

## Full Council

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<b>Title:</b>	<b>Thame Neighbourhood Plan 2: PreSubmission consultation</b>
<b>Date:</b>	<b>28 February 2023</b>
<b>Contact Officer:</b>	<b>Graeme Markland, Neighbourhood Plan Continuity Officer</b>

### Background

1. Thame is undertaking a thorough review of its neighbourhood plan and must have regard to the formal stages of consultation required by regulations. These, and the additional stages of consultation taken by the Town Council to date are given below.

Stage	Status
First consultation – vision and objectives, character areas, site assessment methods and first site options	Informal, held 2 – 23 August 2021
Second consultation – site options and ideas	Informal, held 20 December 2021 – 7 February 2022
Third consultation – PreSubmission Plan – draft policies, preferred site options, proposed masterplans for allocation sites	Required, the current stage. This statutory consultation must last a minimum 6 weeks
Fourth consultation – Submission Plan – publication draft with policies and identified sites and site masterplans	Required and to be undertaken by SODC later 2023, minimum 6 weeks

2. During the formal stages the Town (or District) Council must inform certain prescribed organisations and groups, including the public, that the consultation is happening and how they can view and comment on the Plan. It should be noted that the Town Council has consulted widely with residents, community groups, neighbouring parishes and some statutory consultees during the first two, informal consultation stages.
3. It had originally been expected that the PreSubmission Plan would have its consultation held some months prior to the local council elections in May 2023. Final delays in preparing the evidence base means the consultation could not be undertaken clear of the elections and the related purdah period, which starts in Oxfordshire on Monday 20 March 2023.
4. Councillors should note that there is nothing to prevent a council from debating, approving and consulting on a land use plan during the purdah period, although it is not considered normal practice.

### Consultation options

5. The next stage in the Plan's preparation would involve the draft plan being placed before and approved for consultation by the Town Council.

6. Further work is required before the draft Plan can be placed before the Town Council for that approval. First, the publication drafts of the Masterplanning and Design Code work need to be completed and incorporated into a draft PreSubmission Thame Neighbourhood Plan (TNP2). Other steps will require the involvement of other parties:
  - Aecom will need to produce an Environmental Report of the PreSubmission Plan as part of the Strategic Environmental Assessment (SEA) process
  - The District Council should have sight of the Plan to be made formally aware of its proposed options and direction of travel
  - The Town Councillors will need ample time to consider the Plan as a whole for the first time
  - Amendments will then need to be made to the draft by the Town Council and its consultant, Troy Planning, in order to reflect changes required by the SEA Environmental Report or the District / Town Council's informal commentary.
7. It is believed the above steps will take at least 6 weeks, meaning that the amended draft plan would not be available until the first week of April. From this point forwards, the Town Council could decide to approve the plan for consultation.
8. That decision would have to be made within the formal purdah period when the debate and approval of land use plans is not normally undertaken. Leaving the approval of the draft plan until after the May elections, however, is considered an unsuitable option as any newly elected Councillor / Councillors would require a minimum period of 2 – 3 months to be briefed on their wider roles and responsibilities, the specifics of plan making, and the Town Council's evidence base to date.
9. This leaves two reasonable options to consider:
  - a. The Town Council and Troy Planning prepares the plan and goes to consultation over the purdah period and the election day, 4 May 2023
  - b. The Town Council and Troy Planning prepares the plan and approves it for consultation after the May elections are over.
10. Should option a) be chosen the Town Council would need to call a Special Full Council to approve the plan for consultation. This could take place as early as the first week of April. This would mean up to 3 weeks of formal consultation could be held before the election, and at least 3 after it.
11. Were option b) to be chosen then the Town Council and its consultants would be brought to Full Council on 25 April 2023. At this meeting the start date of the consultation in May could also be chosen. It is currently considered that the 15 May 2023 would be an achievable date.

## Discussion

12. While there is nothing within law to prevent us from holding PreSubmission consultation during the purdah period, a matter could be challenged on the basis that it was either believed or perceived to have been influenced in political terms.
13. Furthermore, with the Town Council correctly doing their best to make sure that the PreSubmission Plan is brought to the attention of all of Thame's residents, there is a risk that the Plan or matters within it could be used as the basis for an election campaign. The risk of this occurring is considered high, given the average level of knowledge held on matters such as where the core of our housing allocation has arisen from.

14. It is probable that during this period the Town Council would have to devote resources to proactively / reactively inform the public of facts around TNP2 and its relation to the Local Plan, and what TNP2 could ultimately influence. Despite this, one or more candidates could be elected on the basis of a matter that they, and the wider Town Council, could not influence.
15. Members should be aware that neither the NPCO, nor Troy Planning is aware of any Neighbourhood Plan group (or planning authority) formally consulting on a plan over a purdah and election period. While allowable, it appears no local authority or neighbourhood planning group has thought to risk a legal challenge at such an advanced stage of preparation.
16. Were option a) chosen, the Plan would be expected to go to consultation between 4 and 5 weeks ahead of option b) which could have a commensurate impact on the overall timetable. This is considered a benefit that must be weighed against the greater risk of consulting over the purdah and election period.
17. Option b) would give an extra 3 weeks to amend and polish the PreSubmission plan prior to it being taken to Full Council on 25 April 2023. This option would also give more time for the Town Council to prepare consultation materials and the programme of engagement events following the Full Council meeting.

### **Recommendation**

18. It is recommended that, subject to the receipt of a satisfactory PreSubmission Plan, the Town Council agrees at Council on 25 April 2023 a date for the statutory 6-week consultation to start, after the 2023 local council elections.