

Alresford Neighbourhood Plan Independent Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Alresford Neighbourhood Area
Parish Council	Alresford Parish Council
Draft Consultation Period (Reg14)	15 October 2019 – 03 December 2019
Submission Consultation period (Reg16)	24 August 2020 – 12 October 2020
Examination Date	December 2020 – May 2021
Examiner's Report Received	28 May 2021

1 Introduction

- 1.1 The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum.
- 1.2 The Localism Act 2011 (Part 6 chapter 3) details the Local Planning Authority's responsibilities under Neighbourhood planning.
- 1.3 This Decision Statement confirms that the modifications proposed by the examiner's report have been accepted, the draft Alresford Neighbourhood Plan has been amended taking into account the modifications, and that NDP may proceed to referendum

2 Background

- 2.1 The Neighbourhood Area of Alresford was designated on 3 November 2016. The Neighbourhood Area follows the boundary of Alresford parish boundary. The Alresford NDP has been prepared by Alresford Parish Council.
- 2.2 Following submission of the Neighbourhood Plan to Tendring District Council, a consultation under Regulation 16 took place between the 24 August and 12 October 2020.
- 2.3 In December 2020 Ms Ann Skippers MRTPI was appointed by Tendring District Council, with the consent of the Parish Council, to undertake the examination of the Alresford NDP and to prepare a report of the independent examination. The examination commenced on Monday 14th December 2020.
- 2.4 On 20 January 2021, the Examiner issued a note of interim findings, in which she identified three areas of concern on procedural matters as well as a number of points of clarity. The Examiner considered that the examination could not continue without further work being carried out and matters consulted upon. On the 04 February 2021, the Examiner agreed to suspend the Examination in order for further work to be carried out and a focused consultation on specific matters to be undertaken. A focussed Regulation 16 Consultation took place between 19 February and 09 April 2021, with comments being invited on:
- an updated SEA and HRA report;
 - an updated Consultation Statement;
 - the adoption of Section 1 of the Tendring District Local Plan (and any implications this may have on the Alresford Neighbourhood Plan); and
 - a list of non-designated heritage assets prepared by the Parish Council.
- 2.5 Following the additional consultation, the examiner concluded the examination of the plan. The examiner's report concludes that subject to making the minor modifications recommended by the examiner, the plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.6 Having considered each of the recommendations made within the examiner's report and the reasons for them, Tendring District Council (in accordance with the 1990 Act Schedule 4B paragraph 12) has decided to make the modifications to the draft plan referred to in Section 3 below to ensure that the draft plan meets the basic conditions set out in legislation.

3 Recommendations by the examiner

3.1 The table 1 below details the recommendations made by the examiner within her report along with the justification:

Policy/Chapter	Modification(s) recommended	Justification
Throughout	Factual updates to reflect the adoption of Section 1 of the Tendring District Local Plan and the passage of time.	
Introduction	Add at the end of paragraph 1.12 on page 4 of the Plan a new sentence that reads: "In particular, Policy 2 seeks to safeguard waste management sites and infrastructure and provides criteria where adverse impacts of development proposals are unlikely to be opposed."	In the interests of completeness and clarity.
ALRES1	Change the word "neighbourhood" to "development" in criterion B. of the policy Change the word "permitted" to "supported" in criterion D.	In the interests of practicality and clarity. To allow the planning application process to take effect.
ALRES2	No modifications.	
ALRES3	Delete the phrase "Key Movement Routes" in element B. of the policy and replace with "new or existing safe routes for walking" In addition, the Parish Council have requested the further addition of the words 'and cycling' to the end of this modification. Tendring District Council considers that this change is not significant, and that it will be appropriate to include it.	To enhance clarity.

ALRES4	<p>Change criterion B. of the policy to read: "Proposals for any development on the Local Green Spaces will be assessed against national Green Belt policy."</p> <p>Change the second sentence of paragraph 7.1 on page 31 of the Plan to read: "This will afford protection from development other than in line with national policies for managing development in Green Belts."</p>	<p>In order to ensure the policy has regard to the NPPF.</p> <p>In the interest of consistency and accuracy with the NPPF.</p>
ALRES5	No modifications.	
ALRES6	No modifications.	
ALRES7	No modifications.	
ALRES8	<p>Add a new sentence to the end of criterion C. of the policy that reads:</p> <p>"Where a development proposal would result in the loss of, or harm to a non-designated heritage asset, a balanced judgement will be made as to the acceptability of the proposal having regard to the scale of any harm or loss and the significance of the heritage asset."</p>	To ensure the policy has regard to national policy and guidance.
ALRES9	<p>Delete Policy ALRES9.</p> <p>Update the supporting text to refer to the adoption of the RAMS and Policy SP 2 of the Tendring District Local Plan, and to reflect deletion of the policy</p>	The policy was only relevant until such time as the Essex Coast RAMS SPD was adopted. The SPD has now been adopted, and is addressed through Section 1 of the Tendring District Local Plan.

ALRES10	Add the words “for major developments” at the end of the first sentence of criterion B. of the policy.	To ensure the policy takes account of the NPPF.
Policies Map	Insert a reference to the Policies/Inset Map which shows the village centre in paragraphs 2.6 on page 6, paragraph 7.13 on page 37 and Policy ALRES5	To aid clarity.

4 Post Adoption SEA and HRA

4.1 The modifications made as a result of the Examiner’s report, as outlined above in Section 3 of this document, have been considered in terms of any resultant changes to the Strategic Environmental Assessment and Habitat Regulations Assessment. None of the changes are considered to have a significant effect on the overall appraisals. The SEA and HRA are available to accompany the final plan.

5 Decision

5.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the 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. Tendring District Council have considered each of the recommendations made in the examiner’s report and the reasons for them and have decided to accept the modifications to the draft plan.

5.2 The draft plan will be altered in line with Table 1 above, in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.

5.3 Following the modifications made, the Alresford Neighbourhood Plan will meet the basic conditions:

- Having regard to national policies and advice contained in guidance issues by the Secretary of State, it is appropriate to make the plan;
- The making of the neighbourhood plan contributes to the achievement of sustainable development;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan;
- The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations; and

- The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.

5.4 It is recommended that the Alresford Neighbourhood Plan progress to referendum. Tendring District Council concur with the examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 3 November 2016.



Signed:

Dated: 1st July 2021

Gary Guiver
Acting Director for Planning