

# Strategic Planning, Sustainability and Transportation Committee

8 November 2016

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

No

## Staplehurst Neighbourhood Plan

|   |   |
|---|---|
| <b>Final Decision-Maker</b>             | Council   |
| <b>Lead Director or 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>                   | Non-exempt  |
| <b>Wards affected</b>                   | Staplehurst, Marden & Yalding, Boughton Monchelsea and Chart Sutton, Sutton Valence and Langley, Headcorn |

### **This report makes the following recommendations to the final decision-maker:**

1. That the Committee notes the result of the referendum of 3 November 2016 on the Staplehurst 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 7 December 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 November 2016 |
| Council   | 7 December 2016 |

# Staplehurst Neighbourhood Plan

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report secures an agenda item for the Committee meeting on 8 November 2016 to discuss the outcome of the referendum on the Staplehurst 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 Staplehurst Neighbourhood Development Plan, such an approach is necessary to allow for ratification of any recommendations of this Committee at Council on 7 December 2016.
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 In November 2015 this Committee approved the Council's response to the formal consultation on the Staplehurst Neighbourhood Development Plan. The response, along with all others received was sent to the appointed Examiner early in 2016.
- 2.2 The Committee will be fully aware of the series of events leading to the cessation of the original examination, and the need for a new Examiner to be appointed as this has been the subject of reports in recent months.
- 2.3 Following the conclusion of the second examination by Mr Derek Stabbing, this Committee agreed the recommendations in the Examiner's report and resolved to send the Neighbourhood Plan to a local referendum at its meeting of 13 September 2016.
- 2.4 The referendum is scheduled for 3 November 2016. If the outcome of the referendum is a 'Yes' (i.e. more than half of those voting in favour of the Plan), section 38A(4) of the Planning and Compulsory Purchase Act 2004 requires that the Council must make (adopt) the Neighbourhood Plan as soon as reasonably practicable after the referendum. Procedural recommendations will be proposed regarding the making of the Neighbourhood Plan into the Development Plan for Maidstone. Should the outcome of the referendum be a 'No' then the recommendation will be that the Neighbourhood Plan is not made (adopted). The only other circumstances in which the Committee could decide not to recommend the making of the Neighbourhood 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). This point is tested as part of the examination process, but the Committee should consider whether any new issues have arisen since the examination that would prevent the Neighbourhood Plan moving to referendum.

---

### **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 7 December 2016 to prevent any further delay, Members are recommended to accept the inclusion of the urgent update report which will be provided in advance of the Committee meeting and then to consider the subsequent recommendations as set out in that report.
- 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 6 December 2016 to consider the outcomes of the referendum and the way forward. This would result in the recommendations not being considered by Council until March 2017, it being not practicably possible to pass the recommendation to the Council meeting which is to take place the following day, 7 December. This option is not recommended as this would lead to a long delay in the recommendations of this Committee going on to Council regarding the making of the Neighbourhood Plan. .

---

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Members are recommended to follow the option set out at 3.1 above for the reasons stated.

---

### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 If Members 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 Staplehurst Neighbourhood Development Plan:-
- To make the Neighbourhood Plan if the outcome of the referendum is 'Yes'
  - Not to make the Neighbourhood Plan if the outcome of the referendum is 'No'

---

### **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 | Rob Jarman, Head of Planning and Development |

|  |   |  |
|--|---|--|
|  | impacting the Corporate Priorities through its 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.  | Mark Green, 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>                                 | There are no legal implications arising from this report. As to the results of the referendum and the actions to be taken thereafter, statute sets out the procedures to be followed and 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 Neighbourhood Plan Steering Group and Parish Council 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                 |

|                         |   |   |
|-------------------------|---|---|
|                         |   | Development   |
| <b>Procurement</b>      | There are no further procurement considerations at this time. | Rob Jarman,<br>Head of<br>Planning and<br>Development<br>& Mark<br>Green,<br>Section 151<br>Officer |
| <b>Asset Management</b> | N/A   | Rob Jarman,<br>Head of<br>Planning and<br>Development   |

**7. REPORT APPENDICES**

Appendix A: Staplehurst Neighbourhood Plan (version for referendum).

---

**8. BACKGROUND PAPERS**

There are none.