

Earls Colne Neighbourhood Plan Decision Statement (Regulation 18(2))

Summary

Following an independent examination undertaken by written representations, Braintree District Council now confirms that The Earls Colne 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 Earls Colne Neighbourhood Area, at the request of the qualifying body Earls Colne Parish Council on the 5th March 2019.

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 15th November 2024.

The District Council appointed Derrick Stebbing BA (Hons) DipEP MRTPI as independent examiner with the agreement of Earls Colne 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 Earls Colne Neighbourhood Plan should proceed to referendum.

The Examiner's Report recommended several 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 (March 2025) concluded as follows;

"From my examination of the Earls Colne Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- *the Plan has been prepared and submitted for examination by a qualifying body – Earls Colne Parish Council (the Parish Council);*
- *the Plan has been prepared for an area properly designated – the Earls Colne Neighbourhood Area;*
- *the Plan specifies the period to which it is to take effect – from 2023 to 2033; and,*
- *the policies relate to the development and use of land for a designated neighbourhood plan area.*

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not."

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 Country 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 Earls Colne 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 03/07/25.