

Agenda Item 6 – To answer written questions or receive petitions submitted by the public.

Supplementary Questions

Submitted by Seb Kendall

“Do all District Neighbourhood Plans, that were ‘made’ before the Local Plan in 2019, carry zero weight in planning decisions, unless they are subject to a Referendum - this despite their them being 5 yearly reviewed and only subject to minor amendment”?

Answer:

1. **“The importance of ‘made’ neighbourhood plans** - A neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)). A neighbourhood plan must set out the period for which it is to have effect ([section 38B\(1\)\(a\) of the Planning and Compulsory Purchase Act 2004](#)). Neighbourhood plan policies remain in force until the plan policy is replaced. There is no requirement to review or update a neighbourhood plan. However, policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence. In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust.
2. **The effect that ‘made’ dates have on planning decisions** - There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:
 - Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum. A local planning authority may make such updates at any time, but only with the consent of the qualifying body. Consultation, examination and referendum are not required and the ‘made’ date of the plan remains unchanged. i.e. there are no changes to the plan that need to be ‘made’.
 - Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This

might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan. In this type of modification, the 'made' date is updated as there are amendments to the plan which have been through examination and need to be 'made' to come into force and become part of the development plan.

- Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development. In this type of modification, the 'made' date is updated as there are amendments to the plan which have been through examination and referendum and need to be 'made' to come into force and become part of the development plan.

3. **The specific implications for holders of NPs** - If a group wish to make modifications that do materially affect the policies in the neighbourhood plan, the plan will 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, with the following additional requirements:

- the qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. This document forms part of the specified documents at the statutory consultation conducted by the Qualifying Body.
- the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner.
- the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan

Whether modifications change the nature of the plan is a decision for the independent examiner. The examiner will consider the nature of the existing plan, alongside representations and the statements on the matter made by the qualifying body and the local planning authority.

4. **Further specific implications for NPs of 'made' dates** - The NPPF of December 2023 also confers a degree of limited protection for those neighbourhood plans which satisfy all the criteria set out at [paragraph 14\(a\) – \(d\)](#) of the Framework. Paragraph 14(a) sets out that the protection can apply where the neighbourhood plan became part of the development plan 5 years or less before the date on which the decision is

made. This includes circumstances in which the neighbourhood plan is updated by way of making a **material modification** to the plan, (provided the relevant criteria continue to be met including that the neighbourhood plan contains policies and allocations that meet the identified housing requirement for the neighbourhood area). Note that plans older than 5 years and updated through minor **(non-material) amendments** will not benefit from this protection because the 'made' date is not updated. The Medbourne Neighbourhood Plan became part of the development plan on 4 July 2018. The Medbourne Plan will not therefore benefit from the limited protection of the NPPF but has full weight in planning decisions unless material considerations indicate otherwise or a more recently adopted plan takes precedence, as set out above".

Submitted by David Matthews

Will the "expert" organisation be asked report on the effect of additional housing in respect of support services such as schools, medical support and infrastructure?

Answer:

An assessment of the infrastructure needs arising from new development will be undertaken through the preparation of an Infrastructure Delivery Plan. This will form an important part of the evidence base to inform the new local plan.

Submitted by Michael Rodber

The benefits cited are the opinions of some councillors, but others might advocate there are dis-benefits. The same presumably would be true for residents and voters.

In which case, in a democracy and because this is such a huge issue, the outcome of which could impact on a huge number of people, can the issue should be put to a referendum?

Answer: Councillors consider all of the information put before them and make their decisions in the light of that.

The preparation of the Local Plan is a statutory function of Harborough District Council. In the light of this the councillors of the Council represent the democratic dimension of the local plan making process.

There is no provision for the holding of a referendum in the plan making process.

Submitted by Sarah Sattin

Why are you voting to spend almost £2 million of tax payers money if you are undecided about accepting more housing in Harborough?

Answer: The Council approved progressing a new local plan for the Harborough District at their meeting on 18th December 2023, including funding the preparation of that new plan. This plan is now at the early stages of preparation. An Issues and Options consultation is currently underway ending on 27th February 2024. All are encouraged to participate in that consultation and send their views in. Guidance on how to do this can be found on the Council's website. The process of preparing the plan will determine the approach to the delivery of growth across the district in the period covered by the new plan.