

Hawkhurst Neighbourhood Development Plan

Final Decision-Maker	Full Council
Portfolio Holder(s)	Councillor Alan McDermott – Portfolio Holder for Planning and Transportation
Lead Director	Lee Colyer – Director of Finance, Policy and Development
Head of Service	Karen Fossett – Head of Planning
Lead Officer/Author	Stephen Baughen – Building Control & Planning Policy Manager
Classification	Non-exempt
Wards affected	Hawkhurst and Sandhurst

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

1. That the outcome of the Hawkhurst Neighbourhood Development Plan (HNDP) referendum be noted; and
2. That the Council “make” the Hawkhurst Neighbourhood Development Plan part of the local Development Plan for the Borough.

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

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

Hawkhurst Parish Council has progressed preparation of a new Neighbourhood Development Plan which will set out local objectives and policies for the parish for the period 2016 - 2033, including policies related to Housing / Design, Landscape / Environmental Protection, Access / Movement, and Community Infrastructure. The new Plan will be based on achieving sustainable development in the parish which accords with the Borough Council’s key corporate objectives.

Timetable

<i>Meeting</i>	<i>Date</i>
Management Board	12 February 2018
Discussion with Portfolio Holder	12 February 2018
Planning Policy Working Group	20 February 2018
Cabinet	01 March 2018
Full Council	26 March 2018

Hawkhurst Neighbourhood Development Plan

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Following extensive preparation, including stages of public consultation, the Hawkhurst Neighbourhood Development Plan (HNDP) was subject to a referendum, held on 8 February, when the majority (91%) voted in favour of the Plan. This is the first neighbourhood plan in the Borough to reach this stage.
 - 1.2 The purpose of this report is to seek Council's formal approval to "make" the Hawkhurst Neighbourhood Development Plan as part of the Development Plan for the Borough as required by legislation.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The Council has a statutory duty to assist communities during the preparation of Neighbourhood Development Plans and Orders and to take these plans through a process of examination and referendum. Currently nine NDPs are being prepared for parishes within the Borough.
 - 2.2 The HNDP is the most advanced and has been subject to the regulatory stages required under the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.
 - 2.3 The HNDP has been prepared for a designated Neighbourhood Area, which follows the Parish boundary and has a plan period from 2016 to 2035. The area was designated by the Borough Council in April 2014. Plan preparation by the Parish commenced shortly after this date.
 - 2.4 Having completed the various stages of preparation and consultation the HNDP was subject to a referendum on 8 February. The overall turnout was 35.3% with 1138 (91%) voting in favour and 111 (9%) voting against.
 - 2.5 Where a referendum results in a majority "yes" vote the local planning authority is required to "make" the neighbourhood plan within 8 weeks of the referendum outcome unless the plan would breach any EU obligations or any Convention rights.
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3. AVAILABLE OPTIONS

- 3.1 Option 1 Do Nothing: This is not a realistic option. The Council is legally required to "make" the Plan unless certain specific circumstances arise, which they do not in this case.
- 3.2 Option 2 Decide not to "make" the Plan: The Council has through its decision making processes considered the final Plan acceptable and made the decision to put it to a referendum.

- 3.3 Option 3 “Make “the Plan: The Council has through its decision making processes considered the final Plan acceptable and made the decision to put it to referendum. No circumstances have arisen which merit not making the Plan.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is recommended that the Hawkhurst Neighbourhood Development Plan be “made” for the reasons set out above at paragraph 3.3.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The HNDP has through its preparation been subject to various stages of public consultation in accordance with the relevant legislative requirements. At each stage the representations made have been carefully considered and the draft Plan revised and updated where considered appropriate and necessary.
- 5.2 The final stage of community engagement involved the referendum process itself.

RECOMMENDATION FROM CABINET ADVISORY BOARD

- 5.3 The Planning and Transportation Cabinet Advisory Board members were consulted on this issue from 12 - 19 February and raised no objections to the following recommendation:

That the recommendations set out in the report be supported.

RECOMMENDATION FROM CABINET

- 5.4 The Cabinet considered the report at its meeting on 1 March 2018 and resolved as follows:

That Full Council be recommended:

1. That the outcome of the Hawkhurst Neighbourhood Development Plan (HNDP) referendum be noted; and
 2. That the Council “make” the Hawkhurst Neighbourhood Development Plan part of the local Development Plan for the Borough.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If the Plan is “made” the decision will be communicated by means of a formal decision statement posted on the Council’s website and confirmed to the Parish Council. All those making representations on the draft Plan previously will also be advised of the Borough Council’s decision.

- 6.2 A copy of the final Plan will be available on the Council's website and its status will be as part of the Development Plan.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	The Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and Orders and to take plans through a process of Examination and Referendum. The relevant legislation is referred to in the body of the report.	Keith Trowell Interim Team Leader (Corporate Governance) 16.02.18
Finance and other resources	This is the final stage in the preparation and "making" of the Plan. No financial or resource implications arise.	Jane Fineman Head of Finance and Procurement 12.02.18
Staffing establishment	There are no staffing implications in "making" the Plan.	Report Author
Risk management	The process of preparing the draft Plan and the making of decisions by the Council has included the appropriate assessment of risks.	Report Author
Data Protection	There are no Data Protection issues arising from the "making" of the Plan.	Report Author
Environment and sustainability	The Neighbourhood Plan has been prepared on the basis of achieving sustainable development in the Parish. In order to meet the legal Basic Conditions test the Plan has to contribute to the achievement of sustainable development.	Report Author
Community safety	There are no community safety issues or effects in respect of crime and disorder.	Report Author
Health and Safety	There are no health and safety issues.	Report Author
Health and wellbeing	There are no health and well-being issues.	Report Author
Equalities	There are no equality issues.	Report Author

8. REPORT APPENDICES

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

- Appendix A: Declaration of Result of Poll
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9. BACKGROUND PAPERS

- Hawkhurst Neighbourhood Plan July 2106
http://www.tunbridgewells.gov.uk/_data/assets/pdf_file/0015/130812/01_Hawkhurst-Neighbourhood-Plan-Submission-Version.compressed.pdf