

## **Ardleigh Neighbourhood Development Plan**

### **Regulation 19 Decision Statement**

Statement published 10 November 2024, pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2010.

**Tendring District Council decided by resolution at Cabinet on 21 October 2024 to make the Ardleigh Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Ardleigh Neighbourhood Development Plan forms part of the Development Plan for Tendring.**

### **Summary**

This document is the Decision Statement required under Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2010. It sets out the decision to make the Ardleigh Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 and the reasons for making that decision.

### **Background**

The Ardleigh Neighbourhood Plan covers the area designated by Tendring District Council as the Neighbourhood Plan Area in June 2020

Following the submission of the Ardleigh Neighbourhood Plan to the Council, the Plan was published for 6 weeks between the 15th May and 26th June 2023 inviting representations, in accordance with The Neighbourhood Planning (General) Regulation 2012 - Regulation 16.

Ann Skippers MRTPI was appointed by Tendring District Council with the consent of Ardleigh Parish Council, to independently examine the Neighbourhood Plan and to prepare a report of the examination.

The Examiner identified three areas of concern on procedural matters as well as a number of points of clarity. A focussed Regulation 16 Consultation took place between 22nd January and the 4th March 2024.

Following the additional consultation, the Examiner concluded the examination of the Plan. The Examiner's report concludes that subject to making the minor modifications recommended, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

### **Decision and Reasons**

With the Examiner's modifications, the Ardleigh Neighbourhood Development Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations, the Convention rights and complies with relevant provision made by Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).

On 13th May 2024, the Director of Planning in consultation with the Portfolio Holder for Housing & Planning determined that the Neighbourhood Plan, with the necessary modifications, could proceed to a local referendum which was duly held on Thursday 12th

September 2024. In the referendum, which was administered by Tendring District Council, residents of the Parish of Ardeigh were asked “Do you want Tendring District Council to use the Neighbourhood Plan for the Parish of Ardeigh to help it decide planning applications in the neighbourhood area?” With an overall turnout of 13%, 257 residents voted ‘YES’ and 40 residents voted ‘NO’ – a vote of 86.5% in favour of the plan.

Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Local Planning Authority must make a Neighbourhood Development Plan if in the referendum more than half of those voting, voted in favour of the plan.

Tendring District Council has assessed that the plan, including its preparation, does not breach or would not otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

In accordance with the Neighbourhood Planning (General) Regulations 2012, Ardeigh Neighbourhood Plan is made and planning applications within Ardeigh Neighbourhood Plan area must be determined in accordance with the Ardeigh Neighbourhood Plan, as well as the existing development plan for Tendring, unless material considerations indicate otherwise.

### **Other Information**

The Ardeigh Neighbourhood Plan and relevant accompanying documents can be viewed on the Tendring District Council website: <https://www.tendringdc.gov.uk>

This Decision Statement is being sent to the qualifying body and the persons who asked to be notified of the decision. It is also available to view on the Tendring District Council website.

Section 61N of Schedule 9 of the Town and Country Planning Act 1990 (as amended) states that any person who is aggrieved by the making of the Plan under section 61E (4) or (8) may make an application to the High Court under Section 113 of the Planning & Compulsory Purchase Act 2004 (as amended) on the grounds that:

- The document is not within the appropriate power;
- A procedural requirement has not been complied with.

Such an application must be made within six weeks of the date of the decision to make the Plan.



Gary Guiver  
Director of Planning and Community  
Dated: 14/11/2024