

PEMBURY NEIGHBOURHOOD PLAN 2022 - 2038: DECISION STATEMENT

1. Summary

- 1.1. Following a favourable referendum result, notice is given that Tunbridge Wells Borough Council (“the Borough Council”), at its meeting on 4 October 2023, ‘made’ the Pembury Neighbourhood Development Plan 2020 – 2038. Since a positive referendum on 14 September 2023, the Neighbourhood Plan has had full weight and forms part of the statutory Development Plan for Pembury Parish and, as such, is a key policy document in the determination of planning applications for development in Pembury Parish.
- 1.2. The ‘made’ Pembury Neighbourhood Development Plan (PNDP) can be viewed on the Borough Council’s website at:
https://tunbridgewells.gov.uk/data/assets/pdf_file/0019/445501/Pembury-Neighbourhood-Plan-Referendum.pdf
- 1.3. Also available is the Strategic Environmental Assessment Adoption Statement on the same page.

2. Background

- 2.1. Upon application by Pembury Parish Council (“the Parish Council”), as the Qualifying Body, the Borough Council designated Pembury Parish as a ‘Neighbourhood Area’, [under Part 2 of the Neighbourhood Planning \(General\) Regulations 2012](#), on 14 July 2020.
- 2.2. Following Regulation 14 consultation on a draft version, a ‘Submission’ version of the Pembury Neighbourhood Development Plan was prepared and submitted to the Borough Council in November 2022 under Regulation 15 of the relevant Regulations. The Borough Council then undertook formal consultation on the PNDP and its supporting documents which were publicised, and representations were invited. The period of formal consultation ran from 5 December 2022 to 30 January 2023.
- 2.3. An Independent examination followed, conducted by written representations, and the Examiner, Mr. John Slater, published his final report on 6 April 2023, concluding that the PNDP, subject to certain modifications proposed in his report, did meet the basic conditions as set out in legislation and is compatible with [Schedule 4B of the Town and Country Planning Act 1990](#) and could therefore proceed to local referendum.

- 2.4. The examination was undertaken by written representations. The Examiner also recommended that the referendum area be the designated Neighbourhood Area (Pembury Parish).

3. Decision and Reasons

- 3.1. With the incorporation of the Examiner's modifications, the Borough Council agreed that the Neighbourhood Plan met the basic conditions and other requirements and could be put forward for a local referendum. This was held on 14 September 2023. It posed the question '*Do you want Tunbridge Wells Borough Council to use the Neighbourhood Plan for Pembury to help it decide planning applications in the neighbourhood area?*' The outcome was that **xx (xx%) of the xx people who voted were in favour of the Plan.**
- 3.2. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Borough Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the Plan, unless (under Para. 38A(6)) this would breach or would otherwise be incompatible with an EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 3.3. In line with the outcome of the referendum and having further considered whether making the Neighbourhood Plan would breach or would otherwise be incompatible with any EU obligation or any of the Convention rights, the Borough Council resolved, at its meeting on 4 October 2023 that: *The Pembury Neighbourhood Development Plan 2020-2038 incorporating the Examiner's modifications, as presented to local referendum, be 'made' with immediate effect and form part of the Council's Development Plan.*

4. Availability of documents

- 4.1. The 'made' Pembury Neighbourhood Development Plan, Declaration of referendum results, SEA Adoption Statement and related documents can be viewed on the Council's website at:
<https://tunbridgewells.gov.uk/planning/planning-policy/neighbourhood-plans/pembury>
- 4.2. The report to Full Council in relation to the 'making' of the Neighbourhood Plan can be viewed at: **add link.** The Full Council minute is available to view at: **add link.**
- 4.3. For further information, please contact the Planning Policy Team by email at:
planning.policy@tunbridgewells.gov.uk

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