



## Aligning the Production of the Central Lincolnshire Local Plan and Emerging Neighbourhood Plans

### 1 Introduction

The purpose of this note is to help those communities embarking on, or thinking about, neighbourhood planning. The aim is to align as best as possible the production of the Local Plan with neighbourhood plans. For more general guidance on neighbourhood planning in Central Lincolnshire please see [www.lincolnshire.gov.uk/central-lincolnshire/local-plan/neighbourhood-planning/120579.article](http://www.lincolnshire.gov.uk/central-lincolnshire/local-plan/neighbourhood-planning/120579.article).

### 2 Central Lincolnshire Local Plan: current stage and future stages

A new Local Plan for Central Lincolnshire is being produced. Full details are available at [www.central-lincs.org.uk/](http://www.central-lincs.org.uk/). The Central Lincolnshire Local Plan will progressively replace the current Local Plans of the City of Lincoln, West Lindsey, and North Kesteven District Councils.

Adoption of the Central Lincolnshire Local Plan is scheduled for around November 2016. However, there are several formal stages that the plan must go through before it can be formally adopted. These key stages are listed below.

Consultation on the first draft of the Local Plan (the 'Preliminary Draft Local Plan')	October 2014 – <i>stage complete</i>
Consultation on the second draft of the Local Plan (the 'Further Draft Local Plan')	July 2015
Consultation on the final draft Local Plan (the 'Proposed Submission Draft Local Plan')	January 2016
Examination of Local Plan (conducted by an Independent Inspector, appointed by the Secretary of State)	April – September 2016
Adoption of Local Plan	November 2016

After each of the first two consultations, the Central Lincolnshire Local Plan Team will:

- (a) Review and consider all comments received during the consultation, including all development sites which are suggested, and then identify if any changes are needed to the draft plan in light of the issues raised and consider if the sites suggested meet the relevant criteria to be allocated in the plan.
- (b) Review any changes to national policy and guidance: identify if any changes are needed to the plan in order to make it comply with national guidance.

After the consultation on the final draft of the plan, the 'proposed submission draft', the Local Plan Team will not handle the comments received: all comments will be forwarded to the Independent Inspector for his / her consideration.



### 3 Neighbourhood plans: National policy and guidance on alignment with the Local Plan

The National Planning Practice Guidance (NPPG) (see <http://planningguidance.planningportal.gov.uk/>) states:

*“... Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place<sup>1</sup> the qualifying body<sup>2</sup> and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

*with appropriate regard to national policy and guidance.”*

The NPPG also states:

*“The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan. This is because [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.<sup>3</sup>”*

(Ref ID 41-009-20140306, “Can a Neighbourhood Plan come forward before an up-to-date Local Plan is in place?”)

National policy and guidance also prescribes that where a Local Plan is prepared / reviewed at the same time as a neighbourhood plan is *emerging* local authorities should:

- avoid duplicating non-strategic policies that are emerging as part of a neighbourhood plan (National Planning Policy Framework (NPPF), 2012, para 185); and
- work with the qualifying body producing the neighbourhood plan to produce complementary neighbourhood and Local Plans, in order to minimise the conflict between the plans (Planning Practice Guidance, Ref ID 41-009-20140306).

Where a Local Plan is prepared / reviewed following the *adoption* of a neighbourhood plan local authorities should:

- ensure that the vision and priorities for sustainable development set out in the Local Plan reflect the vision and priorities contained in any neighbourhood plans that have been ‘made’ for the Local Plan area (NPPF, 2012, para 155); and
- ensure that the Local Plan policies are consistent with the adopted development plan (the development plan including neighbourhood plans that have been ‘made’). Local Plan policies can ‘supersede’ another policy in the adopted development plan, providing that it clearly states what policy the new policy will supersede (The Town and Country Planning (Local Planning) (England) Regulations 2012, Part 4, 8 (4) and (5)).

As can be seen by the above guidance, there is the potential for considerable confusion if the production of a Local Plan and a Neighbourhood Plan are not aligned.

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<sup>1</sup> For Central Lincolnshire, that is scheduled to be November 2016.

<sup>2</sup> A ‘qualifying body’ is either a parish / town council, or in non-parished areas, a specially set up community organisation.

<sup>3</sup> Both a Local Plan and a Neighbourhood Plan are part of the ‘development plan’.



#### 4 Our commitment to a coordinated approach

In accordance with national policy and guidance, the Central Lincolnshire Local Plan Team is committed to coordinating the production of the Local Plan with the development of neighbourhood plans by 'qualifying bodies' (which normally is a parish or town council).

We therefore highlight the following opportunities for coordinating the production of the Local Plan with emerging neighbourhood plans:

Date	Key opportunities for coordinating plan preparation	
	Local Plan	Neighbourhood Plans
October / November 2014 - <i>current stage</i>	Consultation on the Preliminary Draft Local Plan	<p><b>Policies</b></p> <p>Opportunity for qualifying bodies to review content of draft Local Plan and:</p> <ul style="list-style-type: none"> <li>(a) Observe overarching strategic policies that the plan is proposing to introduce (and formally comment on these as necessary);</li> <li>(b) Identify the policies where there is scope to build on the strategic principles, by adding additional local level policy through a neighbourhood plan policy;</li> <li>(c) Identify if there are any issues that are not addressed in the Local Plan which the qualifying body has identified as something they want to address through their neighbourhood plan.</li> </ul> <p>In terms of points b and c, if the qualifying body identify policy topics that they would like to introduce through their neighbourhood plan and which are not specific to its local area, the Central Lincolnshire Local Plan Team would like to discuss these, as it may be appropriate to introduce such policy through the Local Plan, or to amend the wording of the relevant Local Plan policy so that it can correlate with the emerging neighbourhood plan policy.</p> <p><b>Site allocations</b></p> <p>If the qualifying body has already undertaken community engagement and has received suggestions for sites for development, the qualifying body may have already put these sites forward through the Local Plan process (land owners and individuals may also choose to suggest these sites during the Local Plan consultation). The benefits of suggesting them through the Local Plan include:</p> <ul style="list-style-type: none"> <li>- The Local Plan team will undertake all appraisal work, including completing a sustainability appraisal of the site, thus reducing the work (and potentially cost) burden upon the qualifying body.</li> <li>- Avoids potential confusion: the community may be confused by separate consultations on sites that the Local Plan is proposing to allocate, and sites that the neighbourhood plan is proposing to allocate. However, please note that the Local</li> </ul>



		Plan is only proposing to allocate sites for 25 or more dwellings, or 0.5 hectares or more. Thus, if your neighbourhood plan is interested in allocating sites below these thresholds, then only the neighbourhood plan can do this.
Dec 2014 – May 2015	Central Lincolnshire Local Plan Team undertake work on the Local Plan in light of comments received during the first consultation: discussions, if necessary, take place between the Local Plan Team and qualifying bodies about interrelationship between the Local Plan and neighbourhood plans.	
July 2015	Consultation on the Further Draft Local Plan	<p>This consultation is on a further draft of the Local Plan. In the same way as the initial consultation, this consultation presents another opportunity for qualifying bodies to:</p> <ul style="list-style-type: none"> <li>(a) Observe overarching strategic policies that the plan is proposing to introduce (and formally comment on these as necessary);</li> <li>(b) Identify the policies where there is scope to build on the strategic principles, by adding additional local level policy through a neighbourhood plan policy;</li> <li>(c) Identify if there are any issues that are not addressed in the Local Plan which the qualifying body has identified as something they want to address through their neighbourhood plan.</li> </ul> <p>This version of the Local Plan and supporting evidence documents will include details of the sites put forward, the appraisals of the sites, and the sites which we propose to allocate as a result of the outcomes of the site appraisals. This consultation gives qualifying bodies an opportunity to consider whether they would like to object or support those sites, and / or allocate any additional or alternative sites through their neighbourhood plan.</p>
September – November 2015	Central Lincolnshire Local Plan Team continue refinement of the Local Plan in light of comments received during the second consultation: discussions, if necessary, take place between the Local Plan Team and qualifying bodies about interrelationship between the Local Plan and neighbourhood plans.	
January 2016	<p>Consultation on the final draft Local Plan (the 'Proposed Submission Draft Local Plan').</p> <p>This consultation will focus on whether the Local Plan is 'sound', specifically, whether it is positively prepared, justified, effective and consistent with national policy. While there will still be opportunity to comment on the content of the Local Plan, the Inspector will only suggest changes to the plan if they are needed to make the plan 'sound'. Therefore we aim to have meaningful engagement with qualifying bodies at the earlier stages of the Local Plan process, to ensure that conflict at this stage is minimised.</p>	



<p>April – September 2016</p>	<p>Examination of Local Plan (by Independent Inspector, appointed by the Secretary of State). During this stage, a qualifying body may wish to orally present their case to the Inspector if they feel the Local Plan is not ‘sound’.</p>	
<p>November 2016</p>	<p>Adoption of Local Plan</p>	<p>Once the Local Plan is formally adopted, neighbourhood plans “must be in <i>general</i> conformity with the strategic policies of the Local Plan” in order to be adopted (NPPF, 2012, para 184).</p> <p>If there is any conflict between the policies in an adopted neighbourhood plan and those in the adopted Local Plan, the policy in the last plan to be adopted takes precedence: however, it is our intention to avoid such conflict, by having ongoing discussions with qualifying bodies preparing neighbourhood plans alongside the Local Plan and resolving any potential conflict through deliberations prior to the Local Plan and neighbourhood plans being finalised.</p>

5 What if the above timetable doesn't work for your area?

Whilst we would encourage all communities to work with the above timetable for neighbourhood plan production, there is nothing in law to prevent a qualifying body producing a neighbourhood plan in advance of the timetable. There are risks in doing so and potentially confusion for your community. Nevertheless, the Central Lincolnshire Local Plan Team will be happy to advise.