

Decision Statement – West Mersea Neighbourhood Plan 2017 - 2033

Introduction

Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans (and Orders) and to take plans through the processes of examination and referendum.

The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.

This Decision Statement confirms that the modifications proposed by the examiner, in his report dated 1 December 2021, have been accepted by both Colchester Borough Council and West Mersea Town Council. The draft West Mersea Neighbourhood Plan will be altered to reflect these changes and the Plan will proceed to referendum.

Background

The West Mersea Neighbourhood Plan covers the area designated by Colchester Borough Council as the Neighbourhood Plan Area on 29th November 2016.

Following the submission of the West Mersea Neighbourhood Plan to the Council, the Plan was published for 6 weeks between 20 July 2021 and 3rd September 2021 inviting representations, in accordance with The Neighbourhood Planning (General) Regulations 2012 - Regulation 16.

Mr David Kaiserman BA DipTP MRTPI was appointed by Colchester Borough Council with the consent of West Mersea Town Council, to independently examine the West Mersea Neighbourhood Plan and to prepare a report of the examination.

The Examiner's Report, which was issued on 1st December 2021, concluded that subject to modifications recommended by the examiner being made to the document, the West Mersea Neighbourhood Plan met the Basic Conditions set out in legislation and should proceed to a referendum.

In recommending that the modified Plan proceed to referendum, the Examiner considered whether or not the referendum area should extend beyond the designated Neighbourhood Plan area. The examiner recommended that the referendum area be the same as the Neighbourhood Plan area.

Decision

Section 18 (1) c of the Neighbourhood Planning (General) Regulations 2012 requires the Local Planning Authority, in this case Colchester Borough Council, to outline what action to take in response to the recommendations of the Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a Neighbourhood Plan.

Having considered each of the recommendations set out in the Examiner's Report and their reasoning, Colchester Borough Council in agreement with West Mersea Town Council has decided to accept the modifications to the draft West Mersea Neighbourhood Development Plan.

Colchester Borough Council agrees with the Examiner that the Referendum Area should be applied to the Designated Neighbourhood Plan Area.

Colchester Borough Council accept that the changes are necessary to ensure that the draft Plan meets the Basic Conditions as set out in legislation.

The Examiner's Report, including Appendix 1 (Summary Table of Recommendations), outlines the recommendations of alterations to be made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act).

Conclusion

The West Mersea Neighbourhood Plan 2017 - 2033, as revised, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, and can therefore proceed to referendum.

A referendum will now be held which will ask the question: *"Do you want Colchester Borough Council to use the Neighbourhood Plan for West Mersea to help it decide planning applications in the neighbourhood area?"*. Further details regarding the referendum will be published in due course.

I recommend that the West Mersea Neighbourhood Plan 2017 - 2033 should proceed to a referendum based on the Neighbourhood Plan Area agreed by Colchester Borough Council on 29th November 2016.

I am taking the above decision as I agree with the advice set out in the Examiner's Report for the West Mersea Neighbourhood Plan in accordance under paragraph 10 of Schedule 4B to the 1990 Act (as applied by section 38a of the 2004 Act) in relation to the Neighbourhood Plan.

I declare that I have no personal or prejudicial interest in respect of this decision.

Signed:

(Strategic Director - Policy and Place)

Date: 17/12/2021