

TUNBRIDGE WELLS BOROUGH COUNCIL

BENENDEN NEIGHBOURHOOD PLAN 2020 -2038: DECISION STATEMENT¹

1. Summary

- 1.1. Following a favourable Referendum result, notice is given that Tunbridge Wells Borough Council (“the Borough Council”), at its meeting on 23 February 2022, ‘made’ the Benenden Neighbourhood Development Plan 2020 - 2038, meaning the Neighbourhood Plan comes into force with immediate effect. Hence, it forms part of the statutory Development Plan for the area and, as such, is a key policy document in the determination of planning applications for development in Benenden Parish.
- 1.2. The ‘made’ Benenden Neighbourhood Development Plan can be viewed on the Borough Council’s website at: <https://tunbridgewells.gov.uk/planning/planning-policy/neighbourhood-plans/benenden>. Also available is the Strategic Environmental Assessment Adoption Statement on the same page.

2. Background

- 2.1. Upon application by Benenden Parish Council (“the Parish Council”), as the qualifying body, the Borough Council designated Benenden Parish as a ‘Neighbourhood Area’, under Part 2 of the Neighbourhood Planning (General) Regulations 2012, on 31 August 2017.
- 2.2. Following Regulation 14 consultation on a draft version, a ‘Submission’ version of the Benenden Neighbourhood Development Plan was prepared and submitted to the Borough Council in October 2020. A formal public consultation on the ‘Submission’ version of the Plan in line with the Regulations took place between 30 October and 11 December 2020. All duly-made representations were forwarded to an independent Examiner, Mr. John Slater, who was appointed by the Borough Council, with the agreement of the Parish Council, to formally review the Neighbourhood Plan, consider whether it met the basic conditions required by legislation² and whether it should proceed to referendum.
- 2.3. The examination was undertaken by both written representations and a one day hearing. The Examiner submitted his report in August 2021 and concluded that, subject to certain modifications, the Neighbourhood Plan met the basic conditions and could therefore proceed to a local Referendum. He also recommended that the referendum area be the designated Neighbourhood Area (Benenden Parish), plus seven addresses identified by the examiner located adjacent to the Benenden Hospital site falling within Biddenden Parish (Ashford Borough Council).

¹ In accordance with regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

² As set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

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 3 February 2022. It posed the question *Do you want Tunbridge Wells Borough Council to use the Neighbourhood Plan for Benenden to help it decide planning applications in the neighbourhood area?* The outcome was that 665 (80.41%) of the 827 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 23 February 2022 that: *The Benenden 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' Benenden 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/benenden>.
- 4.2. The report to Full Council in relation to the 'making' of the Neighbourhood Plan can be viewed at:
<https://democracy.tunbridgewells.gov.uk/mgChooseDocPack.aspx?ID=5046>
- 4.3. The Full Council minute is available to view at:
<https://democracy.tunbridgewells.gov.uk/ieListDocuments.aspx?CId=134&MIId=5046>
- 4.4. For further information, please contact the Planning Policy Team by email at:
planning.policy@tunbridgewells.gov.uk

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