

Braintree District Council

Kelvedon Neighbourhood Plan – Regulation 19 Decision Statement

25th July 2022

Summary

Following a positive referendum result, Braintree District Council (the Council) is publishing its decision to “make” Kelvedon Neighbourhood Plan as part of the Council’s Development Plan in accordance with regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

Background

Kelvedon Parish Council as the qualifying body, applied for its parish to be designated as a Neighbourhood Area under part 2 of the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was designated 30th March 2015.

Following the submission of Kelvedon Neighbourhood Plan to the Council, it was publicised, and comments invited from the public and stakeholders.

The Council in agreement with Kelvedon Parish Council appointed an independent examiner Tony Burton to review if the Neighbourhood Plan met the basic conditions required in legislation and whether or not it should proceed to referendum.

The examiner’s report concluded that, subject to certain modifications proposed in his report of November 2021, the Plan met the basic conditions and could therefore proceed to a local referendum.

The Neighbourhood Plan (amended in line with the examiner’s proposed modifications) was the subject of a referendum held on Thursday 3rd March. Of those who voted, 94.3% voted in favour of the Neighbourhood Plan. Paragraph 38(4)(a) of the Planning and Compulsory Purchase Act 2004 (As amended) requires that the Council must “make” the Neighbourhood Plan if more than half of those voting have noted in favour of the Plan unless this would breach or would otherwise be incompatible with an EU obligation or any any of the Convention rights (within the meaning of the Human Rights Act 1998).

Decision and Reasons

With the examiner’s proposed modifications, the Neighbourhood Plan is judged to have met the basic conditions laid down in paragraph 8 (2) of Schedule 4B of the Town & Country Planning Act 1990, is compatible with EU obligations and the convention rights and complies with the relevant provisions made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended. The referendum held on Thursday 3rd March 2022 met the requirements of the Localism Act 2011, it was held in the parish of Kelvedon and posed 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 result of the referendum was:

Response	Votes Cast	Percentage of total votes cast
YES	707	94.3
NO	42	5.6

The Council has assessed the Neighbourhood Plan, including its preparation, and conclude that it does not 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).

Therefore, in accordance with the relevant Regulations, Kelvedon Neighbourhood Plan is “made” and shall form part of the Development Plan for the Council.