

Report to the Council

Date: 11 October 2022

Subject: Ongar Neighbourhood Plan

Portfolio Holder: Councillor N Bedford

Recommending:

That the Ongar Neighbourhood Plan be ‘made’ (adopted) as part of the Epping Forest District’s statutory development Plan.

Background

The 2011 Localism Act empowers 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 Ongar Neighbourhood Plan

An application for a Neighbourhood Area designation covering the Parish of Ongar was received in May 2017 and approved in June 2017. A draft plan was produced and consulted upon in January 2021. A revised plan was submitted to the Council which was published under Regulation 16 for 6 weeks between 11 November and 23 December 2022.

Following this, an Independent Examiner was appointed by the Council with the agreement of the Town Council and Ongar Neighbourhood Plan Community Group (Ms. Ann Skippers BSc (Hons) MRTPI) to examine the draft Plan against the basic conditions set out in the Localism Act 2011 (as amended). The examination took place by way of the written representation procedure. The Examiner’s Report was received on 13 May 2022 and recommended that, subject to a number of modifications, the draft Ongar Neighbourhood Plan met the basic conditions and should progress to referendum.

The Neighbourhood Planning (General) Regulations 2012 (Regulation 18) require the local planning authority to outline what action is to be taken in response to the recommendations of an examiner under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).

After considering the recommendations made in the Examiner’s Report and the reasons for them at a Cabinet meeting of 18 July 2022, Cabinet resolved to accept all the Examiner’s recommendations and agreed that the draft Ongar Neighbourhood Plan should progress to a local referendum.

A referendum was then held on 8 September 2022 in the Ongar Neighbourhood Plan Area with the question “*Do you want Epping Forest District Council to use the Neighbourhood Plan for Ongar to help it decide planning applications in the Neighbourhood Area?*” 1,139 (21.72%) of registered electors recorded votes, of which 1,102 (96.75%) 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 Ongar 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 Ongar Neighbourhood Plan (13 May 2022)
- The Draft Ongar Neighbourhood Plan (as amended) and associated documents
- Report to the District Council’s Cabinet (18 July 2022)

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

<https://www.eppingforestdc.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/ongar-town-council-neighbourhood-plan/ongar-neighbourhood-plan-referendum/>