Ministry of Housing, Communities & Local Government

Ministry of Housing, Communities & Local Government
2 Marsham Street
London
SW1P 4DF

www.gov.uk/mhclg/contact

Our reference: TO2026/22227

Mr Tom Gill

[redacted]

28 September 2026

Dear Mr Gill,

Thank you for your correspondence dated 10 August 2026 regarding neighbourhood planning and the National Planning Policy Framework (NPPF). I apologise for the delay in sending you our response.

At the time of the correspondence you refer to, the stage of consultation for the plan in question had not been confirmed to us. For that reason, we provided a general view that a neighbourhood plan which had already been submitted under regulation 15 could proceed on the basis of the NPPF that was current at that time. We also noted that nothing in the proposed transitional arrangements in the draft revised NPPF was intended to alter that position. We appreciate that those observations do not necessarily assist with the situation of this particular plan which you have advised was actually at an earlier stage of preparation.

As a preliminary observation, it is important to note that the requirement for a neighbourhood plan to 'have regard to' national policy is not the same as a requirement to follow national policy in every respect. The basic condition requires that national policy is properly considered, but it does not prevent a neighbourhood plan from departing from national policy where there is a clear and justified reason for doing so. A neighbourhood plan may therefore have regard to national policy while taking a different approach if there is sufficiently strong justification. In some circumstances emerging changes to national policy may form part of that justification, such as where proposed changes to national policy have been formally published in draft form. In such cases, the qualifying body may reasonably conclude that taking account of those proposals will help ensure that the plan remains relevant and aligned with national policy for a longer period. While the balance of considerations will differ in every case, it is therefore possible that a departure from current national policy could be justified by reference to emerging policy.

In that context, the have 'regard test' could properly be considered by respondents to a Regulation 14 consultation by allowing them to consider whether the proposed departures from then current national policy were justified. We agree that the fact that draft national policy is not yet finalised is a relevant consideration. It is however likewise relevant that existing national policy may reasonably be expected to change, which can reduce its practical relevance for the preparation of an emerging neighbourhood plan. Provided that both the current policy and the draft proposals are publicly available, consultees can understand and comment on the reasoning behind the approach being taken. While it is clearly preferable for a qualifying body to explain where emerging national policy has informed its proposals, we would not regard this as an absolute requirement in every case.

More generally, we consider it undesirable for neighbourhood plans to be prevented from taking account of emerging national policy where there is a reasonable prospect that it will, in some form, be in force by the time the plan reaches examination. Requiring plans to proceed solely on the basis of policy that is known to be subject to imminent change could reduce their effectiveness and longevity, potentially frustrating communities and making updates to national policy more disruptive than necessary. Where differences emerge between a draft policy and its final form, qualifying bodies may address that through changes before submission and examiners may recommend modifications where appropriate.

Naturally, there are limits to the extent in which emerging national policy should be anticipated. Neighbourhood planning groups should not prepare plans that depart from current policy simply because national policy may, or even will, change at some point in the life of the plan. Groups should generally only anticipate emerging national policy where formal proposals have been published, and it is reasonable to expect that the finalised version of those proposals to be the applicable policies for the purposes of the examination. To anticipate national policy much beyond that would leave no meaningful opportunity for any differences to be addressed, as you rightly identify. That would in itself reduce the weight to be given to the plan and be equally counter-productive. This is not to preclude departures from national policy where they can be justified for other reasons but simply to say that a reliance on unspecified future policy changes would not be likely provide sufficient justification without substantial additional considerations.

We hope this clarifies our previous response and that the above observations will be helpful in the situation you have outlined.

Thank you for taking the time to write to us.

Yours sincerely,

Jonathan
Correspondence Unit