

Full Council

Date:	16 September 2014
Title:	The Legal Status of Statutory Development Plans
Contact Officer:	Helen Stewart, Town Clerk

Purpose of the Report

1. This agenda item seeks to address the demand that “Thame Town Council hold a second referendum asking for the removal of The Elms from the Thame Town Plan”.

Action Required

2. To receive and discuss information on the legal status of the Thame Neighbourhood Plan as a statutory development document.
3. To formally respond to the demand in paragraph 1.

Background

4. The Localism Act, which received Royal Assent on 15 November 2011, introduced new rights and powers to allow local communities to shape new development by preparing neighbourhood plans.
5. These new planning powers enable a community to establish general planning policies for the development and use of land in a neighbourhood. These are described legally as 'neighbourhood development plans'.
6. Neighbourhood development plans or orders do not take effect unless there is a majority of support in a referendum of the neighbourhood. They also have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy).
7. The conditions are:
 - a) they must have regard to national planning policy
 - b) they must be in general conformity with strategic policies in the development plan for the local area (i.e. such as in a core strategy)
 - c) they must be compatible with EU obligations and human rights requirements.
8. An independent qualified person then checks that a neighbourhood development plan or order appropriately meets the conditions before it can be voted on in a local referendum. This is to make sure that referendums only take place when proposals are workable and of a decent quality.
9. Proposed neighbourhood development plans or orders need to gain the approval of a majority of voters of the neighbourhood to come into force. If proposals pass the referendum, the local planning authority is under a legal duty to bring them into force.
10. Thame completed its Neighbourhood Plan process with a referendum in May 2013. The Thame Neighbourhood Plan now has comparable legal status with the Local Plan and is part of the statutory development plan.