

MAIDSTONE BOROUGH COUNCIL

COUNCIL

14 JULY 2021

**REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE
COMMITTEE HELD ON 8 JUNE 2021**

LENHAM NEIGHBOURHOOD PLAN (REGULATION 19)

Issue for Decision

On 8 September 2020, the Strategic Planning and Infrastructure Committee resolved that the Lenham Neighbourhood Plan, once modified, should proceed to referendum. In light of the Coronavirus pandemic, Neighbourhood Plan referendums were suspended until 6 May 2021.

A referendum was carried out alongside the local, county and Police & Crime Commissioner elections on 6 May 2021. The referendum was successful, with 92% voting in favour of the neighbourhood plan. As a result, the Lenham Neighbourhood Plan becomes part of the Development Plan for Maidstone (Section 38 (3A) of the Planning and Compulsory Purchase Act 2004).

Recommendation Made

That the Lenham Neighbourhood Plan be 'made' (adopted).

Reasons for Recommendation

The Lenham Neighbourhood Planning Area comprises the whole of Lenham Parish and was designated on 27 November 2012. The Neighbourhood Plan was then subject two rounds of mandatory consultation. Firstly, the Parish Council undertook a formal 6-week public consultation on the pre-submission draft of the Lenham Neighbourhood Plan (Regulation 14) between 24 September and 12 November 2018.

Lenham Parish Council submitted the Regulation 15 Submission Plan and supporting documents to the Borough Council on 17 December 2019. Maidstone Borough Council facilitated a further 6-week public consultation (Regulation 16) between 14 February 2020 to 27 March 2020 (which was extended to account for the Coronavirus pandemic). In accordance with the agreed Neighbourhood Planning Protocol, the Borough Council submitted representations to both consultations. The Regulation 14 response was submitted under the delegated authority of the Head of Planning and Development. The Regulation 16 response was submitted following the agreement of this Committee at its meeting of 10 March 2020.

The Lenham Neighbourhood Plan and supporting documents, together with all representations received, were forwarded to the examiner who dealt with the examination through written representations, concluding that a public hearing was not necessary.

The examiner's report was received on 30 June 2020 and recommended that the Lenham Neighbourhood Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

In line with the Neighbourhood Planning (General) Regulations 2012 and the locally adopted Neighbourhood Planning Protocol, this Committee made a decision on 8 September 2020 that the Lenham Neighbourhood Plan, subject to the above modifications, should proceed to referendum.

The delayed referendum was carried out alongside the local, county and Police & Crime Commissioner elections on 6 May 2021. Voters were asked "Do you want Maidstone Borough Council to use the Neighbourhood Plan for Lenham to help it decide planning applications in the neighbourhood area?". The referendum was successful, with 92% voting in favour of the neighbourhood plan. Following a successful referendum, a neighbourhood plan becomes part of the development plan for the borough (Section 38 (3A) of the Planning and Compulsory Purchase Act 2004).

There is a statutory duty to make the Lenham Neighbourhood Plan within 8 weeks of the successful referendum. On this occasion, the statutory duty will not be met owing to the delayed referendum as a result of the Coronavirus pandemic and government requirement to minimise social contact. Local elections were also postponed and scheduled to take place on 6 May 2021, hence committees have been suspended and the 8 June 2021 was the first opportunity for the Strategic Planning and Infrastructure Committee to consider the Lenham Neighbourhood Plan (Regulation 19). Agreement to postpone the decision was gained from the Parish Council.

Alternatives Considered and Why Not Recommended

The Council could choose to not make the Lenham Neighbourhood Plan. This would be in breach of Section 38A(4) of the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012 (Regulation 18A) which requires a neighbourhood plan to be made within 8 weeks of a successful referendum. The reasons for the decision of making the Lenham Neighbourhood Plan going beyond the 8-week period have been outlined above in this report and is considered to be acceptable given the restrictions on social contact that were imposed. It is the view of officers that there are no new matters arising that would prevent Full Council making the plan.

Background Documents

Background Document 1: Lenham Neighbourhood Plan

<https://localplan.maidstone.gov.uk/home/documents/neighbourhood-plans/lenham/r18-referendum/Appendix-1-Lenham-neighbourhood-plan-2017-2031.pdf>

Background Document 2: Referendum Result

<https://localplan.maidstone.gov.uk/home/neighbourhood-planning>

Appendices - None