



Council

22 May 2019

Item
14

Report of	Assistant Director Policy and Corporate	Author	Laura Chase
Title	Adoption of the Wivenhoe Neighbourhood Plan		
Wards affected	Wivenhoe		

1. **Executive Summary**

- 1.1 The Wivenhoe Neighbourhood Plan has successfully completed the process of examination and approval at referendum and has now come before the Council to be made (adopted) as part of the Colchester Local Plan.

2. **Recommended Decision**

- 2.1 The Council is asked to make (adopt) the Wivenhoe Neighbourhood Plan following its approval at referendum.

3. **Reason for Recommended Decision**

- 3.1 To ensure the Council's planning policies provide a robust basis for decisions on future planning applications in the Borough.
- 3.2 The latest version of Planning Practice Guidance provides that if the majority of those who vote in a referendum are in favour of the draft neighbourhood plan then the neighbourhood plan must be 'made' by the local planning authority within 8 weeks of the referendum.

4. **Alternative Options**

- 4.1 The alternative would be not to adopt the Neighbourhood Plan. This alternative, however, would be contrary to the positive approach to Neighbourhood Plans found in the National Planning Policy Framework (Paras 29-30) and Planning Guidance (PPG).

5. **Background Information**

- 5.1 In July 2013, Colchester Borough Council designated the Wivenhoe Neighbourhood Plan 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). The plan area includes the whole of Wivenhoe Ward.

- 5.2 The Wivenhoe Neighbourhood Plan Working Group carried out extensive consultation to support the development of the Neighbourhood Plan. This included the following:
- Regular progress reports to Wivenhoe Town Council
 - Establishment and maintenance of a website in mid-2013 with a substantial make-over in mid-2015;
www.wivenhoeneighbourhoodplan.org.uk
 - Articles about the Neighbourhood Plan in each edition of the quarterly Wivenhoe News; twice yearly Wivenhoe Town Council newsletters; tri-annual Wivenhoe Society newsletter; and local free monthly newspaper
 - Delivery of a survey Questionnaire to every household in the Parish in November 2013
 - Regular consultation events, beginning with a Public Open Day in July 2013, continuing with attendance at local events, public consultation on proposals for a draft plan in November 2014; public consultation on housing development site proposals in July 2015; and publication of a summary of the plan in December 2014 with distribution at local venues.
- 5.3 The Plan allocates four sites for residential development providing a total of 250 dwellings. It contains 32 policies that cover a wide range of issues including the designation of a new settlement boundary for Wivenhoe and a River Colne Special Character Area as well as including site specific policies on key sites throughout the Plan area. In addition, a number of community actions are proposed.
- 5.4 Colchester Borough Council appointed an independent examiner, Ms. Ann Skippers, to examine the Neighbourhood Plan in March 2018. The examination process was paused whilst clarity over the position with Habitats Regulations Assessment was sought. This was an issue that affected authorities around the country following a legal decision concerning the correct stage to consider mitigation measures on Habitats sites and uncertainty about whether an appropriate assessment could be prepared for neighbourhood plans. The issue was resolved by amending the basic conditions for neighbourhood plans to make it clear that a neighbourhood plan can be subject to an Appropriate Assessment.
- 5.5 Once this issue was resolved, the Inspector was able to conclude that subject to minor amendments the plan satisfied all the Basic Conditions i.e. it promoted Sustainable Development, was in general conformity with National Planning Policy & Guidance and with strategic policies in Colchester's adopted Local Plan and complied with EU Regulations. The Inspector also recommended that the draft plan could proceed to Referendum.
- 5.6 The Referendum on the Wivenhoe Neighbourhood Plan was held on 2 May 2019 with the following results: 2771 in favour of the plan and 342 against, or 89% in favour.
- 5.7 The latest version of Planning Practice Guidance provides that if the majority of those who vote in a referendum are in favour of the draft neighbourhood plan

then the neighbourhood plan must be 'made' by the local planning authority within 8 weeks of the referendum. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. An Order must be made by the local authority before it has effect.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on this link:- <https://www.colchester.gov.uk/info/cbc-article/?catid=equality-impact-assessments&id=KA-01528>
- 6.2 There are no particular Human Rights implications.

7. Strategic Plan References

- 7.1 Effective strategic planning supports the Strategic Plan Action Plan which includes a commitment to make Colchester a vibrant, prosperous, thriving and welcoming place. The Wivenhoe Neighbourhood Plan will contribute towards achieving these objectives.

8. Consultation

- 8.1 The preparation of the Wivenhoe Neighbourhood Plan was underpinned by extensive public consultation. The consultation process was documented in a Consultation Statement submitted along with the Neighbourhood Plan document as part of the examination process.

9. Publicity Considerations

- 9.1 Both Wivenhoe Town Council and Colchester Borough Council have publicised the Neighbourhood Plan on their respective websites.
- 9.2 On adoption, the document will be made available on the Colchester Borough Council and Wivenhoe Town Council websites, and stakeholders will be notified, in accordance with Section 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012.

10. Financial Implications

- 10.1 Colchester Borough Council is financially responsible for organising the examination and referendum for Neighbourhood Plans in their areas. The Council however, can reclaim £20,000 from the Ministry of Housing, Communities and Local Government for all Neighbourhood Plans once a date is set for a referendum following a successful examination. These payments have been made by Central Government to Local Authorities to reflect the additional financial burdens associated with supporting Parish Councils or Neighbourhood Plan Forums prepare Neighbourhood Plans. The grant will cover the cost of the examination and referendum.

11. Community Safety Implications

11.1 None identified.

12. Health and Safety Implications

12.1 None identified.

13. Risk Management Implications

13.1 The adoption of the Wivenhoe Neighbourhood Plan will help ensure that the Council's planning policies are robust and up-to-date and help to reduce the risk of inappropriate development being permitted.

14. Disclaimer

14.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omissions.