

Strategic Planning, Sustainability and Transportation Committee

14 June 2016

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

Yes

Broomfield & Kingswood Neighbourhood Plan

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service	Rob Jarman, Head of Planning & Development
Lead Officer and Report Author	Cheryl Parks, Project Manager, Local Plan
Classification	Public
Wards affected	Bearsted; Detling & Thurnham; Downswood & Otham; Harrietsham & Lenham; Headcorn; Leeds; North Downs; Sutton Valence & Langley;

This report makes the following recommendations to this Committee:

1. That the Committee notes the report of the Examiner of the Broomfield & Kingswood Neighbourhood Development Plan
2. That the Committee agrees not to move the Plan to referendum

This report relates to the following corporate priorities:

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

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	14 June 2016

Broomfield & Kingswood Neighbourhood Plan

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out the findings of the independent examination of the Broomfield and Kingswood Neighbourhood Development Plan (“the Neighbourhood Plan”), and the subsequent engagement undertaken with the Parish Council.
 - 1.2 Following the agreement at the meeting of this Committee on 18 April 2016 to a revised protocol for Neighbourhood Planning processes, the decision on whether to move to referendum rests with this Committee.
 - 1.3 The timing of receipt of the examiner’s report was such that the deadline for the March meeting of this Committee had passed. The subsequent April Committee was reserved for matters relating to the Local Plan Submission, and with the new municipal year in May, it has meant delaying consideration of this report until June 2016.
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2. INTRODUCTION AND BACKGROUND

- 2.1 Broomfield & Kingswood Parish Council successfully applied to designate the Parish as a Neighbourhood Area in October 2012. After working on producing the Neighbourhood Plan, it was formally submitted to the Borough Council on 21 October 2015 under Regulation 15.
- 2.2 Officers facilitated a full consultation on the Neighbourhood Plan between 6 November and 18 December 2015 (Regulation 16) as required by the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”) and at the request of the Parish Council appointed Edward Cousins, BA, LL.M, Barrister, from a list of accredited examiners to formally examine the Neighbourhood Plan.
- 2.3 Throughout the production of the Neighbourhood Plan, there was on-going dialogue, both in meetings and in writing, between officers of the Borough Council and Broomfield & Kingswood Parish Council as well as with its appointed consultant, Designscape.
- 2.4 On several occasions, as evidenced in written minutes of meetings held, the Parish Council was advised of the risks associated with the approach taken in the Neighbourhood Plan, and the likelihood of a conflict with meeting the basic conditions, notably, accordance with adopted Local Plan policy, as required by the Regulations.
- 2.5 The Parish Council had received alternative advice from its consultant to that from officers at the Borough Council, and therefore opted to continue with the Neighbourhood Plan (as drafted) which sought enhancements to village facilities, including a village green, provided for alongside 20 new dwellings on a site adjacent to, but outside, the village envelope as identified on the policies map for the adopted Maidstone Borough Wide

Local Plan 2000. The proposed housing would comprise 12 market houses and 8 affordable homes.

- 2.6 Adopted policies ENV28 and H27 preclude development in the countryside, and only permit limited infill development of one or two dwellings in identified villages, of which neither Broomfield nor Kingswood are included. The site proposed in the Neighbourhood Plan is considered to be in an unsustainable location, lying outside of the village boundary, for 20 dwellings, would therefore be contrary to adopted policy.
- 2.7 New Planning Practice Guidance was issued on 19 February 2016, as the examination was concluding, and set out the requirement for up-to-date evidence on housing need to be considered in the development of Neighbourhood Plans.
- 2.8 It could therefore be argued that housing proposals in the Broomfield and Kingswood Neighbourhood Development Plan could be construed as 'helping' the Borough Council to meet its objectively assessed need for housing in the emerging Local Plan. However, draft policy in the emerging Local Plan does not propose any amendment to the village envelope of Broomfield or Kingswood, and does not identify either village in its sustainable settlements hierarchy, meaning that the site proposed is still situated in what is defined as "countryside". This, coupled with the emerging Local Plan proposing to meet its objectively assessed need through planning consents, pipeline supply, and sufficient allocations in sustainable settlements, suggests that the site proposed in the Neighbourhood Plan is not required to meet the Borough's housing need.
- 2.9 In considering national policy and guidance (NPPF, NPPG), the saved policies of the adopted Local Plan 2000 and proposed policies in the emerging Local Plan, the examiner concluded that the Broomfield & Kingswood Neighbourhood Plan did not comply with the legislative requirements in that the proposals were contrary to adopted policy because they encroached into the open countryside, and were not able to be considered 'minor development'. He further concluded that the Parish Council had not provided an evidence base to justify the scale of the proposed development in this particular location. As a result, he determined that he could not recommend modifications to the Neighbourhood Plan, as he deemed it not capable of remedy in its current format, nor recommend it be moved to referendum.
- 2.10 In his report summary, Mr Cousins suggested to the Parish Council that it may wish to pursue changes to the village boundary through representations to the Local Plan Regulation 19 consultation that was open at the time of his report being sent. However, no such representation was made.
- 2.11 Following receipt of the examiner's report, a further meeting was held with representatives of the Parish Council and Designscape. The Parish Council was disappointed that the examiner had concluded that the Neighbourhood Plan was not able to be taken forward, but acknowledged that they had been advised of the risks by officers. The Parish Council would consider its options and make a decision as to what it would do next.

3. AVAILABLE OPTIONS

- 3.1 There is only one option available to the Committee which is to accept the findings of the examiner as set out in this report (and at Appendix A) and agree that the Broomfield & Kingswood Neighbourhood Development Plan not be taken forward to referendum.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Committee is recommended to agree to the option as set out above at 3.1.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 Subject to the agreement of the Committee to the recommendation of this report, no further action will be required in relation to this Neighbourhood Plan.
- 5.2 Should opportunities arise for the Parish Council to review the Neighbourhood Plan contents in light of the examination of the Local Plan, it may wish to update and resubmit a Neighbourhood Plan for consideration but such a decision will rest with the Parish Council and be entirely dependent on the findings of the appointed Inspector who examines the Local Plan in due course. This may also avoid the loss of work undertaken to date.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	A Neighbourhood Development Plan once made will be part of the development plan for the borough, directly impacting on the Corporate Priorities through the determination of planning applications in the plan area.	Rob Jarman, Head of Planning and Development
Risk Management	There is limited risk relating to this report. Whilst the Parish Council were understandably disappointed with the findings, their decision to continue was contrary to advice received from officers.	Rob Jarman, Head of Planning and Development

Financial	There are no additional related costs.	Paul Riley, Section 151 Officer & Finance Team
Staffing	There are no staffing implications relating to this report and its recommendations.	Rob Jarman, Head of Planning and Development
Legal	Statute sets out the procedures to be followed in regard to Neighbourhood Planning. The Borough Council is obliged to follow statutory requirements. The proposals in this report underpin and support those procedures.	Kate Jardine, Team Leader (Planning), Mid Kent Legal Services
Equality Impact Needs Assessment	The needs of different groups are considered throughout the development of the plans.	Anna Collier, Policy & Information Manager
Environmental/Sustainable Development	Plans must have regard to sustainability and the natural environment including heritage assets as part of their policies. An assessment for the need for Strategic Environmental Assessment is carried out at an early stage and repeated at key stages of the plans development.	Rob Jarman, Head of Planning and Development
Community Safety	N/A	Rob Jarman, Head of Planning and Development
Human Rights Act	N/A	Rob Jarman, Head of Planning and Development
Procurement	There are no particular procurement requirements or considerations that are not already in place at this stage.	Rob Jarman, Head of Planning and Development & Paul Riley, Section 151 Officer
Asset Management	N/A	Rob Jarman, Head of Planning and Development

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Broomfield & Kingswood Neighbourhood Development Plan Examiners Report
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8. BACKGROUND PAPERS

None