

## Delegated Portfolio Holder Decision

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

**Yes**

## Brenchley and Matfield Neighbourhood Plan Area Designation

<b>Final Decision-Maker</b>	Delegated Portfolio Holder Decision
<b>Portfolio Holder(s)</b>	Councillor Alan McDermott – Portfolio Holder for Planning and Transportation
<b>Lead Director</b>	Lee Colyer – Director of Finance, Policy and Development
<b>Head of Service</b>	Karen Fossett – Head of Planning Services
<b>Lead Officer/Report Author</b>	Kelvin Hinton – Planning Policy Manager
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	Brenchley and Horsmonden

### **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 Brenchley and Matfield, 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**

<b>Meeting</b>	<b>Date</b>
Discussion with Portfolio Holder	Monday 20 November 2017
Report Published	Tuesday 21 November 2017
Decision due not before	Wednesday 29 November 2017

# Brenchley and Matfield Neighbourhood Plan Area Designation

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Brenchley Parish Council applied to the Borough Council, as the Local Planning Authority, on 11 September 2017 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 Brenchley and Matfield and is the first step for the Parish Council in preparing a Neighbourhood Plan.
  - 1.2 Although it is no longer a requirement to carry out public consultation on an area designation application where the application is made by the appropriate parish council, relates to an area which is the whole parish and all other legal requirements are met, the four week consultation had already started and so the responses received are detailed in this report. The Borough Council carried out a public consultation for a period of four weeks between 9 October and 3 November 2017 seeking comments on the extent of the Neighbourhood Area. Seven responses were received; six voiced their support/no objections (four residents and KCC Flood and Water Management) and KCC as Mineral and Waste Planning Authority gave general information about their role and advised that Brenchley Parish Council does not make reference to mineral safeguarding and will need to take into consideration in their plan the policies found in the KMWLP specifically relating to land-won mineral safeguarding (Policies CSM 5 and DM 7) for any development which is within the MSA and outside the identified urban boundaries/village confines if the intention is to seek development that has the potential to sterilise economic minerals.
  - 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 plans.
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### **3. OPTIONS**

- 3.1 Approve the Neighbourhood Area as submitted: The proposed Neighbourhood Area exactly follows the Parish boundary of Brenchley and Matfield. 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 Brenchley 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 Brenchley and Matfield, and therefore is considered appropriate with no logical or better alternatives identified. The responses received have not commented negatively on the area 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 9 October to 3 November 2017. 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 and Town Councils, Kent County Council, Brenchley & Horsmonden, Goudhurst & Lamberhurst, Paddock Wood (East & West) and Pembury Ward Members and local businesses and residents were informed of the consultation by direct communication and website publicity. Brenchley 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 by arrangement with the Clerk at the Brenchley Parish Council offices.
- 5.3 The Borough Council carried out a public consultation for a period of four weeks between 9 October and 3 November 2017 seeking comments on the extent of the Neighbourhood Area. Seven responses were received; six voiced their support/no objections (four residents and KCC Flood and Water Management) and KCC as Mineral and Waste Planning Authority gave general information about their role and advised that Brenchley Parish Council does not make reference to mineral safeguarding and will need to take into consideration in their plan the policies found in the KMWLP specifically relating to land-won mineral safeguarding (Policies CSM 5 and DM 7) for any development which is within the MSA and outside the identified urban boundaries/village confines if the intention is to seek development that has the potential to sterilise economic minerals. It is not, therefore, considered necessary for any changes to be recommended to the Neighbourhood Area.

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## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 Following approval of the extent of the Brenchley and Matfield Neighbourhood Area, Brenchley 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.
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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Legal</b> including Human Rights Act	Brenchley 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 (as amended).	Cheryl Parks – Lawyer (Planning) Mid Kent Legal Services 15/11/17
<b>Finance</b> and other resources	<p>The application to approve the Brenchley and Matfield Neighbourhood Area does not raise any financial or resource implications for the Borough Council at this stage.</p> <p>If approved, the Parish Council will then start to prepare a Neighbourhood Plan for Brenchley and Matfield. 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 Neighbourhood Plans as it is not known how many communities may wish to draft Neighbourhood Plans. Brenchley Parish Council is the eighth 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>	Jane Fineman Head of Finance and Procurement 16/11/17
<b>Staffing establishment</b>	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 Brenchley and Matfield Neighbourhood Area does not raise any staff implications for the Borough Council at this stage.	Kelvin Hinton, Planning Policy Manager 15/11/17
<b>Risk management</b>	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.	Kelvin Hinton, Planning Policy Manager 15/11/17
<b>Environment</b> and sustainability	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.	Kelvin Hinton, Planning Policy Manager 15/11/17

<b>Community safety</b>	<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 15/11/17</p>
<b>Health and Safety</b>	<p>No issues identified.</p>	<p>Kelvin Hinton, Planning Policy Manager 15/11/17</p>
<b>Health and wellbeing</b>	<p>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.</p>	<p>Kelvin Hinton, Planning Policy Manager 15/11/17</p>
<b>Equalities</b>	<p>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.</p>	<p>Kelvin Hinton, Planning Policy Manager 15/11/17</p>

## 8. REPORT APPENDICES

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

- Appendix A: Consultation Response Report
  - Appendix B: Brenchley Parish Council Neighbourhood Area Application
  - Appendix C: Brenchley and Matfield Neighbourhood Area Application Map
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