



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
COUNCIL
6 JULY 2022

MAKING THE GREAT TOTHAM NEIGHBOURHOOD PLAN

1. PURPOSE OF THE REPORT

1.1 The Great Totham Neighbourhood Plan (GTNP) (at **APPENDIX 1**) which includes the Village Design Statement (at **APPENDIX 2**) has successfully passed its referendum. Following the referendum, it automatically became part of the statutory Development Plan for the district. Maldon District Council now needs to formally 'make' the GTNP part of the Development Plan.

2. RECOMMENDATION

That the Council 'makes' the Great Totham Neighbourhood Plan in accordance with section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

3. SUMMARY OF KEY ISSUES

3.1 Referendum

3.1.1 On 31 March 2022, the District Council made the decision to accept the Examiner's recommendations and that the GTNP (as modified by the Examiner's Report) should proceed to referendum (Minute No. 605 refers).

3.1.2 The District Council published its decision statement on 1 April 2022 to confirm that the GTNP, as modified, met the Basic Conditions and other legal requirements.

3.1.3 The referendum was held on 9 June 2022. The Referendum asked the question "Do you want Maldon District Council to use the neighbourhood plan for Great Totham to help it decide planning applications in the neighbourhood area?"

3.1.4 89% of those who voted were in favour of the Plan.

Referendum Results

YES	483
NO	58
Rejected ballots	1
Total votes cast	542

3.2 Decision and reasons

3.2.1 Under section 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended), the District Council is required to 'make' a Neighbourhood Plan if more

than half of those voting have voted in favour of the Plan. 89% of the votes cast were in favour of this Plan.

- 3.2.2 Under section 38A(6), a Council is not subject to this duty if the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation (as transposed into UK law) or any of the Convention Rights (within the meaning of the Human Rights Act 1998). Maldon District Council has assessed that the Plan, including its preparation, does not breach, and is not incompatible with these obligations. Therefore the GTNP can be 'made' part of the District's Development Plan.

3.3 Neighbourhood Development Plan status

- 3.3.1 Planning applications in the Neighbourhood Area must be considered against the Great Totham Neighbourhood Development Plan, as well as existing planning policy such as the approved Maldon District Local Development Plan (2017) and the National Planning Policy Framework and National Planning Practice Guidance.

4. CONCLUSION

- 4.1 The GTNP was developed by the Parish Council through extensive engagement with the local community, culminating in a Referendum on the Plan on 9 June 2022. The majority of those who voted, voted for the Neighbourhood Plan. Following the referendum, the Plan automatically became part of the development plan for the district. The Council now needs to complete the statutory process by formally 'making' the Neighbourhood Plan part of the development plan for the district and publishing the Decision Statement (see draft at **APPENDIX 3**).

5. IMPACT ON STRATEGIC THEMES

- 5.1 The making of the Neighbourhood Plan will have positive impacts on the following corporate outcomes:
- (1) Promote civic pride and maintain the District's environmental quality;
 - (7) Supporting existing local businesses;
 - (9) Working with our communities and partners to improve the physical health and well-being of our residents;
 - (13) Building on the strengths of our communities and what they can do to support themselves and help each other to thrive;
 - (18) Meaningful engagement.

6. IMPLICATIONS

- (i) **Impact on Customers** – Neighbourhood Planning gives communities the opportunity to directly plan the future of their area.
- (ii) **Impact on Equalities** – Neighbourhood Planning has the potential to identify and manage local equalities issues and must be prepared taking into account relevant equalities legislation. The Neighbourhood Plan has been independently examined for its compliance with relevant legislative requirements including human rights.

- (iii) **Impact on Risk** – Neighbourhood Plans can reduce risk in the development management process by providing support for the Council in determining planning applications and defending planning appeals.
- (iv) **Impact on Resources (financial)** – Maldon District Council is financially responsible for organising the Examination and Referendum for Neighbourhood Plans in their area. The Council can claim a grant from the Department for Levelling Up, Housing and Communities for each Neighbourhood Plan, once the Decision Statement on sending the Plan to Referendum is published. These payments are made by Central Government to Local Planning Authorities to reflect the additional financial burdens associated with supporting Parish Councils or Neighbourhood Plan Forums to prepare Neighbourhood Plans.
- (v) **Impact on Resources (human)** – The Neighbourhood Plan adds to the development plan documents used in the determination of planning applications, and it further strengthens the planning policies for the parish. Neighbourhood Plans can reduce risk in the development management process by providing support for the Council in determining planning applications and defending planning appeals.
- (vi) **Impact on the Environment** – Neighbourhood Plans have the potential to improve the local environment where plans are being produced. The making of the Neighbourhood Plan will help reduce the impact on the environment from inappropriate development.
- (vii) **Impact on Strengthening Communities** - Neighbourhood planning is intended to strengthen communities by giving them the opportunity to prepare statutory plans that shape the future development of the community.

Background Papers:

Information on the Great Totham Neighbourhood Plan is available at:

https://www.maldon.gov.uk/info/7050/planning_policy/8112/community_led_planning_and_neighbourhood_plans/3

The referendum results are available at:

https://www.maldon.gov.uk/downloads/file/18998/result_of_referendum_-_parish_of_great_totham_9_june_2022

Enquiries to: Leonie Alpin, Specialist Local Plans.