

**Strategic Planning,  
Sustainability and  
Transportation Committee**

**13 June 2017**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

**Headcorn Neighbourhood Plan – Examiner’s Report and Recommendations**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transportation Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Cheryl Parks, Project Manager: Local Plan
<b>Classification</b>	Public
<b>Wards affected</b>	Headcorn, Staplehurst, Sutton Valence & Langley, Leeds, Harrietsham & Lenham

**This report makes the following recommendations to this Committee:**

1. That the Committee notes the findings of the Examiner of the Headcorn Neighbourhood Plan;
2. That the Committee considers the views of officers in regard to the Examiner’s findings and other issues;
3. That the Committee agrees not to move the Plan to referendum.

**This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all -
- Securing a successful economy for Maidstone Borough -

Made Neighbourhood Plans form part of the Development Plan for Maidstone, and will be used in the determining of planning applications in the Neighbourhood Plan area.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	13 June 2017

# Headcorn Neighbourhood Plan – Examiner’s Report and Recommendations

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out the findings of the independent examination of the Headcorn Neighbourhood Development Plan (NDP) and the consideration of these findings by officers, and makes recommendations to the Committee in regard to the most appropriate way forward.
- 1.2 Following the agreement of this Committee on 18 April 2016 to a revised protocol for Neighbourhood Planning processes, the decision on whether to move an NDP to referendum rests with this Committee.
- 1.3 Councillors will be aware that this report was originally scheduled to have been presented at the meeting of 11 April 2017, but was deferred by the Chair with the agreement of the Committee following late receipt of a letter from legal advisors to the Parish Council. It was agreed that more time was needed to consider the content of the letter and for the Council to seek further legal advice on the matter.
- 1.4 Advice was subsequently sought from Counsel and discussions held in regard to the content of both the Examiner’s report and the letter from legal advisors to the Parish Council.

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## 2. INTRODUCTION AND BACKGROUND

### Context

- 2.1 Headcorn Parish Council has been working on its NDP for some time. An application for formal designation of a Neighbourhood Area (Regulation 5<sup>1</sup>) was made on 3 December 2012, and was subsequently agreed, following consultation, on 8 April 2013.
- 2.2 The Parish Council worked through the preparatory stages of plan making, including consultation at the pre-submission stage, before formally submitting their plan to the Council in mid-November 2015. Officers engaged with the Headcorn Neighbourhood Plan Steering Group and Parish Council on a number of occasions to provide advice, and expressed concerns regarding the draft NDP and the risks in regard to the proposals therein. These concerns were later reflected in the Council’s response to the formal consultation on the NDP (see paragraph 2.4 below).
- 2.3 In accordance with the Regulations and the agreed Maidstone Borough Council (MBC) protocol, officers facilitated a full 6-week public consultation on the NDP between 15 January and 26 February 2016. Over 170 comments were made by 151 individual representors, including the

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<sup>1</sup> The Neighbourhood Planning (General) Regulations 2012

response of MBC as agreed by this Committee on 9 February 2016, making it the largest response to a Neighbourhood Plan consultation seen in Maidstone to date.

- 2.4 The agreed MBC consultation response set out a number of instances where it was of the opinion that there was a failure to conform with the strategic policies of the adopted Local Plan and Development Plan Documents (DPD's) as well as citing a clear lack of conformity with national policy requirements. These concerns had been previously shared with the Parish Council in meetings to discuss the emerging plan, prior to its submission to the Council.

### The Examination

- 2.5 As set out in the agreed protocol, the process of appointing the Examiner for an NDP commences at the point the plan is formally submitted to the Council. While the consultation was on-going, officers agreed the appointment of an examiner through the NPIERS service following discussion with representatives from the Parish Council. The Examiner was selected given her local knowledge obtained through work with North Loose Residents Association, Design South East and others.
- 2.6 As this Committee will be aware, the appointed Examiner lost her accreditation during the examination process, and this issue was the subject of a previous Committee Report<sup>2</sup>. A subsequent attempt was made to appoint through NPIERS, but it was agreed by both MBC officers and Councillors that the proposed candidate (who was the preferred choice of the Parish Council) would have a conflict of interest. A further selection of candidate examiners was subsequently requested from NPIERS.
- 2.7 A new Examiner, Mr Jeremy Edge, was agreed by both MBC and the Parish Council, and was appointed. Officers provided him with the same suite of documents that had been provided previously to the initial Examiner to allow him to commence his examination of the NDP.
- 2.8 Following extensive consideration of the NDP, and the comments of representors, Mr Edge felt that it would be necessary to convene an examination hearing, to enable debate and discussion on a number of points, and to allow him to 'bottom out' a number of issues about which he had concerns and where there was a difference of opinion among representors. The hearing was convened on 18 October 2016 at Headcorn Village Hall. This Committee was updated in regard to the hearing at its meeting on 8 November 2016.
- 2.9 Unfortunately the delivery of Mr Edge's report was delayed, despite the best efforts of officers. Officers remained in contact with Mr Edge, to ensure his report was delivered as soon as possible in the New Year.
- 2.10 On 16 February 2017 a Fact Check version of the Examiner's report was received, and was shared with the Parish Council to afford them an opportunity to seek any factual corrections. A number of minor corrections

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<sup>2</sup> SPS&T Committee, Tuesday 14 June 2016

were submitted by MBC officers along with the responses of the Parish Council, and the subsequent Final Examiner's Report was received on 19 March 2017 and is included at Appendix 1.

### The Role of the Examiner; Basic Conditions

- 2.11 Any Examiner of an NDP has a limited scope, as prescribed in the Planning Practice Guidance<sup>3</sup>. This role is limited to testing the submitted NDP against the Basic Conditions tests rather than considering its 'soundness' or examining other material considerations.
- 2.12 The Basic Conditions tests for an NDP are set out in legislation<sup>4</sup>. In order for a plan to meet the Basic Conditions it must:
- have appropriate regard to national policy and national guidance;
  - contribute towards the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan for the local area;
  - be compatible with human rights requirements; and
  - be compatible with EU obligations.
- 2.13 During the examination hearing the Parish Council agreed that a number of the policies within the NDP would need to be revised to ensure conformity with both national and local policy positions – a requirement to meet the Basic Conditions. Mr Edge did not give any warranty that the 'negotiated' changes would be sufficient to overcome his concerns about the drafted NDP and whether it would meet Basic Conditions.
- 2.14 In the event, the Examiner concluded that the Plan should not proceed to Referendum. He did not specify any modifications that might make the Plan suitable for referendum. He concluded that there was " ...the need to substantially re-write the Plan" and so his concerns were fundamental.
- 2.15 He also concluded that "it would be necessary to re-cast the reasoned justification for ... [policy] changes in the text". He said " ...there remain certain areas where [he does] not consider the Basic Conditions ...could be met." He was also of the view that there were NDP policies which he had not mentioned but which also needed revision in order to meet Basic Conditions.
- 2.16 Officers agree with those conclusions and do not propose recommending a decision different from the recommendation of the Examiner. As the Examiner has underlined, modifications are not a viable way forward and in coming to that view, officers have considered additional submissions made by and on behalf of Headcorn Parish Council.

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<sup>3</sup> National Planning Practice Guidance; [ID 41-055-20140306](#)

<sup>4</sup> Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)]

## Regard to National Policy and Guidance and the 'Shared Vision'

- 2.17 In his final report Mr Edge set out a number of failings of the submitted NDP. He noted that the approach to growth between the two parties (MBC and the Parish Council) was not aligned, and that Headcorn Parish Council favoured a more 'organic' approach centred on their argument that Headcorn as a settlement is relatively inaccessible. Mr Edge also challenged the reality of a 'shared vision.' He was not persuaded that the Parish Council's approach was the correct one and said that compared to other settlements without the modal choice of rail travel, it is understandable that the rail based opportunity is an important and sustainable factor in the earlier and continued designation of Headcorn as a Rural Service Centre. Officers also remain of the view that Headcorn has some very good sustainability credentials.
- 2.18 In giving consideration to the Examiner's findings it is the view of officers that the NDP as drafted does not truly reflect the intentions of the National Planning Policy Framework (NPPF) at paragraphs 183 and 184 in regard to the 'shared vision'. These are further clarified in the National Planning Practice Guidance (NPPG) (ID 41-001-20140306) and make it clear that the aspirations of the neighbourhood should be aligned with the strategic needs and priorities of the wider area rather than taking an inward-facing approach as is the case in the Headcorn NDP.
- 2.19 Mr Edge's view on the methodology used by Headcorn to assess future housing needs further illustrates this point. The Examiner highlighted NPPG advice which acknowledges that a neighbourhood plan is not tested against the policies in an emerging Local Plan but nevertheless the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. He also referred to NPPG advice urging the minimisation of conflicts between policies in the neighbourhood plan and those in an emerging Local Plan including housing supply policies, and to advice that neighbourhood plans should deliver against the objectively assessed evidence of needs.
- 2.20 The Parish Council's interpretation of the Borough Council's evidence (prepared to support the new Local Plan) was judged to be skewed. Although elements were used as a starting point for policy development, the Parish Council had undertaken its own local analysis and used local aspirations to justify specific policy restrictions. Officers agree with Mr Edge and do not believe this approach reflects the requirements of the NPPF at paragraphs 183 and 184, nor indeed the strong message in paragraph 47 which seeks to boost significantly the supply of housing; this is especially relevant given the objectively assessed need for the borough.
- 2.21 The Examiner concludes that the 'cap' on development proposals in any new development in the village is an arbitrary figure and not based in evidence. Consequently such a restriction would be contrary to national policy which seeks to proactively drive and support sustainable economic development to deliver homes and to respond positively to wider opportunities for growth. Further, that by applying a prescriptive cap, the plan's density policy is not flexible enough to respond to market signals which is one of the NPPF's core principles. It is the view of officers that this presents a major problem with

the NDP as drafted in that its overall direction, and the vision that underpins it, is in direct conflict with the national policy position. The reasoned justification in support of the policies in the NDP and deviation from the national approach is not sufficiently strong to evidence the policy direction.

- 2.22 The Parish Council, supported by their legal advisors, cite the Tattenhall judgement<sup>5</sup> as relevant in supporting a cap on dwelling numbers. Although Tattenhall remains a material consideration, it has been somewhat overtaken by events, including the updating of the NPPG in 2016. Furthermore, more recent NDP examinations have taken a different view, notably the examination of Weedon Bec NDP (21 February 2017; Examiner – Ann Skippers<sup>6</sup>) where she noted *“Some of the sites have approximate housing figures, others more prescriptive ‘up to’ figures which would not be acceptable as it introduces a maxima and has the potential to stifle sustainable development.”* The Tattenhall decision does not alter officers’ views that the restriction is contrary to national planning policy and has not been sufficiently justified in this case. In respect of paragraph 2.34 of the Examiner’s report it is noted that he refers to the proposed phasing policy HNP7 and the restriction on no more than 45 dwellings in the period up to 2026 and refers to development comprising no more than 9 dwellings. Officers’ note that an individual development could comprise more than 9 dwellings within the 45 dwelling restriction. However, this does not lead them to change their overall view that HNP7 is overly restrictive and arbitrary.

#### Contribution to Sustainable Development and Conformity with Strategic Policies of the Development Plan

- 2.23 In his report, the Examiner is clear that he has tested the neighbourhood plan against the policies of the adopted Maidstone Borough-wide Local Plan 2000 and the NPPF. He rightly refers to national guidance in the NPPG which states that the reasoning and evidence informing the local plan process (including an emerging local plan) is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.
- 2.24 The Council’s position in regard to what are deemed strategic policies in the suite of saved policies from the 2000 Local Plan is published on the Neighbourhood Planning webpages to assist and give clarity to those preparing NDP’s.
- 2.25 It is acknowledged that the adopted Local Plan is now somewhat dated. This presents those preparing NDP’s with a difficult balance to achieve given NDP’s are not expected to be in conformity with policies in the emerging Local Plan. However there is clear guidance in the NPPG<sup>7</sup> (where there is a lack of an up-to-date Local Plan) to give consideration to the *“reasoning and evidence informing the Local Plan process ...for example, up-to-date housing needs evidence”*. Officers believe that greater weight should be afforded to the new evidence for Maidstone, since much of the evidence for the adopted

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<sup>5</sup> BDW Trading Ltd (t/a Barratt Homes) v Cheshire West and Chester BC (2014) EWHC 1470 (Admin)

<sup>6</sup> [http://offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/Weedon\\_Examiners\\_Report.pdf](http://offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/Weedon_Examiners_Report.pdf)

<sup>7</sup> NPPG [ID 41-009-20160211](#)

policies dates from the late 1990's and was gathered under now superseded national and regional planning policy positions.

- 2.26 Whilst it is acknowledged that sustainability is not an absolute concept, what is clear is that it comprises elements of economic, social and environmental matters in balance. The NPPF is clear (paragraph 16) that a presumption in favour of sustainable development should be used by neighbourhoods to "*develop plans that support the strategic development needs set out in Local Plans*" and it is the view of the Examiner and officers that a lack of housing and employment allocations leads to insufficient contribution to sustainable development in the borough as a whole. Headcorn is a settlement with some very good sustainability credentials, with a good range of local services and which offers good travel choices. Indeed, its designation as a Rural Service Centre in the emerging Local Plan has been subject to rigorous testing through various iterations of consultation and Sustainability Appraisals, and most recently through the examination hearings following which no change to this status was proposed. In many instances it can be argued that rural development can benefit sustainability and the retention of valued local services.
- 2.27 When considering conformity with adopted strategic local plan policies the NDP is judged again to fall some way short by the Examiner. Officers share his view that the proposed target figure of 20% affordable housing is contrary to the adopted policy AH1 in the 2006 Development Plan Document (DPD). A 20% requirement would hamper the position of the Council in meeting its borough-wide affordable housing needs.
- 2.28 There is also a lack of clarity in regard to the delivery of affordable housing under NDP Policy HNP9. The policy as drafted appears only to relate to Larger Village Developments (as defined in Policy HNP6) which includes sites that will deliver an overall quantum of 9-30 dwellings. The application of this policy requirement for affordable housing would appear to conflict with the Written Ministerial Statement of 28 November 2014 (upheld by the Court of Appeal 13 May 2016) and Planning Practice Guidance updates of 16 November 2016 requiring, inter alia provision on sites of 'more than ten' dwellings. Officers agree with the Examiner where he finds there is insufficient justification to prefer the Parish Council's assessment of housing need in relation to affordable housing policy compared with Boroughwide adopted policy and evidence supporting the emerging affordable housing policy. Basic condition (e) of the paragraph 8(2) of Schedule 4B of the Town & Country Planning Act 1990 is not met.

#### Conformity with EU Obligations and the European Convention on Human Rights

- 2.29 A further concern of Mr Edge was the apparent lack of any assessment of compliance with the European Convention on Human Rights, or the Human Rights Act 1998 in either the NDP or in any of the supporting documentation including the Basic Conditions Statement. Officers note these concerns, and suggest that an appropriate location for commentary on such an assessment would be in the Basic Conditions Statement. This view is underpinned by research and reading of other Examiner's reports on NDP's

from across the country and would be a suitable modification that could be made to address this point.

### Examiner's Conclusions

2.30 In drawing together his conclusions, Mr Edge noted that the NDP as drafted contained a number of failings. He was however keen to recognise the level of participation and local interest in the preparation of the NDP, and the depth of the consultation undertaken by the Parish Council. He also thanked the participants of the hearing for their positive engagement and flexibility during what was a very long and detailed hearing session.

2.31 Overall, the conclusion reached by Mr Edge was that he was not satisfied that the NDP met the Basic Conditions tests as required by the Regulations in relation to:

- having appropriate regard for national policy;
- adequately contributing towards the achievement of sustainable development; and
- being in general conformity with the strategic policies of the development plan for the local area.

2.32 Mr Edge also concluded that he was not satisfied that appropriate regard had been demonstrated to confirm that the draft Plan is compatible with the Human Rights Act 1998.

2.33 As a result of his conclusions Mr Edge has recommended, in accordance with legislation<sup>8</sup>, that the NDP should not proceed to a local referendum. This will mean that the Council is unable to recoup any of the costs associated with the examination since the only opportunity to do so under the Government funding system occurs once a date has been set for a referendum.

### Other matters and issues

2.34 Following receipt of the letter from legal advisors to the Parish Council and the deferral of the original report by the Committee on 11 April 2017, officers have considered in detail the points raised in the letter.

2.35 The letter points to three additional pieces of evidence that are considered are material before going into detail on a number of issues raised in the Examiner's report:

1. A recent appeal decision for a site in Headcorn: Land North of Lenham Road, Headcorn, TN27 9TU (APP/U2235/W/16/3151144), 9 December 2016;
2. Assessments carried out by Headcorn Parish Council to assist in their representations to the Local Plan Examination;
3. The recently published Housing White Paper – Fixing Our Broken Housing Market.

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<sup>8</sup> Schedule 4B to the Town and Country Planning Act 1990, paragraph 10

- 2.36 The legal advice also proposes a number of potential modifications to the individual policies of the NDP. Officers have considered all the matters it raises and do not believe that any should alter the conclusions of the Examiner. The appeal decision referred to above was passed to Mr Edge for consideration before he completed his draft report.
- 2.37 The content of the Housing White Paper cannot be given anything other than limited weight because of its status as an early consultation paper and the fact that it is yet to go through any parliamentary process for a Bill. Its contents do not alter officers' view that Headcorn has some good sustainability credentials and development in Headcorn is capable of contributing to the achievement of sustainable development.

### Modifications

- 2.38 Schedule 4B of the Town and Country Planning Act 1990 sets out the actions open to a Local Planning Authority (LPA) upon receipt of an Examiner's report into an NDP. Paragraph 12 (2) sets out the need for the LPA to "*(a)consider each of the recommendations made by the report (and the reasons for them), and (b)decide what action to take in response to each recommendation*"
- 2.39 Paragraph 12 (6) also allows for the LPA to make modifications independently of the Examiner's report if it is felt that these are necessary to make the NDP meet the Basic Conditions, or satisfy the Convention rights.
- 2.40 Consideration should be given to whether modifications are appropriate to enable the NDP to meet the Basic Conditions. In this context such modifications should not only be considered in isolation, but also, and more importantly, 'in the round' and on the plan as a whole, including its vision which underpins the NDP and its policies.
- 2.41 The Examiner has concluded that the Plan should not proceed to Referendum. He did not specify any modifications that might make the Plan suitable for referendum. He concluded that there was " ...the need to substantially re-write the Plan" and so his concerns were fundamental.
- 2.42 He also concluded that "it would be necessary to re-cast the reasoned justification for ... [policy] changes in the text". He said " ...there remain certain areas where [he does] not consider the Basic Conditions ...could be met." He was also of the view that there were NDP policies which he had not mentioned but which also needed revision in order to meet Basic Conditions.
- 2.43 Officers agree with those conclusions and do not propose recommending a decision different from the recommendation of the Examiner. As the Examiner has underlined, modifications are not a viable way forward and in coming to that view, officers have considered additional submissions made by and on behalf of Headcorn Parish Council.

- 2.44 Having taken all factors into consideration, and after reviewing the views of the Parish Council's legal advisors, officers remain of the opinion that the underpinning vision and direction of the NDP does not meet the Basic Conditions and cannot be modified in order to do so.
- 2.45 Nothing raised is considered to have sufficient weight to sway officers' views or to fundamentally change their position of being in agreement with the Examiner's conclusions that the Headcorn NDP fails to meet the noted Basic Conditions and that modifications to individual policies would therefore not change this position.
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### **3. AVAILABLE OPTIONS**

- 3.1 One option open to the Committee is to agree with the Examiner's findings, and the further analysis of officers, and not move the NDP to referendum.
- 3.2 Mr Edge has made only one recommendation: that the NDP does not meet Basic Conditions and should therefore not proceed to referendum. The reasons and justification have been explored in his report and have been further considered in this report to the Committee.
- 3.3 The alternative of re-writing the NDP through making a number of major modifications and drafting reasoned justification to support those changes is not a realistic option. Furthermore, it may need more evidence gathering before modifications could be decided upon.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 It is the recommendation of officers that the Committee follows the recommendations set out both at the beginning of this report, and in paragraph 3.1, above, and as further explained in the body of this report.
- 4.2 Further it is the view of officers that given the substantive re-drafting and evidence gathering required to bring the NDP into conformity and to meet the Basic Conditions, that the Steering Group and Parish Council should be advised to consider starting over, and returning to the pre-submission stage (Regulation 14) before formally re-submitting a revised plan for consultation and examination.
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### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 The NDP has been subject to two formal stages of consultation as well as a number of informal stages during its preparation. The Examiner also took the unusual step of convening a hearing to allow for further exploration of key issues among representors.
- 5.2 This Committee has been kept regularly apprised of the progress of the NDP including agreeing the formal consultation response, being updated on issues with the examination, and being provided details of the hearing.

## 6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If the Committee agrees the recommendations set out in this report no further action is needed, other than to advise the Parish Council of the decision and publish the decision in accordance with the Regulations. The Parish Council has the option to redraft the NDP and to re-consult at the Regulation 14 stage<sup>9</sup> and onward through the plan making process.

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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	The NDP was not written in such a way as to be in general conformity with strategic policies of the adopted Local Plan, or with the NPPF. In this regard it does not align with the objectives of the Council's Strategic Plan or the Corporate Priorities.	Rob Jarman, Head of Planning & Development
<b>Risk Management</b>	<p>There are risks to be considered in regard to the content and recommendations of this report. Should the Committee agree the recommendations as set out it must be confident that officers have scrutinised the Examiner's report and other material subsequently received and come to a balanced view on the appropriate way forward, taking all things into consideration and by using the full scope of its abilities as prescribed in Regulations.</p> <p>A legal challenge to any decision of this Committee could be mounted by the Parish Council but this risk is minimised by obtaining Legal advice.</p> <p>If the Committee chooses to go ahead with a referendum, against the recommendation of the Examiner, and the further consideration and</p>	Rob Jarman, Head of Planning & Development

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<sup>9</sup> The Neighbourhood Planning (General) Regulations 2012

	<p>recommendations of officers, the Committee’s decision could similarly be open to legal challenge from one or more of the representors.</p>	
<p><b>Financial</b></p>	<p>All costs for the formal consultation, examination and any referendum fall to the Local Planning Authority in the first instance, and are then recouped through specific grant applications once a referendum is arranged. If no referendum is arranged, all associated costs up to that point will have to be met by the Council. The main costs to date for the Headcorn Neighbourhood Plan are the Examiner’s costs, which amount to £10,605. In this case there is funding available from the overall Neighbourhood Planning grant pot to meet these costs. However, this means there will be less funding to facilitate future plans.</p>	<p>Mark Green, Section 151 Officer &amp; Finance Team</p>
<p><b>Staffing</b></p>	<p>Resourcing Neighbourhood Planning sits in the Spatial Policy team. There are no issues in regard to staffing arising from the Examination or this report.</p>	<p>Rob Jarman, Head of Planning &amp; Development</p>
<p><b>Legal</b></p>	<p>All stages of the plan making process, including the examination have been in accordance with regulatory requirements. Legal and Counsel advice regarding the recommendations of the Examiner’s report was obtained and has been taken into account in the preparation of this report.</p>	<p>Russell Fitzpatrick, MKLS Planning Team</p>
<p><b>Equality Impact Needs Assessment</b></p>	<p>It should be noted that an Equalities Impact Assessment was not completed to support the NDP and this was highlighted by the Examiner. However, the consultation undertaken by MBC after</p>	<p>Equalities and Corporate Policy Officer</p>

	submission of the NDP was fully inclusive and sought the views of the wider local community.	
<b>Environmental/Sustainable Development</b>	<p>Arguments over what constitutes sustainability predicated the formulation of the NDP and its policies, and underpinned the Examiner's consideration of key issues.</p> <p>The submitted NDP was screened to assess the need for a Strategic Environmental Assessment. It was concluded that it was not a requirement, and this was agreed by the statutory consultees (Historic England; Natural England; Environment Agency.)</p>	Rob Jarman, Head of Planning & Development
<b>Community Safety</b>	There are no implications arising from this report.	Rob Jarman, Head of Planning & Development
<b>Human Rights Act</b>	A fundamental concern of the Examiner was the lack of assessment by the Parish Council of the impacts of the Plan and whether it could demonstrate it was not in breach of either the Act or the European Convention on Human Rights. The issue is briefly explored in the report, and the Examiner's concerns are set out in his report (at Appendix 1). If the Committee was to proceed against the recommendation of the Examiner there could be implications in regard to the provisions of the Act.	Rob Jarman, Head of Planning & Development
<b>Procurement</b>	The Examiner was procured under an agreed procurement waiver. There are no implications for procurement in regard to the Examiner's report.	Rob Jarman, Head of Planning & Development & Mark Green, Section 151 Officer
<b>Asset Management</b>	There are no implications arising from this report.	Rob Jarman, Head of Planning &

		Development
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## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Headcorn Neighbourhood Plan 2011 – 2031. A Report to Maidstone Borough Council of the Examination into the Headcorn Neighbourhood Plan.

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## **9. BACKGROUND PAPERS**

There are none.