

Loose Neighbourhood Plan

Final Decision-Maker	Full Council
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Anna Houghton, Planning Officer, Strategic Planning
Classification	Public
Wards affected	Loose, South, Coxheath and Hunton, Boughton Monchelsea and Chart Sutton

Executive Summary

Following a decision made by this committee on 25th June 2019 the Loose Neighbourhood Plan (background document 1) was subject to a referendum vote on 8th August 2019. The result of the referendum was successful. Under Section 38A(4) of the Planning and Compulsory Purchase Act 2004, following a successful referendum (see background document 2), the Neighbourhood Plan must be made (adopted) by the Council within 8 weeks. The Committee is asked to consider the referendum result, and in accordance with the agreed Neighbourhood Planning Protocol, make a recommendation to Full Council that the Neighbourhood Plan is made (adopted). Once made the Neighbourhood Plan will be part of the Development Plan for Maidstone.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

That:

1. The result of the referendum held on 8th August 2019 on the Loose Neighbourhood Plan be noted.
2. Council be recommended to make the Loose Neighbourhood Plan.

Timetable

Meeting	Date
Strategic Planning and Infrastructure Committee	10 th September 2019
Council	25 th September 2019

Loose Neighbourhood Plan

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. Section 38(3A) of the Planning and Compulsory Purchase Act 2004 outlines that once a neighbourhood plan is approved at referendum it comes into force as part of the statutory development plan. This means it will assist in the delivery of the Council's four strategic objectives.	Rob Jarman
Cross Cutting Objectives	<p>Following the successful referendum result, the Loose Neighbourhood Plan is part of the Maidstone Development Plan. It will therefore assist in the delivery of three cross-cutting objectives of:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Biodiversity and Environmental Sustainability is respected <p>The Neighbourhood Plan includes policies for:</p> <ul style="list-style-type: none"> • Heritage, for example the protection and enhancement of the Loose Valley Conservation Area • Biodiversity 	Rob Jarman
Risk Management	Already covered in the risk section	Rob Jarman
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. The costs for referendum and adoption of neighbourhood plans are borne by the Borough Council. There is a dedicated budget for this purpose, funded by MHCLG	Chris Hartgrove (Interim Head of Finance)

	neighbourhood planning grants. The Council applied for £20k from MHCLG due to costs incurred.	
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman
Legal	Accepting the recommendations will fulfil the Council's duties under the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act (2004) and the Neighbourhood Planning (General) Regulations 2012 (as amended).	Cheryl Parks Mid Kent Legal Services (Planning)
Privacy and Data Protection	The recommendations will not have any implications for the volume of data held by the Council.	Policy and Information Team
Equalities	The Council has a responsibility to support communities in developing a Neighbourhood Plan. The Neighbourhood Planning process provides an opportunity for communities to develop an inclusive plan that meets the housing need of its population.	Equalities and Corporate Policy Officer
Public Health	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Paul Clarke
Crime and Disorder	There are no implications for Crime and Disorder	Rob Jarman
Procurement	There are no procurement requirements	Chris Hartgrove (Interim Head of Finance)

2. INTRODUCTION AND BACKGROUND

- 1.1 The Loose Neighbourhood Plan has been prepared by the Parish Council and was examined by an independent examiner. The Council received the examiner's report on 25th March 2019. The examiner recommended that, subject to modifications, the Neighbourhood Plan proceed to referendum. The Loose Neighbourhood Plan is attached to this report as background document 1.
- 1.2 Following the publication of the independent examiner's report, and in line with the Neighbourhood Planning (General) Regulations 2012 (as amended)

and the locally adopted Neighbourhood Planning Protocol, a report was presented to this committee on 25th June 2019 seeking a decision on what action to take in response to the examiner's recommendation (i.e. proceed to referendum). This committee decided to proceed with the referendum. The referendum was held on 8th August 2019.

- 1.3 Following a successful referendum (where more than 50% of those who cast their vote approve the Neighbourhood Plan) the Council must make (adopt) a neighbourhood plan. Section 38(3A) of the Planning and Compulsory Purchase Act 2004 outlines that once a neighbourhood plan is approved at referendum it comes into force as part of the statutory development plan. This means it will be used in the consideration of planning applications in the local area.

Referendum

- 1.4 The referendum was held on 8th August 2019, and asked voters "Do you want Maidstone Borough Council to use the Neighbourhood Plan for Loose to help it decide planning applications in the neighbourhood area?"
- 1.5 A total of 93.95% voted 'Yes' with a turnout of 22.42% (see background document 2). Therefore, in line with Section 38A(4) of the Planning and Compulsory Purchase Act 2004, following a successful referendum the Council must make the Neighbourhood Plan.
- 1.6 However, the Committee can decide not to make the Neighbourhood Plan if to do so would breach, or otherwise be incompatible with, any EU obligation or any of the convention rights. The Neighbourhood Plan's compatibility with EU obligations and directives is tested during the examination process and cannot proceed to referendum otherwise. 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 following the "Yes" result.
- 1.7 The Neighbourhood Planning (General) Regulations 2012 at Regulation 18A outlines that the local planning authority must make a neighbourhood plan where there has been a successful referendum within 8 weeks of the date of the referendum. Therefore, in accordance with the Section 38A(4) of the Planning and Compulsory Purchase Act 2004, Neighbourhood Planning (General) Regulations 2012 and the agreed Neighbourhood Planning Protocol, this committee is asked to consider the result of referendum and make a recommendation to Full Council that the Neighbourhood Plan is made (adopted).

3. AVAILABLE OPTIONS

- 3.1 The Committee recommends to Full Council on 25th September that the Neighbourhood Plan is made (adopted). Taking the decision to a later scheduled meeting of Full Council will delay the adoption of the Neighbourhood Plan and therefore mean that the Council is in breach of its requirement under the Neighbourhood Planning (General) Regulations 2012

(Regulation 18A) to make the neighbourhood plan within 8 weeks of the referendum.

- 3.2 The Committee decides not to recommend to Full Council that the Neighbourhood Plan is made (adopted). This would be in breach of Section 38A (4) of the Planning and Compulsory Purchase Act 2004 which is outlined in paragraphs 1.5 and 1.6 unless there are reasons for doing so as set out in paragraph 1.6 of this report.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is that outlined in 3.1. The result of the referendum illustrates a very strong level of support amongst those who voted for the Neighbourhood Plan. There are no clear reasons for not doing so and statute is clear as to the requirement to make the plan in such circumstances.
- 4.2 Not making the Loose Neighbourhood Plan would mean the Council is in breach of the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at paragraph 3.1. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Committee has already considered the Loose Neighbourhood Plan at the Regulation 16 consultation stage and again after the Examiner's report. The plan itself has been the subject of all the required statutory consultation as well as informal consultation undertaken with officers as the plan was developed through its early stages.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 A report will be taken to Full Council. Following a decision from Full Council to make the Loose Neighbourhood Plan, the decision and the Plan will be published on the website and relevant bodies notified.
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8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

Background document 1 – Loose Neighbourhood Plan:

https://www.maidstone.gov.uk/_data/assets/pdf_file/0019/283204/109_Q_190_528_Final-Plan_pages-1-V2.pdf

Background document 2 – Referendum result:

<https://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/local-plan-information/tier-3-additional-areas/neighbourhood-plans>