

15 August 2022

Report of	Assistant Director of Place and Client Services	Author	Sandra Scott
Title	Neighbourhood Planning		☎ 282975
Wards affected	All		

1. Executive Summary

- 1.1 The purpose of this report is to provide an update on the current position on the Neighbourhood Plans which are part of the Statutory Development Plan and latest position on new Neighbourhood Plans and review work on made (Adopted) Plans.

2. Recommended Decision

- 2.1 No decision is required since the report is for information only.

3. Reason for Recommended Decision

- 3.1 The Report provides an update on the Neighbourhood Planning position in the Borough and no decision is required.

4. Alternative Options

- 4.1 Not applicable.

5. Background Information

- 5.1 The 2011 Localism Act empowered local communities to influence and shape their own local areas through Neighbourhood Planning. Many of the communities within the Borough since that time embraced this opportunity and have embarked on Neighbourhood Plans for their area. This included two front runners being the first of a number in the Country to undertake NHPs- Boxted and Myland & Braiswick. Boxted NHP was the first in Essex to be made. The complete list of made (adopted) Neighbourhood Plans is set out below;

Adopted Neighbourhood Plans:

- Boxted – December 2016
- Myland Braiswick – December 2016
- Wivenhoe – May 2019
- West Bergholt – October 2019
- Eight Ash Green – December 2019
- Marks Tey – April 2022
- West Mersea – April 2022

- 5.2 As adopted Neighbourhood Plans these all comprise part of the Statutory Development Plan and as such provide additional planning policies relevant to considering planning applications.

- 5.3. A number of other areas continue to work on emerging Neighbourhood Plans with the following underway at the stage indicated below;

Emerging Neighbourhood Plans;

- Tiptree (Reg 14 consultation completed and Submission anticipated during the Summer followed by Reg 16 consultation and Examination)
- Copford (Reg 14 consultation completed and Draft Plan Submitted- Reg 16 consultation to commence imminently, followed by Examination)
- Great Tey- (Draft Plan being prepared)
- Great Horkesley- (Area Designated June 2022- Draft Plan being prepare for Reg 14 Consultation)

Stanway and Messing also have areas designated, however work has currently been abandoned and there is no active Neighbourhood Plan Steering Group. However this position could be reviewed by the Qualifying Body at any time.

- 5.4 Some of the Neighbourhood Plans which were adopted a number of years ago, have commenced, review / modification, other Groups are considering undertaking modifications / reviewing the Plan. Myland and Braiswick are working on a draft review of the Plan and have been engaging with Officers, making good progress with evidence base updates and drafting along with community engagement. Consultation on a draft review of the Plan is envisaged later this year. Other Neighbourhood Plan Groups or Parish Councils have mentioned potential review in discussion and correspondence with Officers including West Bergholt, Wivenhoe and Boxted, but no clear plans regarding the scope and nature of this have been progressed with CBC Officers on these to date.
- 5.5 The process for reviewing / modifying Neighbourhood Plans is similar to that for preparing Plans for the first time, although there are tiers of review which influence the process and need for Examination and or Referendum. There are 3 types of

modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:

- *Minor (non-material) modifications* to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- *Material modifications which do not change the nature of the plan* or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- *Material modifications which do change the nature of the plan* or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

5.6 Officers continue to support Neighbourhood Plan Groups to prepare and review Plans and are working on preparing updated guidance to help steer groups through the process and hints, tips, lessons learned and resources available. Representatives of Groups have also networked with each other providing valuable advice to one another and to Groups from other Parishes who may be considering embarking on an NHP. This peer support is invaluable and effective with many lessons learned shared along the way.

5.7 Where a community wants to take up the opportunities offered by neighbourhood planning, the legislation enables 3 types of organisation, known as qualifying bodies, to lead it:

- a parish or town council
- a neighbourhood forum
- a community organisation

5.8 Within in Colchester all NHPs to date have been within parished areas, which is the most common Plan area boundary for NHPs. Outside of defined parishes a group of a minimum of 21 interested representatives in the community / organisations in the area which a NHP is to cover, can apply to the Local Planning Authority to be designated as a "Neighbourhood Forum". The membership of a forum must be open and include representation from a range of community interests including living / working in the area. If designated, they become the Qualifying Body for the purposes of Plan making in the same way that the Parish Council does.

6. Equality, Diversity and Human Rights implications

6.1 An Equality Impact Assessment has been prepared for the Local Plan which is relevant, and is available to view by clicking on this link:
[Equality Impact Assessment June 2017.pdf \(windows.net\)](#)

7. Strategic Plan References

7.1 The Strategic Plan is relevant, in particular in contributing towards priorities under the themes:

- Creating safe, healthy and active communities;

- Growing a fair economy so everyone benefits; and
- Delivering homes for people who need them.

8. Consultation

8.1 Not required at this stage, the report is for information purposes.

9. Publicity Considerations

9.1 Not required at this stage, the report is for information purposes.

10. Financial implications

10.1 Not required at this stage, the report is for information purposes.

11. Health, Wellbeing and Community Safety Implications

11.1 None.

12. Health and Safety Implications

12.1 None.

13. Risk Management Implications

13.1 None.

14. Environmental and Sustainability Implications

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 14.2 The NHPs take into account the Climate Emergency sustainable developments objectives set out in the NPPF. Policies may include objectives and initiatives which can contribute to managing climate change.