

Neighbourhood Planning

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After the Neighbourhood Plan is Made: Implementation, Monitoring and Review

A toolkit for neighbourhood
planners

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1. Introduction

Purpose of the Toolkit

This toolkit has been developed to guide the implementation, monitoring, and review of neighbourhood plans, once they are made. It may also be useful to bodies currently preparing neighbourhood plans, in terms of thinking about later implementation, monitoring and review.

There is no formal requirement to monitor or review neighbourhood plans, but it is good practice and helps to ensure that the neighbourhood plan remains relevant and effective.

The toolkit is aimed at town and parish councils and neighbourhood forums (or bodies that supersede neighbourhood forums, after their 5-year expiration). Civic societies and other local community and amenity bodies could also have a role in the implementation and monitoring of neighbourhood plans.

Structure and Content of the Toolkit

Part 2 deals with implementation, both through an active role in making representations on planning applications and appeals and in direct delivery of projects and actions that may have been set out in a neighbourhood plan.

Part 3 deals with monitoring of the neighbourhood plan, including decisions on planning applications and consideration of whether plan aims are being achieved.

Part 4 deals with review and revision of neighbourhood plans. It is inevitable that neighbourhood plans will need to be updated from time to time.

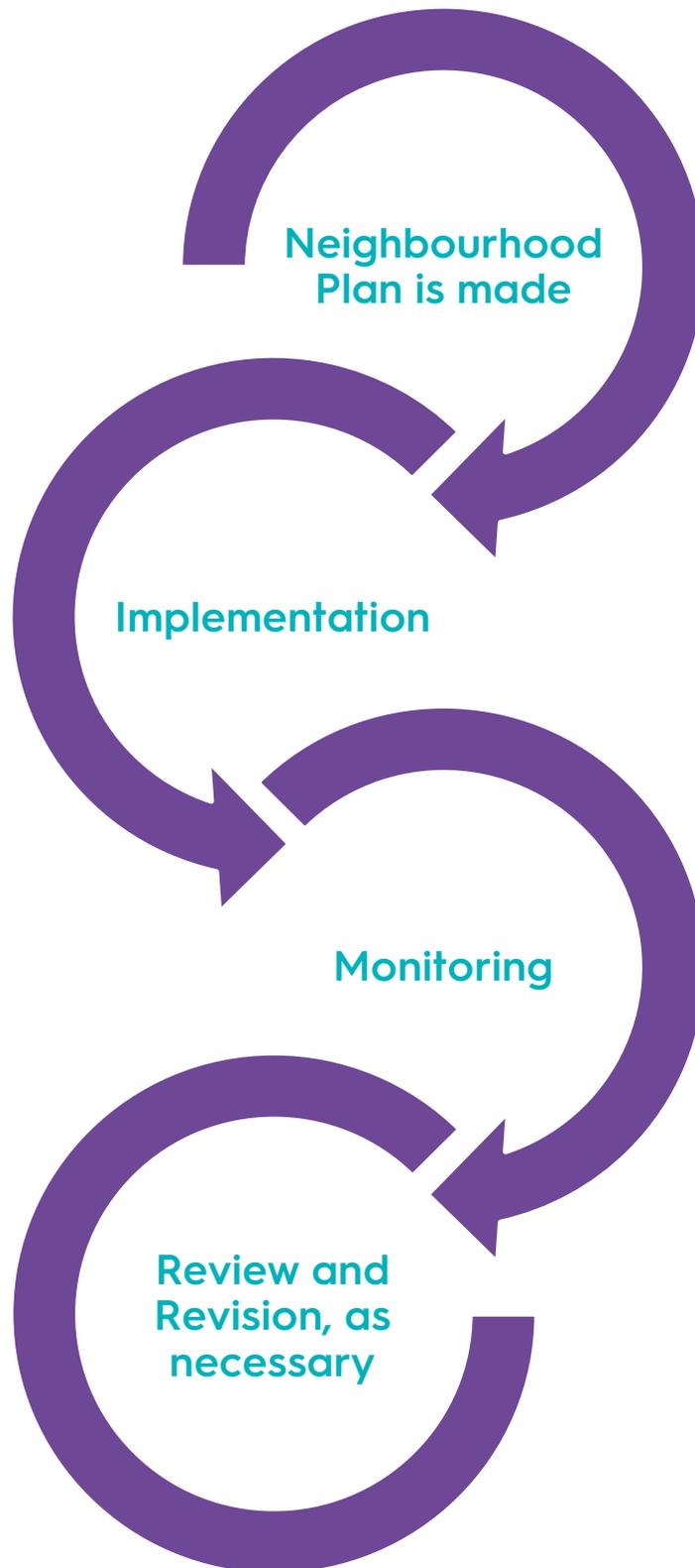


Figure 1: Cycle of implementation, monitoring, review and revision of neighbourhood plans.

2. Implementation

What is meant by implementation and who is responsible?

Once a neighbourhood plan is made, it is useful to think about implementation.

Once made, the neighbourhood plan becomes part of the statutory development plan for the area. Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. So the local planning authority (LPA) has a key responsibility in implementing the neighbourhood plan, by applying the policies through the development management process. Development management refers to the role of LPA in dealing with planning applications and other consents.

The role of neighbourhood plan bodies need not end once the plan is made. Town or parish councils or neighbourhood forums could make representations (comments) on planning applications, highlighting how neighbourhood plan policies apply to each scheme. Other people or local bodies could also make representations on planning applications, such as civic societies, residents or local businesses.

Neighbourhood plan bodies or other local stakeholders can also implement plans and help to achieve their aims through direct delivery of development, projects or other actions.

Parish and town councils may also receive a proportion of any monies received through the Community Infrastructure Levy (CIL). Neighbourhood forums do not receive any CIL monies, but are consulted on its use by the LPA.

Planning Applications

Planning applications received by the LPA, relating to sites in the neighbourhood area, could be checked regularly. This can be done by checking on-line lists of applications or signing up for notifications by email, where this is available. Schedule 1 of the Town and Country Planning Act 1990 was amended by the Neighbourhood Planning Act 2017 to require the LPA to notify parish councils of applications (or amendments to applications) in their area.

The LPA must take any representations received into account in making their decision, insofar as they relate to material planning considerations (see box on

Material Planning Considerations). This means that representations must relate to the use and development of land and any associated social, economic, and environmental impacts of development.

Representations can explain how the neighbourhood plan policies should be applied in considering any planning application. The policies of the local plan

Material Planning Considerations

Material planning considerations are related to the use and development of land, as the following examples demonstrate:

- Impact (positive or negative) on a town centre is a material consideration. However, the planning system is not about preventing competition. So competition with a specific shop or business would not be grounds for objection.
- Impact on the character or appearance of a conservation area is a material consideration. Impacts can be positive or negative, for example creative new design may enhance the character of a conservation area.
- The capacity of local transport infrastructure (public transport, cycle facilities, roads and other infrastructure) to support development is a material consideration. Impact of development on traffic safety is also a material consideration. However, management of existing traffic systems and public parking charges are not relevant.
- Impact on the amenity of residential properties is a material consideration, for example through noise, dust and vibration. However, impact on the value of property would not be a material planning consideration.
- Impact on pedestrian convenience and safety would be a material consideration. This could include convenient routes in the layout of new housing, with good connections to surrounding paths and facilities.
- Impacts on trees and protected landscapes would be a material consideration.
- Regularity of local bin collections would not be a material consideration.
- Adequacy of foundations and construction are not material considerations (these are covered by the Building Regulations). However, the need for design to take account of flood risk is a material consideration.

may also be referred to in representations, or the policies of the strategic plan, where there is one.

LPA's are required to determine planning applications in accordance with the policies of the statutory development plan for the area, unless material considerations indicate otherwise. The statutory development plan comprises policies in strategic plans, local plans and neighbourhood plans. So all need to be considered. Where non-strategic policies conflict, the plan that was made or adopted most recently will carry more weight.

Relevant national policies and guidance are a material consideration for LPA's in determining planning applications and may also be referenced to support representations. Chapter 4 of the National Planning Policy Framework (NPPF) deals with planning applications, whilst a range of subject matters are addressed in other chapters. Planning Practice Guidance (NPG) includes a chapter on 'determining a planning application' and chapters on a wide range of other subjects. Links to national policy and guidance are included at the end of this document.

A useful tool for making an initial assessment of planning applications could be a spreadsheet with policies listed across the top and then space for comments below.

A traffic light system may be useful, as follows:

- Green – development scheme fully meets policy requirements;
- Amber – development scheme partially meets policy requirements;
- Red – development scheme fails to meet policy requirements.

Policy 1	Policy 2	Policy 3	Policy 4	Etc.
Site within area identified as being suitable for development.	Limited thought given to pedestrian permeability.	Housing mix does not meet policy requirements.		

Figure 2: Possible spreadsheet to support assessment of planning applications.

Representations are more likely to be effective if they are clear, rational and balanced. Planning decisions are based on the use and development of land.

The focus of representations should be on the development scheme itself, whilst comments on the developer or its staff or consultants should be avoided. Over-emotive or insulting language should also be avoided.

Responses can highlight both how the scheme meets policy requirements and where it does not. Sometimes, key points can be lost in excessive detail, so concise responses often work best.

Where policy requirements are not being met, constructive suggestions for modifications and improvement of the scheme are helpful. Representations should be made as early as possible, to allow time for modification of a scheme, where necessary.

Good and bad examples of representations:

Good:

We object to the proposed development. The scale and massing of this scheme are out of character with the surrounding context. The conservation area character appraisal identifies the domestic scale of properties as a key part of the area's character. The scheme would harm the character and appearance of the conservation area and be contrary to policy CONS11 of the Village Neighbourhood Plan and also policy DC5 of the Local Plan.

We do recognise the need for smaller new housing and recognise the innovative 'green' aspects of the design. By breaking down the massing differently, the scheme could be made to fit in with the local context. We would be happy to work with the developer and local planning authority to achieve this.

The above response sets out the issues behind the objection, with reference to policies and making constructive suggestions for improvement.

Bad:

We object strongly to this planning application. We don't like the look of it. It is modern and ugly. Our residents pay council tax and have made clear that they don't like change and don't want any new development.

The developers are only proposing this housing to make a profit.

This objection is vague, makes no reference to policy and includes irrelevant issues.

A checklist for making representations on planning applications is included on the following page.

It may also be useful to monitor decisions being made by the LPA and this is dealt with in part 3 of this toolkit.

Checklist: making effective representations on planning applications

- Include the name of the site and planning application reference number in the title at the head of the letter.
- Start the letter by stating who is making the representations and include a very short paragraph on what the organisation does (for example a parish council, neighbourhood forum or other body). Make sure the letter includes full contact details.
- Focus on material planning considerations and avoid including non-planning matters. Planning is concerned with the use and development of land in the public interest. Material planning considerations could include a wide range of impacts (social, economic, environmental).
- Where objecting to a scheme, make clear the specific reasons for underpinning the objection. It may be useful to use bullet-points. Where supporting a scheme, it is useful to set out the positive impacts of the scheme and the benefits that it would deliver. It is useful to balance criticism of parts of a scheme with recognition of positive aspects.
- Support arguments by quoting neighbourhood plan policies and making clear where the scheme complies and does not comply with policy requirements. National and local or strategic plan policies may be used similarly. This may include policies and guidance in the NPPF, Planning Guidance, the adopted and/or emerging local plan for the area. These should all be accessible through Government and local authority web sites.
- Avoid basing comments on personal taste, for example personal stylistic preferences.
- It is helpful to make constructive suggestions for amendment, to bring the scheme to the required standard, where the concern is over specific aspects of a scheme rather than the principle of the development. If a scheme is generally acceptable in planning terms, it is useful to highlight matters that could be dealt with through simple amendments to the plans or through use of planning conditions. For example, conditions could be used to control hours of operation of commercial premises, where there are nearby residential properties.
- Where possible, support arguments with relevant evidence. For example, this could include evidence on housing need, a conservation area

character appraisal or data on traffic capacity and safety. However, it is useful to be selective. Over-burdening the recipient with material of questionable relevance could deflect focus on more relevant evidence.

- Use simple and accessible language and a clear written style. Avoid jargon, over-academic writing styles or over-long and complex sentences. Construct simple and direct points. Arguments can get lost in excessive detail. It can be very tempting to include huge amounts of unnecessary information. Less is more.
- Undertake a spelling and grammar check on the letter. Where possible, get somebody else to proof-read the letter.

Working with Developers

Neighbourhood plan bodies can seek to engage directly with developers. For example, they could ask to attend LPA developer forums, where they exist. Or they can contact developers directly, where they are aware of their interest in local sites. If this is done in a positive way, it can influence development schemes. Earlier engagement is best. It becomes more and more difficult to influence schemes the more advanced the design process, as more time and money is invested. So pre-design engagement is most likely to be effective.

Neighbourhood plan bodies could offer to help developers to engage with the wider community at an early stage. Early engagement allows for community knowledge and aspirations to inform the design brief and design process. Late engagement tends to focus on limited tweaks and surface aesthetics.

So early and effective community engagement can help hugely in avoiding conflict at later stages, with the associated cost and delay. Some experienced developers understand this, whilst others are more reluctant to engage. A constructive dialogue can help to convince developers of the benefits of community engagement.

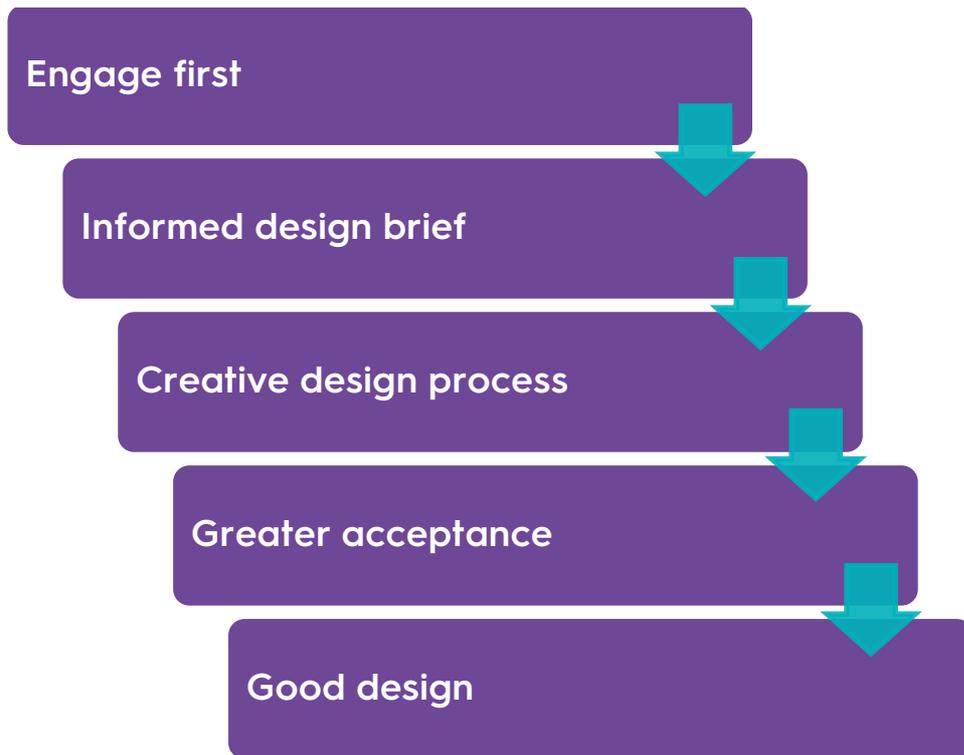


Figure 3: Good (top) and poor (bottom) practice in engaging with communities in the design process.

Projects and Actions

Many neighbourhood plans include projects and actions that fall outside of the scope of planning policy. These are not part of the statutory neighbourhood plan but are just as important in delivering plan aims as the statutory planning policies. So part of implementation can involve direct delivery of projects or other activities.

These can be diverse. The following diagram includes some examples.



Figure 4: Direct delivery of projects and actions.

For those directly delivering development projects, the following checklist sets out key stages and issues to address.

Checklist: effective development project delivery – key stages

Project purpose and concept: This is about identifying the need for a project and setting out the general purpose and concept. This may be a result of the neighbourhood plan process. Neighbourhood plans can include key projects in a non-statutory part of the document.

Community and stakeholder engagement and involvement: In developing projects, it is important to engage with the community and key stakeholders not just at the pre-design stage, but as part of developing the project brief. Such community and stakeholder engagement may have been done as part of the neighbourhood plan process. Clearly, the level of engagement needs to be proportionate to the scale of the project.

Project brief: The quality and content of the project brief are crucial to successful delivery. Problems with the brief can result in delay, additional cost and even project failure. The brief needs to set out the purpose, nature, specifications, timetable and budget for the project. It also needs to specify the requirements for the professional team and contractors to meet.

Feasibility and viability: Consideration of feasibility would include policy, infrastructure, physical constraints and a range of other factors. Viability is about ensuring that the available budget covers costs at the capital stage and that income covers expenditure at the revenue stage. A sustainable project plan and business plan is likely to be required by any funding bodies.

Professional teams and contractors: The selection of both the professional team and contractors to undertake the project is crucial. There should be a clear understanding of the skills and track record required to undertake the work. A robust selection process is required.

Design process: The design of a project can make the difference between success and failure. Decisions taken at the design stage have short and long-term implications in terms of function, running costs, sustainability, quality of life and durability.

Procurement (construction): There are various kinds of construction contract and there needs to be absolute clarity over the respective responsibilities of the client, professional team, contractor and anyone else involved. Quality assurance will need to be written into contracts.

Completion: On completion the project is handed over to the client, though this may be on a phased basis and there will be a period for addressing defects. Once the project is operational, it will be necessary to assess and monitor outputs and outcomes (see later section in this toolkit).

Case Study - Hartley's Village, Liverpool

The emerging Hartley's Village neighbourhood plan has a focus on heritage-led regeneration, including refurbishment and development of a listed factory building. Due to low land values, there are viability challenges and there is an appreciation that cross-sector partnerships are likely to be necessary to achieve the aims of the neighbourhood plan. So the Hartley's Village Neighbourhood Forum has begun a dialogue with the factory owner to discuss possible options for delivering a project, including community-sector involvement.

Community Infrastructure Levy Expenditure

Not all areas have a CIL. Even where there is CIL, they may only raise limited funds. The CIL raises money most effectively in areas where high levels of growth are occurring. For areas in need of regeneration and economic development, CIL may raise little or no money.

However, where there is a CIL, 25% of monies raised from development within a neighbourhood area is paid to the town or parish council. So for town and parish councils, there is a direct role in providing infrastructure, using CIL monies and possibly other funds. This role could be used to address infrastructure deficiencies or community priorities identified in the neighbourhood plan.

Neighbourhood Forums do not receive CIL monies, but local authorities are asked to agree expenditure with communities and to match priorities expressed in neighbourhood plans. So there is good reason for forums to maintain an interest in the CIL expenditure.

There is no direct role in negotiating or administering Section 106 monetary receipts. However, there could be a constructive dialogue with the LPA.

Skills and Training

As soon as the neighbourhood plan is made, it may be useful to arrange a training/briefing session

with local authority officers so that the neighbourhood plan body can explain the policies.

The skills and knowledge required for implementing and monitoring neighbourhood plans are different to the skills and knowledge required for preparing the plan. So training and developing skills may be an important part of the transition from neighbourhood plan preparation body to implementation and monitoring body.

On the planning side, a key activity can be in making effective representations, not just on planning applications, but on any emerging local plan documents. The statutory development plan includes the local plan, and in some areas the strategic plan, in addition to any neighbourhood plan. So it is important to continue to engage with emerging local policy, even after the neighbourhood plan is made. This requires knowledge of planning law and processes, but also communication and influencing skills. Knowledge of different subject areas may also be helpful, such as design, heritage and retail. This is dealt with in more detail in parts 3 and 4 of this document.

Developing and delivering projects involves a whole range of skills, such as project planning, business planning, applying for funding, writing briefs, tendering, contracts, and project management.

Various organisations offer affordable (and less affordable) training, including various national professional and membership bodies and their regional branches. Another approach may be to suggest to the LPA that it arrange for inhouse training for its own officers and neighbourhood planning bodies.

Dealing with Local Authority Staff

In addition to making written representations on local plan documents and planning applications, there are benefits of holding an ongoing dialogue with the LPA. Meetings could be held with local authority staff, for example to discuss local plan revisions or to discuss review and revision of the neighbourhood plan (see parts 3 and 4 of this guide). There may also be speaking opportunities, for example at planning committees or appeal hearings or inquiries. Public meetings are also a possibility

The importance of developing a constructive working relationship with the LPA (and other departments/services) should be recognised. If there are differences or misunderstandings, constructive dialogue can help to clarify how and why these have come about and how to address them.

Case Study: Uppingham Neighbourhood Plan

Following the making of the Uppingham Neighbourhood Plan, Uppingham Town Council was involved in setting up the Uppingham Partnership. A range of stakeholders are involved, including the Town Council, businesses and community organisations. The partnership enables better communication and collaborative working. This includes meeting with developers at an early (pre-design) stage. The partnership can help to match sites to developers and to influence development through early engagement.

Getting to the outcomes wanted by the neighbourhood plan group often involves negotiation and influencing. The checklist below describes how to be effective in influencing people.

Checklist: influencing people – key principles

Select the best people from the organisation to act as representatives at meetings and other situations. This includes **communication and negotiation skills and personal qualities likely to create trust and establish a constructive dialogue.**

The person(s) representing the organisation must work with colleagues to establish an **agreed position and desired outcome** from negotiations, together with scope for flexibility.

Understand the nature of decisions being made, including the statutory and policy context. Find out also what are the priorities of the local authority. Identify any relevant evidence to support your position.

Try to develop relationships based on trust, by being reasonable, courteous and by empathising with officers and elected members. This is important, even if the other person(s) does not demonstrate similar qualities.

Ask questions and listen carefully to help you to understand the other person's position. The best way of gaining support for your position is to explain how it would help the person or local authority to achieve their priorities.

The basis of negotiations must be a **rational argument, supported where necessary by evidence.**

Identify common ground and opportunities to work together or in parallel to achieve common goals. Emphasise what you agree on, then seek to achieve common ground on issues where there is disagreement. **Negotiation is about reaching a win/win solution, not about defeating the other party.**

Treat everyone with courtesy and respect. This is more likely to achieve positive outcomes. Understand the difference between being assertive and aggressive. **Aggressive and bullying behaviour are never acceptable.** It is useful to think of the other persons position and to consider the harmful impacts that aggressive and bullying behaviour has.

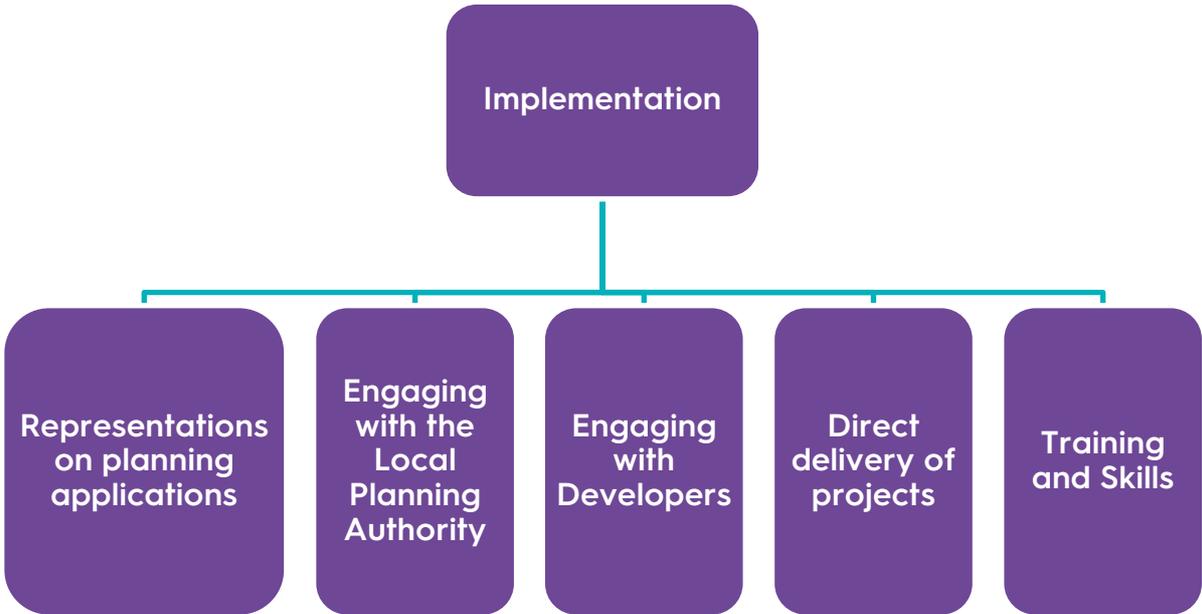


Figure 5 – Implementation of Neighbourhood Plans

Case Study: Walton Neighbourhood Plan - working with a landowner after the plan was made

The plan was made in 2018 and covers the Walton area in Leeds. The plan was led by the Parish Council, but the neighbourhood plan steering group also included wider stakeholders.

The area has no housing site allocations in the local plan, but the neighbourhood plan made three site allocations, enabling around 20 homes. There was good collaboration with the LPA in making the plan.

There is a strong need in the area to provide accommodation for downsizing and for younger people, to sustain the village. Working with the land owner, a Memorandum of Understanding has been prepared and signed by the parish council and land owner. This is primarily focused on the design approach and housing mix. The document is not legally binding, but is a constructive part of the dialogue. The LPA commissioned artist impressions to bring the document to life.

3. Monitoring

What is meant by monitoring and who is responsible?

To assess how effective a neighbourhood plan is in practice, it is useful to monitor how it is being used and the consequent decisions and actions. This would include monitoring of:

- how the policies are being applied to shape decisions on planning applications (development management);
- whether projects and/or actions identified are being achieved;
- level of monies raised through the Community Infrastructure Levy (CIL) and how such monies are being used;
- whether plan aims are being achieved;
- changes to national and local policy;
- changes in the local area.

Consideration of any of these factors could indicate a need to revise a neighbourhood plan (see part 4 of this toolkit).

Monitoring can be done by the neighbourhood planning group and/or other local stakeholders such as civic societies. Some LPAs also monitor how effective neighbourhood plan policies are in practice. The LPA has no power to modify the neighbourhood plan but can provide feedback to neighbourhood plan bodies. Collaboration does not stop when a neighbourhood plan is made.

Neighbourhood planning bodies may identify a person or group of persons responsible for monitoring. The person(s) should be familiar with the neighbourhood plan and preferably have been involved in its preparation. A good understanding of the neighbourhood plan's policies will be necessary in order to assess how well they are being applied.

Other stakeholders may also have an interest in monitoring neighbourhood plans. For example, local civic societies, residents' groups, community development organisations, local institutions and other stakeholders may have an interest in

monitoring outcomes from a neighbourhood plan, especially where they were involved in its preparation. A monitoring group could be established, perhaps involving a few key stakeholders.

Effectiveness of Policies in Development Management

Assessing the effectiveness of neighbourhood plan policies in development management will involve monitoring of various planning decisions, as set out in Figure 6.

What to Monitor	Activity
Officer reports	Where decisions are taken by planning committees, an officers report will advise elected members and make recommendations. Such reports should set out how the policies of the neighbourhood plan apply. Where decisions are delegated to senior officers, there will still normally be a short report with recommendations on the file.
Enforcement activities	Where unauthorised works take place and they breach a neighbourhood plan, it is useful to monitor whether the LPA takes enforcement action and to consider the reasons for doing so or not doing so.
Appeal decisions	Where planning applications go to appeal, the decision notice should set out how the neighbourhood plan’s policies have been taken into account.
Planning decision notices	Planning decision notices will state that a scheme has been approved and set out any conditions or will state the reasons why a scheme has been refused.

Figure 6: Monitoring planning decisions.

It may also be useful to attend planning committee meetings, though many decisions are made under delegated powers. A constructive dialogue with the LPA will be a useful means to gain feedback on the plan's policies from a development management perspective.

When monitoring decisions, the following questions should be considered:

Checklist: monitoring planning application decisions - Questions

Policy compliance: Are planning applications being determined in accordance with neighbourhood plan policies?

Reasons for departing from policies: If decisions depart from neighbourhood plan policies, are clear and valid reasons for doing so being given in officer reports?

Effectiveness: Are policies proving to be effective in shaping local authority decisions and appeal decisions?

Ineffectiveness: If policies are proving to be ineffective, then why?

Matters not addressed by policies: Are there any significant issues arising that are not covered by neighbourhood plan policies?

Monitoring could focus on whether or not schemes are approved, but also look at conditions where planning permission is granted. Conditions may be a direct response to neighbourhood plan policies. Similarly, where a scheme is refused, the reasons for refusal should be examined. These may make explicit mention of neighbourhood plan policies.

The clearer and more specific a policy is, the easier it should be to monitor decisions against it. The hope is that policies are being applied consistently and are proving to be effective. However, some neighbourhood planning groups have found that development has been allowed which does not meet their aspirations.

The starting assumption would be that decisions are being made in a proper and lawful way. If monitoring of decisions and officer reports raises any doubts over this, then the first action should be to bring this to the attention of the LPA. This could include instances where a departure from neighbourhood planning policy has been made, but the 'material considerations' that have underpinned that departure have not been made clear.

The problem may be with the neighbourhood plan itself. Reasons why a neighbourhood plan may be ineffective in practice include:

- policies are vague or comprise general aspirations, rather than providing a clear test against which development proposals must be considered;
- issues are identified in the plan, but are not then addressed in the policies;
- policies are being interpreted differently than intended.

Any of these issues could indicate a need to amend or redraft the policies of the neighbourhood plan. This is covered in part 4 of this document.

A spreadsheet could be created to record:

- how much each policy is being used;
- issues that are being addressed effectively and consistently;
- issues not being addressed adequately by each policy

April				
Policy	Usage	Issues Addressed	Issues not addressed satisfactorily	Comments
Policy 1	2	Affordable provision within the development	Housing mix does not meet aspirations	Policy too vague on housing mix.
Policy 2	3			

Figure 7: Possible spreadsheet to monitor effectiveness of policies.

Where development is undertaken without planning permission being obtained, and where such development contravenes neighbourhood plan policies, it will be useful to monitor whether enforcement action is being taken by the LPA. Where action is not being taken, this could be raised with the LPA.

Infrastructure Receipts

As discussed, not all areas have a community infrastructure levy (CIL) and even where there is CIL, it may raise limited or no funds.

Where there is a CIL, the level of income generation can be monitored. The LPA should have the data to enable this. For parish councils, part of the CIL will be passed on to them, where there is a made neighbourhood plan.

For monies raised through CIL or Section 106, it may also be useful to monitor how it is being used in terms of the kind of infrastructure that is being funded. Some neighbourhood plans include priorities for infrastructure, so these could be compared to the actual expenditure. If the prioritised kinds of infrastructure are not being funded, then this could be discussed with the LPA to determine why.

Projects and Actions

As mentioned previously, many neighbourhood plans include projects and actions that fall outside of the scope of planning policy. The advantage of including these in the neighbourhood plan itself (albeit in a non-statutory part) is that it demonstrates to the community what is being done to address certain issues. The disadvantage of including them in the plan itself is that updating the projects and actions section requires revision of the whole neighbourhood plan. There is a case for creating a separate document for projects and actions, so that it can be updated more frequently and through a simpler, non-statutory process.

Assessment of delivery of non-planning content of plan (projects, actions, proposals) although not part of the statutory plan, may still be important to achieving its overall aims. The more specific these projects, proposals and actions, the easier they will be to monitor. Vague or aspirational actions may be harder to assess.

The neighbourhood plan group may be involved directly in delivery, but external bodies or various departments and services of the local authority may also be involved.

In addition to monitoring whether projects have been achieved, the impact of those projects and actions could be assessed. For projects, this could include assessment of economic, community and environmental impacts. For funded projects, outputs and outcomes often have to be monitored as a requirement of the funding.

In monitoring actions it is not just a case of ticking off the actions themselves, but also the outcomes. For example, actions may be about liaison with local service providers or local authority services to discuss local issues or aspirations. It is then necessary to monitor whether those bodies act as a consequence of such liaison.

Achieving Neighbourhood Plan Aims

Monitoring could also include consideration of whether the overall aims of a neighbourhood plan are being achieved. This is not just about looking at individual decisions and projects and actions, but considering their collective impacts and outcomes for the area. So consideration of whether plan aims are being achieved is likely to require a more strategic and area-wide perspective.

Neighbourhood plans should help to achieve sustainable development, so the overall question could be whether the plan is delivering or has delivered growth and whether that growth has been sustainable (considering social, economic and environmental impacts and outcomes).

Changes to Policy and Guidance

In addition to monitoring the impact of neighbourhood plans, it is useful to monitor changes to external policies.

Changes to national policy and guidance could erode the policies of the neighbourhood plan, if the new policies and guidance are at odds. So the effect of changes to the NPPF, Planning Guidance and other relevant policy and guidance would need to be assessed. National policy is a material consideration in planning decisions that could justify a departure from the policies of a neighbourhood plan.

Similarly, impact of changes to local policy could be considered, for example through the preparation and adoption of a new local plan or strategic plan. Where new local or strategic plan policies differed from an earlier neighbourhood plan, then the policies in the later plan would carry more weight.

So changes to national and local policy may make it desirable to revise a neighbourhood plan, in order to address any consequent incompatibilities.

Changes to legislation could also be monitored. For example, changes to permitted development rights, which remove the need to apply for planning permission for certain types of development, may result in development that

supports or conflicts with neighbourhood plan policies. Where changes conflict with the neighbourhood plan, it may not be possible to address this through a revision. The LPA has powers to issue an Article 4 Direction to remove or partially remove permitted development rights. If you consider that there may be some merit in removing permitted development rights in your area, you may wish to raise this with the LPA.

Sometimes, decisions made by the courts can clarify how existing law should be interpreted (this is known as caselaw).

Changing Local Context and Evidence

Monitoring could also look at changes to the local area. More recent evidence on the local area may indicate significant changes in economic, social and environmental conditions. Such changes could include:

- significant new employers moving into the area;
- loss of employment;
- new or improved infrastructure;
- closure of larger shops or the collective impact of smaller shop closures;
- significant new projects;
- house price increases or stagnation and viability challenges;
- population changes.
- environmental issues addressed or new environmental challenges.

Some changes may be longer-term and more incremental in nature, for example longer-term socio-economic trends. Any of these factors may be relevant when considering the need for modification of neighbourhood plans.

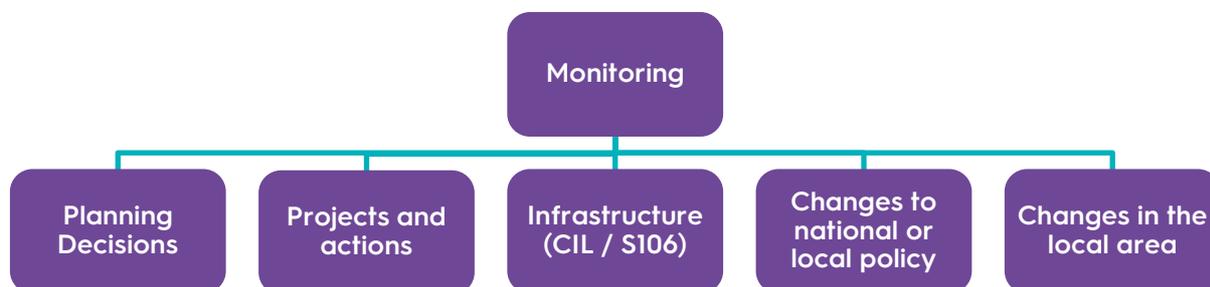


Figure 8: Monitoring of Neighbourhood Plans

Case Study: Holbeck Neighbourhood Plan

This plan covers the Holbeck area in Leeds and was made in 2018. Holbeck is a deprived neighbourhood and the neighbourhood plan is part of the process to address this. There are issues around a transient community and there were no organised community groups before the Neighbourhood Forum. The proposal is to seek re-designation of the Neighbourhood Forum so that it can carry on. Review of the Neighbourhood Plan is already being considered and some issues needing to be addressed have already been identified. This could include defining an urban green corridor.

There is a good relationship with LPA and the forum has also been approached by developers, so the plan has helped to create constructive dialogues. The neighbourhood plan can't designate a conservation area, but the plan preparation process did identify the need for one, so this is currently being considered, in liaison with the LPA. The Neighbourhood Forum has made some representations on planning applications.

4. Review and Revision

Review and revision and who is responsible

Neighbourhood Plans, like all planning policy documents, benefit from being reviewed and revised from time-to-time, to reflect changing contexts and changing needs or issues around effectiveness.

Reviewing a neighbourhood plan to assess any need for revision may be done as part of the monitoring process, described in the previous chapter. So this could involve neighbourhood plan bodies, the LPA, civic societies and other local stakeholders. Any of these bodies could highlight a need for revision. However, the actual decision to revise a neighbourhood plan, and subsequent actions to achieve this, can only be done by neighbourhood plan qualifying bodies (prospective or designated neighbourhood forums or parish councils).

If a previous neighbourhood forum has expired (5 years from designation), then a new designation of the forum will be necessary, if the plan is to be reviewed. The neighbourhood area designation survives, so re-designation of the area is not necessary, unless changes to the boundary are proposed.

Reviewing the plan

There is no formula for judging when a neighbourhood plan needs to be revised. Collective consideration of information gained through monitoring will help in deciding at what point revision becomes desirable. For example, monitoring could identify inadequacies with the drafting of policies.

Monitoring and review can be continual. It is good practice to write into the neighbourhood plan how it will be monitored and reviewed, including frequency of review. Preparation of an annual monitoring report may be a useful approach.

Monitoring may indicate a need for plans to be reviewed, based on various factors, as described in Chapter 3 of this document and the following checklist.

Checklist: reviewing plans - summary of factors to consider

Effectiveness: Consideration of the effectiveness of the existing plan may be assessed through monitoring of planning decisions. Where a neighbourhood plan is not having the desired effect, then this may indicate a need for redrafting of policies or introduction of additional policies.

National Legislation and Policy: There tends to be frequent amendments to planning legislation and national policy and guidance. These should be monitored, as stated previously. Such changes may have a positive or negative impact on the policies of the neighbourhood plan. National policy may be a 'material consideration' that may justify a departure from certain neighbourhood plan policies.

Local Policy: As with changes to national policy, changes to local policy through revision of the local plan or strategic plan may have an impact on certain neighbourhood plan policies. Where local plan and neighbourhood plan policies differ on non-strategic matters, the later plan carries more weight. So the impact of adoption of local plan documents after the making of a neighbourhood plan would need to be considered carefully.

Local Circumstances and Evidence: Changing local circumstances could include economic, social or environmental changes. New evidence should be taken into account to identify and assess the impact of local changes.

Local opinion: Continuing community and stakeholder engagement may highlight local issues or concerns that may influence a decision on whether or not to revise the neighbourhood plan.

What is involved in revising the neighbourhood plan?

To prepare for revision of the neighbourhood plan, the following steps should be taken:

Engage with the community and stakeholders to publicise the proposed revision and invite feedback on what is required.

Update the evidence base for the neighbourhood plan, identifying the most recent data and evidence available.

Figure 9: Preparing to amend a neighbourhood plan.

Updating the neighbourhood plan document will involve the following steps:

Update the sections of the plan describing community and stakeholder engagement to recognise that undertaken to revise the plan.

Update the evidence section of the plan to reflect the most recent data and update all references to national and local policy, if necessary.

Review the policies and revise them as necessary, including their supporting rationale and evidence.

Consider the need for site allocations (existing allocations survive) and/or Local Green Space designations.

Undertake an overall edit of the plan to ensure it reflects current circumstances.

Figure 10: Amending a neighbourhood plan document.

Statutory process - options

Where a neighbourhood plan is proposed to be revised, there are certain options in terms of statutory process, depending on the extent of that revision.

Minor (non-material) updates that would not materially affect policies may be made by the LPA, with consent from the neighbourhood planning group. In these circumstances, there is no need to repeat Regulation 14 consultation, examination and the referendum. Similar provisions exist for correcting errors in a plan, though this will probably have been done already, as part of the examination process.

If a group wish to make modifications that do materially affect the policies in the neighbourhood plan, the plan would need to go through the later stages of the statutory process, from pre-submission consultation (Regulation 14) onwards, although a referendum may not be required (this is explained later in this section).

If updates are proposed by a group that would materially affect policies, there are certain additional requirements. These are:

- at the Regulation 14 consultation stage (pre-submission) the group must state whether it believes that the modifications are so significant or substantial as to change the nature of the plan, giving reasons;
- when sending the plan to the independent examiner, the LPA must state whether it believes that the modifications are so significant or substantial as to change the nature of the plan, giving reasons. A copy of the original plan must also be submitted to the independent examiner;
- the examiner will then decide whether the modifications proposed change the nature of the plan and the group must decide whether to proceed with the examination.

A referendum is not required if an examiner decides that the modifications are not so significant or substantial as to change the nature of the plan and would meet the basic conditions (with modifications if necessary). In this circumstance, an LPA must make the plan within 5 weeks of receiving the examiner's report (or as agreed with the group).

However, if the examiner finds that proposed modifications do change the nature of the plan, the LPA would need to publicise and consider the examiner's report in the same way as for a new neighbourhood plan and a referendum would be required.

5. Conclusions

Although this toolkit is focused on the period after a neighbourhood plan is made, it is likely to be helpful at the plan preparation stage, in particular in understanding how policies will be used.

Positive **implementation** is useful, to ensure that the neighbourhood plan is being used properly and to ensure delivery of its aims.

Continual **monitoring** helps to better understand how the plan is being used and how effective it is. Monitoring may also identify changes to national or local policy and guidance or changes to local circumstances.

Like all planning policy documents, **review and revision** are an integral part of the process, if policies are to remain relevant and effective. Neighbourhood plans will erode over time, as changes in policy and local circumstances occur. Or monitoring of planning decisions may identify a need for policies to be revised, to make them more effective.

6. Links

National Planning Policy Framework (2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

Locality Neighbourhood Plan Roadmap Guide (2018)

https://neighbourhoodplanning.org/wp-content/uploads/NP_Roadmap_online_full.pdf

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