

South Gloucestershire Core Strategy Examination Action List

Matter 24 – Major Infrastructure Projects - Status of Neighbourhood plan

At the EiP Matter Session 24 – Major Infrastructure Projects; the Inspector asked for clarification on the status of Neighbourhood Development Plans and whether or not they constitute a Development Plan Document. The following note has been prepared to explain the Council's understanding.

A Neighbourhood Plan is not a Development Plan Document within the meaning of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act").

Section 37(3) of the 2004 Act states that a development plan document is a local development document which is specified as a development plan document in the local development scheme. Section 15 states that the Local Development Scheme must specify the local development documents which are to be development plan documents.

A local development document must be construed in accordance with section 17 and 18(3) of the 2004 Act.

Section 17(3) states that the local development documents taken as a whole must set out the authority's policies relating to the development and use of land in their area. Section 17(8) states that a document can only be a local development document in so far as it is adopted by resolution of the local planning authority as a local development document and is approved by the Secretary of State under section 21 or 27 of the 2004 Act.

A Neighbourhood Plan cannot be compliant with any of the above as it is not a document prepared by the Local Authority under the 2004 Act.

This is recognised by amendments to section 38(3) of the 2004 Act by Schedule 9 Part 1 Paragraph 5 of the Localism Act 2011 which amends that section as follows:

"... the development plan is

- (a) The regional strategy for the region in which the area is situated, and
- (b) The development plan documents (taken as a whole which have been adopted or approved in relation to that area and
- (c) the neighbourhood plans which have been made in relation to that area".

Section 38(6) of the 2004 Act is thereby applied to Neighbourhood Plans.

If a Development Plan Document included a Neighbourhood Plan then the amendment would be unnecessary.

Once Neighbourhood Development Plans have been 'made', they become part of the development plan for the area and sit alongside the Development Plan Documents, adding to the planning policy framework for that neighbourhood area. Therefore it is necessary to retain the reference to Neighbourhood Plans in Policy CS37.