

Statement regarding Neighbourhood Plans

Once formally 'made' a neighbourhood plan becomes part of the development plan and policies within the plan carry full weight when determining planning applications. When the relevant local planning authority, in this case Dorset Council, is able to demonstrate a five year housing land supply and has an up-to-date development plan (local plan) this situation continues in perpetuity.

However, when a local planning authority is unable to demonstrate a five year housing land supply, and/or doesn't have an up-to-date development plan, the presumption in favour of sustainable development, as set out in paragraph 11 of the Government's National Planning Policy Framework (NPPF) applies when determining planning applications. Unfortunately, with the exception of the former Purbeck District Council area, Dorset Council is currently unable to demonstrate a five-year housing land supply across its area. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF, is applicable when determining planning applications across the majority of the area covered by the Council.

In respect of areas covered by neighbourhood plans, paragraph 14 of the NPPF offers some additional protection when the relevant local planning authority is unable to demonstrate a five year housing land supply, and/or doesn't have an up-to-date development plan. Paragraph 14 of the NPPF reads as follows:

'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply¹:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
- d) the local planning authority's housing delivery was at least 45% of that required² over the previous three years.'*

Dorset Council is aware that significant concerns have recently been raised by Town and Parish Councils and neighbourhood plan groups in respect of criterion

¹ Transitional arrangements are set out in Annex 1.

² Assessed against the Housing Delivery Test, from November 2018 onwards.

a of paragraph 14 of the NPPF. The criterion essentially time limits the additional protection offered by paragraph 14 of the NPPF to a period of two years from the date that a neighbourhood plan is made. Consequently, following a period of two years from when a neighbourhood plan is made, paragraph 14 of the NPPF is no longer applicable.

Although paragraph 14 of the NPPF no longer applies after a period of two years from a neighbourhood plan being made it is important to note that the relevant neighbourhood plan still forms part of the development plan for the area that it covers. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The key matter that changes when paragraph 14 of the NPPF no longer applies is the weight that can be given to policies in a neighbourhood plan when determining planning applications. Unfortunately, given Dorset Council, with the exception of the former Purbeck District Council area, is currently unable to demonstrate a five-year housing land supply, the weight that can be attributed to policies in a neighbourhood plan is reduced.

Finally, with regards to the matter of reviewing a neighbourhood plan, there is no requirement to review or update a neighbourhood plan. However, as set out in the Government's Planning Practice Guidance, policies in a neighbourhood plan may become out of date. For example, where a policy has been in force for a period of time, other material considerations e.g. the NPPF may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. To reduce the likelihood of a neighbourhood plan becoming out-of-date, communities who have prepared neighbourhood plans should take account of the latest evidence for their area, including in respect of housing need, and consider whether there is a need to review their neighbourhood plan.