

12 November 2018

Report of	Assistant Director Policy and Corporate	Author	Sandra Scott
Title	Neighbourhood Planning Update		☎ 282975
Wards affected	All		

1. Executive Summary

- 1.1 Neighbourhood Planning continues to remain high on the national government's agenda since regulations were introduced in 2012. Revisions to the Neighbourhood Planning Regulations in January 2018 and the revised NPPF in July 2018 continue to demonstrate the importance of Neighbourhood Plans for housing provision and local planning matters.
- 1.2 Neighbourhood Planning remains active across the Borough, with a number of parish councils and local communities positively engaging with the planning process, stakeholders and officers at CBC.
- 1.3 Currently two Neighbourhood Plans have been 'made' in the Borough – Boxted and Myland and Braiswick, which were adopted in 2016. A number of other parish councils are progressing work for their respective Neighbourhood Plan Areas.
- 1.4 This report provides a status update of all Neighbourhood Plans in the Colchester Borough.

2. Recommended Decision

- 2.1 To consider an update on the progress of Neighbourhood Planning in Colchester Borough.

3. Reason for Recommended Decision

- 3.1 To enhance awareness of the overall Neighbourhood Plan activity and particularly the stage of preparation of the Plans given their importance and relationship to the statutory Local Plan and in a number of cases relevance to housing delivery.

4. Alternative Options

- 4.1 Not applicable – 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 to Neighbourhood Planning has not diminished. At a national level the most intensive activity has been in the south of England to date. The engagement in Colchester is generally representative of most other areas of the country.
- 5.2 The Neighbourhood Planning Regulations 2012 provides the backbone of the legislative framework for Neighbourhood Plans (NHPs) with a number of amendments made as recently as January 2018. Recent Planning Guidance has also introduced important measures which apply to Neighbourhood Plans which are providing for the areas housing supply, once they have been made (adopted). The revised NPPF published in July 2018 also introduces guidance in respect of the significance of NHPs in the context of the presumption in favour of sustainable development and housing delivery. Paragraph 14 confirms that where policies are out of date, the significance of the Neighbourhood Plan is greatly enhanced. Developers will frequently try to challenge Local Authorities 5 year housing supply position to trigger the “presumption in favour of sustainable development”. For NHPs made within 2 years or less of the 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. In such cases the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits.
- 5.3 Within the Colchester Borough area there has been considerable NHP 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 NHP and Myland and Braiswick NHP in 2016 were the first in Essex to reach the final stage. They also benefitted from central government funding following their designation as Frontrunners (£20,000 was 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.
- 5.4 The overview of the activity in the Borough is summarised in the table below and a more detailed progress update for each the NHPs follows;

Neighbourhood Plan	Date of Area Designation	Stage of progress	Comments
Boxted	October 2012	Made 2016	Part of the Development Plan used for Decision Making
Myland and Braiswick	January 2013	Made 2016	Part of the Development Plan used for Decision Making

Neighbourhood Plan	Date of Area Designation	Stage of progress	Comments
Copford with Easthorpe	May 2015	Evidence gathering and scoping. Consultation on Vision etc. early November	Work stopped and has recently restarted
Eight Ash Green	June 2015	Plan Submitted HRA/SEA screening in progress Includes allocation for 150 dwellings	Consultation on submission plan due to complete 2018/early 2019
Great Tey	May 2017	Evidence gathering and scoping	Early stage of plan preparation
Messing	July 2013	Work abandoned	No active NHP group currently
Marks Tey	July 2015	Evidence gathering and scoping	Awaiting Local Plan progress to help inform approach
Stanway	June 2014	Work abandoned	No active NHP group currently
Tiptree	October 2014	Plan preparation advanced. Will include allocations for 600 dwellings	Consultation on draft plan anticipated late 2018
West Bergholt	July 2013	Submission imminent To include allocation of sites for 120 dwellings	Consultation on draft plan anticipated winter 2018/19
West Mersea	September 2016	Evidence gathering and plan preparation	Consultations undertaken during the

Neighbourhood Plan	Date of Area Designation	Stage of progress	Comments
			summer and previously Plan writing in progress
Wivenhoe	April 2013	Plan submitted and undergoing Examination. Includes allocation of sites for 250 dwellings	Examination well advanced; had to incorporate HRA considerations in light of High Court challenge (elsewhere) following submission

5.5 Each of the NHP areas are different and the local community bring their own influences, but all NHPs are faced with a challenging process and range of obstacles which they work hard to overcome. Below is a summary of the current position and any particular challenges applying to each NHP which is continuing to progress;

- **Copford with Easthorpe**

Following a period of reflection, work has resumed on the Copford with Easthorpe Neighbourhood Plan and an open public 'Vision' meeting on Saturday November 3rd is scheduled to present existing information and gather resident views. Following this, the NHP group should be in a position to move forward with evidence gathering and scoping of the plan. The Local Plan allocates two housing sites in Copford and no further housing sites are expected to be allocated in the NHP. It is therefore anticipated that the Plan will instead focus on other policy matters.

- **Eight Ash Green**

Eight Ash Green submitted the proposed submission version of their Neighbourhood Plan to the council in September. Discussions are currently ongoing between the working group and officers regarding the robustness of the evidence base, and any updates that may be required, to ensure compliance with the Basic Conditions. It is envisaged the consultation period will commence soon having regard to avoid consultation over the Christmas period, it may run into early January 2019. As required by the legislation a Habitats Regulations and Strategic Environmental Assessment Screening is also currently underway.

- **Great Tey**

Great Tey are finalising an initial preliminary consultation period (informal) and starting to pull together an evidence base and scoping for the plan. The Local Plan allocates two housing sites in Great Tey and no further sites are expected to be allocated in the NHP. It is therefore anticipated that the Plan will instead focus on other policy matters.

- **Marks Tey**

Marks Tey are still gathering evidence and stakeholder feedback as well as waiting for the outcome of the Local Plan process to help inform how to take the NHP forward. They have engaged with a planning consultant to work with them in addition to the support from CBC.

- **Tiptree**

Tiptree is well advanced in the preparation of the NHP having carried out extensive consultation and evidence base work for a number of years. The NHP will make an important contribution to the housing supply and allocate sites for 600 dwellings. The demands on the NHP to ensure robust evidence and assessments underpin the Plan, has influenced the time taken to date (over 60 sites were put forward). As well as being supported by CBC they have also engaged a planning consultant to help them continue expediently. A Draft Plan, followed by Submission is anticipated in the next few months

- **West Bergholt**

West Bergholt is well advanced in the preparation of the NHP having carried out extensive consultation and evidence base work for a number of years. The NHP will make an important contribution to the housing supply and allocate sites for 120 dwellings. The demands on the NHP to ensure robust evidence and assessments underpin the Plan, has influenced the time taken to date. A Draft Plan is anticipated during November 2018, followed by Submission in the next few months. The NHP Group have been supported by a Council Officer.

- **West Mersea**

West Mersea has undertaken a significant amount of public consultation and stakeholder events have been held at various times, the most recent being at the end of June this year. Work has also progressed with evidence gathering and drafting the Plan. The Local Plan includes two housing sites on Mersea which will deliver 200 new homes. No further housing sites are expected to be allocated in the NHP, but instead it will focus on other policy matters, including looking to shape and influence those allocations included in the emerging Local Plan. A Draft Plan is anticipated sometime early next year.

- **Wivenhoe**

The Wivenhoe NHP is currently undergoing Examination and is at an advanced stage. This has been a slow process primarily due to complexities surrounding the Habitats Regulations and NHPs and a High Court challenge (case known as People Over Wind and Sweetman v Coilette Teoranta) which is directly relevant to this Plan. Having obtained a legal opinion it is anticipated that a way forward can now be agreed. It is anticipated that the Examiners report and recommendation will be available soon and this should enable a referendum to be undertaken late 2018/ early 2019.

5.6 The Council continues to provide significant support to the NHP 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. In addition the Council is responsible for the procedural work at Designation, Submission, Examination and finally Referendum stages. This is resource intensive, but an important element of the Planning Policy framework for the Borough. In some cases

especially where housing allocations form part of the Plan, groups engage consultants which provides an additional resource and can be particularly helpful for technical work, such as site assessments. In order to fund this the groups are able to apply to Locality for grants which can be used to help progress plans.

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:-
<http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>

7. Strategic Plan References

- 7.1 The Strategic Plan is relevant in particular in contributing towards priorities under the themes Responsibility, Opportunity and Wellbeing;
Responsibility- Promote responsible citizenship by encouraging residents to get involved in their communities and to identify solutions to local issues;
Opportunity- Ensure a good supply of land available for new homes through our Local Plan;
Wellbeing- Encourage belonging, involvement and responsibility in all the borough's communities.

8. Consultation

- 8.1 No Public Consultation is required in relation to this report. Regulations specify the procedures for consultation at the relevant stages.

9. Publicity Considerations

- 9.1 None associated with this report.

10. Financial implications

- 10.1 The Council is able to apply for funding at various stages of NHP production to cover costs such as those associated with the examination and holding a referendum. It should however be noted that some of this funding is being reduced.

11. Community Safety, Health and Safety and Risk Management Implications

- 11.1 There are no community safety, health and safety or risk management implications for the Council.