

25 May 2022

Report of	Assistant Director of Place and Client Services	Author	Catherine Bailey
Title	Adoption of the Marks Tey Neighbourhood Plan		
Wards affected	Marks Tey		

1. Executive Summary

- 1.1 The Marks Tey Neighbourhood Plan has successfully completed the process of examination and approval at referendum and has now come before the Council to be made (adopted) as part of the Colchester Local Plan.
- 1.2 Due to the legal requirement for the Full 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 Council makes (adopts) the Marks Tey Neighbourhood Plan following its approval at referendum.

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.
- 3.2 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.

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 Guidance. 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.

5. Background Information

- 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 rejected in the Section One Local Plan examination and the resultant delay to the adoption of the emerging Local Plan. No sites are therefore allocated in 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.
- 5.6 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, this decision was approved in accordance with the urgency provisions contained in Council Procedure Rule 18.
- 5.7 The Portfolio Holder for Housing and Planning has also been consulted and is content that Full Council adopts the Marks Tey Neighbourhood Plan.

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 Borough Council](#).
- 6.2 There are no particular Human Rights implications.

7. Strategic Plan References

- 7.1 Effective strategic planning supports the Strategic Plan 2020-23 which includes a commitment to create great places to live through the provision of new homes with infrastructure and facilities that support sustainable living and promote health and wellbeing. The Marks Tey Neighbourhood Plan will contribute towards achieving these objectives.

8. Consultation

- 8.1 The preparation of the Marks Tey Neighbourhood Plan was underpinned by extensive public consultation. 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 Marks Tey Parish Council and Colchester Borough Council have publicised the Neighbourhood Plan on their respective websites.
- 9.2 On adoption, the document will be made available on the Colchester Borough Council and Marks Tey Parish 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 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 identified.

12. Health and Safety Implications

- 12.1 None identified.

13. Risk Management Implications

- 13.1 The adoption of the Marks Tey Neighbourhood Plan 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 objectives that include ensuring that any proposed development provides footway and cycleway links, encouraging residents to walk and cycle; preserving and enhancing the distinctive characteristics of Marks Tey including maintaining a separate identity for neighbouring Parishes; protection and enhancement of environmental qualities including existing, hedgerows and wildlife corridors; delivery of environmental improvements through regeneration opportunities including existing employment and business areas; ; and ensuring that a stronger sense of community is created and maintained
- 14.2 A screening opinion, carried out under the Environmental Regulations 2004, was undertaken in March 2020 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.