

**Strategic Planning,  
Sustainability and  
Transportation Committee**

**8 March 2016**

Is the final decision on the recommendations in this report to be made at this meeting?

**No**

**North Loose Neighbourhood Plan**

<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Cheryl Parks, Project Manager, Local Plan
<b>Classification</b>	Public
<b>Wards affected</b>	Loose, South, Shepway North, Park Wood, Boughton Monchelsea and Chart Sutton, High Street

**This report makes the following recommendations to this Committee:**

1. That the Committee notes the result of the referendum of 3 March 2016 on the North Loose Neighbourhood Plan as set out in the urgent update report.
2. That the Committee considers the recommendations set out in the urgent update report that will reflect the referendum result.
3. That the Committee makes any necessary recommendation to Council for consideration on 13 April 2016.

**This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough - the 'made' plan will form part of the Development Plan for Maidstone and will be used in the determining of planning applications for the plan area.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	8 March 2016
Council	13 April 2016

# North Loose Neighbourhood Plan

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report secures an agenda item for the Committee meeting on 8 March 2016 to discuss the outcome of the referendum on the North Loose Neighbourhood Development Plan, the results of which will not be known until after the agenda is published.
  - 1.2 With the agreement of the Chairman, the referendum result and subsequent recommendations will be presented in a separate urgent update report to be published after the Committee agenda, but in advance of the actual Committee meeting date. To avoid any further delays to the potential 'making' of the North Loose Neighbourhood Development Plan, such an approach is necessary to allow for ratification of any recommendations of this Committee at Council on 13 April 2016.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 In October 2015 this Committee approved the Council's response to the formal consultation on the North Loose Neighbourhood Development Plan. The response, along with all others received, was considered by the appointed examiner, Ann Skippers, during the latter part of 2015 as part of the independent examination of the Plan.
  - 2.2 Ms Skippers completed her Examiner's report in December 2015 and at January's meeting this Committee recommended that Full approve the final version of the North Loose Neighbourhood Development Plan, incorporating the minor modifications suggested by the Examiner, for referendum. Full Council subsequently approved the Neighbourhood Development Plan for referendum at the meeting of 25 January 2016.
  - 2.3 The referendum is scheduled for 3 March 2016. If the outcome of the referendum is a 'Yes' (i.e. more than half of those voting vote in favour of the Plan), section 38A(4) of the Planning and Compulsory Purchase Act 2004 requires that the Council must make (adopt) the Plan as soon as reasonably practicable after the referendum. Procedural recommendations will be proposed regarding the making of the Plan into the Development Plan for Maidstone. Should the outcome of the referendum be a 'No' then the recommendation will be that the Plan is not made. The only other circumstances in which the Committee could decide not to make the Plan is if to do so would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (s.38A(6) PCPA 2004). A local plan's compatibility with EU obligations and Directives is tested during the examination process and cannot proceed to referendum until it meets this basic condition. 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 in accordance with section 38A(4) if the result is a 'Yes' from the referendum.
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### **3. AVAILABLE OPTIONS**

- 3.1 As with any voting process, the outcome of the referendum cannot be predicted. Given the required timescales for reporting to Committees and the desire to achieve consideration by Council on 13 April 2016 to prevent any further delay, Councillors are recommended to note this report and its recommendations and then consider those subsequent recommendations as set out in the urgent update report that will follow.
- 3.2 An alternate option would be to not accept an urgent update report and instead wait for the next scheduled meeting of this Committee on 18 April 2016 to consider the outcomes of the referendum and the way forward. This option is not recommended for two reasons. Firstly, this would lead to a long delay in the recommendations of this Committee going on to Council given that the end of the municipal year is approaching and the next meeting of Council would likely be the Annual General Meeting in late May. This would not be favoured by North Loose Residents Association given that the Plan has been four years in the making. Secondly, the agenda for the meeting of this Committee on 18 April already contains substantial matters relating to the Local Plan and the Infrastructure Delivery Plan. As such, there is a risk that the consideration of the North Loose Neighbourhood Development Plan could be delayed to an adjourned meeting if all other matters are not fully dealt with in the time frame permitted.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Councillors are recommended to follow the option set out at 3.1 above for the reasons already set out.
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### **5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 5.1 If Councillors agree to the officer recommendations set out in the urgent update report, this Committee is requested to make further recommendations to Council with regard to the 'making' of the North Loose Neighbourhood Development Plan:-
- To 'make' the Plan if the outcome of the referendum is 'Yes'
  - Not to 'make' the Plan if the outcome of the referendum is 'No.'
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### **6. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The Neighbourhood Development Plan, once made will be part of the Development Plan for Maidstone, directly impacting the Corporate Priorities through its	Rob Jarman, Head of Planning and Development

	consideration when determining planning applications in the plan area.	
<b>Risk Management</b>	There is potential for reputational damage should the plan not proceed at this late stage. It has been adjudged as sound and legally compliant by the appointed examiner and agreed by Council for a local referendum, so risks are low.	Rob Jarman, Head of Planning and Development
<b>Financial</b>	Referendum costs are recoverable through the Logasnet grant system. There is no cost involved in the adoption of the plan other than staff time.	Paul Riley, Section 151 Officer & Finance Team
<b>Staffing</b>	Once the plan has been made it will need to be publicised and published on the council's website. This will be completed with the assistance of the council's web team.	Rob Jarman, Head of Planning and Development
<b>Legal</b>	Statute sets out the procedures to be followed as a result of the referendum. The Council is obliged to follow statutory requirements.	Kate Jardine, Team Leader (Planning) Mid Kent Legal Services
<b>Equality Impact Needs Assessment</b>	The needs of different groups have been considered by the North Loose Residents Association during the evolution of the plan.	Anna Collier, Policy & Information Manager
<b>Environmental/Sustainable Development</b>	The plan has regard to sustainability and the natural environment as part of its policies. The approach has been agreed as part of the examination of the plan.	Rob Jarman, Head of Planning and Development
<b>Community Safety</b>	N/A	Rob Jarman, Head of Planning and Development
<b>Human Rights Act</b>	N/A	Rob Jarman, Head of Planning and Development

<b>Procurement</b>	There are no further procurement considerations at this stage of the process.	Rob Jarman, Head of Planning and Development & Section 151 Officer]
<b>Asset Management</b>	N/A	Rob Jarman, Head of Planning and Development

**7. REPORT APPENDICES**

There are none

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**8. BACKGROUND PAPERS**

There are none