

12 June 2023

Report of	Laura Goulding Planning Policy Officer 0330 053 8063
Title	Neighbourhood Planning Update
Wards affected	All

1. Executive Summary

- 1.1 Neighbourhood planning has remained high on the national government's agenda since regulations were introduced in 2012. Revisions to the Neighbourhood Planning Regulations in January 2018, the revised National Planning Policy Framework (NPPF) (July 2021) and changes to the national planning practice guidance (PPG) in June 2021 continue to demonstrate the importance of Neighbourhood Plans for housing provision and local planning matters.
- 1.2 Neighbourhood planning remains active across the City, with a number of parish and town councils and local communities positively engaging with the planning process, stakeholders and officers at CCC.
- 1.3 Currently 8 Neighbourhood Plans have been 'made' in Colchester – Wivenhoe, Boxted, Myland and Braiswick, West Bergholt, Eight Ash Green, Marks Tey, West Mersea and most recently Tiptree which was made in May 2023 after a successful referendum. It is anticipated that the Copford and Easthorpe Neighbourhood Plan will be made (adopted) later this year, along with the Myland and Braiswick review.
- 1.4 Great Tey and Great Horkesley are at the evidence gathering and plan preparation stage and Myland and Braiswick have commenced their review and recently completed the regulation 16 consultation. This will be the first neighbourhood plan to undertake a review in Colchester City Council.

2. Recommended Decision

- 2.1 No decision is required as this report is for information only.

3. Reason for Recommended Decision

- 3.1 The report provides an update of the overall neighbourhood plan activity across the City.

4. Alternative Options

- 4.1 Not applicable as the report is for information only. Keeping the Local Plan Committee informed of progress and of any concerns or obstacles is beneficial to the Council and the Neighbourhood Plan Groups.

5. Background Information

- 5.1 Since the Neighbourhood Planning Regulations came into force in 2012, the commitment from national government and the appetite of local communities towards neighbourhood planning has not diminished. At a national level the most intensive activity has been in South England to date, although the government are trying to increase uptake of neighbourhood planning particularly in urban areas and North England through additional funding opportunities.
- 5.2 The Neighbourhood Planning Regulations provides the backbone of the legislative framework for Neighbourhood Plans. The NPPF was updated in 2021 which introduces guidance in respect of the significance of neighbourhood plans in the context of the presumption in favour of sustainable development and housing delivery. Where the presumption in favour of sustainable development applies the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. Developers will frequently try to challenge local authorities 5-year housing supply position to trigger the presumption in favour of sustainable development. For neighbourhood plans made within 2 years or less of the planning decision being made, the bar for this challenge is now set higher, only requiring the local authority to demonstrate a 3-year supply of deliverable housing sites. This is proposed to be amended to 5 years in the draft changes to the NPPF recommended in February 2023.
- 5.3 Updates to the national planning practice guidance in May 2019 recognise the importance of neighbourhood planning, with one of the updates being that an emerging neighbourhood plan 'is likely' to be a material consideration in many cases, as opposed to 'may be' in the previous version. Similarly, the NPPF enables weight to be given to emerging plans, including neighbourhood plans. A recent appeal for up to 56 dwellings was dismissed in West Mersea, where the Inspector said that: *"The West Mersea Neighbourhood Plan (WMNP) was subject to referendum on 17 March 2022 when 88% of those voting supported it. That plan has not yet been formally made but it can be given significant weight as forming part of the development plan."*
- 5.4 Neighbourhood plans have statutory weight and status and once adopted ('made'), they become part of the development plan for the designated area and are used to help determine planning applications, where relevant. A recent appeal for a residential development was dismissed in Wivenhoe where the Inspector concluded that *"the proposed built development, partially outside the settlement boundary defined in the Wivenhoe Neighbourhood Plan, would be unacceptable in principle, despite a certain degree of detailed policy compliance, and would undermine the plan-led system. This factor weighs substantially against the appeal."* And continues that *"the proposed development is not capable of being regarded as compliant with the development plan as a whole."*
- 5.5 Within Colchester there has been considerable neighbourhood planning activity within a number of parishes, most of whom are continuing to progress with the challenging task of plan making. Members may recollect that the making of the Boxted Neighbourhood Plan and Myland and Braiswick Neighbourhood Plan in 2016, were the first in Essex to reach the final stage. They also benefitted from central government funding following their designation as Frontrunners (with an additional £20,000 being awarded towards the preparation of each). Similar funding is no longer available, and each Parish council has to apply for funding as they progress, from bodies such as Locality.

5.6 The overview of activity across the City is summarised in the table below and a more detailed progress update for each the neighbourhood plans follows.

Neighbourhood Plan	Date of Area Designation	Stage of progress	Comments
Made/Adopted			
Boxted	October 2012	Adopted 2016	Part of the Development Plan and used for decision making
Myland and Braiswick	January 2013	Adopted in 2016	Part of the Development Plan and used for decision making
Wivenhoe	April 2013	Adopted May 2019	Part of the Development Plan and used for decision making
Eight Ash Green	June 2015	Adopted December 2019	Part of the Development Plan and used for decision making
West Bergholt	July 2013	Adopted December 2019	Part of the Development Plan and used for decision making
Marks Tey	September 2015	Adopted March 2022	Part of the Development Plan and used for decision making
West Mersea	September 2016	Adopted March 2022	Part of the Development Plan and used for decision making
Tiptree	October 2014	Adopted May 2023	Successful referendum held 4 th May 2023 and part of the Development Plan and used for decision making
Emerging			
Copford with Easthorpe	May 2015	Examination concluded May 2023. Decision Statement issued – intention to proceed to Referendum (date TBC)	The Examiner issued his final report on 8 May 2023 which concluded that subject to his recommendations, the plan meets the basic conditions and can proceed to referendum.

Myland and Braiswick Review	January 2013	Review the adopted plan. Regulation 16 ran from 27 March to 16 May 2023	Proceeding to examination
Great Tey	May 2017	Finalising Draft Plan	Preparing for regulation 14 Consultation
Great Horkesley	June 2022	Evidence gathering and plan preparation	Evidence gathering
Messing	July 2013	Work abandoned	No active NHP group currently
Stanway	June 2014	Work abandoned	No active NHP group currently

5.7 Tiptree

The Tiptree Neighbourhood Plan has successfully completed the process of examination, approval at referendum and was presented to Council on 24 May to officially be made (adopted) as part of the Colchester Development Plan. The NHP area was designated in 2015 and after an unsuccessful examination in 2020, the Tiptree Neighbourhood plan recommenced work at the Regulation 14 stage. It later progressed to Regulation 16 consultation in October 2022. The examiner issued his final report on 15 December 2022 concluding that subject to modification the Tiptree Neighbourhood plan meets the basic conditions and can proceed to referendum. The Referendum was held on 4 May 2023 with 2,087 votes recorded in favour of the plan and 382 against, or 84% in favour.

5.8 Copford with Easthorpe

The Copford with Easthorpe Neighbourhood Plan commenced examination in October 2022. The Examiner issued his [final report](#) on 8 May 2023, which concluded, provided the recommendations set out are followed, that the Copford with Easthorpe Neighbourhood would meet the basic conditions, and recommend that, as modified, it should proceed to referendum. Following this, the Council have published the [decision statement](#) outlining the intention to proceed to referendum. Further details regarding the referendum will be published on the Council's website in due course.

5.9 Myland and Braiswick Review

The Myland and Braiswick Neighbourhood plan was the first plan in Colchester to undergo a review. Originally made in 2016, being one of the first neighbourhood plans in Essex to be made. The review commenced in 2021 and the first stage of consultation (Regulation 14) was undertaken in Autumn 2022. Following this, the Review Plan was submitted to the Council and the second round of consultation (Regulation 16) commenced on 27 March 2023 and ended 15 May 2023. Following the completion of the consultation, an Independent Neighbourhood Plan Examiner will be appointed to examine the Plan and determine whether the Plan satisfies the Basic Conditions. All responses received will be sent directly to the Examiner. The Examiner will also consider whether the amendments to the Myland and Braiswick Neighbourhood Plan are minor (non-material), material modifications (which do not change the nature of the plan) or material modifications (that do change the nature of the plans). This will then determine whether the plan would need to proceed to referendum.

5.10 Great Tey

Great Tey carried out an informal preliminary consultation and have prepared an evidence base. A consultant has been appointed and a call for sites was carried out in summer 2019. A draft plan has been finalised and preparations are underway for a regulation 14 consultation.

5.11 Great Horkesley

The Great Horkesley Neighbourhood plan area was designated in June 2022 and the plan is currently undergoing evidence and plan preparation.

5.12 Messing

There is no active Neighbourhood Plan Group currently; work on the Messing Neighbourhood Plan has been abandoned.

5.13 Stanway

There is no active Neighbourhood Plan Group currently; work on the Stanway Neighbourhood Plan has been abandoned.

5.14 Updated guidance and website

Officers have produced an updated [guidance document](#) explaining the NHP process from the area designation stage through to adopted and reviewing a made plan. The document also explains the support available from the council and other technical support such as [Locality](#). The neighbourhood plan pages on the CCC [website](#) have recently been updated, making it much more user friendly and efficient. Officers continue to provide significant support to the neighbourhood planning groups providing them with a named officer to advise and assist with problem solving when necessary, attend meetings where appropriate, direct them to good practice and serve the role of critical friend. Specialist help is also offered in relation to Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA), where possible. In addition, the Council is responsible for the procedural work at Designation, Submission, Examination, Referendum and Adoption stages. This is resource intensive, but an important element of the Planning Policy framework for Colchester.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking [here](#).

7. Strategic Plan References

- 7.1 The Strategic Plan is relevant in particular contributing to priorities under the themes:
- Improve health, well-being, and happiness;
 - Deliver Homes for those most in need;
 - Grow our economy so everyone benefits.

8. Consultation

- 8.1 The Neighbourhood Planning Regulations set out required stages of consultation as part of the neighbourhood plan process.

9. Publicity Considerations

9.1 None

10. Financial implications

10.1 The Council is awarded funding at the final stage of neighbourhood plan production where a Plan proceeds to a referendum to help cover costs such as those associated with the examination and holding a referendum.

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.