

Eight Ash Green Neighbourhood Development Plan

Regulation 19 Decision Statement

Statement published 16 December 2019, pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2010.

Colchester Borough Council decided by resolution of Full Council on 5 December 2019 to make the Eight Ash Green Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Eight Ash Green Neighbourhood Development Plan forms part of the Development Plan for Colchester Borough.

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 Eight Ash Green Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 and the reasons for making that decision.

Background

The Eight Ash Green Neighbourhood Plan covers the area designated by Colchester Borough Council as the Neighbourhood Plan Area in June 2015.

Following the submission of the Eight Ash Green Neighbourhood Plan to the Council, the Plan was published for 6 weeks between 22 January - 5 March 2019 inviting representations, in accordance with The Neighbourhood Planning (General) Regulation 2012 - Regulation 16.

Mr Jeremy Edge BSc (Hons) MRTPI FRICS was appointed by Colchester Borough Council with the consent of Eight Ash Green Parish Council, to independently examine the Eight Ash Green Neighbourhood Plan and to prepare a report of the examination.

The Examiner's Report, which was issued on 20 September 2019, concluded that subject to modifications recommended by the examiner being made, the Eight Ash Green 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 extend to those persons entitled to vote who are resident in the Designated Plan Area.

Decision and Reasons

With the Examiner's modifications, the Eight Ash Green 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 7 November 2019 to decide whether the community were in favour of the Eight Ash Green Neighbourhood Development Plan. 89% 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 Borough 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 Eight Ash Green Neighbourhood Development Plan is made and planning applications within Eight Ash Green parish must be determined in accordance with the Eight Ash Green Neighbourhood Development Plan, as well as the existing development plan for Colchester, unless material considerations indicate otherwise.

Other Information

The Eight Ash Green 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 Borough 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
Head of Planning and Housing, Colchester Borough Council