

## **COLCHESTER BOROUGH COUNCIL**

### **MYLAND AND BRAISWICK NEIGHBOURHOOD PLAN DECISION STATEMENT**

#### **1. 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 Myland Community Council, the draft Myland and Braiswick Neighbourhood Development Plan has been altered to reflect these changes and the plan may now proceed to referendum.

#### **2. BACKGROUND**

On 28 January 2013, Colchester Borough Council designated the Myland and Braiswick Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) regulations 2012.

Following the submission of the Myland and Braiswick Neighbourhood Plan to the council the plan was publicised and representations were invited. The publicity period ended on 22<sup>nd</sup> February 2016.

Colchester Borough Council appointed an independent examiner, Dr. Angus Kennedy OBE, MA, MRTPI, MCIH to examine whether the Plan meets the necessary basic conditions and legal requirements and should proceed to referendum.

#### **3. 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 Myland Community Council has decided to accept the modifications to the draft Myland and Braiswick Neighbourhood Development Plan.

Colchester Borough Council accepts 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.

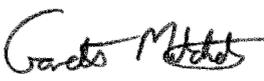
## CONCLUSION

The Myland and Braiswick Neighbourhood Development Plan, 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 Myland and Braiswick Neighbourhood Development Plan 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 Myland and Braiswick 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’s Recommended Modifications**

| Examiner report ref. | N’hood Plan ref.                            | Examiners Recommendations   | Response  |
|----------------------|---|---|---|
| 1.3                  | Front cover                                 | I recommend that the front cover includes the timeframe of the Plan 2015 – 2032 and the date it was published.  | Accepted and amended                                    |
| 1.3                  | Forward                                     | The final paragraph outlines the next stages of the process. This needs to be updated to reflect the current stage and future timetable.  | Accepted and amended                                    |
| 1.3                  | Appendix A                                  | I recommend that Appendix A is amended to show the Neighbourhood Plan Boundary and the title is amended to Myland and Braiswick Neighbourhood Plan and Sub-neighbourhood Area.                      | Accepted and amended                                    |
| 3.2                  | 1.2   | I understand this number is based on earlier estimates that have been superseded by recent planning approvals. I recommend that an updated estimate is inserted.                                    | Accepted and amended to show figures on growth to date. |
| 3.4                  | Section 1                                   | I recommend that an A4 size plan showing the Plan boundary and key features such as the Country Park, the railway line, the A12 and new northern distributor road is included as part of Section 1. | Accepted and amended                                    |
| Noted at 5.7         | Submitted <i>Basic Conditions Statement</i> | It would be helpful to identify the publication date of the Basic Conditions Statement on its front page.   | Accepted and amended                                    |
| Noted at 9.2         | Objectives                                  | It is clear from the Plan as a whole that open space provision is seen  | Accepted and amended                                    |

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|       |             | as important. This could be recognised by inserting open space on the seventh bullet point of the Objectives on page 5.   |  |
| 12.8  | Policy HOU2 | I recommend that two further bullet points are added to identify the other two Grade 2 Listed Buildings in the Plan Area, Church Farm House and the dwelling known as Tubbeswick.   | Accepted for Church Farm House but sadly Tubbeswick was destroyed by fire in 2009 and is now a development of 9 houses named Tubbeswick Mews. Historic England has been advised. |
| 15.4  | Policy ENV1 | At the end of the third bullet point I recommend inclusion of the suggestion from Historic England: "and not result in harm to the character and appearance or significance of the Registered Park and Garden".   | Accepted and amended   |
| 15.14 | Policy ENV4 | This policy is unclear in its present form. There is not a full list of heritage assets identified and there is no information on how 'sense of place' will be created. A list of heritage assets should be produced. In addition there is no information on the work of the History Group. I do, however, understand the desire to ensure that the design of new developments does not adversely affect heritage assets. I recommend therefore that this policy becomes a Local Project. | Accepted. See existing Local Project LP8 .   |
| 15.17 | Policy ENV5 | I recommend that a brief description is provided in the text and the Park [High Woods Country Park] is identified in the Plan at the  | Accepted and amended.  |

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|               |             | outset of the document but also in the Myland Neighbourhood Plan.   |   |
| 17.1          | 4.6 line 4  | Should read “complementary”   | Accepted and amended.   |
| 18.1          | Page 19     | On page 19 third paragraph the County Council has confirmed that the North Colchester Transport Strategy does not need to be formally adopted so I recommend deletion of “Although this still remains to be adopted”. | Accepted and amended.   |
| Noted at 18.9 | Policy RAT3 | The Steering Group may wish to include the additional wording offered by the Essex Bridleways Association.  | The footpaths either side of the A12 to which the crossing would link are not currently bridleways. This will be raised with the appropriate bodies during discussions. |