

# Neighbourhood Planning 'in practice'

Issues and challenges for adopted Plans

# Thame Neighbourhood Plan

- Early Front Runner
- Started before Localism Act became statute
- Holistic Plan – covered all aspects
- First to include housing site allocations
- First to be examined in public
- Second in UK to go to Referendum

# Thame Neighbourhood Plan – Why ?

- Directly confronted emerging Local Plan
- Inappropriate Housing Site Allocations
- Threat of speculative supermarket development on prime town centre site
- Vision to protect Thame's essential character :

*Thame must continue to feel compact, must retain a close relationship with the local countryside, preserve its markets, festivals, and events, and remain as a centre for the neighbouring village communities.*

# Thame Neighbourhood Plan - Examination

*'The Thame Neighbourhood Plan, having undergone an exemplary public consultation process, sets out a clear and deliverable vision for the neighbourhood area. I am delighted to recommend that the Thame Neighbourhood Plan should proceed to a Referendum'.*

*'To have produced a plan of such high quality is testament to the energy, commitment and hard work of all involved. The Thame Neighbourhood Plan reflects the passion and pride that local people have for the area. In my view, the Thame Neighbourhood Plan begins to set a high standard for Neighbourhood Planning across the country'.*

*Nigel McGurk, Erimax Ltd (February 2013)*

# Thame Neighbourhood Plan - Outcome

2779 votes cast – 39.8% turnout - 76% Yes vote



# Neighbourhood Planning Issues and Challenges

- Wording of Referendum Question
- Clarification of Examiner's Role
- Qualifying body cannot promote outcome
- Northern problem – less affluent, fewer volunteers
- Urban problem – defining the Neighbourhood Area
- Burden of producing Strategic Environmental Assessments
- Lack of guidance to support implementation
- Funding for NP revision

# Neighbourhood Planning More Issues and Challenges

- Permitted Development Rights
- Delay in introducing CIL's
- Windfalls swelling housing numbers
- Cost of monitoring – no access to Planning Fees
- Destabilisation through legal challenges
- No Community Right of Appeal
- New Housing Market Assessments (SHMA's)

# The Big Three Issues

- Weight / Primacy
- Challenges and Appeals
- Revision Process



# Weight / Primacy

- Many Planning Authorities not giving sufficient weight to NP Policies
- Partly due to wording of Referendum Question ?
- Doubts about primacy unleashing vexatious challenges
- Needs clear guidance from Government to assert the primacy of Neighbourhood Plans

# The Referendum Question

*‘Do you want (Planning Authority) to use the  
Neighbourhood Plan for (Neighbourhood) to help it decide  
planning applications in the neighbourhood area?’*

# Weight / Primacy

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# Challenges & Appeals

- Emerging and adopted NP's being challenged
- Injunctions, Judicial Reviews, and Planning Appeals
- Not a level playing field (David –v- Goliath)
- Some Authorities unable or unwilling to defend
- Developers with deep pockets using expensive barristers to challenge community volunteers
- No provision for costs to be awarded to third parties i.e Towns & Parishes

**‘There is the conundrum of writing a community-based plan that is simultaneously intelligible to the citizen while being sufficiently robust and precise in terms of wording to withstand legal challenge; practically usable by planners in deciding individual permissions; and not so generalised and anodyne as to be worthless’**

James Derounian

University of Gloucestershire

# Revision Process

- A Neighbourhood Plan needs to be a living document
- There are NO Government guidelines on the process for amending or updating a Neighbourhood Plan
- As things stand, even the smallest amendment requires the full process of consultation and referendum
- Unnecessarily costly and time consuming, and severe risk of community disengagement

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Summary and Questions