

MAIDSTONE BOROUGH COUNCIL

COUNCIL

15 JULY 2020

**REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE
COMMITTEE HELD ON 9 JUNE 2020**

MARDEN NEIGHBOURHOOD PLAN (REGULATION 19)

Issue for Decision

Following a successful referendum and in accordance with the agreed Neighbourhood Planning Protocol, Council is asked that the Marden Neighbourhood Plan be made (adopted). The Marden Neighbourhood Plan becomes part of the Development Plan for Maidstone (Section 38 (3A) of the Planning and Compulsory Purchase Act 2004).

Recommendation Made

That the Marden Neighbourhood Plan be made (adopted).

Reasons for Recommendation

The Marden Neighbourhood Plan has reached the final stage of the Neighbourhood Planning process. The procedures for designating neighbourhood areas and preparing neighbourhood plans are set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). Marden parish was designated a neighbourhood area on 14 January 2013. The Neighbourhood Plan was subject to two rounds of mandatory consultation.

Firstly, the parish council undertook a 6-week public consultation on the pre-submission version of the Marden Neighbourhood Plan (Regulation 14) between 9 June and 21 July 2018. Secondly, Maidstone Borough Council facilitated a further 6-week public consultation (Regulation 16) between 14 June and 26 July 2019. In accordance with the agreed neighbourhood planning protocol, the Council submitted representations during both consultations: the first under the delegated authority of the Head of Planning and Development, and the second by agreement of this Committee at its meeting of 9 July 2019.

The appointment of an independent examiner was agreed with the Parish Council, and Derek Stebbing (of Intelligent Plans and Examinations) was appointed through the Council's procurement waiver signed by the Director of Finance and Business Improvement. The Marden Neighbourhood Plan and supporting documents, together with all representations received, were forwarded to the examiner who dealt with the examination through written representations, concluding that a public hearing was not necessary. In the examiner's report which was received on 14 October 2019, the examiner's recommendation was that, subject to modifications, the Marden Neighbourhood Plan should proceed to referendum.

In line with the Neighbourhood Planning (General) Regulations and the locally adopted Neighbourhood Planning Protocol, this committee made a decision on 19 November 2019 that the Marden Neighbourhood Plan, subject to modifications, should proceed to referendum. The Marden Neighbourhood Plan is attached as background document 1 of this report.

The referendum was held on 27 February 2020. Voters were asked "Do you want Maidstone Borough Council to use the Neighbourhood Plan for Marden to help it decide planning applications in the neighbourhood area?". In total, 90.4% voted in favour of the neighbourhood plan (background document 2). There was a turnout of 26.8%.

Following a successful referendum, i.e. where more than half of those who voted, cast a vote in favour of a neighbourhood plan, the Council must make (adopt) a neighbourhood plan within 8 weeks in line with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012 (Regulation 18A).

Section 38(3A) of the Planning and Compulsory Purchase Act 2004 outlines that once a neighbourhood plan is approved at referendum it comes into force as part of the statutory development plan. This means that the Marden Neighbourhood Plan will now be used in the consideration of planning applications in Marden.

Alternatives Considered and Why Not Recommended

The Committee could have decided not to recommend that Council make the Marden Neighbourhood Plan if to do so would breach or otherwise be incompatible with, any EU obligation or any of the convention rights. The Neighbourhood Plan's compatibility with EU obligations and directives is testing during the examination process and cannot proceed to referendum otherwise. Unless there are any new matters in relation to this point which the Committee considers were not raised by the Examiner then the Council is under a statutory duty to make the plan following the "Yes" result. It is the Committee's view that there no such matters arising.

Background Documents

Marden Neighbourhood Plan (Regulation 19) – Report to the Strategic Planning and Infrastructure Committee – 9 June 2020

Marden Neighbourhood Plan

<https://localplan.maidstone.gov.uk/home/documents/neighbourhood-plans/MNP-Amended-November-2019-v4.pdf>

Referendum result

<https://localplan.maidstone.gov.uk/home/neighbourhood-planning>