

21 October 2019

<b>Report of</b>	<b>Assistant Director of Policy and Corporate</b>	<b>Author</b>	<b>Shelley Blackaby</b>
<b>Title</b>	<b>Neighbourhood planning update</b>		<b>☎ 508635</b>
<b>Wards affected</b>	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 NPPF (February 2019) and changes to the National planning practice guidance in May 2019 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 and town councils and local communities positively engaging with the planning process, stakeholders and officers at CBC.
- 1.3 Currently three Neighbourhood Plans have been 'made' in the Borough – Wivenhoe, Boxted and Myland and Braiswick, which were adopted in 2019 and 2016. It is anticipated that the West Bergholt Neighbourhood Plan and Eight Ash Green Neighbourhood Plan will be made (adopted) later this year.

## 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 (NP) 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 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 to neighbourhood planning has not diminished. At a national level the most intensive activity has been in the south of England to date.
- 5.2 The Neighbourhood Planning Regulations 2012 provides the backbone of the legislative framework for Neighbourhood Plans. The revised NPPF published in February 2019 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 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. 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. A recent appeal for up to 97 dwellings was dismissed in West Bergholt, the Inspector said that: "Permitting a scheme that would be in direct conflict with what are key elements of the strategy underlying the emerging West Bergholt NP would undermine confidence in the planning process".
- 5.3 Within Colchester Borough 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 (£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. The Wivenhoe Neighbourhood Plan was adopted on 22 May 2019, following a referendum on 2 May 2019.
- 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 neighbourhood plans follows.

<b>Neighbourhood Plan</b>	<b>Date of Area Designation</b>	<b>Stage of progress</b>	<b>Comments</b>
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
Wivenhoe	April 2013	Made May 2019	Part of the Development Plan used for Decision Making

<b>Neighbourhood Plan</b>	<b>Date of Area Designation</b>	<b>Stage of progress</b>	<b>Comments</b>
Copford with Easthorpe	May 2015	Evidence gathering and scoping	Work stopped and then restarted in 2018
Eight Ash Green	June 2015	Referendum on 7 November 2019	Final Examiner's report received recommending the plan with modifications proceeds to referendum
Great Tey	May 2017	Evidence gathering and plan preparation	A draft plan is expected to be published for consultation in spring 2020
Marks Tey	July 2015	Evidence gathering and plan preparation	Initial draft of plan published & will be refined once neighbourhood characterisation study is complete
Messing	July 2013	Work abandoned	No active NHP group currently
Stanway	June 2014	Work abandoned	No active NHP group currently
Tiptree	October 2014	Regulation 14 consultation summer 2019	Analysis of consultation responses underway to inform NP
West Bergholt	July 2013	Referendum held on 19 September 2019	Full Council asked to make the plan on 16 October 2019
West Mersea	September 2016	Evidence gathering and plan preparation	A consultant will be appointed shortly to assist in drafting the plan

### **Copford with Easthorpe**

- 5.5 Following a period of reflection, work on the Copford with Easthorpe Neighbourhood Plan resumed last year. An open public vision meeting was held in November 2018 to present existing information and gather resident views. The Local Plan allocates two housing sites in Copford and no further housing sites are expected to be allocated in the neighbourhood plan. It is therefore anticipated that the neighbourhood plan will instead focus on other policy matters.

### **Eight Ash Green**

- 5.6 Following submission of the plan, the Council publicised the Eight Ash Green Neighbourhood Plan submission documents for a six week consultation, which ran from 22 January 2019 to 5 March 2019 (Regulation 16 consultation). An Independent Examiner was appointed to examine both the Eight Ash Green and West Bergholt Neighbourhood Plans. The Independent Examiner concluded the examination of the Eight Ash Green Neighbourhood Plan, with a final report issued on 20 September 2019. The Examiners Report can be viewed alongside the Council's Decision Statement and Examination Documents on CBCs website. The Eight Ash Green Neighbourhood Plan referendum will take place on Thursday 7 November 2019.

### **Great Tey**

- 5.7 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 is expected to be published for consultation in spring 2020. The Local Plan allocates two housing sites in Great Tey and no further sites are expected to be allocated in the neighbourhood plan. It is anticipated that the neighbourhood plan will focus on other policy matters beyond housing allocations.

### **Marks Tey**

- 5.8 Marks Tey have produced an initial draft of their Neighbourhood Plan and a consultation questionnaire which has been accessible on their website for comment. They have carried out an extensive neighbourhood characterisation study that is currently being finalised which will be used to refine the draft plan and policies. Further evidence gathering and stakeholder feedback is planned. The outcome of the Local Plan process will likely help inform how to take the neighbourhood plan forward. The NP Group have now appointed a planning consultant to work with them.

### **Tiptree**

- 5.9 Tiptree is well advanced in the preparation of its neighbourhood plan having carried out extensive consultation and evidence base work for a number of years. A formal consultation on the draft neighbourhood plan took place in June/July 2019 (Regulation 14 consultation). The neighbourhood plan group will consider all representations made to the formal consultation before finalising the plan and submitting it to CBC. The neighbourhood plan allocates sites for 600 dwellings and will make an important contribution to the borough's housing supply.

### **West Bergholt**

- 5.10 An Independent Examiner was appointed to examine both the Eight Ash Green and West Bergholt Neighbourhood Plans. The Independent Examiner concluded the examination of the West Bergholt Neighbourhood Plan, with a final report issued on 26 May 2019. A referendum was held on 19 September 2019 with 94% voting in favour of the neighbourhood plan (turnout was 41%). The planning practice guidance states that a neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. Full Council will be asked to make (adopt) the neighbourhood plan on 16 October 2019.

### **West Mersea**

- 5.11 West Mersea has undertaken a significant amount of public consultation and stakeholder events have been held at various times. Work has also progressed with evidence gathering and initial drafting of topic papers which will inform a draft plan. A consultant will be appointed shortly to assist in 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 neighbourhood plan, but instead it will focus on other policy matters, including looking to shape and influence those allocations included in the emerging Local Plan.

- 5.12 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 and Habitat Regulations Assessment. Officers have produced a guide on the support that can be provided, and this is available on the neighbourhood planning pages of CBCs website. 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 the Borough.

## **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: -  
<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>

## **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 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 able to apply for funding at various stages of neighbourhood plan production to 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