



## Local Plan Committee

Item

6

2 February 2015

<b>Report of</b>	<b>Head of Commercial Services</b>	<b>Author Sarah Pullin</b> ☎ 508639
<b>Title</b>	<b>Tiptree Neighbourhood Plan Area</b>	
<b>Wards affected</b>	<b>Tiptree</b>	

**The Local Plan Committee is asked to formally designate the Tiptree Neighbourhood Plan Area**

### 1. Decision(s) Required

- 1.1 To formally designate the Tiptree Neighbourhood Plan Area, as set out by Section 61G of Town and Country Planning Act (1990) (inserted by the Localism Act (2011)).

### 2. Reasons for Decision

- 2.1 The 2011 Localism Act and the 2012 National Planning Policy Framework introduced neighbourhood planning, giving communities new rights to strengthen their involvement in the planning process.
- 2.2 In accordance with Section 61G of Town and Country Planning Act (1990) (as amended) and the Neighbourhood Planning Regulations (2012), Tiptree Parish Council submitted a Neighbourhood Plan Area Application to the Borough Council, including a plan of the proposed Neighbourhood Plan area and the reasons why they consider this area to be appropriate. The Colchester Borough Council undertook a six week public consultation on the proposed Tiptree Neighbourhood Plan Area, in accordance with the Regulations, from 10 November to 22 December 2014.
- 2.3 This report provides an overview of the consultation responses and recommends that the Local Plan Committee formally designate the proposed Neighbourhood Plan Area. This will allow Tiptree Parish Council to progress their Neighbourhood Plan.
- 2.4 A map of the proposed Neighbourhood Plan Area and the application letter are attached as Appendix A.

### 3. Alternative Options

- 3.1 The Committee could decide not to designate the proposed Neighbourhood Plan Area. In this instance, the Regulations require that Colchester Borough Council publishes a statement of the reasons for that decision. As such, in the event of a decision not to designate the proposed area, it will be important that the Committee set out clear reasons for that decision.
- 3.2 Section 61G (5) of the Act also requires that if the Council decides to refuse the application because it considers that the specified area is not an appropriate area to be designated as a Neighbourhood Plan Area, Colchester Borough Council must exercise

their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as Neighbourhood Plan Areas. The effect of this provision is that in the event that the Local Plan Committee were to decide to refuse the application, the Council would need to provide alternative Neighbourhood Plan Area boundary proposals and must use its powers to designate them.

3.3 A decision to refuse the proposed Area Application would be likely to delay the production of the Neighbourhood Plan.

#### 4. Supporting Information

4.1 The purpose of neighbourhood planning is to give local communities a much greater influence over the development of their neighbourhoods and to increase engagement in the planning process.

4.2 The concept of community planning is not new in Colchester. The Borough Council has actively encouraged local groups to produce Village Design Statements and Parish Plans since 2006. However, Neighbourhood Plans differ from Village Design Statements and Parish Plans in a number of ways:

- Once adopted, they become part of the Statutory Development Plan and therefore carry real weight in the decision making process.
- They are subject to formal examination and referendum.
- They must be led by either the Parish Council or a constituted Neighbourhood Forum.

4.3 Section 38B of the 1990 Act (as amended) states that only one Neighbourhood Plan may be made for each Neighbourhood Area.

4.4 The Neighbourhood Plan Area was published on the Colchester Borough Council's website, in accordance with Regulation 6 of the Neighbourhood Planning Regulations (2012). The website included the application letter and a map of the proposed Neighbourhood Plan Area, along with details of the date by which representations must have been received and of how to submit representations. Notification and details of the consultation were emailed to the relevant parties on the Planning Policy consultation database.

4.5 The Neighbourhood Plan Area consultation ran for six weeks from 10 November to 22 December 2014. Nine representations were received within the consultation period and these are summarised below. No objections to the proposed Area were received.

Organisation or Individual	Comment
Anglian Water	No comments to make at this time, but the opportunity to comment at later stages on any aspects relevant to Anglian Water is welcomed.
Babergh District Council	No comments to make on this consultation.
English Heritage	English Heritage has no objection to the designation. A desktop study shows that the proposed Plan Area contains a modest number of designated heritage assets. It will be important that the strategy safeguards those elements that contribute to the significance of these assets. It is not considered that English Heritage need to be involved in the development of this Plan.

Essex County Council	ECC raises no comment on the proposed boundary and looks forward to engaging in the preparation of the Neighbourhood Plan. ECC wishes to draw the attention to the issue of flood risk as a key factor affecting new development. They ask that the Plan includes a requirement for new development of all scales to incorporate sustainable drainage systems into their design, and are happy to provide advice on this.
Marine Management Organisation	No comments to submit in relation to the consultation.
Messing cum Inworth	No objection to the application from Tiptree Parish Council and believe that it is more practical for the 'Grove Road' estate to be part of Tiptree.
Natural England	Advice is offered which may be of use in the preparation of the Plan which includes protected landscapes, protected species, Local Wildlife Sites, and protecting the best and most versatile agricultural land. It also provides information on opportunities for enhancing the character and local distinctiveness of the surrounding natural and built environment, for example through green space provision and access to nature.
Sport England	It is important that the Neighbourhood Plan reflects national policy for sport as set out in the National Planning Policy Framework with particular reference to Paras 73 and 74, to ensure proposals comply with national planning policy. It is also important to be aware of Sport England's role in protecting playing fields and the presumption against the loss of playing fields, as set out in 'A Sporting Future for the Playing Fields of England – Planning Policy Statement'. Sport England also provided some links to relevant information and guidance in their consultation response.
Kenneth James – resident of Tollshunt Knights	Mr James objected to the quality of the map submitted with the Area Application, stating that it does not clearly show the village boundaries. Mr James also queried when public/neighbourhood consultation would take place and what form it would take.

4.6 Each of the representations received above have been summarised for the purposes of this report. Copies of the full representation will be made available to Tiptree Parish Council.

## 5. Proposals

- 5.1 In their Area Application, Tiptree Parish Council proposed that the Tiptree parish, in its entirety, be designated as a Neighbourhood Plan Area. This area is considered to be appropriate as it will enable the planning needs of the whole parish to be considered comprehensively in the production of the Neighbourhood Plan.
- 5.2 The application for a Neighbourhood Plan Area must be made by a 'relevant body', as required by Section 61G (2) of the Act (as amended). The Act states that a parish council can be considered to be a relevant body if the proposed area consists of, or includes, the whole or any part of the area of the council. In this case, the proposed area covers the

whole of Tiptree parish. As such, Tiptree Parish Council constitutes a 'relevant body' which can legitimately make this application in accordance with Section 61G of the Act.

- 5.3 The Local Plan Committee is asked to formally designate the Tiptree Neighbourhood Plan Area. Once the Area is designated, Regulation 7 of the Neighbourhood Planning Regulations (2012) requires the Council to publish the name of the Neighbourhood Plan Area and a map which identifies the Area, together with the name of the relevant body that applied for the designation. In the event that the area is designated by the Committee, this information will be published as soon as possible.

## **6. Strategic Plan References**

- 6.1 The Strategic Plan Action Plan includes a commitment to regenerate the Borough through buildings, employment, leisure and infrastructure; improve opportunities for local business to thrive, including retail; provide more affordable homes across the Borough; and enable local communities to help themselves. The production of a Neighbourhood Plan will contribute towards the achievement of these objectives.

## **7. Consultation**

- 7.1 The proposed Neighbourhood Plan Area was publicised in accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations (2012), as detailed in section 4.4 and 5.2 above. Should the area be formally designated by the Local Plan Committee, the Council must publish details of the area as soon as possible.

## **8.0 Publicity Considerations**

- 8.1 The Neighbourhood Plan could potentially generate publicity as the Plan proposals emerge.

## **9. Financial Implications**

- 9.1 Colchester Borough Council is responsible for its own consultation costs and for the costs of the Neighbourhood Plan examination and referendum. The Department for Communities and Local Government have made grant monies available to local authorities to cover the costs of supporting neighbourhood planning groups. The release of grant monies is staged; £5,000 is made available following the designation of a Neighbourhood Plan Area and further funds are available at later stages, to cover the cost of staff time, resources, examination and referendum.
- 9.2 An application will be submitted to the Department for Communities and Local Government for the first part of the grant once the Tiptree Neighbourhood Plan Area is approved.

## **10. Equality, Diversity and Human Rights implications**

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Your Council > How the Council works > Equality and Diversity > Equality Impact Assessments > Commercial Services > Strategic Planning and Research.
- 10.2 No particular Human Rights implications have been identified.

## **11. Community Safety Implications**

11.1 None identified.

## **12. Health and Safety Implications**

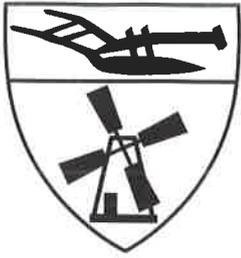
12.1 None

## **13. Risk Management Implications**

13.1 The process will need to be managed carefully alongside the production of the new Local Plan to avoid conflicts between the two plan production processes.

## **Appendices**

Appendix A – Tiptree Parish Council Neighbourhood Plan Area Application



Clerk:  
Mrs. C. McSweeney

Mrs K Syrett  
Planning Policy Officer  
Strategic Policy and Regeneration  
Colchester Borough Council  
33 Sheepen Road  
Colchester  
Essex  
CO3 3WG

**TIPTREE PARISH COUNCIL**  
MYNOTT COURT,  
CHURCH ROAD,  
TIPTREE,  
ESSEX CO5 0UP

Telephone: (01621) 817030

email: [tiptree.parish@btconnect.com](mailto:tiptree.parish@btconnect.com)  
[www.essexinfo.net/tiptree-parish-council](http://www.essexinfo.net/tiptree-parish-council)

1st October 2014

Dear Mrs Syrett

**Tiptree Parish Council – Application to designate a Neighbourhood Plan Area**

Under the Neighbourhood Planning Regulations 2012 (part 2 section 6) please accept this letter as the Parish Council's formal application to designate a Neighbourhood Plan Area.

Turning to the regulations, please include the wards of the following Cllrs - Richard Martin, Margaret Crowe, John Elliott, Kevin Bentley and Andrew Ellis

The area is considered appropriate to be designated as the neighbourhood area because:

- i) it is co-terminus with existing local government administrative boundaries
- ii) it is inclusive and will enable the designated neighbourhood to reach all potential areas of development
- iii) likewise, it will enable a fuller range of consultation within the designated area
- iv) it permits the local authority to operate this plan together with other potential adjoining neighbourhoods and does not leave any 'gaps'.

Within the meaning of Section 61 G (a) Tiptree Parish Council is a relevant body.

I trust that I have enclosed all of the required information but should anything further be required please do not hesitate to contact the Clerk at the address shown above.

I await your formal response in due course.

Yours sincerely

  
Mrs Carolyn McSweeney  
Clerk to the Parish Council

