

APPENDIX D: - Benenden Neighbourhood Development Plan Decision Statement (Reg 18(2)¹)

¹ The Neighbourhood Planning (General) Regulations 2012

Summary

1. Following an independent examination undertaken by way of a public hearing, Tunbridge Wells Borough Council (TWBC) now confirms that the Benenden Neighbourhood Development Plan (BNDP) will proceed to a Neighbourhood Planning Referendum.
2. This decision statement is available on the BNDP page of the TWBC website <https://tunbridgewells.gov.uk/planning/planning-policy/neighbourhood-plans/benenden> and will be displayed either at the Town Hall or The Gateway. A copy will also be sent to Benenden Parish Council for display within the parish.

3. Background

4. On 31st August, 2017, TWBC formally designated the area shown at **Appendix 1** as the Benenden Neighbourhood Area.
5. Following the submission of the BNDP to TWBC, the plan was publicised, and representations were invited. The publicity period ran from 30th October to 11th December 2020.
6. The Borough Council appointed an independent Examiner, Mr John Slater BA (Hons), DMS, MRTPI to examine whether the BNDP met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the BNDP should proceed to a referendum.
7. The Examiner's Report recommended a number of modifications so that the BNDP is able to comply with the 'basic conditions' and other relevant statutory provisions and that the submission plan if modified can be put to referendum. The independent Examiner has also recommended that the referendum area should be extended beyond the Plan area to include seven specified properties in Mockbeggars Lane, East End, which lie in the neighbouring parish of Biddenden in neighbouring Ashford District.
8. The Executive Summary of the Examiner's Report (2nd September 2021) states: *"My examination has concluded that the Benenden Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions"*.
9. In the summary, the Examiner's Report states that the independent Examiner is *"delighted to recommend to Tunbridge Wells Borough Council that the Benenden Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum"*.

10. Recommendations, Decisions and Reasons

11. The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).
12. Having considered the recommendations made by the Examiner's report, and the reasons for them, TWBC in conjunction with Benenden Parish Council (the Qualifying Body) has agreed to accept the modifications made to the draft plan under paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990 in response to the Examiner's recommendations/ modifications.
13. To meet the requirements of the Localism Act 2011 a referendum which poses the question, '*Do you want Tunbridge Wells Borough Council to use the Benenden Neighbourhood Development Plan to help it decide planning applications in the Benenden Neighbourhood Area?*' will be held in the area formally designated as the Benenden Neighbourhood Area, that is Benenden Parish, plus seven specific addresses set out in the Examiners Report which were identified by the examiner located adjacent to the Benenden Hospital site falling within Biddenden Parish (Ashford District Council) to ensure the community has the final say on whether the neighbourhood plan comes into force or not.
14. The date on which the referendum will take place is Thursday 3rd February 2022.

2nd December 2021

Appendix 1: Benenden Neighbourhood Area

