

Kelvedon Neighbourhood Plan Decision Statement (Regulation 18(2))

Summary

Following an independent examination undertaken by written representations, Braintree District Council now confirms that The Kelvedon Neighbourhood Plan (The Plan) will proceed to a Neighbourhood Planning Referendum. This decision statement will be available on the Council's internet page.

Background

Braintree District Council formally designated the area as The Kelvedon Neighbourhood Area, at the request of the qualifying body Kelvedon Parish Council on 30th March 2015

Following the submission of the Plan to Braintree District Council, it was publicised under Regulation 16 of the Neighbourhood Plan Regulations (2012) (As amended) and representations were invited. The consultation period ended on the 16th July 2021.

The District Council appointed Tony Burton as independent examiner with agreement of Kelvedon Parish Council, to examine whether the Plan met the basic conditions as set out in Schedule 4B of the Town and Country Planning Act 1990, and whether The Kelvedon Neighbourhood Plan should proceed to referendum.

The Examiner's Report recommended a number of modifications so that the Plan is able to comply with the "basic conditions" and other relevant statutory provisions, and that the draft plan as modified can be submitted for referendum. The Examiner's Report (November 2021) concluded as follows;

"I am satisfied the Kelvedon Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area."

Recommendations, Decisions and Reasons

The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of schedule 4a of the Town and County Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004). Having considered the recommendations made by the examiner's report, and the reasons for them, Braintree District Council has agreed to accept the modifications made to the draft plan under paragraph 12(6) of Schedule 4B of the Town and County Planning Act 1990 in response to the Examiner's recommendations/modifications.

To meet the requirement of the Localism Act 2011, a referendum will be held which poses the question;

"Do you want Braintree District Council to use the Neighbourhood Plan for Kelvedon to help it decide planning applications in the neighbourhood area?"

The wording of the referendum question is prescribed under paragraph 1 of Schedule 1 of The Neighbourhood Planning (Referendums) Regulations 2012.

The date the referendum will be held on is Thursday 03/03/22