

28 January 2013

Report of	Head of Strategic Policy and Regeneration	Author	James Firth
Title	Myland and Braiswick Neighbourhood Area		01206 508639
Wards affected	Myland and Highwoods		

The Local Plan Committee is asked to formally designate the Myland and Braiswick Neighbourhood Area

1. Decision(s) Required

- 1.1 To formally designate the Myland and Braiswick Neighbourhood Area as set out by Section 61G of Town and Country Planning Act 1990 (inserted by the Localism Act 2011).

2. Reasons for Decision

- 2.1 The Localism Act which received Royal Assent in 2011 introduced new rights to strengthen community involvement in the planning process. To deliver this the Localism Act and National Planning Policy Framework introduced the concept of Neighbourhood Planning.
- 2.2 Myland Community Council is developing a Neighbourhood Plan in association with Braiswick Residents Association. The first step in the neighbourhood plan process is to formally define the neighbourhood area.
- 2.3 As required by Section 61G of Town and Country Planning Act 1990 (as inserted by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012, Myland Community Council has submitted a plan of the proposed plan area and the reasons why they consider this area is appropriate to Colchester Borough Council. The Borough Council is then required by the regulations to publicise this proposed area as soon as possible. After consultation with the Portfolio Holder for Planning, Community Safety and Culture the public were invited to submit representations on the proposed area between the 9 November 2012 and the 7 January 2013.
- 2.4 This report contains the results of the consultation and recommends that the Local Plan Committee formally designate the proposed plan area. This will enable Myland Community Council, who are working with Braiswick Residents Association, to progress the Neighbourhood Plan to the next stage.
- 2.5 A map of the Neighbourhood Area being proposed and the application letter are attached as Appendix A and B with this report.

3. Alternative Options

- 3.1 The Committee could decide to refuse to designate the proposed neighbourhood area suggested by Myland Community Council. If the Committee decides to refuse to

designate the area the regulations require that Colchester Borough Council publishes a statement of the reasons for making that decision. In the event of such a decision it is therefore important that the Committee set out clear reasons why the decision has been made.

- 3.2 Section 61G (5) also requires that if the Council decides to refuse the application because it considers that the specified area is not an appropriate area to be designated as a neighbourhood area, Colchester Borough Council must exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas. The effect of this provision is therefore that if the Local Plan Committee were to decide to refuse the application then the Council would need to have alternative proposals for the boundaries of the neighbourhood area(s) and must use its powers to designate them.
- 3.3 Such a decision would also be likely to delay the production of the Neighbourhood Plan.

4. Supporting Information

Background

- 4.1 The philosophy behind Neighbourhood Planning is to give local communities a much greater influence over how their neighbourhoods develop and to increase engagement in the local planning decision making process.
- 4.2 The concept of Community Planning is not new in Colchester. The Borough Council has actively encouraged local groups to produce Village Design Statements and Parish Plans since 2006. While Neighbourhood Plans are in effect another type of Community Plan they differ from Village Design Statements and Parish Plans in a number of ways;
1. They are community led by either the Parish Council or a constituted Neighbourhood Forum;
 2. They are subject to formal examination and referendum; and
 3. If adopted they carry weight within the planning system as they form part of the statutory Development Plan.
- 4.3 An application was submitted to the Department for Communities and Local Government to secure funding for Myland to become a Neighbourhood Plan frontrunner. The application was successful and £20,000 was awarded to take this work forward.
- 4.4 To date a Neighbourhood Plan working group has been set up led by Myland Community Council.
- 4.5 Section 38B of the 1990 Act (as inserted by the Localism Act 2011) states that only one neighbourhood development plan may be made for each neighbourhood area.

Proposed neighbourhood area

- 4.6 Myland Community Council originally submitted a proposed neighbourhood area including the whole of the existing parish and the New Braiswick Park site which is in the process of being included within the parish boundary. The proposed area, however, excluded the Braiswick part of the Myland Ward. After consultation with the Portfolio Holder for Planning, Community Safety and Culture, officers requested whether Myland Community Council would consider including the whole of the Myland Ward within the proposed Neighbourhood Area. This will ensure that the whole of the ward up to the boundary with West Bergholt is covered by a neighbourhood area and therefore will avoid this area being falling between plans.

- 4.7 Following the request Myland Community Council held discussions with Braiswick Residents Association and both groups have agreed that Braiswick should be included within the proposed neighbourhood area. Amended plans were submitted and the area formally submitted to Colchester Borough Council and published for consultation included the whole of the Myland Ward (which includes Braiswick) and the whole of Myland Parish (which includes a small area of Highwoods Ward). Following the consultation, officers contacted Myland Community Council and Braiswick Residents Association and it was agreed that the name of the proposed area should be 'Myland and Braiswick Neighbourhood Area'.
- 4.8 The proposed plan area and the statement reasons as submitted by Myland Community Council are attached as appendix A and B to this report.

Consultation arrangements

- 4.9 Regulation 6 of the Neighbourhood Planning Regulations 2012 requires that as soon as possible after receiving an area application from a relevant body, Colchester Borough Council must publicise the following on the Council website and in such other manner as the Council considers is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application relates —
- (a) A copy of the area application;
 - (b) Details of how to make representations; and
 - (c) The date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised.
- 4.10 The Neighbourhood Area Consultation ran from 9 November 2012 to 7 January 2013. Details of the consultation were published on the Council's website. Representations could be submitted using a free post address or by email. A press release was issued to publicise the consultation and the Daily Gazette ran an article on the consultation. Details of the consultation were also included in the November 2012 issue of the 'Mylander' newsletter produced by Myland Community Council (issue 53, page 18) which is delivered to all homes in the Myland area.
- 4.11 Copies of the website text, the Mylander article and the press release are included as appendices C, D and E.

Consultation responses

- 4.10 One response was received to the consultation. This email raised concerns as to why Myland and Braiswick need further consultations when a Myland Plan has already been produced by local residents. It was stated that the exercise should not repeat what has gone before and cause unnecessary delays. Past progress should not be lost. The response also raised traffic issues such as the desire for a link from the railway station car park to Tufnell Way, and problems caused by the lack of the Northern Approach Road link to the A12 forcing travel onto Mill Road. There was a particular desire that the Northern Approach Road should be constructed as soon as possible.
- 4.11 This response raised some issues which are not directly related to the current consultation regarding whether the proposed neighbourhood area suggested by Myland Community Council is appropriate. Notwithstanding this it has been included in this committee report for completeness. An email response to the representation was also sent by officers explaining the scope of the current consultation and that the Neighbourhood Plan process does not affect the past progress that has been made in Myland through the Myland Design Statement and the Myland Parish Plan. The

representation is not considered to raise any particular reasons why the proposed neighbourhood area should not be supported.

5. Proposals

- 5.1 It is requested that the Local Plan Committee approve the designation of the Myland and Braiswick neighbourhood area as shown in appendix A.
- 5.2 Section 61G (4) of the 1990 Act (as amended) requires that in determining an application for the designation of a neighbourhood area Colchester Borough Council must have regard to—
- (a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and
 - (b) the desirability of maintaining the existing boundaries areas already designated as neighbourhood areas.
- 5.3 As explained in section 4 above and shown on the plan attached as annex A the proposed neighbourhood area includes the whole of the Myland Parish and the whole of the Myland Ward. This is considered desirable as it corresponds with the administrative area Myland Community Council is responsible for and also includes the Braiswick area of Myland Ward which would otherwise not be covered by a Neighbourhood Plan. The proposed application would not affect the boundaries of any areas already designated as neighbourhood areas and it is therefore considered appropriate.
- 5.4 The application for a neighbourhood area must also be made by a 'relevant body' as required by Section 61G (2) (amended). The Act states that a Parish Council can be considered to be a relevant body if the proposed area consists of or includes the whole or any part of the area of the council. In this case the proposed area includes the whole of Myland Parish and the additional area of Braiswick which is part of Myland Ward. Myland Community Council is therefore classed as a 'relevant body' to make this application under Section 61G.
- 5.5 As required by the regulations, the proposed area was published for consultation by Colchester Borough Council as set out in section 4 above. One response was received to this consultation which is detailed in paragraph 4.10. This response is not considered to raise any reasons why the proposed neighbourhood area is inappropriate and should not be designated.
- 5.6 The Local Plan Committee is therefore asked to formally designate the Neighbourhood Plan Area. Once the area is designated the council is required by Regulation 7 of the Neighbourhood Planning Regulations 2012 to publish the name of the neighbourhood area, a map which identifies the area, and the name of relevant body who applied for the designation. If the area is designated by the committee this will be carried out as soon as possible.

6. Strategic Plan References

- 6.1 The Strategic Plan Action Plan includes a commitment to regenerate the Borough through buildings, employment, leisure and infrastructure, improve opportunities for local business to thrive including retail, provide more affordable homes across the borough and enable local communities to help themselves. The production of a Neighbourhood Plan will help the Council meet these strategic objectives.

7. Consultation

- 7.1 The proposed neighbourhood area was publicised in accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 as detailed in section 4 above. Should the area be formally designated by the Local Plan Committee there is a requirement that the Council must publish details of the area as soon as possible.

8.0 Publicity Considerations

- 8.1 The Neighbourhood Plan may generate publicity for the Council as it is one of the national frontrunners. It is a new initiative aimed at improving participation in the planning system.

9. Financial Implications

- 9.1 Colchester Borough Council is responsible for consultation costs and for organising both the examination and community referendum for the Neighbourhood Plan. These costs will be met from the DCLG Frontrunner grant and from an additional grant (if an application is successful) made available by DCLG to Local Authorities to cover the costs of consultation and the examination/referendum. An application will be submitted to DCLG for this second grant once the Neighbourhood Area is approved.

10. Equality, Diversity and Human Rights implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Local Development Framework.
- 10.2 There are no particular Human Rights implications.

11. Community Safety Implications

- 11.1 None.

12. Health and Safety Implications

- 12.1 None

13. Risk Management Implications

- 13.1 The preparation of a Neighbourhood Plan will help ensure that the area will benefit from an up-to-date and comprehensive development plan against which applications for planning permission can be considered.

Appendices

Appendix A – Plan of proposed Neighbourhood Area

Appendix B – Neighbourhood Area statement of reasons from Myland Community Council

Appendix C – Copy of consultation website text

Appendix D – Copy of Mylander article

Appendix E – Press Release

MILE END WARD

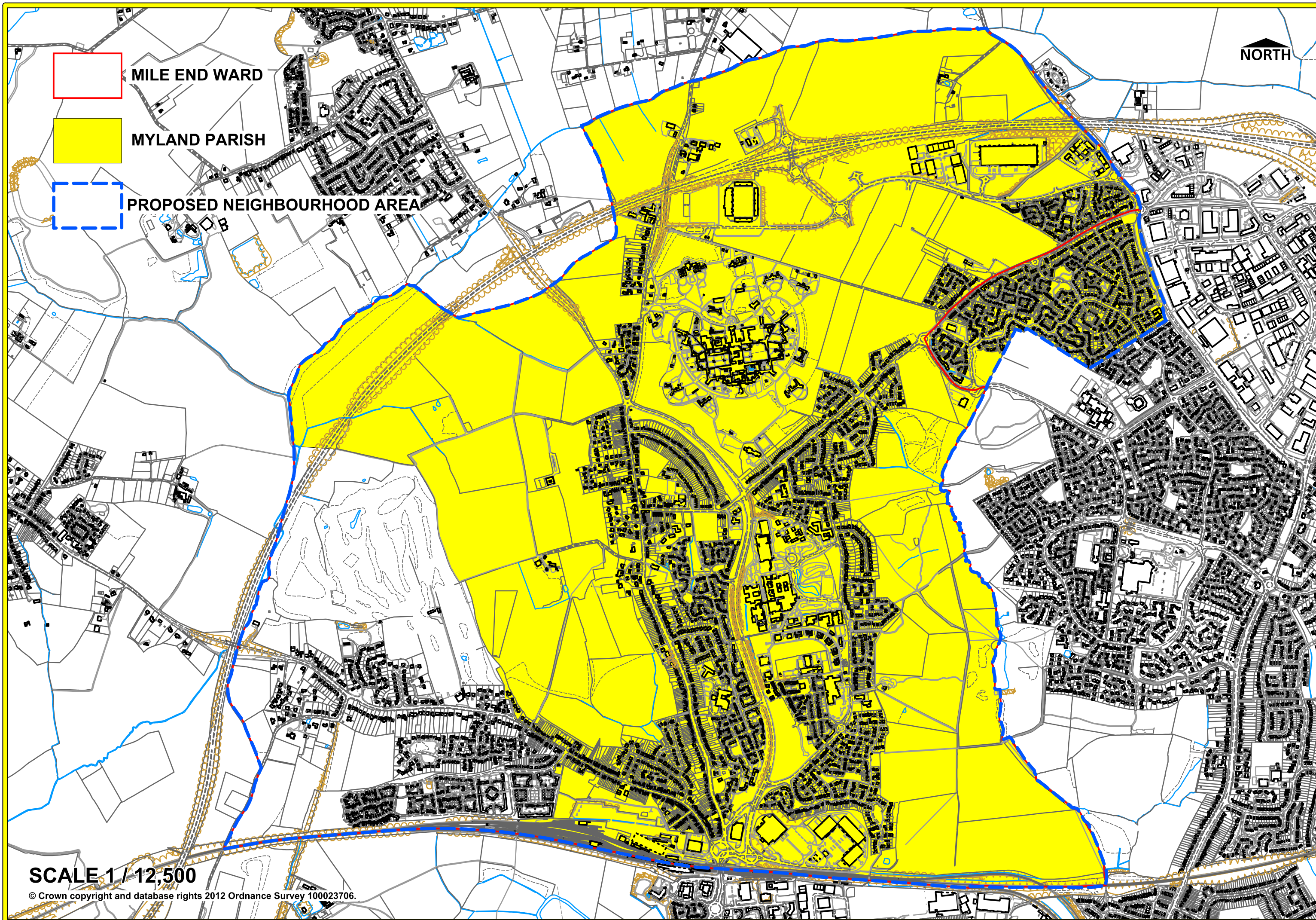
MYLAND PARISH

PROPOSED NEIGHBOURHOOD AREA

NORTH

SCALE 1 / 12,500

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MYLAND COMMUNITY COUNCIL (MCC) – PROPOSED NEIGHBOURHOOD PLAN AREA

The Neighbourhood Planning Regulations require MCC to apply for the designation of a neighbourhood area. The Regulations state:

Where a relevant body submits an area application to the local planning authority it must include:

- A a map which identifies the area to which the area application relates;
- B a statement explaining why this area is considered appropriate to be designated as a neighbourhood area;
- C a statement that the organisation or body making the area application is a 'relevant body'.

It is proposed that the neighbourhood area is defined as Myland Parish and Braiswick. The following narrative combines statements B and C above and a map of the Parish boundary as required at A above is appended.

"As required under Part 2, paragraph 5 of The Neighbourhood Planning (General) Regulations 2012, Myland Community Council (MCC) considers that the Parish of Myland should be a designated 'neighbourhood area'. Past and future developments affect the whole of the Parish and it is desirable that Myland is regarded, considered and developed as a coherent, sustainable neighbourhood. As MCC represents Myland Parish it is logical that it is the 'relevant body' to make this application. However, please note a process is underway to extend the Parish boundary. The area concerned is termed New Braiswick Park and its incorporation into Myland Parish was resolved at the Colchester Borough Council Accounts and Regulatory Committee on the 26th June 2012, subject to a period of consultation to be reported to that Committee in December 2012.

Where necessary, and in compliance with the National Planning Policy Framework (NPPF), the Neighbourhood Plan also considers involving other adjacent neighbourhoods. As a consequence and as the result of an expression of interest from its Residents Association, Braiswick will be embraced by this Neighbourhood Plan. Braiswick is an adjacent community and falls within the same Borough Ward that includes Myland Parish. It is considered appropriate therefore that the Plan represents this extended area"

A map defining the current Parish, its planned extension and the neighbouring community of Braiswick is attached.

Appendix C – Copy of consultation website text

You are in: Colchester Borough Council / Planning and Building / Planning and Transportation Policy
/ Current Planning Consultations / Myland Neighbourhood Area Consultation - 9 November to 7 January 2013

Myland Neighbourhood Area Consultation - 9 November to 7 January 2013

Myland Community Council are developing a Neighbourhood Plan and the first stage is to define the Plan Area.

Colchester Borough Council has received an application to designate a neighbourhood area from Myland Community Council. The application proposes that the neighbourhood area would cover Myland Parish and Braiswick. Once designated, this will be the area covered by the Myland Neighbourhood Plan.

A plan of the proposed neighbourhood area and a statement from Myland Community Council setting out the reasons why this area has been put forward can be found using the links below.

In accordance with regulation 6 of the Neighbourhood Planning Regulations 2012, Colchester Borough Council is now seeking comments on this area. Any person wishing to make representations on the proposed area should write to:

Spatial Policy Team (Myland Neighbourhood Area Consultation)

FREEPOST RLST-ZTSR-SGYA

Strategic Policy & Regeneration

Colchester Borough Council

Colchester

CO1 1ZE

Representations may also be submitted by email to planning.policy@colchester.gov.uk

The consultation period was originally planned to run for a period of six weeks from Friday 9 November until Friday 21 December but this has now been extended until 5pm on Monday 7 January 2013.

Following the consultation any responses received will be reported to the Colchester Borough Council Local Plan Committee for a decision to be made on the designation of the Neighbourhood Area.

 [Plan of proposed Neighbourhood Area \[2Mb\]](#)

 [Neighbourhood Area Statement \[38kb\]](#)



Appendix D – Copy of Mylander article

Community Announcements

Myland Neighbourhood Plan

Have your say on the proposed plan area

Myland Community Council has now submitted a proposed neighbourhood area to Colchester Borough Council. The neighbourhood area, once approved, will be the area covered by the new Myland Neighbourhood Plan. Identifying the exact area and the communities which the plan will cover is the first step in the Neighbourhood Plan process.

Colchester Borough Council will shortly be seeking comments on the proposed neighbourhood plan area for a period of six weeks as required by national regulations. The proposed plan area and any comments received will then be reported to the Borough Council's Local Plan Committee for a decision to be made.

A copy of the neighbourhood area application, further details of how to make representations, and the deadline for responses will all be made available on the Colchester Borough Council website. Please see the following webpage for the latest information:

<http://www.colchester.gov.uk/planningconsult>

Should you have any questions regarding the consultation please contact the Colchester Borough Council Planning Policy team on 01206 508639 or planning.policy@colchester.gov.uk

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Appendix E – Press Release

Designating Myland's Neighbourhood Area

Colchester Borough Council has received an application from Myland Community Council to designate their neighbourhood area.

The proposed neighbourhood area has been developed by Myland Community Council, in consultation with Braiswick Residents Association. If successful, the new designated area would enable a neighbourhood plan to be generated, enabling the community to draw up their own plans for development in the area.

A plan of the proposed area and supporting statement can be found on the Council's website <http://www.colchester.gov.uk/planningconsult>. Residents and business are encouraged to let the Council know their views by 7 January 2013.

Colchester Borough Council's Portfolio Holder for Planning, Community Safety and Culture, Cllr Tim Young, said "It's great to see Myland Community Council working towards a neighbourhood plan. There will be a lot of hard work ahead and residents and business will be invited by the Community Council to share their views during the project."

Following the consultation any responses received will be reported to the Colchester Borough Council Local Plan Committee for a decision to be made on the designation of the Neighbourhood Area.

ENDS

For further information about this press release, please contact communications@colchester.gov.uk or call 07815088150.

Issued 26 November 2012