

Report to the Council

Date 5 November 2019

Subject: Moreton, Bobbingworth and the Lavers Neighbourhood Plan

Portfolio Holder: Councillor J Philip

Recommending:

That the Moreton, Bobbingworth and the Lavers Neighbourhood Plan be ‘made’ (adopted) as part of the Epping Forest District’s statutory development Plan.

Background

The 2011 Localism Act allowed for local communities to shape their areas by enabling town and parish councils along with other designated bodies to prepare neighbourhood development plans. A detailed legislative framework for undertaking neighbourhood planning was set out in the Neighbourhood Planning Regulations 2012 (as amended).

There are a number of legally prescribed stages that need to be undertaken in preparing a Neighbourhood Plan. The Plan needs to be subject to examination by an independent examiner against the basic conditions set out in the Localism Act 2011 (as amended). Subject to a positive outcome from such an examination the plan then proceeds to a referendum. Where a Neighbourhood Plan is subject to a successful referendum, and the local planning authority is satisfied that EU and human rights obligations have been met, it is a legal requirement to bring the Plan into force as soon as reasonably practicable.

A Neighbourhood Plan, once adopted, forms part of the statutory development plan and carries the same weight as the Epping Forest District Local Plan.

Background to the Moreton, Bobbingworth and the Lavers Neighbourhood Plan

Moreton, Bobbingworth and the Lavers (MBL) Parish Council started to prepare a Neighbourhood Plan for the Parish in 2013. An initial Draft Neighbourhood Plan was produced and consulted upon in 2014 and subsequently, a further Draft Plan was produced and consulted upon in 2015. The Plan was submitted for Examination and the Examiner’s report was published on 18 May 2016. The report recommended that the Plan should not proceed to referendum because it did not meet the basis conditions. The Examiner’s report was considered at the District Council’s Cabinet meeting on 21 July 2016 where it was agreed that the proposed Neighbourhood Plan should be refused and therefore should not proceed to the referendum stage.

Since 2016 the Draft Plan has been revised by the Parish Council and further consultation was undertaken in 2017. A revised Neighbourhood Plan was submitted to the District Council on 30 November 2018 and was published under Regulation 16 between 22 January 2019 and 5 March 2019. The Examination took place between April 2019 and June 2019 by way of written representation. The Examiner’s Report was received on 17 June 2019 and recommended that, subject to a number of modifications, the Draft MBL Neighbourhood Plan met the basic conditions and should progress to referendum.

The Examiner’s report and recommendations were considered at the District Council’s Cabinet meeting on 11 July 2019. Cabinet resolved to accept all the Examiners

recommendations and that the Draft MBL Neighbourhood Plan meets the basic conditions and it should therefore progress to a local referendum as soon as practicable.

A referendum was held on 26 September 2019 with the question “*Do you want Epping Forest District Council to use the Neighbourhood Plan for Moreton, Bobbingworth and the Lavers to help it decide planning applications in the Neighbourhood Area?*” 236 (22.5%) of registered electors recorded votes, of which 216 (91.5%) were in favour of ‘yes’. Given the outcome of the referendum and in accordance with part 2(9) of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, the District Council must formally ‘make’ the Neighbourhood Plan within 8 weeks of the referendum. The Neighbourhood Plan will form part of the statutory development plan and sit alongside Epping Forest District’s Local Plan. Decisions on planning applications will be made using both the Local Plan and the Neighbourhood Plan, and any other material considerations.

Other Options for Action:

Delay or refuse to ‘make’ the Draft MBL Neighbourhood Plan. This would mean that the Council is not meeting the legislative requirements and is not fulfilling its statutory duty in the production of neighbourhood plans.

Background Papers:

Examiner’s Report on the Draft MBL Neighbourhood Plan (2018)

The Draft MBL Neighbourhood Plan (as amended) and associated documents

Report to the District Council’s Cabinet on 11 July 2019

All documentation is available on the District Council’s website at:

<https://www.eppingforestdc.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/moreton-bobbingworth-and-the-lavers-parish-council-neighbourhood-plan/>