

Decision Statement – Tiptree Neighbourhood Plan 2017 - 2033

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.

Following an Independent Examination, Colchester Borough Council confirms formal acceptance of the recommendations outlined in the Tiptree Neighbourhood Plan Examination Report. The Examiner recommended that the Neighbourhood Plan should not proceed to Referendum as further work is required. This Statement confirms that the recommendations proposed by the Examiner's Report have been accepted by Tiptree Parish Council and Colchester Borough Council and the draft Tiptree Neighbourhood Plan will not proceed to referendum. The Examiners Report has been published on the Colchester Borough Council [website](#).

Background

The Tiptree Neighbourhood Plan covers the area designated by Colchester Borough Council as the Neighbourhood Plan Area on 2 February 2015.

Following the submission of the Tiptree Neighbourhood Plan to the Council, the Plan was published for 7 weeks between 22 June - 10 August 2020 inviting representations, in accordance with The Neighbourhood Planning (General) Regulation 2012 - Regulation 16.

Mr John Parmiter FRICS FRSA MRTPI was appointed by Colchester Borough Council with the consent of Tiptree Parish Council, to independently examine the Tiptree Neighbourhood Plan and to prepare a report of the examination.

The Examiner's Report which was issued on 9 October 2020 concluded that, the Plan cannot proceed to a Referendum.

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 Plan.

Having considered the recommendations set out in the Examiner's Report and their reasoning, these have been accepted by Colchester Borough Council and Tiptree Parish Council.

Colchester Borough Council agrees with the Examiner that the Tiptree Neighbourhood Plan cannot proceed to referendum.

Tiptree Parish Council will therefore review the Examiner's Report and recommendations and review the Plan accordingly. The Parish will engage with the community and other stakeholders, and the Plan will undergo further statutory public consultation from the Regulation 14 stage.

Conclusion

The Tiptree Neighbourhood Plan 2017-2033 does not comply with the legal requirements and basic conditions set out in the Localism Act 2011, and therefore cannot proceed to referendum.

I am taking the above mentioned decision as I concur with the advice contained in this decision statement in response to the recommendations of the examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38a of the 2004 Act) in relation to the Neighbourhood Plan.

I declare that I have no personal or prejudicial interest in respect of this decision.

Signed:

A handwritten signature in black ink, appearing to read 'I. Vignard' with a stylized flourish underneath.

(Strategic Director - Policy and Place)

Date: 15/12/2020