

Pembury Neighbourhood Development Plan Decision Statement (Reg 18(2)1)

1 The Neighbourhood Planning (General) Regulations 2012

Summary

1. Following an independent examination undertaken by way of written representations, Tunbridge Wells Borough Council (TWBC) now confirms that the Pembury Neighbourhood Development Plan (PNDP) will proceed to a Neighbourhood Planning Referendum.
2. This decision statement is available on the PNDP page of the TWBC website <https://tunbridgewells.gov.uk/planning/planning-policy/neighbourhood-plans/pembury> and will be displayed either at the Town Hall or The Amelia. A copy will also be sent to Pembury Parish Council for display within the parish.

Background

3. In July 2020, TWBC formally designated the area shown at **Appendix 1** as Pembury Neighbourhood Area.
4. Following the submission of the PNDP to TWBC, the plan was publicised, and representations were invited. The publicity period ran from 5 December 2022 to 30 January 2023.
5. The Borough Council appointed an independent Examiner, Mr John Slater BA (Hons), DMS, MRTPI to examine whether the PNDP met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the PNDP should proceed to a referendum.
6. The Examiner's Report recommended a number of modifications so that the PNDP is able to comply with the 'basic conditions' and other relevant statutory provisions and that the submission plan if modified can be put to referendum.
7. The Examiner's Report dated 6 April 2023 concludes that 'I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be 'made'.

Recommendations, Decisions and Reasons

8. The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).
9. Having considered the recommendations made by the Examiner's report, and the reasons for them, TWBC in conjunction with Pembury Parish Council (the Qualifying Body) has agreed to accept the modifications made to the draft plan under paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990 in response to the Examiner's recommendations/ modifications, and to amend Policy 4.4 of the PNDP as per para 8 above.
10. To meet the requirements of the Localism Act 2011 a referendum which poses the question, *'Do you want Tunbridge Wells Borough Council to use the Pembury Neighbourhood Development Plan to help it decide planning applications in the Pembury Neighbourhood Area?'* will be held in the area formally designated as the Pembury Neighbourhood Area, that is Pembury Parish, to ensure the community has the final say on whether the neighbourhood plan comes into force or not.
11. The date on which the referendum will take place is 14 September 2023

27 July 2023

