

Introduction

All Parishes in Mid Sussex have Neighbourhood Plans. There are 20 'made' Plans which form part of the Development Plan for the district. The first made Neighbourhood Plan was Cuckfield (October 2014) with the final plan formally made in May 2023.

Many Town or Parish Councils in Mid Sussex are seeking advice on whether to review their Plan, and the process for doing so. This paper sets out officer's advice on these matters.

Neighbourhood Plan - Process

The process for preparing and adopting a Neighbourhood Plan is set out in legislation and Planning Practice Guidance. In summary, the process consists of the following stages:

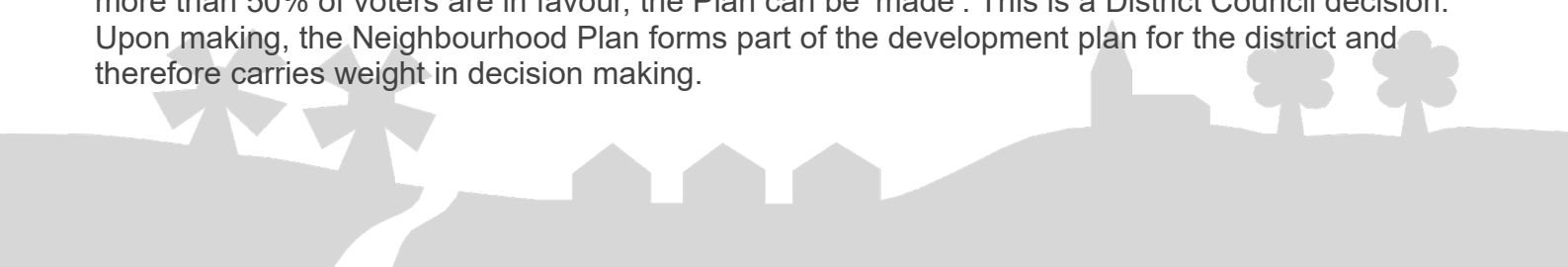
1. Designating the Neighbourhood Area – e.g. submitting the boundary of the Neighbourhood Plan to the Local Planning Authority for approval – not required for a review.
2. Evidence Gathering
3. Plan Drafting
4. Pre-Submission consultation (Regulation 14) – minimum of 6 weeks run by the Parish
5. Submission to the Local Planning Authority
6. Publicity Period consultation (Regulation 16) – minimum of 6 weeks run by Mid Sussex District Council
7. Independent Examination
8. Referendum
9. 'Making' (i.e. adoption) by the Local Planning Authority

With respect to step 1, this stage has already been completed by all neighbourhood plan bodies and therefore would not need to be repeated should a review take place.

There are two formal consultation steps 4 and 6, both for a minimum of 6-weeks. The first is run by the neighbourhood plan body, the second is arranged by the Local Planning Authority (LPA), Mid Sussex District Council. The responses made to the second consultation are collated and processed by the LPA. The LPA carries out high level checks against the 'basic conditions' which are set out in regulations and guidance. Following this the Plan is submitted to an independent examiner.

The examiner is not appointed by the Secretary of State/Planning Inspectorate, it is appointed by the LPA. The appointment is carried out in consultation with the Town/Parish. Ordinarily the examination is carried out in writing only, however for larger/controversial plans, public hearings can take place. For the current set of made Plans in the district, only Burgess Hill, East Grinstead and Haywards Heath Neighbourhood Plans were subjected to public hearings.

Subject to a satisfactory Examiner's report, Neighbourhood Plans are then put to referendum. If more than 50% of voters are in favour, the Plan can be 'made'. This is a District Council decision. Upon making, the Neighbourhood Plan forms part of the development plan for the district and therefore carries weight in decision making.



Plan Content - Strategic v Non-Strategic Policies

The National Planning Policy Framework (NPPF) provides clear direction on the content for Neighbourhood Plans.

Neighbourhood Plans should support the delivery of strategic policies contained in Local Plans.

Strategic policies set out the overall strategy for the pattern, scale and design quality of place and make sufficient provision for housing, employment, retail, leisure, infrastructure, community facilities and conservation of the built and natural environment. These must be set out in Local Plans and **cannot** be set out in Neighbourhood Plans.

Neighbourhood Plans **must only contain non-strategic policies**. These can include policies for specific areas, neighbourhoods, or types of development. They cannot undermine strategic policies set out within the adopted Local Plan and they must be in general conformity with them. For example, Neighbourhood Plans cannot set lower standards/requirements or protect areas that are allocated for other uses in the adopted District Plan. They can use non-strategic policies to set tighter standards (where supported by local evidence) or to allocate sites for housing/employment/other uses.

Where there is a conflict in non-strategic policy, the most recent adopted plan takes precedence. As many Neighbourhood Plans were adopted in 2015/2016, and the District Plan adopted in 2018, many of the Neighbourhood Plan policies have been superseded by District Plan. This will be exacerbated when the reviewed District Plan is adopted (2024/25). **It is for this reason that we are currently advising Parishes that they should wait to review their plans.**

Planning Practice Guidance – Review Process

There is no legal or policy requirement to review a Neighbourhood Plan. Any review is discretionary, however those preparing Neighbourhood Plans must be aware that the weight of policies may diminish over time and/or be deemed out of date, particularly where national policy has changed, or Local Plans are adopted and policies are superseded.

Planning Practice Guidance sets out the process for reviewing and updating Neighbourhood Plans (<https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>).

The process will depend on the degree of change proposed:

- Minor (non-material) – such as correcting errors, typos, etc.
- Material Modification which **does not** change the nature of the plan – such as the addition of design codes that builds upon existing policy, addition of site(s) that are not significant or substantial (in the view of the Examiner).
- Material Modification which **does** change the nature of the plan – such as setting tighter standards or allocating significant new sites for development.

If the proposed updates are Minor (non-material), these amendments can be made immediately and do not require consultation, examination or referendum.

For Material Modifications, the Neighbourhood Plan process steps 2 - 7 apply. In preparing their Plan, the Town/Parish must state whether they believe the modifications do or do not change

the nature of the Plan and provide their reasons. The LPA must do the same and provide a copy of the original Neighbourhood Plan to the independent Examiner.

The Examiner will review the Plan and evidence and determine whether the Material Modifications change the nature of the plan.

- If the examiner concludes that they do not, a referendum is not required and the Plan can be made.
- If the examiner concludes the changes are Material, referendum must take place (and be successful) before the plan can be made.

Advice Provided To Date

The decision to update a Neighbourhood Plan is for the Neighbourhood Plan body (i.e. Town or Parish Council) to decide. Preparing a Neighbourhood Plan is time and resource intensive and can often be expensive.

In addition, many Town and Parish Councils do not have internal resource or expertise to prepare a plan and therefore seek external consultant planning support. The Government had previously provided financial resources to assist in preparing Neighbourhood Plans however this is no longer available. The District Council does not have a specific resource (either financial or officer time) to significantly assist other than to claim for the cost of facilitating the referendum if required.

We have noted little appetite to review Neighbourhood Plans. Resources both in terms of cost and capacity are probably factors. The first suite of Neighbourhood Plans were prepared in the absence of an adopted District Plan and no 5-year housing land supply and therefore local perception was Neighbourhood Plans could offer a form of protection.

The adoption of the District Plan and subsequent Site Allocations DPD has reduced the likelihood of speculative development, provides up-to-date strategic policies, and therefore removes the pressure on maintaining up-to-date Neighbourhood Plans.

Furthermore the adoption of the review District Plan will take precedence where conflict exists.

Town and Parish Councils have therefore been advised to wait until adoption of the reviewed District Plan before embarking on the review process. This is to ensure longevity in Neighbourhood Plan policies i.e. reduce the risk of policies having a short-shelf life before being superseded, and because updated strategic policies may negate the need for Neighbourhood Plans to contain their own local (non-strategic) versions.

Any queries from Town and Parish Councils relating to Neighbourhood Plan updates can be directed to the Planning Policy and Housing Enabling Team who will be able to advise.

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