



Council

Item
8

18 October 2023

Report of	Author Rachel Forkin 282625
Title	Adoption of the Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023)
Wards affected	Mile End; Lexden and Braiswick; Highwoods

1. Executive Summary

- 1.1 The Myland and Braiswick Neighbourhood Plan 2016-2032 was adopted in December 2016. The Myland and Braiswick Neighbourhood Plan group, on behalf of Myland Community Council, have undertaken a review of the original Neighbourhood Plan for the area. Following receipt of the Examiner's Report, which recommends that Colchester City Council should make the Review Plan with the modifications specified in the report, the Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023) has now come before the Council to be made (adopted) as part of the Colchester Local Plan.

2. Recommended Decision

- 2.1 That the Council makes (adopts) the Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023) following receipt of the Examiner's Report.

3. Reason for Recommended Decision

- 3.1 To ensure the Council's planning policies provide a robust basis for decisions on future planning applications.
- 3.2 The latest version of Planning Practice Guidance provides that a Local Planning Authority will be required to make the modified plan within 5 weeks following receipt of the examiner's report, or such later date as agreed in writing between the local planning authority and the qualifying body.

4. Alternative Options

- 4.1 There is no alternative option. Not adopting the Neighbourhood Plan would be contrary to the positive approach to Neighbourhood Plans found in National Planning Policy Framework and Planning Practice Guidance. If the Examiner's report recommends that the local planning authority should make the draft plan with the modifications specified in the report, the authority must make the draft plan with those modifications.

5. Background Information

- 5.1 The current adopted Myland and Braiswick Neighbourhood Plan covers the area designated by Colchester Borough Council as the Neighbourhood Plan Area in December 2016 for the purpose of preparing a Neighbourhood Plan (in accordance with The Neighbourhood Planning (General) Regulations 2012).
- 5.2 The Myland and Braiswick Neighbourhood Plan passed its referendum with an 87.4% vote in favour on a turnout of 11.76% on 15th September 2016. The Plan was then adopted (made) on 8th December 2016. The Qualifying Body has undertaken a review to propose amendments to the existing policies.
- 5.3 The Myland and Braiswick Neighbourhood Planning Group have engaged with the local community on the content and applicability of the made Plan to inform its intended review. Since the adoption of the Neighbourhood Plan in 2016, national planning policy has been updated and the Colchester Local Plan has been adopted. These are the principal reasons why it was deemed appropriate to review the Myland and Braiswick Neighbourhood Plan.
- 5.4 Following the submission of the draft Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023) to the Council, the Plan was published for 6 weeks between 27 March 2023 and 15 May 2023 inviting representations, in accordance with The Neighbourhood Planning (General) Regulations 2012 Regulation 16.
- 5.5 The latest version of Planning Practice Guidance sets out the 3 types of modification which can be made to a neighbourhood plan. The process will depend on the degree of change which the modification involves. If the qualifying body wish to make modifications that do materially affect the policies in the plan, there are required to follow guidance on updating a neighbourhood plan with the following additional requirements:
- The qualifying body must state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons.

- The local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons.
- The qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan.

5.5 Colchester City Council appointed an independent examiner, Mr Andrew Seaman to examine the Neighbourhood Plan in July 2023. As the proposal was submitted as a modification to the made Neighbourhood Plan, the Examiner undertook an initial determination whether the modifications contained in the Review Plan are so significant or substantial as to change the nature of the Neighbourhood Development Plan which the Review Plan would replace. The Examiner set out their determination, in a procedural letter of 2 August 2023, that the modifications proposed in the draft Plan are material but do not change the nature of the made Plan and as a consequence, if the recommendation in the Examiner's Report is that the draft Plan be made (with or without examiner modifications), a referendum stage will not be a necessary part of the statutory process.

5.6 The Examiner's Report, which was issued on 13 September 2023, concluded that subject to modifications recommended by the examiner being made to the document, the Myland and Braiswick Review Neighbourhood Plan met the Basic Conditions set out in legislation and that Colchester City Council should make the Review Plan with the modifications set out in the report. The report also stated that non material changes, including suggestions and corrections set out in the representations, can be incorporated into the final version of the Plan by Myland Community Council and Colchester City Council if deemed appropriate.

5.7 The latest version of Planning Practice Guidance provides that where material modifications do not change the nature of the plan (and the examiner finds that the proposal meets the basic conditions, or would with further modifications, a referendum is not required. A local planning authority will be required to make the modified plan within 5 weeks following receipt of the examiner's report, or such later date as agreed in writing between the local planning authority and the qualifying body.

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 on this link: [Equality Impact Assessments - Colchester City Council](#)

6.2 There are no particular Human Rights implications.

7. Strategic Plan References

7.1 Effective strategic planning supports the Strategic Plan 2023-26, which aims to recognise the distinctive qualities of our rural and city life, our many communities and identities and our culture and heritage. It includes commitments to conserve and enhance our biodiversity; support local areas as they help shape and deliver the services which are most important to them; and ensuring developers apply beautiful and sustainable to all house builds across the city. The Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023) will contribute towards achieving these objectives.

8. Consultation

8.1 The preparation of the Myland and Braiswick Neighbourhood Plan was underpinned by extensive public consultation in accordance with the required regulations. The consultation process was documented in a Consultation Statement submitted along with the Neighbourhood Plan document as part of the examination process.

9. Publicity Considerations

9.1 Both Myland Community Council and Colchester City Council have publicised the Neighbourhood Plan (Reviewed 2022-2023) on their respective websites.

9.2 On adoption, the document will be made available on the Colchester City Council and Myland Community Council websites, and stakeholders will be 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 City Council is financially responsible for organising the examination and referendums where required for Neighbourhood Plans in their areas. The Council can however reclaim £20,000 from the Department for Levelling Up, Housing and Communities for all new Neighbourhood Plans once a statement has been issued detailing their intention to send the plan to referendum following a successful examination. In the case of a modified / review plan which has not

required a referendum, there is no additional grant available to the Council. The Council is able to cover the cost of the Examination from the grants received for neighbourhood planning across the City area. 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 previous grant monies will cover the cost of the examination.

11. Health, Wellbeing and Community Safety Implications

11.1 None identified.

12. Health and Safety Implications

12.1 None identified.

13. Risk Management Implications

13.1 The adoption of the Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023) 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 Plan aims to ensure that new development will be both sustainable and improve life for the community without prejudicing lives for future generations. The Plan contains a vision to seek to conserve and enhance the distinctive nature of the rural community recognising the challenge of the climate emergency while taking a sustainable and optimistic view of future development.

14.2 A screening opinion, carried out under the Environmental Regulations 2004, was undertaken in January 2023, and 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

A – Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023)