

Tiptree Neighbourhood Development Plan

Regulation 19 Decision Statement

Statement published 26 May 2023, pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2010.

Colchester City Council decided by resolution at Full Council on 24 May 2023 to make the Tiptree Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Tiptree Neighbourhood Development Plan forms part of the Development Plan for Colchester City.

Summary

This document is the Decision Statement required under Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2010. It sets out the decision to make the Tiptree Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 and the reasons for making that decision.

Background

The Tiptree Neighbourhood Plan covers the area designated by Colchester Borough Council¹ as the Neighbourhood Plan Area in February 2015.

Following the submission of the Tiptree Neighbourhood Plan to the Council, the Plan was published for 6 weeks between 30 August – 12 October 2022 inviting representations, in accordance with The Neighbourhood Planning (General) Regulation 2012 - Regulation 16.

Andrew Seaman BA (Hons) MA MRTPI was appointed by Colchester Borough Council with the consent of Tiptree Parish Council, to independently examine the Tiptree Neighbourhood Plan and to prepare a report of the examination.

The Examiner's Report, which was issued in December 2022, concluded that subject to modifications recommended by the examiner being made, the Tiptree 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 Area. The examiner recommended that the Referendum Area should be the boundary of the designated Neighbourhood Plan Area and include Messing Cum Inworth Parish.

¹ Following granting on City Status in November 2023, the Council is now Colchester City Council. However, reference to Colchester Borough Council remains for decisions made prior to this.

Decision and Reasons

With the Examiner's modifications, the Tiptree Neighbourhood Development Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations, the Convention rights and complies with relevant provision made by Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).

A referendum was held on 4 May 2023 to decide whether the community were in favour of the Tiptree Neighbourhood Development Plan. 84% of votes were in favour of the plan.

Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Local Planning Authority must make a Neighbourhood Development Plan if in the referendum more than half of those voting, voted in favour of the plan.

Colchester City Council has assessed that the plan, including its preparation, does not breach or would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Tiptree Neighbourhood Development Plan is made and planning applications within Tiptree Neighbourhood Plan area must be determined in accordance with the Tiptree Neighbourhood Development Plan, as well as the existing development plan for Colchester, unless material considerations indicate otherwise.

Other Information

The Tiptree Neighbourhood Plan and relevant accompanying documents can be viewed on the Colchester Borough Council website: www.colchester.gov.uk

This Decision Statement is being sent to the qualifying body and the persons who asked to be notified of the decision. It is available to view on the Colchester City Council website.

Section 61N of Schedule 9 of the Town and Country Planning Act 1990 (as amended) states that any person who is aggrieved by the making of the Plan under section 61E (4) or (8) may make an application to the High Court under Section 113 of the Planning & Compulsory Purchase Act 2004 (as amended) on the grounds that:

- The document is not within the appropriate power;
- A procedural requirement has not been complied with.

Such an application must be made within six weeks of the date of the decision to make the Plan.

Karen Syrett
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