



MALDON DISTRICT
COUNCIL

Burnham-on-Crouch Neighbourhood Development Plan Decision Statement

7 September 2017

Summary

Following an Independent Examination and Referendum, Maldon District Council is publicising its decision to 'make' Burnham-on-Crouch Neighbourhood Development Plan ("the Plan") part of the Maldon District Local Development Plan, in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The policies in the Plan can now be given full weight when assessing planning applications that affect land covered by the Plan.

1. This decision statement and the Plan can be viewed at:

- **Maldon District Council website** –
https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/7
- **Burnham-on-Crouch Town Council website** –
<http://www.burnhamoncrouchtowncouncil.gov.uk/>
- **Burnham-on-Crouch Neighbourhood Plan website**
<https://burnhamneighbourhoodplan.org/>

The documents can also be inspected at:

- **Maldon District Council offices**, Princes Road, Maldon CM9 5DL (Mon-Thurs 8.30am-5pm; Friday 8.30am-4.30pm), Email: policy@maldon.gov.uk
- **Burnham-on-Crouch Town Council offices**, Chapel Road, Burnham-on-Crouch, CM0 8JA (Monday, Tuesday, Wednesday and Friday 9.30am - 12pm, Thursday 9.30am - 1pm), Email: office@burnhamtowncouncil.com

Background

Neighbourhood Area

2. The Burnham-on-Crouch Neighbourhood Area was approved by Maldon District Council on 23 April 2013. The Neighbourhood Area is the same area as the civil parish area for Burnham-on-Crouch.

Submission

3. Burnham-on-Crouch Town Council submitted the Neighbourhood Development Plan proposal and supporting documentation to Maldon District Council for Examination in October 2016. Maldon District Council held a 6 week consultation period on the document from 3 November to 15 December 2016.

Independent examination

4. The District Council, with the agreement of Burnham-on-Crouch Town Council, appointed an Independent Examiner, Mr Andrew Ashcroft, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.
5. The Examiner's Report was sent to both the Town Council and District Council on 22 March 2017. The Report concluded that, subject to making the modifications proposed by the Examiner, the Plan met the Basic Conditions set out in legislation and should proceed to a Neighbourhood Planning referendum. The District Council concurred with this view, subject to some minor modifications to correct errors.

APPENDIX 1

6. The District Council also agreed with the Examiner that the Neighbourhood Area (the civil parish of Burnham-on-Crouch) would be an appropriate area within which to hold the referendum.

Referendum

7. On 11 May 2017 the District Council made the decision to accept the Examiner's recommendations and that the Burnham-on-Crouch Neighbourhood Development Plan (as modified by the Examiner's Report) should proceed to referendum.
8. The District Council published a decision statement on 15 May 2017 to confirm that the Burnham-on-Crouch Neighbourhood Development Plan, as modified, met the Basic Conditions and other legal requirements.
9. The referendum was held on 20 July 2017. The Referendum asked the question "*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?*"
10. 87% of those who voted were in favour of the Plan.

Referendum Results

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

Decision and reasons

11. Under section 38A (4)(a) of the Planning & 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. 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 or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
12. On 7 September 2017 Maldon District Council made the decision, in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended), to 'make' the Burnham-on-Crouch Neighbourhood Development Plan as more than half of those voting voted in favour of the Plan. Maldon District Council has assessed that the Plan, including its preparation, does not breach, and would not be otherwise incompatible with, any EU obligation, or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
13. Any person aggrieved by the Burnham-on-Crouch Neighbourhood Development Plan may apply to the High Court for permission to apply for judicial review of the decision to make the Plan. Any such application must be made promptly and no later than 6 weeks after the date on which the Plan was made.

Neighbourhood Development Plan status

14. Planning applications in the Neighbourhood Area must be considered against the Burnham-on-Crouch 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.

Availability of documents

15. This Decision Statement and the Plan can be viewed on line and inspected at the places listed in paragraph 2 of this statement. This information has also been brought to the attention of people who live, work or carry out business in the neighbourhood area.