



Local Plan Committee

13th June 2022

Report of	Assistant Director of Place and Author	Sandra Scott
	Client Services	☎ 282975
Title	Adoption of the Marks Tey Neighbourhood Plan and Adoption of the West Mersea Neighbourhood Plan	
Wards affected	Marks Tey & Layer Ward and Mersea & Pyefleet Ward	

1. Executive Summary

- 1.1 Both the Marks Tey Neighbourhood Plan and West Mersea Neighbourhood Plan have successfully completed the process of examination and approval at referendum and have been before the Council to be made (adopted) as part of the Colchester Local Plan.
- 1.2 Due to the legal requirement for the Council to ratify the results of the referendum within 8 weeks, this decision was approved in accordance with the urgency provisions contained in the Council Procedure Rules.

2. Recommended Decision

- 2.1 That the Local Plan Committee notes that the Marks Tey and West Mersea Neighbourhood Plans were made (adopted) following approval at referendum and the Council decision, under the urgency procedure rule 18 (8th April) and as reported to Council 25th May 2022.

3. Reason for Recommended Decision

- 3.1 To ensure the Council's planning policies provide a robust basis for decisions on future planning applications in the Borough.

4. Alternative Options

- 4.1 There is no alternative option.

5. Background Information

Marks Tey Neighbourhood Plan

- 5.1 Colchester Borough Council designated the Marks Tey Neighbourhood Plan Area on 16 September 2015 for the purpose of preparing a Neighbourhood Plan (in accordance with The Neighbourhood Planning (General) Regulations 2012). The plan area includes the whole of Marks Tey parish.
- 5.2 During the course of the preparation of the Neighbourhood Plan, the Marks Tey Neighbourhood Plan Steering Group carried out a significant number of meetings, consultation events and publicity. This included the following:
- Regular public meetings
 - Public consultation events, including hard to reach groups such as young people, and commuters using the railway station.
 - Residential, business and housing needs survey
 - Establishment and maintenance of dedicated webpages on the Marks Tey Parish Council website (https://marksteyparish.org.uk/?page_id=69)
 - Postings on social media
 - Press releases
- 5.3 The Neighbourhood Plan does not allocate sites for housing due to the limitations caused by the capacity of the existing road network and ongoing uncertainties as to when upgrades to the A120 might take place. There have also been uncertainties due to the Colchester Braintree Borders Garden Community being included but subsequently rejected in the Section One Local Plan and the resultant delay to the adoption of the emerging Local Plan. The Plan contains 15 Policies that cover a wide range of issues including housing mix and choice; local character and heritage; local green spaces; traffic and transport; business; infrastructure; creating walking and cycle friendly neighbourhoods and business and employment. In addition, a number of Community Projects are proposed.
- 5.4 Colchester Borough Council appointed an independent examiner, Mr Peter Biggers, to examine the Neighbourhood Plan in August 2021. The Examiner's Report was issued in October 2021 and concluded that subject to modifications, recommended by the examiner, being made to the document, the Neighbourhood Plan satisfied all the Basic Conditions set out in legislation and should proceed to Referendum.
- 5.5 The Referendum on the Marks Tey Neighbourhood Plan was held on 17th March 2022 with the following results: 308 votes recorded in favour of the plan and 41 against, which amounts to 88% in favour.

West Mersea Neighbourhood Plan

- 5.6 In November 2016, Colchester Borough Council designated the West Mersea Neighbourhood Plan Area for the purpose of preparing a Neighbourhood Plan (in accordance with The Neighbourhood Planning (General) Regulations 2012). The plan area includes the whole of West Mersea Ward.
- 5.7 During the course of the preparation of the Neighbourhood Plan, the West Mersea Neighbourhood Plan Working Group carried out a significant number of meetings, consultation events and publicity. This included the following:
- Regular public meetings
 - Public consultation events
 - Residential, business and housing needs survey
 - Establishment and maintenance of a website (<https://www.merseamatters.uk/>)
 - Regular postings on social media
 - Articles about the Neighbourhood Plan in various local publications
 - Summary leaflets prepared and inserted into local publications
- 5.8 The Neighbourhood Plan does not allocate sites for housing but refers to those allocated in the emerging Local Plan. The Plan contains 19 Objectives, and 28 Policies that cover a wide range of issues including housing; open space, sport and recreation; traffic and transport; business; infrastructure; natural environment and landscape; tourism; heritage; and development design. In addition, a number of Community Aspirations are proposed.
- 5.9 Colchester Borough Council appointed an independent examiner, Mr David Kaiserman, to examine the Neighbourhood Plan in October 2021. The Examiner's Report was issued in December 2021 and concluded that subject to modifications recommended by the examiner being made to the document, the Neighbourhood Plan satisfied all the Basic Conditions set out in legislation and should proceed to Referendum.
- 5.10 The Referendum on the West Mersea Neighbourhood Plan was held on 17th March 2022 with the following results: 1,127 votes recorded in favour of the plan and 148 against, or 88% in favour.
- 5.11 The latest version of Planning Practice Guidance provides that if the majority of those who vote in a referendum are in favour of the draft neighbourhood plan then the neighbourhood plan must be 'made' by the local planning authority within 8 weeks of the referendum. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. Due to there being no Full Council meetings within the 8 week period, and in consultation with The Portfolio Holder for Housing and Planning this decision was approved in

accordance with the urgency provisions contained in Council Procedure Rule 18 and reported at Council on 25th May 2022.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has also been prepared for the Local Development Framework and is available to view by clicking on this link:-

[Equality Impact Assessment June 2017.pdf \(windows.net\)](#)

7. Strategic Plan References

- 7.1 This decision sits well with a number of the themes for Colchester Borough Council's Strategic Vision. [Strategic Plan 2020-23](#).
- 7.2 ["Creating safe, healthy and active communities"](#) – Commitment to regenerate the Borough through buildings, employment, leisure and infrastructure. Build on community strengths and assets, encourage belonging, involvement and responsibility. Neighbourhood plan allows just this. They allow local community groups to, in consultation with local residents and businesses, produce plans which will help to shape development and investment within their local area. These plans are recognised within the planning system and carry material weight.
- 7.3 ["Delivering homes for people who need them"](#) - Providing more affordable homes, and enable local communities to help themselves. Neighbourhood planning places control over the design, location, and nature of housing and affordable housing that will be created within a locality firmly with the remit of the neighbourhood plan.

8. Consultation

- 8.1 The preparation of the Marks Tey and West Mersea Neighbourhood Plans were both underpinned by extensive public consultation. The consultation process was documented in a Consultation Statements submitted along with the Neighbourhood Plan documents as part of the examination process.

9. Publicity Considerations

- 9.1 In the case of both Neighbourhood Plans Parish / Town Councils and Colchester Borough Council have publicised the Neighbourhood Plan on their respective websites.
- 9.2 The documents have been made available on the Colchester Borough Council and Marks Tey Parish Council West Mersea Town Council websites

(respectively), and stakeholders have been notified, in accordance with Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012.

- 9.3 Neighbourhood planning is generally seen as a positive activity and any publicity arising should be seen in this light.

10. Financial implications

- 10.1 Colchester Borough Council is financially responsible for organising the examination and referendum for Neighbourhood Plans in their areas. The Council can however reclaim £20,000 from the Department for Levelling Up, Housing and Communities for all Neighbourhood Plans once a date is set for a referendum following a successful examination. These payments have been made by Central Government to Local Authorities to reflect the additional financial burdens associated with supporting Parish Councils or Neighbourhood Plan Forums prepare Neighbourhood Plans. The grant will cover the cost of the examination and referendum.

11. Health, Wellbeing and Community Safety Implications

- 11.1 None specifically identified.

12. Health and Safety Implications

- 12.1 None specifically identified.

13. Risk Management Implications

- 13.1 The adoption of the Marks Tey and West Mersea Neighbourhood Plans will help ensure that the Council's planning policies are robust and up-to-date and help to reduce the risk of inappropriate development being permitted.

14. Environmental and Sustainability Implications

- 14.1 In order to support the achievement of sustainable development, the Neighbourhood Plans both aim to ensure that new development will be both sustainable and improve life for the community without prejudicing lives for future generations. The plans contain objectives that seek to achieve these objectives including ensuring that any proposed development provides footway and cycleway links, encouraging residents to walk and cycle; preserving and enhancing existing wildlife corridors; protection and enhancement of designated habitats in their own rights and from the impact of new development. In addition, in the case of Marks Tey, through regeneration opportunities including existing employment and business areas; and ensuring that a stronger sense of community is created and maintained. In the case of West Mersea through ensuring that where tourism is encouraged it respects the rural countryside, coastal character and natural habitat.

- 14.2 A screening opinion, carried out under the Environmental Regulations 2004, was undertaken in March 202 for Marks Tey and July 2020 for West Mersea and both concluded that the Neighbourhood Plan is not likely to have significant environmental effects and consequently confirmed that a Strategic Environmental Assessment (SEA) is not required.

Appendices

Appendix A – Marks Tey Neighbourhood Plan Referendum Version

Appendix B- West Mersea Neighbourhood Plan Referendum Version