

Chelmsford City Council

Danbury Neighbourhood Plan – Decision Statement (Regulation 18(2))

Date: 28 October 2024

Summary

Following an independent examination undertaken by written representations, Chelmsford City Council now confirms that the Danbury Neighbourhood Plan will proceed to a local Referendum within the Neighbourhood Area.

This decision statement and the Examiner's Report are available on the Council's website: www.chelmsford.gov.uk/danburyplan

A copy can also be inspected at the Customer Service Centre by appointment – please call 01245 606606.

Background

The Council formally designated the area shown at Appendix 1 as the Danbury Neighbourhood Area on 9 June 2016.

Following submission of the draft Neighbourhood Plan and supporting documents to the Council it was publicised and comments were invited during May and June 2024.

The Council appointed an independent examiner, Andrew Freeman BSc (Hons) DipTP DipEM FRTPI to examine whether the Danbury Neighbourhood Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Danbury Neighbourhood Plan should proceed to referendum.

The Examiner's Report, received on 26 September 2024, recommended a small number of modifications to enable the Danbury Neighbourhood Plan to comply with the basic conditions and legal requirements, and that the plan as modified should proceed to referendum. The Examiner's Report containing the modifications can be viewed at www.chelmsford.gov.uk/danburyplan

Decision

Following receipt of the Examiner's final report, the Council, as local planning authority, is under a statutory duty (primarily set out within para 12 (2) of Schedule 4B to the Town and Country Planning Act 1990 - as applied to neighbourhood plans by section 33C of the Planning and Compulsory Purchase Act 2004) - to consider the report and decide what action should be taken in response.

Having considered the recommendations made by the Examiner's Report, and the reasons for them, the Council is satisfied/agrees that if the modifications recommended by the Examiner were made, the Danbury Neighbourhood Plan would:

(i) meet the "basic conditions" (as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990;

(ii) be compatible with Convention rights (within the meaning of the of the Human Rights Act 1998); and

(iii) comply with provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended.

Therefore, the Council agrees that the Danbury Neighbourhood Plan (incorporating the modifications recommended by the Examiner) should proceed to referendum; and

The area in which the referendum is to take place is the area formally designated as the Neighbourhood Area to which the Danbury Neighbourhood Plan relates.

Referendum arrangements

The Examiner gave consideration to whether the referendum area should extend beyond the boundary of the Danbury Neighbourhood Area and concluded that it should not. The Council will therefore apply the Danbury Neighbourhood Area as the referendum area.

The following question will be asked: 'Do you want Chelmsford City Council to use the Neighbourhood Plan for Danbury to help it decide planning applications in the Neighbourhood Area?'

If the Danbury Neighbourhood Plan is supported by the majority of voters, the plan will be 'made' by the Council and will form part of the Chelmsford Local Plan.

The date for the referendum will be announced soon.

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