

## **Myland and Braiswick Neighbourhood Development Plan**

### **Regulation 19 Decision Statement**

Statement published 24 October 2023, pursuant to Section 38A 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 18<sup>th</sup> October 2023 to make the Myland and Braiswick Neighbourhood Development Plan (Reviewed 2022-2023) under Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended). The Myland and Braiswick Neighbourhood Development Plan forms part of the Development Plan for Colchester.**

#### **Summary**

This document is the Decision Statement required under Section 38A 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 Myland and Braiswick Neighbourhood Development Plan under Section 38A of the Planning and Compulsory Purchase Act 2004 and the reasons for making that decision.

#### **Background**

The Myland and Braiswick Neighbourhood Plan covers the area designated by Colchester Borough Council<sup>1</sup> as the Neighbourhood Plan Area in January 2013. The Myland and Braiswick Neighbourhood Plan 2016-2032 was adopted in December 2016.

The Myland and Braiswick Neighbourhood Plan group, on behalf of Myland Community Council, undertook a review of the Neighbourhood Plan. Following the submission of the Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023) to the Council, the Review Plan was published for 6 weeks between 27 March – 15 May 2023 inviting representations, in accordance with The Neighbourhood Planning (General) Regulation 2012 - Regulation 16.

Andrew Seamon BA(Hons) MA MRTPI was appointed by Colchester City Council with the consent of Myland and Braiswick Community Council, to independently examine the Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023) and to prepare a report of the examination. The report determines which 'type' of modifications have been made to the neighbourhood plan, as set out in the Neighbourhood Planning Practice Guidance.

The Examiner's Report, which was issued in September 2023, stated that the modifications proposed in the Review Plan are material but are not so significant or

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<sup>1</sup> Following granting of City Status in November 2022, the Council is now Colchester City Council. However, reference to Colchester Borough Council remains for decisions made prior to this.

substantial as to change the nature of the made Neighbourhood Plan which the Review Plan would replace. The report concluded that subject to modifications recommended by the examiner being made, the Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023) met the Basic Conditions set out in legislation and should be made.

### **Decision and Reasons**

With the Examiner's modifications, the Myland and Braiswick 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).

As per the decision by the Examiner, the Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023) can proceed to be made without the need for a referendum.

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 Myland and Braiswick Neighbourhood Development Plan is made and planning applications within Myland and Braiswick Neighbourhood Plan area must be determined in accordance with the Myland and Braiswick Neighbourhood Development Plan (Reviewed 2022-2023), as well as the existing development plan for Colchester, unless material considerations indicate otherwise.

### **Other Information**

The Myland and Braiswick Neighbourhood Plan and relevant accompanying documents can be viewed on the Colchester City Council website:

<https://www.colchester.gov.uk/neighbourhood-planning/>

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.

*Simon Cairns*

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