

CAPEL 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 2024, ‘made’ the Capel Neighbourhood Development Plan 2022 – 2038. Since a positive referendum on 05 September 2024, the Neighbourhood Plan has had full weight and forms part of the statutory Development Plan for Capel Parish and, as such, is a key policy document in the determination of planning applications for development in Capel Parish.
- 1.2. The ‘made’ Capel Neighbourhood Development Plan (CNDP) can be viewed on the Borough Council’s website.
- 1.3. Also available is the Strategic Environmental Assessment Adoption Statement on the same page.

2. Background

- 2.1. Upon application by Capel Parish Council (“the Parish Council”), as the Qualifying Body, the Borough Council designated Capel Parish as a ‘Neighbourhood Area’, [under Part 2 of the Neighbourhood Planning \(General\) Regulations 2012](#), in February 2020.
- 2.2. Following Regulation 14 consultation on a draft version, a ‘Submission’ version of the Capel Neighbourhood Development Plan was prepared and submitted to the Borough Council in August 2022 under Regulation 15 of the relevant Regulations. The Borough Council then undertook formal consultation on the CNDP and its supporting documents which were publicised, and representations were invited. The period of formal consultation ran from 5 September to 17 October 2023.
- 2.3. An Independent examination followed, conducted by written representations, and the Examiner, Mr. Andrew Ashcroft, published his final report on 20 April 2024, concluding that the CNDP, 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 (Capel 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 05 September 2024. It posed the question '*Do you want Tunbridge Wells Borough Council to use the Neighbourhood Plan for Capel to help it decide planning applications in the neighbourhood area?*' The outcome was that 412 (89.5 %) of the 460 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 2024 that: *The Capel Neighbourhood Development Plan 2022-2038 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' Capel 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/capel> .
- 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/ieListDocuments.aspx?CId=134&MId=5730&Ver=4> once published. The Full Council minute will be available on the website after the meeting.
- 4.3. For further information, please contact the Planning Policy Team by email at:
planning.policy@tunbridgewells.gov.uk