

Update on legislative changes to the neighbourhood plan making process, and the implications of the withdrawal of the Wiltshire Local Plan

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Service: Strategic Planning

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UPDATE ON LEGISLATIVE CHANGES TO THE NEIGHBOURHOOD PLAN MAKING PROCESS, AND THE IMPLICATIONS OF THE WITHDRAWAL OF THE WILTSHIRE LOCAL PLAN

Introduction

1. The purpose of this briefing note is to provide advice on the implications of the withdrawn Local Plan for neighbourhood planning and how neighbourhood plans can continue to be prepared in the absence of housing numbers for individual settlements.
2. It also provides an update on legislative changes, including the basic conditions that neighbourhood plans must meet following the introduction of changes to legislation that came into effect earlier this year.
3. At the time of writing, government has not published an updated National Planning Policy Framework (NPPF) following the consultation that ended in March this year. The latest information suggests that the new NPPF is expected to be released by the 2026 parliamentary summer recess.

What are the main implications following the withdrawal of the 2038 Local Plan?

4. Planning regulations require that Wiltshire Council prepares a new Local Plan. The published timetable anticipates the new Local Plan being adopted in 2029, with a draft Local Plan being ready for consultation March 2028. See [Wiltshire Local Plan Timetable](#) for further information.
5. Wiltshire's current development plan - including the Wiltshire Core Strategy, Chippenham Site Allocations Plan and Wiltshire Housing Site Allocations Plan - will continue to apply until its policies are reviewed and superseded by adoption of a new Local Plan; and alongside national planning policy and guidance will continue to inform decisions on planning

applications and the development of neighbourhood plans. Neighbourhood plans, where they form part of the development plan for an area, will also be used to inform decisions.

6. Even though the 2038 Local Plan is no longer being prepared, neighbourhood plans can continue to be prepared. The benefits of preparing plans and how they can influence and support the positive planning for areas are set out later in this briefing note.
7. Some parish councils are seeking to prepare neighbourhood plans, primarily to benefit from the 'protection' afforded by the government's current (2024) [National Planning Policy Framework](#) (paragraph 14) in the interim period prior to a new Wiltshire Local Plan being adopted.
8. The 2024 National Planning Policy Framework (NPPF) does not provide certainty that even with a newly made neighbourhood plan in place that contain policies and allocations to meet its 'identified housing requirements', that speculative housing development should be refused planning permission. However, it does consider that the *"adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits"* (emphasis added).
9. For Wiltshire Council, it is not possible to provide a housing requirement figure for a neighbourhood area because there is no up-to-date requirement set within the adopted Core Strategy. In these circumstances, the NPPF allows councils to provide indicative figures. Paragraph 70 states that *"Where it is not possible to provide a requirement for a neighbourhood plan area the local planning authority should provide an indicative figure, if requested to do so..."*.

Can Wiltshire Council provide new indicative housing figures?

10. The council is in the early stages of preparing a new Local Plan. To provide an indicative figure the NPPF expects the following factors to be taken into account - latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority (paragraph 70).
11. Any indicative housing figure for neighbourhood planning purposes would be difficult to calculate at this early stage, given that the council's housing requirement has been significantly increased following the government's new standard method of calculating housing need, published in 2024.
12. While it is expected that housing requirement figures will be set for designated neighbourhood areas in the new local plan, they will only become known once the evidence base and plan preparation process for the new local plan has reached a more advanced stage. In reality, indicative figures will only start to emerge in the spring or summer of 2027. Any indicative figures provided by the council in advance of an adopted Local Plan would be considered through the examination of the neighbourhood plan.
13. The government's [neighbourhood planning guidance](#) explains what happens if the local planning authority does not provide a housing requirement figure for a designated neighbourhood area that wishes to plan for housing. This states that *"if a local authority is unable to do this, then the neighbourhood planning body [parish and town councils] may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the*

neighbourhood area". It goes on to refer to a toolkit for assessing needs and says that neighbourhood planning bodies will need to work proactively with the local planning authority through this process. The figures would be tested through the examination process.

14. If parish councils are looking to prepare neighbourhood plans ahead of the new Local Plan - seeking to plan positively for housing and establishing their own housing requirement figures - they may wish to consider the length of the plan period as this will inform how much housing to plan for.

Changes to legal requirements and basic conditions - preparation and content of neighbourhood plans

15. Alongside the changes to the way local plans are prepared, changes have also recently been introduced to the legal tests for production of neighbourhood plans. This includes changes to the 'basic conditions' (Sections 98 and 99 of the Levelling-up and Regeneration Act 2023).
16. Neighbourhood plans must now, so far as the qualifying body considers appropriate (having regard to the subject matter of the plan):
 - (i) Be designed to secure that the development and use of land in the neighbourhood area contributes to the mitigation of, and adaptation to, climate change.

This means that neighbourhood plans should consider how development can reduce greenhouse gas emissions and respond to climate risks (such as flooding, overheating, and resilience). This elevates climate change from a policy consideration to a statutory expectation.

- (ii) Take account of any Local Nature Recovery Strategy that relates to all or part of the neighbourhood area, including in particular:
 - areas identified as important (or potentially important) for biodiversity
 - priorities for habitat recovery or enhancement
 - proposed measures to achieve these priorities

This means neighbourhood plans should align, where appropriate, with Wiltshire Council's Local Nature Recovery Strategy (see [here](#)).

17. The legislation also paves the way for plans not repeating or conflicting with the new national decision-making policies in the forthcoming NPPF, which is expected to be finalised by the summer parliamentary recess.
18. Changes to the basic conditions are now in effect. The condition that a plan must "be in general conformity with the strategic policies of the development plan in the area" has been replaced by the condition that the plan:

"...would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made."

This means that neighbourhood plans should not undermine the ability of the development plan, which includes the local plan (and in future spatial development strategies), to provide for housing.

19. The Levelling-up and Regeneration Act 2023 (section 98), also now in force, sets out the types of policies neighbourhood plans can include, which are in relation to:
- (i) the amount, type and location of, and timetable for, development in the neighbourhood area for the plan period;
 - (ii) use or development of land in the area designed to achieve objectives that relate to the particular characteristics or circumstances of that area (or part of) or specific sites in that area;
 - (iii) details of any infrastructure requirements or affordable housing requirements that arise from development in policies (i) and (ii);
 - (iv) requirements with respect to design that relate to development, or development of a particular description, throughout the neighbourhood area, in any part of that area or at one of more specific sites in that area, which the qualifying body [parish council] considers should be met for planning permission to be granted.
20. Finally, provisions have been made in the Levelling Up Regeneration Act 2023 to change how environmental assessment is undertaken when preparing neighbourhood plans. Reference is now made to Environmental Outcomes Reports, which will replace Strategic Environmental Assessment (SEA) once the provisions are in place. For now, plans will (where necessary) need to continue to prepare SEA.

Neighbourhood plans - more than just housing and a number

21. Neighbourhood plans, once made, form part of the development plan for an area and guide decisions on planning applications. They provide the opportunity to positively plan for an area, by identifying and addressing priorities that can be supported through the planning system, rather than a defensive process restricting growth.
22. Neighbourhood plans provide the ability for communities to set locally distinctive policies that add to, but don't repeat or conflict with, the council's local plan or the NPPF. They empower local communities to shape the development, design and use of land in their area. Legislation, as set out above, clarifies the types of policies that can be included in plans. Alongside this, current NPPF (2024) and national guidance highlights the following areas that can be addressed through neighbourhood plans:
- place-making and high-quality design that reflects local distinctiveness;
 - protecting and enhancing local character, townscapes and landscapes;
 - supporting town centres, local services, and employment;
 - delivering green infrastructure, biodiversity and climate resilience;
 - identifying and prioritising local infrastructure improvements that matter to most residents.
23. If communities are concerned about the risk of speculative development taking place in their area, there is the opportunity through neighbourhood plans to develop policies to guide the

quality, form, density, scale and design of new developments to ensure that any development that comes forward is shaped in a way that meets community aspirations.

24. One of the other benefits of having a made neighbourhood plan, if parishes don't have one already, is that they will receive a higher share of any Community Infrastructure Levy receipts that arise from development in their area. With a neighbourhood plan in place, this rises to 25% (uncapped), compared to 15% (capped) where there is no plan. These funds can be used to pay for local infrastructure that benefits the area.
25. Later this year we expect to have a new version of the NPPF, which will provide national policy for neighbourhood plans and could include transitional arrangements for plans in progress. The current provisions in the [draft document](#) are summarised below for information, but these could well change in the final version:
 - Draft policy PM5 sets out the role of neighbourhood plans as: the allocation of land to meet needs of their area (where appropriate); and setting policies to address particular local issues including site specific matters, provision for infrastructure and community facilities, regeneration opportunities, design requirements (including design codes), local environmental improvements and conservation of local heritage assets.
 - Draft policy HC2 allows, in limited situations, neighbourhood plans to designate land as Local Green Space.
 - Draft paragraph 6 of Annex A states that any plans submitted to the local planning authority under Regulation 15 (for their final consultation and examination) after the date the NPPF is published in its final form will need to comply with the new NPPF. Any submitted plans should have the discretion to withdraw their plan and update it to take into account the NPPF.