

## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF DECISION OF THE EXECUTIVE**

Decision Made: Wednesday 27 July 2022

#### **Neighbourhood Planning Protocol**

##### **Issue for Decision**

- 1.1 To update to the Neighbourhood Planning Protocol which was previously agreed in July 2020 by SPI. The July 2020 version included the addition of measures to deal with the Covid-19 pandemic and associated restrictions. As these restrictions are no longer in place, an amendment is required to remove reference to the Covid-19 measures alongside other proposed alterations regarding modifications of neighbourhood plans.

##### **Decision Made**

That the Neighbourhood Planning Protocol, attached at Appendix 1 to the report, be approved.

##### **Reason for Decision**

- 2.1 The Council's policy for supporting neighbourhood planning groups is set out in the Maidstone Statement of Community Involvement (SCI). The SCI also explains how the Council will consult statutory bodies, stakeholders and the public at each stage of the neighbourhood plan making process. The Neighbourhood Planning Protocol (the Protocol) must comply with the SCI. The Protocol, in addition to satisfying consultation requirements, includes detailed actions for all regulatory stages and, equally important, specifies the decision-making processes for each stage of the neighbourhood planning process.
- 2.2 Strategic Planning and Infrastructure Committee approved amendments to the Neighbourhood Planning Protocol at its meeting on 7 July 2020. The changes which were made can be summarised as:
  - A) Changes to reflect amended practices used by the Council for processing neighbourhood plans and therefore improving clarity for the reader
  - B) Changes to reflect the Statement of Community Involvement addendum1 , in response to government guidance issued during the Coronavirus pandemic.
- 2.3 Government guidance issued in response to the Coronavirus pandemic has now been lifted and the neighbourhood planning process has returned to how it was prior to the pandemic. An amendment is therefore required to the Protocol to remove any reference to the Coronavirus measures.
- 2.4 It is also desirable to make further changes to the Protocol to cover the modification of 'made' neighbourhood plans. The current Protocol makes reference to the modification of 'made' Neighbourhood Plans but does not provide detail. Proposed changes will provide clarity as to how modifications to a made Neighbourhood Plan will be dealt with.

- 2.5 The Neighbourhood Planning Protocol outlines that at key stages Council Members are required to make a decision. The Council has recently moved to a new Executive model whereby decisions are made by Members on the Executive, rather than committees. Amendments have been proposed to ensure the Neighbourhood Planning Protocol reflects this change in the decision-making process.

### **Post Coronavirus Pandemic**

- 2.6 The amendments made to both the SCI and the Neighbourhood Planning Protocol in response to the Coronavirus pandemic predominately affected the availability of material at inspection points. SPI committee at its July 2020 meeting also resolved to amend the referendum process. Where a referendum could not take place, the Protocol gave significant weight to Neighbourhood Plans ahead of a referendum decision.
- 2.7 The Government guidance in response to the Coronavirus pandemic has now been lifted and the neighbourhood planning process has returned to how it was prior to the pandemic. An amendment to the Neighbourhood Planning Protocol is therefore required to remove reference to the Coronavirus measures.

### **Modifications to Neighbourhood Plan**

- 2.8 Neighbourhood Planning is very active in the Borough with 7 'made' Neighbourhood Plans. Some of these plans are now at a stage where the relevant Parish Council has indicated it would like to review and modify its Neighbourhood Plan.
- 2.9 The current Protocol refers to the modification of 'made' Neighbourhood Plans but does not provide detail of the specific regulations. Having consideration for the popularity of Neighbourhood Planning in the Borough and requests by Parish Councils to review and modify their Plans, it is desirable to make further changes to the Neighbourhood Planning Protocol to provide clarity as to how modifications to Neighbourhood Plan will be dealt with.

### **Change in decision-making process**

- 2.10 The Neighbourhood Planning Protocol outlines that at key stages Council Members are required to make decisions on individual neighbourhood plans. These decisions include a decision to move to referendum or decision to formally adopt (make) a neighbourhood plan.
- 2.11 The Council has recently moved to a new Executive model whereby decisions are made by Members on the Executive, rather than committees as previously. Therefore, amendments have been proposed to ensure the Neighbourhood Planning Protocol reflects this change in the decision-making process.
- 2.12 It is also of note that through the Levelling-Up and Regeneration Bill (that is in its early stages of passage through the Houses of Parliament and Lords) that the Government is proposing a raft of further changes to Neighbourhood Planning. Officers will monitor the passage of the Bill including future Royal Assent and any subsequent secondary legislation which will require further

amendments to the protocol. Officers will report these as and when the need arises.

### **3 Policy Advisory Committee Feedback**

3.1 The matter was considered by the Planning & Infrastructure Policy Advisory Committee on 6 July 2022 and the following recommendation was made:

‘That the Executive be recommended to approve the Neighbourhood Planning Protocol, attached at Appendix 1 to the report’.

### **4. Alternatives considered and why rejected**

- 4.1 Option A: That the changes to the updated Neighbourhood Planning Protocol are not approved. The protocol would not then align with how Neighbourhood Planning is carried out in practice, nor will it be in alignment with the Statement of Community Involvement. This option would diminish the value of the protocol.
- 4.2 Option B: That some of the changes to the updated Neighbourhood Planning Protocol are approved. The protocol would not then align with how Neighbourhood Planning is carried out in practice, nor will it be in alignment with the Statement of Community Involvement. This option would diminish the value of the protocol.
- 4.3 Option C: That the changes to the updated Neighbourhood Planning are approved. The protocol would align with how Neighbourhood Planning is carried out in practice and it will be in alignment with the Statement of Community Involvement.

### **Background Papers**

None.

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.



Signed: \_\_\_\_\_  
Leader of the Council – Councillor David Burton

Full details of the report for the decision and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#).

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm 4 August 2022**