



04

Reviewing your plan

Reviewing your 'made' neighbourhood plan



You can review or modify your 'made' Neighbourhood Plan at any time. There is no statutory requirement to do so, however we recommend that you regularly monitor your Neighbourhood Plan to see how effective it is.

Further advice on monitoring your plan is available in our guidance note **Implementing and monitoring your plan**.

There could be a variety of reasons why your Neighbourhood Plan needs updating but the actual decision to revise it and the subsequent actions to achieve this, can only be done by the qualifying body (QB) - i.e., the town or parish council.

What are the triggers for review?

There are some considerations which may prompt you to review your plan:

- **Is your Neighbourhood Plan still effective?**

Is it delivering as you intended? Are the policies working in the way you intended? Have there been unintended consequences? Is your Neighbourhood Plan standing up at appeal? How have the policies in your plan shaped decisions on planning applications in your area? Is it generating monies through Community Infrastructure Levy (CIL) and if so, how is this being used? Are the policies being interpreted as you expected?

- **Have local circumstances and evidence changed?**

Has something changed locally? Do you have new evidence? Are there new local ambitions or opportunities for the area? Has something changed in the political environment, tax regime or environmental regulations which is affecting the development industry or housing market, and which needs a new planning policy response? Is your Neighbourhood Area still appropriate?

- **Has national legislation and policy changed?**

Amendments/Updates to planning legislation, national policy and guidance need to be monitored as they may have a positive or negative impact on the policies in your Neighbourhood Plan.

- **Has the Local Plan policy changed?**

Changes to local policy through revision of the local plan may affect the policies in your Neighbourhood Plan.

- **Can your Neighbourhood Plan be simplified?**

Is the format clear? Are the maps and policies easy to read and use?

- **What is the local opinion on your Neighbourhood Plan?**

Does the local community think it needs to be revised? Continuing community and stakeholder engagement may highlight local issues or concerns that may influence a decision on whether to revise the neighbourhood plan.

- **How old is your Neighbourhood Plan?**

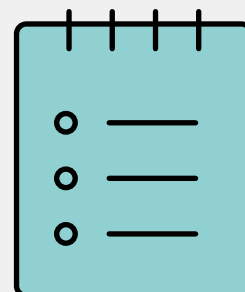
Is it more than two years old causing the housing policies within it to be deemed 'out of date'?

Town or parish councils should consider the performance of their plan in light of the above questions.

What should a review cover?

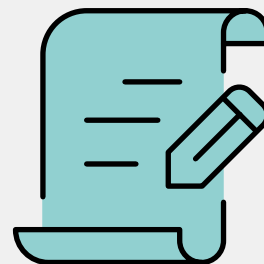
Monitoring and review should be continual, and it is often through monitoring the effectiveness of policies in the plan that communities decide that they need to review their plan. The need and scope for a review will vary from plan to plan, depending on what you want to achieve, how many policies you want to amend, remove, add, or replace. There is no 'one size fits all' solution. You do not have to make changes to all the policies. You may decide that some policies need updating whilst others can stay as they are.

Once you have decided the scope of the review it is good practice to consult with your community who may raise further issues which could be incorporated into the plan.



¹This toolkit is in the process of being produced. It will be on the Wiltshire Council (neighbourhood planning) website as soon as it is available.

Things to consider since you last produced your Neighbourhood Plan



It may have been a while since you last produced your Neighbourhood Plan and things are likely to have changed in that time. The examination process and need for evidence may have become more complicated due to legal challenges and the establishment of case law. This is because there is far more scrutiny of Neighbourhood Plans from the local community, landowners, development industry and other third parties questioning the evidence and reasoning behind decisions and preferred options than with the first wave of Neighbourhood Plan production.

Local Plan (Wiltshire Core Strategy) review process

A Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The Local Plan (currently the Wiltshire Core Strategy) is in the process of being updated, consulted upon and therefore subject to change before final adoption. This means that developing your Neighbourhood Plan in general conformity will be more challenging this time. Whilst your draft Neighbourhood Plan will not be tested against the policies in the emerging Local Plan (only the adopted plan), the reasoning and evidence informing it may be relevant. That said, there is no need to wait for the Local Plan to be updated before you review your Neighbourhood Plan.

You should speak to us if you are planning to bring forward your Neighbourhood Plan before an up-to-date Local Plan is in place. Together, we can agree the relationship between the policies in your Neighbourhood Plan and the emerging Local Plan, with appropriate regard to national policy and guidance. You may find that the policy guidance, allocations and settlement boundaries within the emerging Local Plan for your area is enough to suit your communities needs and there is no need for you to update your Neighbourhood Plan at all.

Five-year housing land supply

It is clear within the National Planning Policy Framework (July 2021) that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. You may be concerned about our current lack of five-year housing land supply. A shortfall in housing land supply in the county means that when planning applications for housing come forward the 'presumption in favour of sustainable development' applies in decision-making.

This means that less weight is given to development plan policies to help resolve supply issues moving forward. However, this does not mean that every housing application should be granted permission. Careful consideration will need to be given to the merits of each case and appropriate weight afforded to development plan policies when determining applications.

The National Planning Policy Framework (NPPF; para 14) gives some protection to areas with a recently made Neighbourhood Plan. This protection is subject to the following:

- The plan is no more than two years old (this means two years after the plan was formally made by Wiltshire Council – i.e., the date on the decision statement).
- The plan contains policies and allocations for housing to meet its requirement.
- The Local Planning Authority (LPA) can demonstrate a three-year supply of deliverable housing sites.
- The LPA have delivered at least 45% of our housing requirement over the previous 3 years.

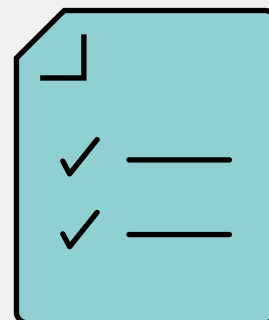
Essentially, this means that housing policies and allocations in Neighbourhood Plans in local authority areas with less than a five-year housing land supply, but more than three years supply will not be regarded as out of date, whereas the Local Plan housing policies will be.

To benefit from the protection afforded by the NPPF, you must make sure that your Neighbourhood Plan includes housing policies and allocations. This will ensure that if a five-year housing land supply is not demonstrated, your plan will retain full weight in any planning decisions.

It is important to remember that a lack of housing supply does not render the whole of a Neighbourhood Plan out of date, only the policies for delivering housing. Other policies in a Neighbourhood Plan, even if the plan is more than two years old, will still have significant weight in the planning balance.

1 The current position is a 4.72 year supply using a base date of 1 April 2021.

What process should you follow?



To prepare for revision we recommend that you:

- Engage with the community and stakeholders to publicise the proposed revision and invite feedback on what they might like to see in a revision.
- Update the evidence base for your Neighbourhood Plan, identifying the most recent data and evidence available.

To update your Neighbourhood Plan we recommend that you:

- Update the sections of your plan describing community and stakeholder engagement to reflect what consultation has been undertaken to revise the plan.
- Update the evidence section of your plan to reflect the most recent data and update all references to national and local policy, if necessary.
- Review the policies in your plan and revise them as necessary, including their supporting rationale and evidence.
- Consider the need for site allocations, housing policies and/or Local Green Space designations.
- Undertake an overall edit of your plan to ensure it reflects current circumstances.

You will need to follow the same formal stages which you followed when you first prepared your neighbourhood plan if undertaking a material or substantial modification. Our suite of Neighbourhood Planning guidance notes should provide a useful reminder.

What sort of changes can you make?



If you decide to review/update your neighbourhood plan, there are three types of modifications which you can make (see figure 1):

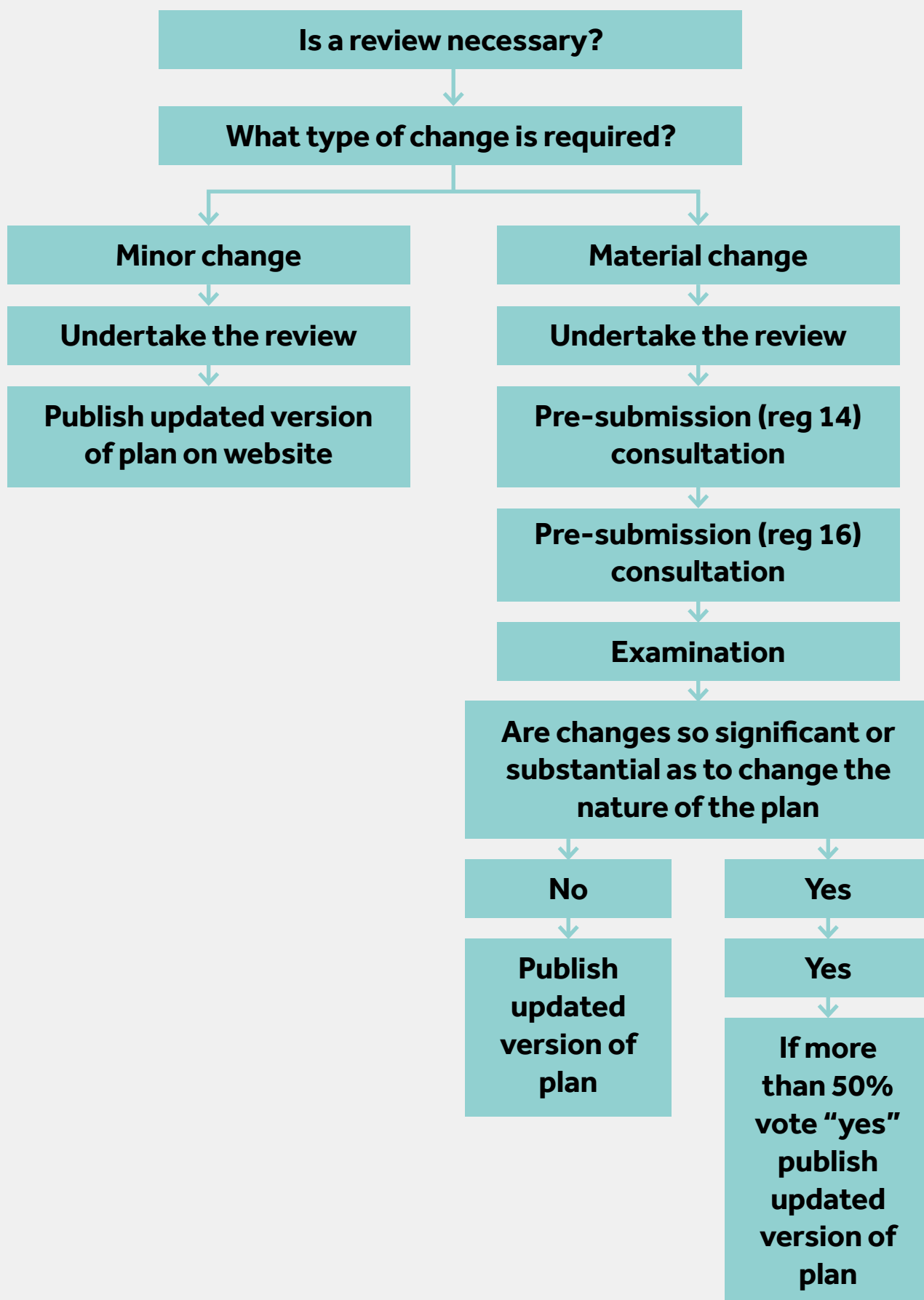
A minor (non-material) update is for minor typographical errors, updating inconsistencies and adding information for clarification. This would not result in any changes to the policy stance or interpretation. Because these changes are so minor in nature, no consultation needs to be undertaken and there is no requirement for an examination or referendum. Non-material updates can be agreed between Wiltshire Council and the qualifying body (i.e., town/parish council). This would not result in the 'remaking' of the Neighbourhood Plan and therefore, the adoption/made date of the original plan would still apply.

A material modification would be considered as a change which does not alter the nature of the plan but adds additional details to existing policies. An example could be 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. If the examiner decides it is not so significant or substantial as to change the nature of the plan it could just move to be 'made' by us within a five-week period.

A substantial modification will occur if you want to add significant new sites for development, add a new or changed settlement boundary to an existing one, or introduce new policy areas then this would constitute a substantial review. The examiner will make the final decision on whether the modifications require a referendum (if seen as substantial). The plan will require a successful referendum result in order to be 'made'.

The 'material' and 'substantial' modifications mentioned above will have to go through the statutory neighbourhood planning processes and checks in the same way as when the NP was first adopted. When you initiate your pre-submission consultation (Regulation 14) of your draft NP you will also need to submit a modification statement, where the QB considers whether the modifications contained are material or substantial as to change the nature of the neighbourhood plan, giving reasons why you are of that opinion. This modification statement will need to be updated when you submit the neighbourhood plan proposals to Wiltshire Council at the Regulation 15 stage who in turn will then carry out their own consultation (Regulation 16) on the draft neighbourhood plan proposals. Wiltshire Council will also consider whether the modifications contained in the modified neighbourhood plan proposal are material or substantial as to change the nature of the neighbourhood plan, giving reasons why they are of that opinion. The Examiner at their examination will decide whether the proposed modifications change the nature of the plan, and he/she will decide whether a referendum is required or not.

Figure 1: The Neighbourhood Plan review process



How do you fund your review?

Any group with a 'made' Neighbourhood Plan is eligible to apply for a new round of government grant and technical support to modify their Neighbourhood Plan which is administered by Locality.



Information on Locality's grant funding and technical support is available on their website and in our guidance note **Getting funding and support**.



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