

The Neighbourhood Planning (General) Regulations 2012

Regulation 18 Decision Statement

Moreton, Bobbingworth and the Lavers Neighbourhood Plan

1. Summary

- 1.1 Following an Independent Examination Epping Forest District Council confirms formal acceptance of the recommendations outlined in the Moreton Bobbingworth and the Lavers Neighbourhood Plan Examination Report. The Examiner recommended that the Neighbourhood Plan should not proceed to Referendum as the plan does not meet all of the basic conditions required of a Neighbourhood Plan. This matter was considered at the Epping Forest District Council Cabinet Meeting held on Thursday 21 July 2016 where the Cabinet agreed that the plan proposal be refused and should therefore not proceed to referendum.

2. Background

- 2.1 Moreton Bobbingworth and the Lavers Parish Council, as the qualifying body successfully applied in 2013 for the whole Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
- 2.2 The Neighbourhood Plan was published by Moreton Bobbingworth and the Lavers Parish Council for the Regulation 14 Pre Submission Consultation from 14 January to 24 March 2014.
- 2.3 Following the submission of the Moreton Bobbingworth and the Lavers Neighbourhood Plan (Submission Version) to the District Council on 8 November 2015; the draft plan was publicised and comments were invited from the public and stakeholders during a six week period from 12 February until 29 March 2016.
- 2.4 Epping Forest District Council appointed an Independent Examiner; Robert Bryan BA Hons, Dip TP, MRTPI, in agreement with Moreton Bobbingworth and the Lavers Parish Council to review whether the plan met the Basic Conditions required by legislation and should proceed to referendum.
- 2.5 The Examiner provided his report on 18 May 2016. He found that the plan met the basic conditions in respect of being prepared in accordance with the Neighbourhood Planning Regulations 2012; its contribution to sustainable development, and that the plan does not breach, and is otherwise compatible with EU obligations and human rights requirements. However, the Examiner made 21 recommendations proposing amendments to the plan. In his view there were fundamental issues in respect of two policies, (MBL1.1 Type, scale, size and design of new-build homes and MBL1.3 Redundant Buildings), which he considered must be resolved by the Parish Council and for which it was not possible for him to recommend modifications to make the policies acceptable. His recommendations include other modifications to aspects of the Plan to satisfy the basic conditions, in order that these may be considered if the Plan is the subject of further consultation and re-submission for examination. Accordingly, the Examiner recommended that the Neighbourhood Plans should not proceed to Referendum.

3. Recommendations, Decisions and Reasons

- 3.1 Epping Forest District Council has considered the Examiner's report. In the summary section at paragraph 90 of the report the Examiner concludes that the draft Neighbourhood Plan does not conform with the guidance in the NPPF and that it is therefore not appropriate to make the Plan.
- 3.2 Epping Forest District Council agrees that the scale of the changes required mean that these should be made by the Parish Council and consulted upon before being re-examined. The Council agrees with the Examiner that the plan proposal should be refused and therefore not proceed to referendum.
- 3.3 The report to Cabinet on 21 July 2016

<http://rds.eppingforestdc.gov.uk/ieListDocuments.aspx?CId=295&MId=8647&Ver=4> and the Examiner's report may be viewed on the Neighbourhood Planning section of the Council's website.

<http://www.eppingforestdc.gov.uk/index.php/contact-us/consultation/planning-our-future/neighbourhood-planning>