

Update to Agenda Item 14 – Neighbourhood Planning: Changes to decision making arrangements

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is to revise the framework for decision making to take into account the practical issues that have been highlighted through the implementation of the existing framework.
- 4.2 The proposed revised framework is set out below:

Stage	Description	Decision method	Decision taker
1	Designation of the neighbourhood area (Regulations 6/7)	Internal consultation with ward Councillors/ adjoining ward Councillors	If officer view is to approve, and there is no contrary Councillor view, decision delegated to Officers. If officer and/or Councillor view is to refuse, refer decision to SPT&S Committee.
2	Designation of neighbourhood forum (if no Parish Council) (Regs 8/9/10)	Internal consultation with ward Councillors/ adjoining ward Councillors	If officer view is to approve, and there is no contrary Councillor view, decision delegated to Officers. If officer and/or Councillor view is to refuse, refer decision to SPT&S Committee.

3	Maidstone Borough Council consulted on draft Neighbourhood Plan/Neighbourhood Development Order/community right to build order (Reg 14/21)	[NB parish/forum is responsible for consulting neighbouring authorities, including adjoining parishes and KCC, on its plan/order]	Delegated responsibility of Head of Planning.
4	Maidstone Borough Council consulted on submission version of the Neighbourhood Plan (Reg 16)	SPS&T Report	SPS&T Committee
5	Decision to approve/reject/modify the plan/order post Examiners Report (Reg 18/25)	SPS&T Report with recommendation to Full Council	Full Council
6	Make Plan post Referendum (Reg 19/20/26/27)	SPS&T Report with recommendation to Full Council	Full Council

4.3 The only amendments that have been proposed to the Regulations 6 – 10 stages are to replace the references to “Cabinet” and replace with “SPS&T Committee”. This amendment is recommended to update the framework following the change the Committee system. These stages will be subject to a statutory consultation period, in which ward and adjoining ward Councillors will be asked for their comments. These comments will be logged on the Council’s consultation portal, and available on the website.

4.4 At the Regulation 14 stage it is proposed that the Council’s response to a draft Neighbourhood Plan becomes the delegated responsibility of the Head of Planning. The Regulation 14 consultation on a draft Neighbourhood Plan is carried out by the Neighbourhood Planning Group, with a statutory 6 week consultation period. The Council is only a consultee at this stage and the

consultation draft Neighbourhood Plan may be received without notice. It is important that Maidstone Borough Council has its formal comments acknowledged at this early stage of the Plan.

- 4.5 Officers consider that 6 weeks will not be sufficient time in which to assess the plan, write formal comments, and obtain the approval of the SPS&T Committee. It is felt that if the existing framework is to be kept, Maidstone Borough Council may miss the opportunity to provide comments at this key stage within the time frame. If this were the case, Maidstone Borough Council comments may not be considered by the Neighbourhood Planning Group in revising their draft plan. It is therefore recommended that this stage be delegated to the Head of Planning.
- 4.6 Regulation 16 has simply been updated in line with the change to the Committee system at Maidstone Borough Council.
- 4.7 The Regulation 18 stage of the process is where Maidstone Borough Council comes to the decision about whether or not it agrees with the Examiners recommendations (either to be put forward for Referendum without any changes, to be put forward to referendum with suggested modifications or to refuse the Plan on the basis that it has failed to meet one or more of the Basic Conditions) and what action to take. It is the last opportunity the Council has to input into the plan before referendum. The Cabinet Report has therefore been updated to be a report to the SPS&T Committee, **which will make a recommendation to Full Council.**
- 4.8 The Regulation 19 stage of the decision making framework relates to the making of a Neighbourhood Plan after referendum. The results of the referendum are binding. If a referendum results in more than half those voting (i.e 50% plus 1), voting in favour of the proposal the Neighbourhood Development Plan **must** be “made” as soon as reasonably practical. **Although the Neighbourhood Plan does not require a decision at this stage, it is proposed that SPS&T Committee will recommend to full Council that the Plan is made.** The Plan should be “Made” by Full Council, at which point it formally becomes part of the Development Plan for the Borough.