

Neighbourhood Planning Guidance Note 31

Conformity with the Herefordshire Local Plan - Core Strategy

July 2013 - Revised June 2015



One of the frequently asked questions about neighbourhood planning concerns the extent to which they can propose alternative policies and proposals to those set within the Council's Local Plan - Core Strategy. This guidance note clarifies the relationship between the two documents and provides background information against which the importance of the need for general conformity may be understood.

This document is copyright of Herefordshire Council, please contact the Neighbourhood Planning team if you wish to reuse it in whole or part

The Herefordshire Local Plan - Core Strategy and Neighbourhood Planning

Neighbourhood Development Plans are part of the formal planning process, and set the tone for future change and development, with the caveat that they are:

- Broadly in accordance with the strategic policies contained in the Local Development Plan;
- Have regard to the provisions of national planning policy, as set out in the National Planning Policy Framework (NPPF);
- Compatible with EU obligations and human rights legislation.
- Contribute to sustainable development

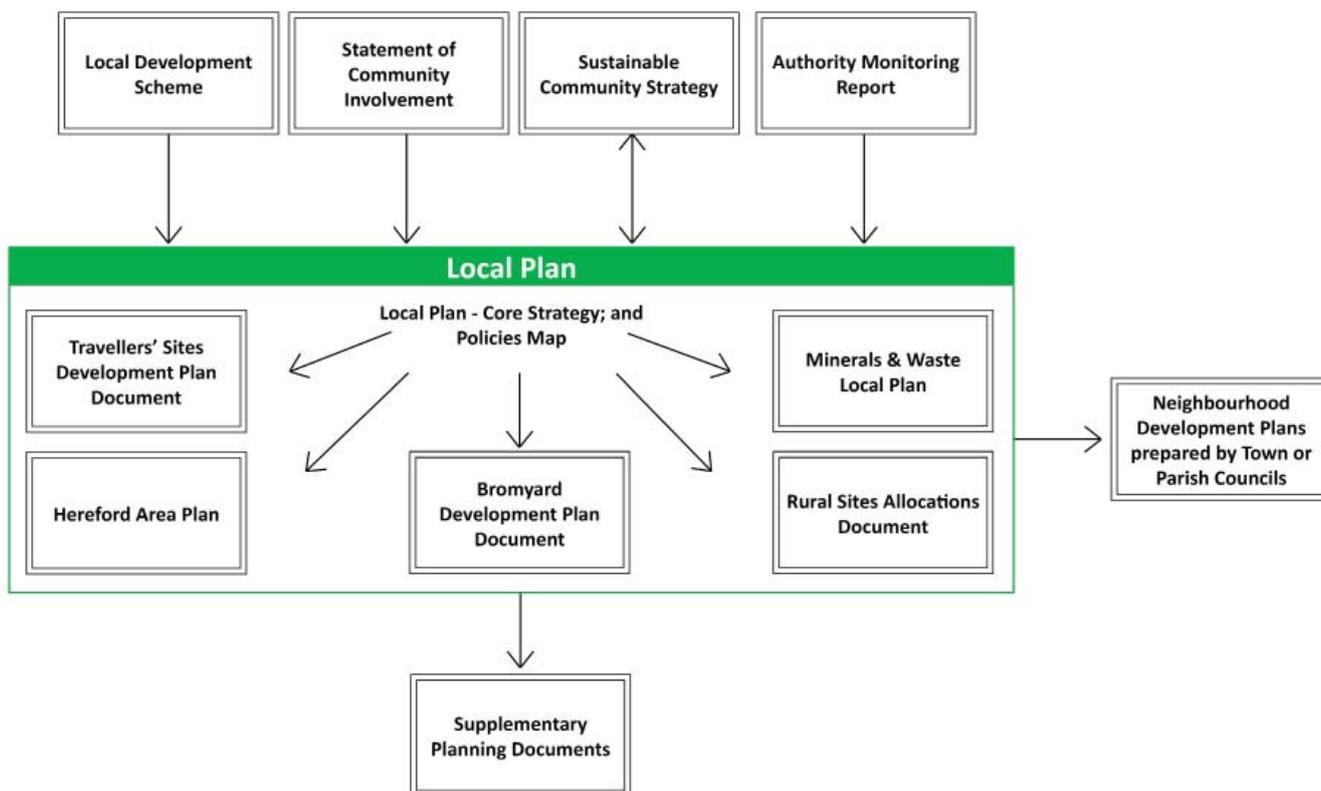
At present the strategic policies are the saved policies of the Herefordshire Unitary Development Plan.

However, the Herefordshire Local Plan - Core Strategy is in its final stages and due to be adopted in 2015. As Neighbourhood Development Plans should be planning for the sustainable future of your area until 2031 it would be prudent for any plan to be produced in conformity with the emerging Local Plan - Core Strategy rather than the more dated Unitary Development Plan (UDP).

It should be noted that at the examination, neighbourhood plans will be adjudged against the adopted strategic policies at the time.

This guidance note has been written with the assumption that most neighbourhood plans will be written with the emerging Herefordshire Local Plan - Core Strategy in mind.

Fig 1. Hierarchy of Plans



Conformity with the Herefordshire Local Plan -Core Strategy

Therefore, in accordance with the Town and Country Planning Act 1990, one of the basic conditions of the neighbourhood planning process is that your Neighbourhood Development Plan is in 'general conformity' with the strategic policies contained in the Council's Local Plan - Core Strategy

In order for your plan to progress to the referendum, the Independent Examiner will need to be satisfied that your plan has meet all the basic conditions. In order to ensure the smooth passage of your plan, it is important that you take on board the policies and the scope of the Local Plan - Core Strategy from the earliest opportunity. Further advice in respect of this can be obtained from you Neighbourhood Planning support officer.

How do Neighbourhood Development Plans and the Local Plan - Core Strategy relate?

So we already know that Neighbourhood Development Plans must be in general conformity with the strategic content of the Local Plan - Core Strategy. The rest can be summarised as follows:

- The Local Plan - Core Strategy will be part of Herefordshire's Local Plan to guide development and change in the County over the next 20 years;
- It will set the overall strategic planning framework for the County, its main purpose being to identify the strategic locations for new development and other strategic countywide policies;
- The Local Plan - Core Strategy will replace the Unitary Development Plan (UDP) currently being used and so once it is adopted; the policies of the UDP will effectively disappear, including the detailed village policies and maps;
- The Local Plan - Core Strategy will provide the county-wide strategic context within which Neighbourhood Development Plans (and their non-strategic policies) will sit;
- The work undertaken on establishing the strategic policies for the Local Plan - Core Strategy provides a wealth of information and analysis which can be used by the

community to justify their policies (refer to Guidance Note 10: Evidence base and information requirements).

Refer to figure 1 for more details.

But what does general conformity mean in practice?

Whilst there is no explanation or definition of general conformity within the relevant legislation and regulations, the term essentially means that a Neighbourhood Development Plan should be in line with the policies of the Local Plan - Core Strategy and cannot promote less housing and economic development envisaged in the Local Plan - Core Strategy unless clear robust evidence is provided.

Notwithstanding this, the meaning of the term is a locally determined issue, which will vary according to the circumstances within each Parish across Herefordshire.

What we do know, however, may be summarised as follows:

- Neighbourhood Development Plans are about providing policies and proposals for the sustainable development of an area until 2031 and delivering the Local Plan - Core Strategy's strategic objectives in a locally focussed way;
- Neighbourhood Development Plans need to be clear on how they fit with strategic policies of the Local Plan - Core Strategy and be able to clearly explain the rationale for any difference;
- Neighbourhood Development Plans will need to be based on local evidence, the strategic policies of the Local Plan - Core Strategy and the outcome of public participation. Any % housing targets within the Local Plan - Core Strategy should be seen as indicative and not the sole measure to determine general conformity;
- Housing policies and proposals (including allocations) in Neighbourhood Development Plans will need to be minded to the Policies RA1 and RA2 of the Local Plan - Core Strategy and local evidence including local needs surveys, Strategic Housing Land Reviews and environmental capacity;

Conformity with the Herefordshire Local Plan -Core Strategy

- Neighbourhood planning is not a tool to stop development and, or undermine or object to the strategic policies and proposals to the Local Plan - Core Strategy; it is about shaping the development of a local area in a positive manner;
- Neighbourhood planning offers the opportunity to promote more housing and economic development than is set out in the Local Plan - Core Strategy.

Those things Neighbourhood Development Plans may wish to consider and include

Comprehensive guidance on this matter is provided in Guidance Note 2, but the NPPF does not prescribe the items to be included in a Neighbourhood Development Plan and the Local Plan - Core Strategy is a strategic policy document. Therefore it is for each individual Parish Council to decide the level of policy coverage that would be appropriate and which is required in order to deliver the strategic policies.

Ultimately what you propose will be the output of recommendations within evidence based studies, balanced against local aspirations and the strategic content of the Local Plan - Core Strategy. However, items that are typically included in planning documents are:

- Settlement boundaries;
- Non-strategic housing and employment allocations;
- Safeguarding of open space, recreational and amenity space;
- Specifics about local housing needs criteria;
- Retail frontages (within the market towns);
- Town centre enhancements (market towns);
- Car parking;
- Community facilities new or retained;
- Specific renewable energy proposals;
- Local design policies for the parish/village;

- Policies for the enhancement and protection of historic buildings.

Can our Neighbourhood Development Plan be adopted before the Local Plan - Core Strategy?

The central message of this guidance note is that your Neighbourhood Development Plan must conform to the strategic policies contained in the development plan, including the Local Plan - Core Strategy. Section 38 of the Planning and Compulsory Purchase Act (2004) defines 'development plan' as the Development Plan Documents (DPD) adopted for the area and Schedule 8 extends this to include saved Local Plans.

In Herefordshire, the saved Local Plan is the Unitary Development Plan (UDP), adopted in March 2007. However, the Local Plan - Core Strategy is in its final stages and due to be adopted in 2015. As Neighbourhood Development Plans should be planning for the sustainable future of your area until 2031 it would be prudent for any plan to be produced in conformity with the emerging Local Plan - Core Strategy rather than the more dated Unitary Development Plan (UDP).

Given that the Local Plan - Core Strategy is in its final stages and waiting the outcome of the examination, it is unlikely that many will precede the adoption of the Core Strategy.

With this in mind, Neighbourhood Development Plans should aim to be adopted as soon after the adoption of the Local Plan - Core Strategy as possible.

Therefore, it is important to:

- Be clear on how the Neighbourhood Development Plan fits with the emerging strategic policies of the Local Plan - Core Strategy, ensuring that they pull in the same direction;
- Understand the current position of the Local Plan - Core Strategy;
- Use Herefordshire Council's evidence base; this provides a wealth of information and analysis which you can use to justify your policies and proposals.

Conformity with the Herefordshire Local Plan -Core Strategy

Neighbourhood Planning guidance notes available:

Deciding to produce a Neighbourhood Development Plan

1. Which is the right tool for your parish
2. What is a Neighbourhood Development Plan
3. Getting started
4. A guide to procedures
5. Funding

Plan Production

6. Developing a Vision and Objectives
7. Generating options
8. Writing planning policies
9. Environmental Assessment
10. Evidence base and information requirements
11. Implementation and Monitoring
12. Best practice community engagement techniques
13. Statutory consultees
14. Writing a consultation statement
15. Planning and other legislation
16. Web enabling your plan
17. Using OS based mapping
18. Glossary of planning terms

Topics

19. Sustainable Water Management in Herefordshire
20. Guide to settlement boundaries
21. Guide to site assessment and choosing allocation sites
22. Meeting your housing requirements
23. Conservation issues
24. Recreational areas
25. Renewable energy
26. Transport issues
27. Community Infrastructure Levy

Additional Guidance

28. Setting up a steering group
29. Creating a questionnaire
30. Community facilities
31. Conformity with the Local Plan (Core Strategy)
32. Examinations of Neighbourhood Development Plans
33. Guide to Neighbourhood Development Plan Referendums
34. Tourism
35. Basic Conditions
36. Your plan - Contributing to sustainable development