

DECISION STATEMENT - Boxted Neighbourhood Development Plan 2014-2029

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 5 May 2016 have been accepted by both Colchester Borough Council and Boxted Parish Council, the draft Boxted Neighbourhood Development Plan has been altered to reflect these changes and the plan may now proceed to referendum.

BACKGROUND

The Boxted Neighbourhood Development Plan covers to the area designated by Colchester Borough Council as the Neighbourhood Plan Area on 8 October 2012. The Boxted Neighbourhood Plan Area follows the Boxted Parish boundary.

Following the submission of the Boxted Neighbourhood Development Plan to the Council, the plan was publicised for 6 weeks between 1 February 2016 - 14 March 2016 and representations were invited.

Mr Richard High was appointed by Colchester Borough Council with the consent of Boxted Parish Council, to independently examine the Boxted Neighbourhood Plan and to prepare a report of the examination.

The examiner's report which was issued on 5 May 2016 concluded that subject to minor modifications recommended by the examiner being made to the document that the Boxted Neighbourhood Development Plan met the Basic Conditions set out in legislation and should proceed to a Neighbourhood Planning referendum.

In recommending that the modified plan go forward to referendum, the Independent Examiner considered whether or not the Referendum Area should extend beyond the designated Neighbourhood Area. The Independent Examiner recommended that the Referendum Area be the same as the Neighbourhood Area.

Following this recommendation, Colchester Borough Council concludes that the Referendum Area will not be extended and will be applied to the designated Neighbourhood Area.

Having considered each of the recommendations set out in the examiner's report, and the reasons for them, Boxted Parish Council accepted and made the modifications to the draft plan set out in Table 1 below.

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 Development Plan.

Having considered each of the recommendations made by the examiner's report, and the reasons for them, Colchester Borough Council in agreement with Boxted Parish Council has decided to accept the modifications to the draft Boxted Neighbourhood Development Plan.

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

Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations and the justification for the changes.


CONCLUSION

The Boxted Neighbourhood Development Plan 2014-2029, as revised, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, and can therefore proceed to referendum.

I recommend that the Boxted Neighbourhood Development Plan 2014-2029 should proceed to a referendum based on the Neighbourhood Plan Area agreed by Colchester Borough Council on 8 October 2012.

I am taking the above decision as I agree with the advice contained in this document in response to recommendations set out in the examiner's report for the Boxted Neighbourhood Development 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 Development Plan.

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

Signed:  (Head of Commercial Services)

Date: 26 July 2016

Decision published on: 3 August 2016

Table 1. Examiner recommended modifications to Boxted Neighbourhood Development Plan

Policy	Modification recommended	Justification
SB1 – Village Settlement Boundary	<p>Recommendations:</p> <p>Replace Figure 4.1 with a larger scale map or maps</p> <p>On new Figure 1.4 extend the settlement boundary to include the small strip of land between Cross Ways and the primary school</p> <p>Amend 2nd sentence of policy SB1 to read: The settlement boundary of Boxted Cross shall include the allocation of the Hill Farm site (Policy HF1), and the land between the primary school and Cross Way.</p>	<p>Modification needed to ensure that the extent of the settlement boundary is clear.</p> <p>Modification needed to ensure that the plan is consistent with the National Planning Policy Framework & the presumption in favour of sustainable development.</p> <p>Modification needed to ensure consistency between policy SB1 & Figure 4.1</p>
SM1 – Loss of Visual Amenity/Unacceptable Noise Impact from Commercial Activity	Either delete paragraph 6.10 or in Policy SM1 delete “on any smallholding”.	Modification to policy SM1 required for consistency between policy SM1 and paragraph 6.10

<p>HF1 – Hill Farm Site – Carters Hill/ Boxted Straight Road</p>	<p>In the first bullet point under Policy HF1 delete “reflects” and insert “respects”.</p> <p>Amend the first sub-bullet of the second bullet point of Policy HF1 to read For market housing – at least 25% of the market properties delivered should be 1-2 bed properties and at least 25% should be 3 bed properties unless up to date published evidence of housing needs suggests otherwise”.</p> <p>After paragraph 7.9 in the supporting text insert a new paragraph to read: “The Boxted Housing Needs Survey suggested that all the local need for market housing was for housing of 1-3 bedrooms and the Colchester Strategic Housing Market Assessment 2013 found that 75% of need for market housing is for houses of 3 bedrooms or less. The policy seeks to reflect this need with an element of flexibility to assist the viability of the development and during the plan period more up to date assessments of housing need may identify a need for a different mix of dwellings.”</p>	<p>Modification needed to prevent policy being too prescriptive and to provide greater flexibility.</p> <p>Modification needed to provide reasoned justification for the first section of the second bullet point in Policy HF1.</p> <p>Modification needed to provide greater flexibility in relation to housing need and mix over the plan period and to satisfy the Basic Conditions.</p>
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	<p>Delete the text in the 2nd sentence of the 3rd bullet point in Policy HF1 'It is expected that the affordable housing units required to address local need shall be held in perpetuity for local people. If this is not the case then evidence must be provided as to why this is not possible.</p> <p>Delete the text in the 4th bullet point in policy HF1 'Where it is possible to be incorporated into the design, a proportion of the residential units should be built with.</p> <p>Amend the 4th bullet point of HF1 to read Proposals which incorporate an element of 'live-work' into their design will be encouraged.</p> <p>Delete the text at the start of 8th bullet point It shall contribute towards.</p> <p>Amend the 8th bullet point to read Subject to the statutory requirements for planning obligations, a contribution will be sought through a planning obligation or Community Infrastructure Levy income may be used for improvements</p>	<p>Modification needed to satisfy Basic Conditions</p> <p>Modification needed to clarify policy.</p> <p>Modification needed to clarify policy.</p> <p>Modification needed to clarify the need to apply the statutory tests in relation to paragraph 204.</p> <p>Modification needed to clarify the need to apply the statutory tests in relation to paragraph 204.</p>
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	<p>to and expansion of open space, sports and recreation facilities at King George Playing Fields in Boxted, with a specific need for the improvement of the Sports and Social Club.</p> <p>Modify the beginning of the 12th bullet point to read Subject to the effect on the viability of the development as a whole, if there is demonstrable interest from the community at the time a community shop shall be provided on the site.”</p>	<p>Modification needed to comply with Basic Conditions</p>
<p>TM1 – Highway Safety and Parking</p>	<p>Reword Policy TM1 from the third line onwards to read:</p> <p>All proposals for new development which impacts on the highway will be accompanied by a transport assessment or transport statement proportionate to the scale of the proposed development.</p> <p>Where appropriate developments will be expected to contribute through a planning obligation towards measures to improve road safety including junction improvements and signage. Community Infrastructure Levy income may also be used for this purpose.</p>	<p>Modification needed to comply with the current Planning Practice Guidance and to ensure that the statutory tests in relation to paragraph 204 are met.</p>
<p>Paragraph 10.4 (Highway Safety and Parking)</p>	<p>In the supporting text in paragraph 10.4 amend the third sentence to read: “Where new development has a direct</p>	<p>Modification needed to comply with the current Planning Practice</p>

	<p>impact on these issues it may be appropriate to seek a contribution towards measures to improve highway safety. To assess the impact on road safety a transport assessment or statement proportionate with the scale of development is required but this would not be an onerous requirement for small scale development”</p>	<p>Guidance and to ensure that the statutory tests in relation to paragraph 204 are met.</p>
<p>TM2 – Improving the Bridleway Network</p>	<p>Delete policy TM2 and move the whole of section 10 to become a subsection in what is now section 11 after the subsection headed Improving bus services.</p>	<p>Modification needed as TM2 is a statement of intent but it is not a policy that can be effectively applied in the determination of planning applications.</p>
<p>Paragraph 11.8 (Improving the Bridleway Network)</p>	<p>Delete paragraph 11.8 as it repeats what is in the section to be moved.</p>	<p>Modification needed to ensure consistency following changes to policy TM2.</p>