

Technical consultation on implementation of neighbourhood planning provisions in the Neighbourhood Planning Bill

Introduction

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response on the following issues:

Question 1

Do you agree that regulations setting out the detail of the process for modifying an existing neighbourhood plan should replicate as far as possible the existing regulations for making a new plan?

It will be important in any revision of the regulations that there is clarity as to what is intended/in scope.

In paragraph 14 of the consultation it is not wholly clear what is meant by the final sentence. Reference is made to circumstances when proposed modifications to a Plan are major but the new Plan should be examined without having to repeat 'the consultation already undertaken'. It is not made explicit which consultation is being referenced. Clarity is needed regarding the consultation requirements for changes to made Neighbourhood Plans, including adequate provision for consulting Historic England.

Reframing this point, it would appear that the proposals indicate three types of modification to a neighbourhood plan:

1. Minor modifications
2. More significant modifications that do not change the nature of the plan
3. Significant modifications that change the nature of the plan

Most modifications are likely to be in categories 1 and 2. This is a reasonable, providing it is clear what is meant by changing the 'nature' of the Plan. We seek clarification on what constitutes 'nature', 'significant' and 'substantial' as referenced in the consultation.

Question 2

Do you agree that a new basic condition is needed to ensure that a neighbourhood plan proposal does not adversely affect any existing plan that remains in place, in areas where neighbourhood area boundaries have changed?

Yes such a basic condition seems sensible if appropriately worded. In particular, we have some concerns that 'adversely affect' could be open to interpretation.

It is clear from Paragraph 185 of the NPPF that a neighbourhood plan must be in general conformity with strategic policies in a Local Plan and that its policies take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Set in that context, there may be circumstances when a Local Planning Authority needs to decide on planning conditions for an application where:

- a) the development crosses the boundary between adjacent areas, or has cross-boundary implications; and
- b) the two areas in question are covered by Neighbourhood Plans that have conflicting non-strategic policies.

Such circumstances could make it harder for planning officers to reconcile conformity of the proposal with policies in the Development Plan.

Question 5

Do you have any other suggestions for further strengthening neighbourhood planning?

It will be important to ensure that any changes to process are themselves clear, to make the process as accessible as possible to communities.

Question 7

Do you have any views about the potential positive or negative financial implications on local planning authorities, neighbourhood planning groups, or others, of our proposed changes? What evidence do you have on this matter? Is there anything that could be done to mitigate any costs identified?

Streamlining neighbourhood planning processes is itself to be encouraged. But care needs to be taken that the financial burden on local planning authorities is not unduly increased.

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