

## **Ardleigh Neighbourhood Plan Independent Examination**

### **Delegated Decision Statement**

### **Neighbourhood Planning (General) (Amendment) Regulations 2012**

<b>Name of Neighbourhood Area</b>	<b>Ardleigh Neighbourhood Area</b>
<b>Parish Council</b>	<b>Ardleigh Parish Council</b>
<b>Draft Consultation Period (Reg 14)</b>	<b>5<sup>th</sup> August and – 23<sup>rd</sup> September 2022</b>
<b>Submission Consultation Period (Reg 16)</b>	<b>15<sup>th</sup> May – 26<sup>th</sup> June 2023</b>
<b>Examination Start Date</b>	<b>12<sup>th</sup> July 2023</b>
<b>Examiner's Report Received</b>	<b>5<sup>th</sup> May 2024</b>

### **Introduction**

The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum.

The Localism Act 2011 (Part 6 Chapter 3) details the Local Planning Authority's responsibilities under Neighbourhood planning.

This Decision Statement confirms that the modifications proposed by the Examiner's report have been accepted, the draft Ardleigh Neighbourhood Plan (NP) has been amended taking into account the modifications, and that NP may proceed to referendum.

### **Background**

The Neighbourhood Area of Ardleigh was designated on 8 June 2020. The Neighbourhood Area follows the boundary of Ardleigh Parish. The Ardleigh NDP has been prepared by Ardleigh Parish Council.

Following submission of the Neighbourhood Plan to Tendring District Council, a consultation under Regulation 16 took place between the 15<sup>th</sup> May and 26<sup>th</sup> June 2023.

In June 2023 Ms Ann Skippers MRTPI was appointed by Tendring District Council, with the consent of the Parish Council, to undertake the examination of the Ardleigh NDP and to prepare a report of the independent examination. The examination commenced on Wednesday 12<sup>th</sup> July 2023.

On the 18<sup>th</sup> August 2023, the Examiner issued a note of interim findings. This was followed by a reply from the Examiner on the 6<sup>th</sup> November, in which she identified three areas of concern on procedural matters as well as a number of points of clarity. The Examiner considered that a focused consultation on specific matters should be undertaken.

A focussed Regulation 16 Consultation took place between 22<sup>nd</sup> January and the 4<sup>th</sup> March 2024, with comments being invited on:

- the Significant Modifications proposed by the Examiner,
- the Council's Decision on HRA and SEA and
- the implications of the newly published NPPF.

Following the additional consultation, the Examiner concluded the examination of the plan. The Examiner's report concludes that subject to making the minor modifications recommended by the Examiner, the plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

Having considered each of the recommendations made within the Examiner's report and the reasons for them, Tendring District Council (in accordance with the 1990 Act Schedule 4B paragraph 12) has decided to make the modifications to the draft plan referred to below (and fully detailed within the Examiner's final report) to ensure that the draft plan meets the basic conditions set out in legislation.

### **Recommendations by the examiner**

The Examiner has recommended a wide variety of modifications to the plan. These include consequential changes and items of a minor nature. Only the key modifications are therefore listed below, for a full list of every modification proposed, please see the Examiner's final report. The key modifications include:

- Clarification is now given as to which parts of any Policy in the Neighbourhood Plan relate to the Garden Community project. Section 1 of the plan is therefore revised to accommodate this.
- Within Section 5 a change is made to differentiate between Safeguarded Open Spaces and Local Green Spaces.
- Policy GDP is updated to reflect the Garden Community issue raised above.
- Changes to Policy CFP for clarity.

- Within Policy HP, changes are made to prevent the building's energy efficiency going beyond Building Regulations.
- Amongst others, a change is made in Policy EP to clarify the weight of the Village Design Statement and the Green Spaces Assessment which are Appendixes and do not have the same weight as the Neighbourhood Plan.
- Changes are made to Policy LGT to remove three spaces which do not accord with the criteria set out in the NPPF.
- Policy TP is also amended to clarify certain aspects and to remove some references to the Garden Community in line with the issue above.

### **Post Adoption SEA and HRA**

The modifications made as a result of the Examiner's report, as outlined above, have been considered in terms of any resultant changes to the Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA). None of the changes are considered to have a significant effect on the overall appraisals. The SEA and HRA are available to accompany the final plan.

### **Decision**

The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the Examiner made in the 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 development plan. Tendring District Council has considered each of the recommendations made in the Examiner's report and the reasons for them and have decided to accept the modifications to the draft plan.

The draft plan will be altered in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.

Following the modifications made, the Ardleigh Neighbourhood Plan will meet the basic conditions:

- Having regard to national policies and advice contained in guidance issues by the Secretary of State, it is appropriate to make the plan;
- The making of the neighbourhood plan contributes to the achievement of sustainable development;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan;
- The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations; and
- The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.

It is recommended that the Ardleigh Neighbourhood Plan progress to referendum. Tendring District Council concur with the Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designed.

Dated: 13 May 2024  
Gary Guiver Director for Planning