

West Bergholt Neighbourhood Development Plan

Regulation 19 Decision Statement

Statement published 24 October 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 16 October 2019 to make the West Bergholt Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The West Bergholt 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 West Bergholt Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 and the reasons for making that decision.

Background

The West Bergholt Neighbourhood Plan covers the area designated by Colchester Borough Council as the Neighbourhood Plan Area on 29 July 2013.

Following the submission of the West Bergholt 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 West Bergholt Parish Council, to independently examine the West Bergholt Neighbourhood Plan and to prepare a report of the examination.

The Examiner's Report, which was issued on 26 May 2019, concluded that subject to modifications recommended by the examiner being made, the West Bergholt 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 West Bergholt 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 19 September 2019 to decide whether the community were in favour of the West Bergholt Neighbourhood Development Plan. 94% 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 West Bergholt Neighbourhood Development Plan is made and planning applications within West Bergholt parish must be determined in accordance with the West Bergholt Neighbourhood Development Plan, as well as the existing development plan for Colchester, unless material considerations indicate otherwise.

Other Information

The West Bergholt Neighbourhood Plan and relevant accompanying documents can be viewed on the Colchester Borough Council website.

This Decision Statement has been 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.

Karen Syrett
Head of Planning and Housing
Colchester Borough Council