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1. Summary

This report considers the advantages and disadvantages of refreshing the Saffron Walden Neighbourhood Plan (SWNP).

It details the planning process, evidencing the need for the NP to comply with overarching planning policies.

2. Planning Background

The planning system is hierarchical with each tier obligated to comply, and be in conformity with, the tier above it, as shown below:



English planning law: Legislation supports UK planning policy through Acts of Parliament and Statutory Instruments. The primary Act is the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

National Planning Policy Framework (NPPF): The NPPF establishes the Government's economic, environmental and social planning policies for England.

Local Plan: Sets out the vision for a defined area (usually a borough or district) and written by the LPA. It prescribes local policies and other planning related matters, often shaping local development and infrastructure.

Neighbourhood Plan: Sets out local planning policies. Written by the local community, containing policies specific to the local place and environment. NPs (as per local plans) must be in general conformity with the policies and legislation above it.

Neighbourhood planning is a core component of the English planning system, enshrined in law in the 2011 Localism Act and amended through the Neighbourhood Planning (Referendums) Regulations 2012 and 2017. Locality, a network supporting community organisations, summarises neighbourhood plans (NPs) as a *“powerful tool in shaping the development of a neighbourhood”* (2018).

Whilst NPs are voluntary, they must conform with an obligatory and legislative process. NPs sit at the bottom of the planning hierarchy, deferring to the higher authority of those above, whereas from the perspective of residents, NPs should arguably be at the top of the process, aligning with the principles of localism. The voluntary nature of NPs means they are often led by community volunteers with little, if any, planning knowledge or experience although NP policies must comply with a pre-existing, mandatory and regulated system.

3. Compliance with Overarching Planning Policies

NPs must comply with national policies and local plans.

3.1 National Policies

The need to comply with planning hierarchy potentially stifles community creativity, as the plan moves away from community aspirations towards compliance with national policies.

The TCPA's 2020 updated 'Raynsford Review' specifically criticises this power imbalance, calling it a "defining feature of the system", adding there has been a "wider centralisation of policy on key issues" (2020). This concern was pre-empted and raised from the outset of neighbourhood planning by the Institute for Public Policy Research in 2010, expressing concerns at the very concept of neighbourhood planning in the earliest of days.

3.2 Local Policies

The 2021-2041 Local Plan, made in March 2026, now has full weight in the determination of planning applications. It sits under national policies but above neighbourhood plans in the hierarchy of planning policies.

Where a local plan is out of date, significant weight is theoretically afforded to the NP, thus UDC's 2005 local plan resulted in a greater reliance on the SWNP. A NP can quickly become out of date if the LPA regularly reviews, updates and modifies its local plan. Given that UDC's local plan has only just been made, any further review or modification of the local plan is not anticipated for several years. The new local plan may have invalidated some of the existing SWNP policies (this review and consideration has not been completed).

It could be considered a truism that the NPs cannot therefore ever truly represent local wishes and aspirations given the need to comply with overarching policies, potentially threatening their independence and sense of being. There is evidentially a need for synergy and alignment between NPs and the planning system to avoid conflict.

4. History of the Saffron Walden Neighbourhood Plan

The SWNP was 'made' in October 2022. It followed the standard NP process and was informed through a consultative process.

Whilst the plan was written by SWTC, it was overseen by a SWNP Steering Group, whose membership was made up of residents and volunteers. The Steering Group was well served by several professionals in their field, including architects, designers and environmentalists. SWTC employed an officer whose primary responsibility was to oversee the NP process, both in co-ordinating the Steering Group and writing the plan; this post no longer exists.

Support was further provided by UDC who engaged a 3rd party with specific planning knowledge and expertise. This support is still available at ½ day across Uttlesford, albeit now provided by a different organisation.

The current SWNP contains 21 policies, summarised below:

SW1	Housing mix on new developments
SW2	Affordable Housing
SW3	Design (of housing)
SW4	Parking on new developments
SW5	Convenience stores in residential neighbourhoods
SW6	17 Market Hill and 29-31 Church Street
SW7	Shopfront design
SW8	Regeneration of George Street
SW9	Development of new and existing commercial spaces
SW10	High-quality communications infrastructure
SW11	Ecological requirements for all new domestic and commercial developments
SW12	Promoting walking and cycling
SW13	Travel Planning
SW14	Improving provision of public transport
SW15	Vehicular transport
SW16	Playing fields and sports halls
SW17	Open space for informal recreation
SW18	Public rights of way
SW19	Land of value to the natural environment
SW20	Arts and cultural facilities
SW21	Healthcare

A full copy of the SWNP can be found online at: [Saffron Walden Neighbourhood Plan - Uttlesford District Council](#)

The 2022 SWNP is still considered valid and would therefore qualify for the receipt of 25% of any future CIL monies arising from local development. An area without a NP receives 15% of the CIL money.

Numerous policies in the draft iteration of the SWNP were removed or heavily revised at the planning inspection stage to ensure conformity with national and local planning policies. Some of these were retained in the SWNP and shown as 'community aspirations' in appendices 6.1-6.6 respectively in the NP.

5. Advantages of a Neighbourhood Plan

5.1 Statutory Status

A key advantage of a neighbourhood plan is the legal weight it carries once adopted. As part of the statutory development plan, it must be considered by local planning authorities and planning inspectors when determining planning applications. This gives locally developed planning policies a formal role in shaping future development within the area.

5.2. Reflecting Local Priorities

Prepared by and for the local community, a neighbourhood plan can respond directly to local needs and aspirations. It provides an opportunity to address issues that may not be fully covered by the wider Local Plan, such as the protection of green spaces, enhancement of biodiversity, preservation of local character, and ensuring that new development meets the needs of residents.

5.3. Influencing Development Locations

Although overall housing requirements are set by the Local Planning Authority, neighbourhood plans enable communities to identify suitable sites for development and establish policies that support the delivery of affordable housing. This allows residents to have a greater influence over where development takes place and how it contributes to the future needs of the community.

5.4 Increased Community Infrastructure Levy (CIL) Funding

The Community Infrastructure Levy (CIL) is a charge levied on most new developments to help fund local infrastructure. In areas without an adopted neighbourhood plan, 15% of CIL receipts are passed to the relevant town or parish council. Where a neighbourhood plan has been adopted, this proportion increases to 25%. This additional funding provides greater resources to invest in local infrastructure and community projects that support the priorities identified within the neighbourhood plan.

6. Disadvantages of a Neighbourhood Plan

6.1 Significant Resource Commitment

Developing a neighbourhood plan is a time-consuming process, typically taking between 18 and 24 months to complete. It requires substantial community engagement, evidence gathering, consultation, and drafting, placing considerable demands on local councils, volunteer groups, and community stakeholders. Sustaining participation and interest throughout the process can also be challenging.

6.2 Financial Implications

The preparation of a neighbourhood plan can incur notable costs, including consultation activities, professional consultancy support, technical studies, and publication expenses.

The 2022 NP was partly funded by a Government grant, administered by Locality but these Government grants are no longer provided, and the Lead NP body must fund the NP process

6.3 Complex Regulatory Framework

Neighbourhood plans must comply with national planning policy and be in general conformity with the strategic policies of the local planning authority. They are subject to independent examination and must also secure approval through a local referendum, creating potential for additional complexity, delays, and uncertainty.

6.4 Limited Influence on Strategic Development

The scope of a neighbourhood plan is constrained by the wider planning framework. It cannot conflict with or reduce the level of development required through the adopted Local Plan, which may limit a community's ability to influence major development proposals beyond local design and place-making considerations. Refer to the key components of planning as shown in section 2 of this report.

7. External Examination

Legislation requires NPs to be independently examined by an 'appropriately qualified' person, to check compliance with basic conditions. A research study in 2016 found that of the 130 NPs that had passed referendum, only one had passed the independent examination without any proposed modifications and others required significant policy changes or deletions. Later research found communities purposefully self-regulating, curtailing or watering-down policies to meet examination requirements; these changes presumably compromising local preferences to comply with the administrative needs of the NP process.

Dr Andy Yuile, a Senior Research Associate at Lancaster University, asserts the fundamental principle of neighbourhood planning is to *"invite communities to articulate their care for and knowledge of place, and give agency to that care and knowledge through the development of statutory planning policies"* (2021:40).

Articulating such care is difficult when policies are externally controlled and imposed. In caring for a place, the community may include policies which purposefully conflict with hierarchical ones but will subsequently fail to meet basic compliance conditions. This imposed conformity potentially stymies and frustrates the very essence of neighbourhood planning, with researchers observing the disappointment and frustration of local communities working in this restrictive environment. Several

practitioners and theorists agree the planning system is in a constant state of reform, rendering it impossible for NPs to keep up to date; they are often rescripted to maintain alignment to national and local policies.

8. Options for SWTC

On initial consideration, it appears there are only two options available to SWTC, being:

1. Refresh the existing SWNP to reflect current and future needs of the town
2. To not refresh the existing SWNP at this time, relying on existing policies within the NP

Other options are also available and warrant consideration. The most suitable option will depend on the specific priorities, objectives, and circumstances of the community and what SWTC wants to achieve in a refreshed NP. The following options are worthy of note:

8.1 Rely on the Local Plan

Appropriate where existing planning policies are considered sufficient and already provide an appropriate framework for managing development and growth within the area.

8.2 Prepare a Village or Town Design Statement

Appropriate where the primary objective is to protect and enhance local character, appearance, and design quality, without the need to establish wider planning policies.

8.3 Develop a Town, Parish, or Community-Led Plan

Appropriate where local priorities extend beyond land-use planning to include matters such as community services, transport, recreation, health, and local facilities. This approach is particularly beneficial where planning issues are already adequately addressed through the Local Plan, but there is a desire to establish a broader community vision.

8.4 Pursue a Community Right to Build Order

Appropriate where there is strong local support for a specific development project and a clear ambition to deliver that project directly for community benefit.

8.5 Consider a Neighbourhood Development Order (NDO)

A NDO is a legal tool that allows a community to grant planning permission for certain types of development, such as housing, offices, or community facilities, within a designated neighbourhood area. This means that developers or community groups do not need to submit a standard planning application to the local planning authority for projects that comply with the order. This may be appropriate where the intention is to facilitate certain forms of development by granting planning permission in advance, reducing the need for repeated planning applications.

8.6 Prepare or Refresh a Neighbourhood Plan

As per the current SWNP, the community wishes to have the greatest level of influence over future development. While this option provides the most comprehensive and statutory framework for shaping growth and development, it also requires the greatest commitment of time, resources, and community engagement.

While it is appropriate for SWTC to consider all available options, several can reasonably be discounted at the present time. Consequently, the two remaining options are to either undertake a review and refresh of the SWNP or retain the plan in its current form.

9. Cost of Refreshing the Neighbourhood Plan

Council no longer has a dedicated resource to lead on any refreshed NP. The plan submitted in 2022 had a dedicated officer, whose time was spent with management, oversight and writing of the NP. Should Council wish to refresh the NP, it is proposed the work is contracted to a specialist planning organisation, converse in planning laws, legislation and the complexities of the process.

A quote has been received from a reputable 3rd party who would rewrite the NP, taking on the work previously directly completed by SWTC in 2022. The quote is in the region of £35k-£45k, comparable with the cost of a full-time employee.

A separate report on this Full Council agenda provides a recommendation for funding of this work, using monies held in an existing EMR account.

The 3rd party anticipates the NP work could be completed within approximately 18-months. The company is known to work locally, having written the NP for a neighbouring Parish Council; thus, they have extensive knowledge and experience of UDC's 2026 local plan which would prove beneficial in the NP delivery but should also prove cost-effective, given their knowledge of policies in the local plan.

It should, however, be recognised that SWTC will need to remain actively involved in the Neighbourhood Plan process. Commissioning external support does not remove the Council's responsibility for the Plan, nor does it transfer all administrative oversight to a third party.

SWTC officers will still be required to oversee the strategic direction of the SWNP, act as the principal point of contact for any appointed contractor and liaise with residents and other stakeholders throughout the process. The Council must therefore acknowledge and make appropriate provision for the officer time and resourcing required to fulfil these responsibilities.

Appropriate provision may include:

- (a) Additional hours or resources for existing staff;
- (b) The appointment of a dedicated officer to oversee the process;
- (c) Acceptance that delivery of the SWNP will take priority over other areas of work;
- (d) A combination of the above measures

10. Recommendations

- (a) To receive and note this report
- (b) To consider a refresh of the Saffron Walden Neighbourhood Plan
- (c) Should Council be minded to refresh the NP, to give due consideration how this will be funded – see separate EMR report for this Full Council meeting
- (d) Should Council be minded to not progress with a NP refresh, to consider when any such review might be undertaken
- (e) To consider the establishment of a future EMR, setting aside specific sums of money for a review of the NP every 4-5 years. Suggested this is IRO £10k pa.