Our NP is currently at Reg 16 consultation. I understand that the PC will agree (or not) the proposed examiner with our LPA. Is this a conversation or do we actually have a veto (if required)? We have a Planning Consultant to advise who has successfully helped other Parishes with the same LPA. We have worked well with the LPA although have also had some 'robust' discussions when it came to a few policies and how they interacted with the Local Plan post reg [See TPNP p75 - if you cannot agree with the LPA on the examiner, the Secretary of State will appoint one!](#)

26. Peter with the 3 zones being mooted: Protected Zones, Renewal Zones and Growth Zones, do you feel Neighbourhood Planning is at threat of just being "street by street - design codes"? That is to say that the Government is looking to "front-load" public involvement at the policy stage (defining these zones) rather than engagement with planning applications per se. [There is that possibility, I'm afraid, amongst several others but, yes, that is a possible danger.](#)
27. Why would councils designate an area as "growth" and so lose control over it? [They will have to designate zones on the basis of certain criteria but will not entirely lose control of it as site allocations would be via the Local Plan and the LPA would still have jurisdiction over PD rights approvals and planning conditions.](#)
28. What are the permitted development rights in a conservation area? Are there any specifics we should be looking for? Do they still count if in a conservation area or does being in that location trump permitted development rights? [The way it works is that certain PD rights may not apply in CAs or they may be removed in CAs by what's called an Article 4 Direction made by the LPA.](#)
29. Is there any sign at all that the Government will make developers comply with anything? Central control over the planning authorities and local communities but not over developers? [Unfortunately, the govt seems to be completely at the mercy of developers and the construction industry which is very bad news for us all!](#)
30. If a Council already has a Neighbourhood Plan, is there legislation in place to allow it to be reviewed, and can the grant funding be used for review purposes? [Yes, there is legislation for a review of NDPs - see TPNP p148. Good question about funding for that - you would need to check with Locality.](#)
31. With the call for sites, will Parishes with Neighbourhood Plans find that developers can suggest new sites which would be accepted although that site is not a preferred sites in the NP? [Possibly - it depends on timing and currency of the NDP.](#)
32. If an inspector or LPA effectively neutralises a policy at adoption, is there anything preventing the QB from submitting it for review immediately and including their original policy? [In theory, no, but in practice I think it unlikely a second examiner \(on the review examination\) would approve a policy he or she knows the previous examiner struck out or amended.](#)
33. Our village had its Neighbourhood Plan referendum cancelled earlier this year due to Covid (it was due just a few days after lockdown). We have previously taken a hit of 600 extra houses in the past couple of years due to our District Council not having a 5 year land housing supply. They are now in the process of updating their Local Plan and have just gone through the initial Call for Sites process, with a proposed 1800 extra homes put forward in our village. The District Councils' suggested spatial approach and preferred sites will be put forward for full public consultation next year. **Question: If our referendum goes ahead next May and the NP approved, how robust is it to challenge by the developers of the potential new sites and has anyone successfully used a NP to refuse development?** [Again, this will all come down to timing and the detail in the LP - that in turn may be affected or be put on hold pending the proposed reforms so monitor the national reforms and your LPA's website for updates. Yes, NDPs have been successfully used to resist development.](#)