



Neighbourhood Planning Progressing through Examination with controversy



What can we learn from 'controversial' neighbourhood plans

So far, all neighbourhood plans taken to referendum have been adopted. Whilst some have exceedingly high community support, like Rendlesham in Suffolk who received 97% support – not all communities are so supportive of their community-led neighbourhood plan.

This [information sheet](#) focusses on the following communities, who have had a quarter or more of their community oppose their plan during referendum: Norland, Stumpshaw, Winsford, Denmead and West Hoathly. It also looks at Thame, who received 76% support, but whose examiner investigated public opinion in some detail within their report.

Broadly, the findings of this research are:

- Neighbourhood plans with proportionally low support also had low turnout (an average of 32%, compared to the overall average of 66%).
- Your Consultation Statement must clearly evidence thorough consultation that meets the basic conditions. Examiners have not yet denied a plan progressing to referendum due to opposition, but have checked it meets the requirements.
- The majority of neighbourhood plan objectors' comments did not result in any change to the plan – and often were not material planning considerations or based on sound evidence.
- All of these plans exceeded neighbourhood planning consultation requirements – and many were commended for doing so. However, there's still learning to be had.
- Objection was often strongest in regards to an allocated site – driven forwards by local residents running opposition campaigns. However, some people voted against plans without any public encouragement – often as they were simply against any new development occurring in their area.

For each of plans investigated, positive representations were made, in addition to the negative representations this analysis focuses on. This document summarises independent examiner's views of these representations, delving into community consultation statements and media where relevant.

Thame Neighbourhood Plan

Thame Neighbourhood Plan, one of the first adopted plans in the country, was also one of the first to have a Public Hearing on recommendation from the independent examiner. The examiner was firm in his decision on who to invite to speak, based on who he needed to hear from to provide further detail and those who he deemed had not previously had a fair chance to have their views heard.

The examiner noted the Plan underwent consultation over and above that required by legislation, but that it still received criticism. Over 400 people attended each of the qualifying body's two early stage consultation events (held over several days, to maximise attendance).



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Of the consultation processes, most respondents criticised the preferred options consultations. Criticism focused on the 'core group' refining the preferred options, despite extensive consultation at this stage (including 835 feedback forms from local residents; and involvement of Residents Associations). The examiner gave his view that *"in order to progress the plan-making process efficiently, some decisions do need to be made by smaller groups"* – and that the Preferred Option was evidenced with why it was chosen and the extensive consultation used to inform the decision.

The final statutory consultation was also extensively communicated, resulting in 221 responses – including 25 after the closing date, which were also considered. The examiner found *"the Plan not only meets its statutory obligations, but exceeds the standard requirements to such an extent that it provides an exemplary approach to public consultation in neighbourhood planning"*.

Despite the public opposition to the choosing of the preferred option, the plan was adopted with 76% in favour on a 40% turnout. The plan is still the cause of controversy, with local residents still campaigning against at least one of the proposed sites ([2014 local news story](#)).

Norland

Norland, in the London Borough of Kensington and Chelsea, received 74% votes in favour of adopting their plan on a 26% turnout. The examiner's report mentions respondents generally being in favour of the plan, though identifies some wanted restrictions limiting roof heights to be lifted.

Whilst the examiner made several recommendations on the rewording of policies, there was little or no mention of respondents' views on the consultation – or how many responses were received. The Consultation Statement identified 53 responses were received, from a population of over 8,500. No information could be found online of why people voted against the plan, with no clear local opposition group.

Strumpshaw

In Strumpshaw, 29 residents attended an evening talk with various representatives; and a further 115 residents attended the exhibition over the weekend. This resulted in 17 responses being received to the open public consultation. To put these numbers into context, Strumpshaw has a population just over 600 people.

The examiner made no mention of public opposition to the plans, nor identified the proportions in favour or criticising the plans in her report. The plan was adopted with 66% in favour on a 59% turnout. Little detail could be found online of public opposition, though the Plan suggests a typical opposition comment to be *"No new housing – bungalows or otherwise"*.

Cockermouth

Originally, Cockermouth Town Council proposed four Neighbourhood Development Orders (NDOs). These were then consolidated into a single NDO, split into four parts. The Examiner did not believe this breached compliance or prejudiced any party.

There were also two rounds of consultation prior to the statutory 6 week consultation, due to an advertising error in the first one, providing almost fourteen weeks of consultation period between them. In total, this provided the community twenty weeks to input their



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views. The examiner praised the Town Council's approach to consulting, and made little mention of opposing comments received.

The NDO was adopted with a 19% turnout and 61% voting in favour, making it England's first NDO. Despite being the neighbourhood plan with the least favourable votes; there was no evidence online to suggest why this might have occurred, and the community consultation identified only one objection from English Heritage.

Winsford

Winsford's Neighbourhood Plan proposed a large number (3,362) of houses, compared to many of the other adopted neighbourhood plans. The independent examiner identified the majority of objectors were either against proposed housing sites near their home; or opposed to sites they owned being excluded from the housing site allocations. Interestingly, the examiner noted:

"Those objecting to the inclusion of a particular site will thus always be able to argue that another site could have been selected instead; others will argue that their sites should have been included.... I am not able to assess in detail the suitability of any particular site – nor should I even if I were able to do so – it is nevertheless necessary to ensure that a neighbourhood plan contributes to sustainable development"

The examiner identified their concerns as justified, but explained the plan's requirement to deliver housing needs – and removing the allocated sites would therefore fail to meet the basic conditions required by a neighbourhood plan.

Extensive consultations occurred in Winsford. Five stages of consultation occurred, gathering over 200 questionnaire responses and a similar number attending events. Despite this, residents complained about lack of representation, clarity and *"complete failure to acknowledge there was anything wrong with the process or willingness to change the Plan's content based on feedback"*.

The examiner's conclusion of the consultation process (paragraphs 6.13 – 6.25) provides a useful summary of the efforts the Town Council made – and how the majority of those opposed to the plan *"largely represented the areas likely to be most affected by the proposed housing allocations; and arguably nothing other than the removal of those allocations would have fully satisfied them"*.

Public opposition continued, with [a local action group urging residents to vote no](#). Despite this campaign and many residents opposed to the number or location of houses, the Plan was adopted with 69% voting in favour – with only 19% of the population turned out to vote.

Denmead

Denmead's examiner, Christopher Collinson, summarised some of the community's representations as misunderstandings of the neighbourhood planning process and the role of an examiner (paragraphs 19 and 20 of [his report](#)). Specifically, he noted:

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- *"There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan"*
- *"It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan."*

The majority of opposition representations in Denmead dealt with housing site allocations, though some representations were also made about the overall scale of development. Some representations were formal, threatening legal action, whilst others questioned accuracy of statements and evidence; inadequate heeding of local opinion; alleged pre-determination in site selection; composition of the Steering Group; lack of openness and transparency; and conflicts of interest (see paragraphs 36-39).

One representation mentions *"over 2000 residents from all parts of Denmead Village who have signed individual copies of a letter which objects to any building construction on countryside adjacent to the north..."* – and the examiner summarises common grounds of objection (paragraph 114). Many object on the grounds of smaller developments spread throughout the village being preferred, making use of infill on brownfield sites and evenly expanding the village boundary – or just out rightly object due to numerous reasons.

The examiner did find minor discrepancies, such as different labelling in maps and tables. He suggested *"Whilst this error and similar errors would not have changed the site selection the lack of accuracy in such an important matter is unhelpful"*.

Despite opposition, the plan was adopted with 64% in favour on a 41% turnout. Like other adopted plans, it still faces local opposition (notable from '[Denmead Countryside](#)').

West Hoathly

In West Hoathly, extensive consultation occurred, including: 600 of the total 2000 residents signing up to a newsletter of the plan; 60 residents took part in workshops delivered in the initial plan making process and a further 241 people returning the questionnaire.

Later on, a draft was consulted on, which received 126 response forms. The majority of objecting comments related to a specific site for up to 24 dwellings, including a 200-strong signed petition by a local community action group. This led to a review of this site, and a call for alternative sites, led by the community action group.

Following [significant consultation](#), a second draft plan was consulted upon. As with the first, approximately three quarters of the population supported the plan. Again, a specific site received the most opposition, with all but one of the objectors living on or in a neighbouring lane to the development.

The examiner of West Hoathly's Neighbourhood Plan concluded *"I am satisfied that people and organisations were provided with a fair chance to have their say"*. The Plan passed its referendum with 24% of the population turning out to vote, and 74% voting in