

Crosthwaite and Lyth Parish Council Briefing Note

Prepared by Neighbourhood Planning Steering Group

Following circulation of the NALC report (Where Next for Neighbourhood Plans? Can they withstand the external pressures? – October 2018) on Neighbourhood Plans the Steering Groups has read this document in its entirety and the following is the Steering Group's evaluation and interpretation of this document in the context of the Crosthwaite and Lyth Neighbourhood Plan.

Overview

The report, on initial examination, appears to suggest that a number of established Neighbourhood Plans have provided little protection for the Parish's they relate to. The report details instances where developers have, via prolonged and escalating appeals through the justice system, been able to overturn refusals of planning permission by local planning authorities. The report also details situations where the local planning authority has supported the Neighbourhood Plan when reaching their decision to refuse planning only to have their decisions challenged and subsequently overturned.

One could therefore be forgiven for thinking that Neighbourhood Plans just aren't worth the effort as they will have little or no force against the commercial desire of developers to build.

Steering Group Interpretation

While the initial reaction may be that a Neighbourhood Plan could be of little value when the detail of each case reported is examined there appears limited direct applicability when compared to the situation in Crosthwaite and Lyth Parish. The reasons for this interpretation are detailed below;

- i) In most if not all of the cases described the Local Planning Authority had failed to meet its statutory obligation to demonstrate a land/housing supply that met its 3 and 5 year targets.

This failure of the Local Authorities to meet housing need targets significantly undermines the robustness of any refusal of planning permission. When the appeals in such circumstances reach Ministerial level it is less surprising that refusal decisions are overturned to avoid a continuation of the national housing crisis.

In the Lake District National Park we believe that the Planning Authority has a robust plan to meet its 3 and 5 year housing supply targets and as such would not be seen as failing to provide the mandated number of new dwellings. Hence we believe any refusal of planning would be much less easy to challenge and overturn.

- ii) Many of the Neighbourhood Plans which were subject to being "overturned" also did not include any land allocations of their own. In a similar vein as point (i) above this means that they are not seen to be helping to provide the needed housing. The very strong inference from the report is that is a Parish pro actively includes in its NP an area

of allocated land to meet its needs then the Plan is far stronger when rebutting additional development proposals.

The SG recommendation is that, as part of the NP process, the Parish should explore if an area of land could be allocated for housing that meets the needs of the Parish which are identified through the consultation process.

- iii) Another comment made in the report is that several of the Neighbourhood Plans were “out of date” and had been superseded by updated Local Plans. This once again undermined their effectiveness.

The Steering Group believe that the creation of a Neighbourhood Plan cannot be seen as a “one off process”. The Neighbourhood Plan will be a living document that will need reviewing and updating as policies and Local Plans evolve over the years.

- iv) All the instances described in the Report detail substantial developments (almost all are in excess of 100 homes and upwards to over 1000 homes) where the profit margin for developers is significant. In Crosthwaite and Lyth it is probable that any proposed development will only comprise 3 to 5 dwellings but that there may be multiple applications of such developments around the Parish .

When developers are looking at large sites they are prepared to invest considerable sums of money in legal challenges as the potential “pay off” for a successful appeal is huge. In cases when you have only 3 to 5 dwelling sites the potential profit is significantly lower and as such it is unlikely that developers at this level would be willing or able to pursue a very costly appeal process. On this basis the Steering Group do not feel that the Crosthwaite & Lyth NP would come under the same judicial scrutiny should developers challenge it.

Steering Group Recommendation

The SG strongly believe that, while there are lessons that can be drawn from the report in how best to frame the Neighbourhood Plan, the cases detailed in the report should not discourage us nor dissuade us from continuing to develop a Neighbourhood Plan.

The Steering Group remain enthusiastic and committed to delivering this plan and hope this sentiment is shared by the Parish Council.

Crosthwaite & Lyth Neighbourhood Steering Group

27th June 2019