

Tunbridge Wells Borough Council
Lamberhurst Neighbourhood Plan 2016 -2038: Decision Statement

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

1. Summary

- 1.1. Following a favourable Referendum result, notice is given that Tunbridge Wells Borough Council (“the Borough Council”), at its meeting on 6 October 2021, ‘made’ the Lamberhurst Neighbourhood Development Plan 2016 - 2038, meaning the Neighbourhood Plan comes in 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 Lamberhurst Parish.
- 1.2. The [‘made’ Lamberhurst Neighbourhood Development Plan](#) can be viewed on the Borough Council’s website. Also available is the Strategic Environmental Assessment Adoption Statement on the same page.

2. Background

- 2.1. Upon application by Lamberhurst Parish Council (“the Parish Council”), as the qualifying body, the Borough Council designated Lamberhurst Parish as a ‘Neighbourhood Area’, under Part 2 of the Neighbourhood Planning (General) Regulations 2012, on 29 December 2017.
- 2.2. Following Regulation 14 consultation on a draft version, a ‘Submission’ version of the Lamberhurst Neighbourhood Development Plan was prepared and submitted to the District 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 to 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 legislation (as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and whether it should proceed to referendum.
- 2.3. The examination was undertaken by written representations. The Examiner submitted his report in May 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 (Lamberhurst 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 16 September 2021. It posed the question *Do you want Tunbridge Wells Borough Council to use the Neighbourhood Plan for Lamberhurst to help it decide planning applications in the neighbourhood area?* The outcome was that 321 (92.2%) of the 348 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 6 October 2021 that: *The Lamberhurst Neighbourhood Development Plan 2016-2038 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' Lamberhurst Neighbourhood Development Plan, Declaration of Referendum results, SEA Adoption Statement and related documents can be viewed on [the Council's website](#).
- 4.2. The report to Full Council in relation to the 'making' of the Neighbourhood Plan can be viewed [here](#).
- 4.3. The Full Council minute is available to view [here](#).
- 4.4. For further information, please contact the Planning Policy Team by email at: planning.policy@tunbridgewells.gov.uk

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