



REPORT of CHIEF EXECUTIVE

**to
COUNCIL
7 SEPTEMBER 2017**

BURNHAM-ON-CROUCH NEIGHBOURHOOD DEVELOPMENT PLAN

1. PURPOSE OF THE REPORT

- 1.1 The Burnham-on-Crouch Neighbourhood Development Plan (the Plan) is the first neighbourhood plan in Maldon District to be taken forward to referendum after going through a consultation process and independent examination. The Plan successfully passed its referendum on 20 July 2017. To become part of the Development Plan for the District, the Neighbourhood Development Plan now needs to be ‘made’ by Maldon District Council. Once made, the Plan is given full weight when assessing planning applications that affect land covered by the Plan area.

2. RECOMMENDATION

That the Council ‘makes’ the Burnham-on-Crouch Neighbourhood Development Plan in accordance with section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

3. SUMMARY OF KEY ISSUES

3.1 The Referendum results

- 3.1.1 The Burnham-on-Crouch Neighbourhood Development Plan Referendum was held on 20 July 2017. The referendum question was:

‘Do you want Maldon District Council to use the Neighbourhood Plan for Burnham-on-Crouch to help it decide planning applications in the neighbourhood area?’

- 3.1.2 87% of the people who voted, voted *for* the Neighbourhood Plan. This is significantly above the 50%+1 vote needed for a plan to succeed at referendum.

Referendum Results

YES	1,432
NO	204
Rejected ballots	7
Total votes cast was	1,643

- 3.1.3 The turnout was 26% which is about average for a neighbourhood plan referendum. Referendum turnout can range from 10% (Old Market Quarter, Bristol, 2016) to 59% (Winslow, Aylesbury District Council, 2014).

3.2 Making the Neighbourhood Development Plan

- 3.2.1 A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. 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. That is, it formally becomes part of the Development Plan for the District, and will be used to assess planning applications submitted with the civil parish area of Burnham-on-Crouch.
- 3.2.2 There are narrow circumstances where the local planning authority is not required to make a neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any European Union (EU) or human rights obligations. These grounds do not apply for this Plan.
- 3.2.3 The Regulations require that the Neighbourhood Plan be ‘made’ within eight weeks of the Referendum, starting on the day following the referendum, which for the Burnham-on-Crouch Neighbourhood Development Plan is 15 September 2017. In order to meet the statutory deadline for making the Neighbourhood Plan, as set out in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 (Reg. 18A), Officers have brought the making of the Neighbourhood Plan to the first Council meeting following the referendum.
- 3.2.4 It is proposed that the Burnham-on-Crouch Neighbourhood Development Plan is ‘made,’ part of the Council’s Development Plan in accordance with section 38(A) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012 (as amended). The Plan being made is the same Plan as the Council agreed to be taken to referendum on 11 May 2017 (Minute No. 12 refers).
- 3.2.5 Once the Plan is made, the Decision Statement and the required documents will be published on the Maldon District Council website, and the Burnham-on-Crouch Town Council and Burnham-on-Crouch Neighbourhood Development Plan websites. Copies will be made available for inspection at the District and Town Council offices. Stakeholders will be notified, in accordance with Regulation 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012. The proposed Decision Statement is attached to this report at **APPENDIX 1**.

4. CONCLUSION

- 4.1 The Burnham-on-Crouch Neighbourhood Development Plan (NDP) successfully passed its referendum on 20 July 2017, with an 87% yes vote. It is proposed that the Plan is now ‘made’ by the Council. Once made, the NDP becomes part of the Development Plan for the District, and will be used to assess planning applications submitted with the civil parish area of Burnham-on-Crouch.

5. IMPACT ON CORPORATE GOALS

5.1 Neighbourhood planning has the potential to support the following corporate goals which underpin the Council's vision for the District:

- Strengthening communities to be safe, active and healthy;
- Protecting and shaping the District;
- Creating opportunities for economic growth and prosperity

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 Development Plan has been independently examined for its compliance with relevant legislative requirements including human rights and equality. It passed the assessment. An Equality Impact Assessment (EqIA) was completed on the Plan in March 2017 and is available on the Council's website.
- (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 however, can claim a grant of £20,000 from the Department for Communities and Local Government (DCLG) for each neighbourhood plan once a date is set for a referendum following a successful examination. This claim was made in June 2017 and is due to be paid in September 2017. These payments are made by Central Government to Local 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)** – Neighbourhood Plans provide opportunities for greater local involvement of residents in the planning of their area. They provide development opportunities for staff to foster partnerships between the Council and those local communities.
- (vi) **Impact on the Environment** – Neighbourhood Plans have the potential to improve the local environment where plans are being produced. The adoption of the Burnham-on-Crouch Neighbourhood Plan will help reduce the impact on the environment from inappropriate development.

Background Papers:

- The referendum version of the Burnham-on-Crouch Neighbourhood Development Plan and the Independent Examiner's report is available at:
https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/8
- Report to the Planning and Licensing Committee (Agenda item no.9, 25 April 2017) on holding the Referendum is available at:
<https://democracy.maldon.gov.uk/documents/g1069/Public%20reports%20pack%2025th-Apr-2017%2019.30%20Planning%20and%20Licensing%20Committee.pdf?T=10>

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