

Delegated Portfolio Holder Decision

Is the final decision on the recommendations in this report to be made via this function?

Yes

Goudhurst Neighbourhood Plan Area Designation

Final Decision-Maker	Delegated Portfolio Holder Decision
Portfolio Holder(s)	Councillor Alan McDermott, Portfolio Holder for Planning and Transportation
Lead Director	Jonathan MacDonald, Director of Planning and Development
Head of Service	Karen Fossett, Head of Planning Services
Lead Officer/Report Author	Kelvin Hinton, Planning Policy Manager
Classification	Non-exempt
Wards affected	Goudhurst and Lamberhurst

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

That the designation of a neighbourhood area for the purposes of producing a Neighbourhood Development Plan for Goudhurst, as set out in the report, be approved.

This report relates to the following Five Year Plan Key Objectives:

- A Prosperous Borough
- A Green Borough
- A Confident Borough

The Localism Act 2011 introduced Neighbourhood Planning as a way of passing decision-making to a more local level. This allows local communities the option of producing their own Neighbourhood Plan.

A Neighbourhood Plan is a document produced by the community, for the community, to shape and guide its future development. It may contain a vision, aims, policies and proposals for providing new development or improving existing facilities and it may also allocate sites for specific development. Such plans need to be developed through cooperative working and extensive community engagement and be in general conformity with the strategic policies set out in local planning policy documents and national policy.

Timetable

Meeting	Date
Discussion with Portfolio Holder	26 October 2016

Goudhurst Neighbourhood Plan Area Designation

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Goudhurst Parish Council applied to the Borough Council, as the Local Planning Authority, on 05 August 2016 for the designation of a Neighbourhood Area in accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”). The proposal covers the whole of the parished area of Goudhurst and is the first step for the Parish Council in preparing a Neighbourhood Plan.
 - 1.2 As the area in question falls within Regulation 5A of the Regulations (it consists of the whole of the Parish Council’s area and does not extend outside of that area), the Borough Council carried out a public consultation for a reduced period of four weeks between 12 September and 7 October 2016 seeking comments on the extent of the Neighbourhood Area. Two comments were received, both supporting the designation.
 - 1.3 Approval of the Neighbourhood Area by the Portfolio Holder for Planning and Transportation is now sought. This will enable the Parish Council to progress the next steps in the production of a Neighbourhood Plan.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The Localism Act 2011 introduced Neighbourhood Planning as a way of passing decision-making to a more local level. This allows local communities the option of producing their own Neighbourhood Plan, Neighbourhood Development Orders or Community Right to Build Orders for their areas.
- 2.2 A Neighbourhood Plan is a document produced by the community, for the community, to shape and guide its future development. It may contain a vision, aims, policies and proposals for providing new development or improving existing facilities and it may also allocate sites for specific development.
- 2.3 Such plans need to be developed through cooperative working and extensive community engagement and be in general conformity with the strategic policies set out in local planning policy documents and national policy.
- 2.4 There is a formal procedure for producing Neighbourhood Plans contained in the Regulations and, if adopted after successful examination and a local referendum, a Neighbourhood Plan will form part of the statutory development plan for the area, giving it more weight than other forms of community-led plan such as a parish plan

3. OPTIONS

- 3.1 Approve the Neighbourhood Area as submitted: The proposed Neighbourhood Area exactly follows the Parish boundary of Goudhurst. This is the most appropriate definition for an area and accords with best practice. Consultation responses fully supported the designation of the Neighbourhood Area and approval will enable the Goudhurst Neighbourhood Plan Committee to commence the process of producing a Neighbourhood Plan. This is the recommended option.
- 3.2 Not to approve the Neighbourhood Area as submitted and seek an amendment: If this option were taken, it would become necessary for changes to be recommended to the Neighbourhood Area. The application area exactly follows the Parish boundary of Goudhurst, and therefore is considered appropriate with no logical or better alternatives identified. The responses received were wholly supportive of this designation as submitted. Accordingly, it is not considered that it would be necessary to suggest any changes to the proposed Neighbourhood Area.
- 3.3 Not approve the proposed Neighbourhood Area: There are considered to be no legal grounds or other reasons to decline the application for designation of the Neighbourhood Area. Refusal of the application would prevent the Parish Council from pursuing a Neighbourhood Plan. The lack of any valid reasons to reject the application and the supportive consultation comments received are such that it is considered that this option is not supportable.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Agree the proposed designation and defined Neighbourhood Area as submitted in accordance with paragraph 3.1 above for the reasons stated within this report.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Consultation on the Neighbourhood Area application ran for four weeks from 12 September to 7 October 2016. This consultation was solely focused on the designation of the Neighbourhood Area and was not a consultation on the Neighbourhood Plan itself.
- 5.2 The consultation documents were posted on the Borough Council's website. Adjoining Parish Councils (inside and outside Tunbridge Wells borough), adjoining local authorities, Benenden & Cranbrook, Goudhurst & Lamberhurst, Hawkhurst & Sandhurst and Frittenden & Sissinghurst Ward Members and local businesses and residents were informed of the consultation by direct communication, local public notice and website publicity Goudhurst Parish Council carried out its own publicity for the consultation. Paper copies of the documents were also placed at the Gateway in Tunbridge Wells and were available to view via the Goudhurst Parish Clerk.

5.3 Two comments were received during the four-week consultation, from Maidstone Borough Council (Planning Policy) and Mrs Barbara Stafford, a local resident. The comments are attached in full at Appendix A to this report. Both comments were fully supportive of the application for designation of the Neighbourhood Area. It is not, therefore, considered necessary for any changes to be recommended to the Neighbourhood Area.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Following approval of the extent of the Goudhurst Neighbourhood Area, Goudhurst Parish Council will be informed of the decision. Information will be posted on the Borough Council's website and those who made comments on the designation application advised.
- 6.2 The Parish Council will then begin to draft the Neighbourhood Plan, working closely with local people and relevant bodies. The Regulations prescribe that any draft Neighbourhood Plan prepared will be formally consulted on and in due course examined at a public examination by an independent Inspector. A referendum would then be held and, if a majority of those who vote are in favour of the Neighbourhood Plan, it would then be adopted by the Borough Council as part of its Development Plan.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	Goudhurst Parish Council is a relevant body under Section 61(G) of the Localism Act 2011 and pursuant to that section is empowered to apply to the Local Planning Authority for the designation of a specified area as a "neighbourhood area". The application is valid and must be determined in accordance with the Neighbourhood Planning (General) Regulations 2012.	Kate Jardine, Solicitor, Team Leader (Planning) Mid Kent Legal Services, For Head of Legal Partnership 26 October 2016
Finance and other resources	The application to approve the Goudhurst Neighbourhood Area does not raise any financial or resource implications for the Borough Council at this stage. If approved, the Parish Council will then start to prepare a Neighbourhood Plan for Goudhurst. There is a duty on the Borough Council to support the Parish Council in this process, although this support is not prescriptive. At present there is no specific budget allowance for supporting	Jane Fineman, Head of Finance and Procurement 26 October 2016

Issue	Implications	Sign-off
	<p>Neighbourhood Plans as it is not known how many communities may wish to draft Neighbourhood Plans. Goudhurst Parish Council is the fifth community organisation within Tunbridge Wells borough to progress to this, the first stage in the process. Budget implications will therefore need to be kept under review.</p> <p>There are sources of external assistance and advice that the Parish Council can draw on, including from Planning Aid, Locality, Department of Communities and Local Government and the Planning Advisory Service.</p> <p>The Borough Council is entitled to claim £5,000 of government funding for each neighbourhood area that is approved although these arrangements are under review by Government.</p>	
Staffing establishment	<p>There is a duty on the Borough Council to support the Parish Council in this process, although this support is not prescriptive and the application to approve the Goudhurst Neighbourhood Area does not raise any staff implications for the Borough Council at this stage.</p>	<p>Kelvin Hinton, Planning Policy Manager 26 October 2016</p>
Risk management	<p>If the Neighbourhood Area application is approved, the Parish Council will be responsible for advancing the next stages of the Neighbourhood Plan process. Risks to this can be reduced by the Borough Council providing effective advice and guidance throughout the process.</p>	<p>Kelvin Hinton, Planning Policy Manager 26 October 2016</p>
Environment and sustainability	<p>No direct implications at this stage. The Neighbourhood Plan may have a positive impact on the local environment and sustainability, depending on the issues identified by local people and the interventions that it delivers.</p>	<p>Kelvin Hinton, Planning Policy Manager 26 October 2016</p>
Community safety	<p>No direct implications at this stage. The Neighbourhood Plan may have positive impacts on crime and the fear of crime, depending on the issues identified by local people and the interventions that it delivers.</p> <p>Section 17, Crime and Disorder Act 1998: No direct implications at this stage. The Neighbourhood Plan may help to reduce crime, depending on the issues identified by local people and the interventions that it delivers.</p>	<p>Kelvin Hinton, Planning Policy Manager 26 October 2016</p>

Issue	Implications	Sign-off
Health and Safety	No issues identified.	Kelvin Hinton, Planning Policy Manager 26 October 2016
Health and wellbeing	No direct implications at this stage. The Neighbourhood Plan may have a positive impact on health and wellbeing, depending on the issues identified by local people and the interventions that it delivers.	Kelvin Hinton, Planning Policy Manager 26 October 2016
Equalities	No direct implications at this stage. The Neighbourhood Plan may have a positive impact on equalities, depending on the issues identified by local people and the interventions that it delivers.	Kelvin Hinton, Planning Policy Manager 26 October 2016

8. REPORT APPENDICES

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

- Appendix A: Consultation Response Report
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9. BACKGROUND PAPERS

- Goudhurst Parish Council Neighbourhood Area Application
http://www.tunbridgewells.gov.uk/_data/assets/pdf_file/0016/131263/Goudhurst-Parish-Council-Neighbourhood-Area-Application.pdf
- Goudhurst Neighbourhood Area Application Map
http://www.tunbridgewells.gov.uk/_data/assets/pdf_file/0014/131261/Goudhurst-Neighbourhood-Area-Application-Map.pdf