Great Totham Neighbourhood Plan
Decision Statement
11 July 2022

Summary
Following an Independent Examination and Referendum, Maldon District Council is publicising its decision to 'make' the Great Totham Neighbourhood Plan ("the Plan") part of the Maldon District Development Plan, in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The policies in the Plan can now be given full weight when assessing planning applications that affect land covered by the Plan.

1. This Decision Statement and the Plan can be viewed on the Maldon District Council website: https://www.maldon.gov.uk/info/7050/planning_policy/8112/community_led_planning_and_neighbourhood_plans/3

Background

Neighbourhood Area

2. The Great Totham Neighbourhood Area was approved by Maldon District Council on 7 November 2016. The Neighbourhood Area is the parish area for Great Totham, except for the area covered by the North Heybridge Garden Suburb LDP allocation.

Submission

3. Great Totham Parish Council submitted the Neighbourhood Plan proposal and supporting documentation to Maldon District Council for Examination in May 2021 Maldon District Council held a 6 week consultation (the Regulation 16 consultation) on the document from Friday 24 September and 5pm Friday 05 November 2021.

Independent examination

4. The District Council, with the agreement of Great Totham Parish Council, appointed an Independent Examiner, Mr Andrew Ashcroft, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.

5. The Examiner's Report was received on 15 March 2021. The Report concluded that, subject to making the modifications proposed by the Examiner, the Plan met the Basic Conditions set out in legislation and should proceed to a Neighbourhood Planning referendum. The District Council agreed with this view, subject to some minor modifications to correct errors.

6. The District Council also agreed with the Examiner that the Neighbourhood Area (the parish of Great Totham, excluding that area covered by the North Heybridge Garden Suburb LDP allocation) would be an appropriate area within which to hold the referendum.

Referendum

7. On 31 March 2022 the District Council made the decision to accept the Examiner's recommendations and that the Great Totham Neighbourhood Plan (as modified by the Examiner's Report) should proceed to referendum.

8. The District Council published a decision statement on 1 April 2022 to confirm that the Great Totham Neighbourhood Plan, as modified, met the Basic Conditions and other legal requirements.

9. The referendum was held on 9 June 2022. The Referendum asked the question "Do you want Maldon District Council to use the neighbourhood plan for Great Totham to help it decide planning applications in the neighbourhood area?"

10. 89% of those who voted were in favour of the Plan.

Referendum results	
Yes	483
No	58
Rejected Ballots	1
Total votes cast	542

Decision and reasons

11. Under section 38A (4)(a) of the Planning & Compulsory Purchase Act 2004 (as amended), the District Council is required to make a neighbourhood plan if more than half of those voting have voted in favour of the Plan. 89% of the votes cast were in favour of this Plan.

12. Under section 38A(6), a council is not subject to this duty if the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998). Maldon District Council has assessed that the Plan, including its preparation, does not breach, and is not incompatible with these obligations.

13. On 6 July 2022 Maldon District Council made the decision, in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended), to 'make' the Great Totham Neighbourhood Plan

14. Any person aggrieved by the decision to make the Great Totham Neighbourhood Plan may apply to the High Court for permission to apply for judicial review of the decision to make the Plan. Any such application must be made promptly and no later than 6 weeks after the date on which the Plan was made.

Neighbourhood Development Plan status

15. Planning applications in the Neighbourhood Area must be considered against the Great Totham Neighbourhood Plan, as well as existing planning policy such as the approved Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

Availability of documents

16. This Decision Statement and the Plan can be viewed on-line at: https://www.maldon.gov.uk/info/7050/planning_policy/8112/community_led_planning_and_neighbourhood_plans/3

17. This information has also been brought to the attention of people who live, work or carry out business in the neighbourhood area.