

CABINET

16 JUNE 2015

DESIGNATION OF NEIGHBOURHOOD AREA – CLIFFE & CLIFFE WOODS

Portfolio Holder: Councillor Jane Chitty, Planning, Economic Growth and Regulation

Report from: Richard Hicks, Acting Director of Regeneration, Community & Culture

Author: Catherine Smith, Planning Manager - Policy

Summary

This report advises Members that Cliffe and Cliffe Woods Parish Council has submitted an application to designate a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan. The proposed area is consistent with the parish boundary.

It seeks approval to confirm the designation of the Neighbourhood Area in line with legislation.

1. Budget and Policy Framework

- 1.1 The Neighbourhood Planning (General) Regulations 2012 (as amended 2015) set out the requirements for the designation of a Neighbourhood Area. This is a necessary initial stage in the formal process of preparing a Neighbourhood Plan. The local planning authority is responsible for the decision on the designation of the Neighbourhood Area.
- 1.2 There are no existing powers in the Council's officer scheme of delegation in relation to Neighbourhood Planning. The decision for this designation is therefore a matter for Cabinet.
- 1.3 There is no dedicated budget currently available for Neighbourhood Planning, so costs will be met within the Planning Service's existing resources. Additional funding to support the Neighbourhood Planning process may be available from government, following the designation of a Neighbourhood Area. It is the responsibility of the designated Neighbourhood Plan Group to carry out research, consultation and the preparation of a draft Neighbourhood Plan before it is submitted to the local planning authority for formal consultation and examination.

2. Background

Context

- 2.1 Introduced in the Localism Act, 2011, a Neighbourhood Plan is a community-led framework for guiding the future development, regeneration and conservation of an area. It may cover a wide range of economic, social and environmental issues, or may choose to focus on a small number of selected matters. The Neighbourhood Plan forms part of the statutory development plan for the area, alongside Medway Council's own planning policy documents. Across England, more than 1200 communities have applied for a neighbourhood planning area to be designated. Government promotes neighbourhood planning as a means of involving local people in planning the future development of their areas.
- 2.2 A Neighbourhood Plan must be in conformity with the Medway Local Plan, and comply with European and national legislation, and have appropriate regard to national policy. It should not promote less development than that identified in the development plan for the local area, but it can allow greater growth levels, and allocate sites. It can specify policies and guidance on how new development should be designed, oriented and located. Communities can decide on the timeframe covered by the Neighbourhood Plan.
- 2.3 The process of preparing a Neighbourhood Plan involves the designation of the Neighbourhood Area, collation of a sound evidence base, ongoing engagement with local communities and development of policies in a draft plan, which is then subject to formal consultation and an independent Examination process. Once the plan has been finalised, it must be put to a public referendum to determine if the plan should be adopted to help the council decide planning applications in the area.

Cliffe and Cliffe Woods Parish Council Application

- 2.4 Cliffe and Cliffe Woods Parish Council has submitted an application for the designation of its parish area as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan. Limited information has been given at this stage beyond: *'Settlements consist of the villages of Cliffe and Cliffe Woods and it is considered appropriate and desirable to identify the constraints to development and desired level of community infrastructure and environmental issues in planning for any future growth of this area by means of a Neighbourhood Plan. The proposed Neighbourhood Area contains the RSPB Cliffe Marshes reserve and other areas designated as SSSIs and areas of national and international environmental importance. It is considered appropriate and desirable for the local community, the RSPB and other stakeholders to set out a vision for the future of these areas as part of a Neighbourhood Plan.'*
- 2.5 The Council published the application for the proposed Neighbourhood Area for a period of 4 weeks. There were no responses received to the consultation. Consideration of the designation of the Neighbourhood Area was delayed in being presented to Cabinet due to Purdah.
- 2.6 Planning officers met representatives of the Parish Council on 9 March to discuss how it intends to approach the preparation of the Neighbourhood

Plan, including the scope of the plan, and the timetable for developing a draft. The Parish Council has the responsibility for the baseline information collation and analysis, engagement and development of a draft plan. Medway Council then takes on the responsibility for the formal consultation on the draft plan, arranging an independent Examination and any subsequent referendum. The government requires that the local planning authority engages constructively with the community throughout the process and meets a Duty to Support the preparation of the plan. The meeting with the Parish Council considered how Medway Council could provide Cliffe and Cliffe Woods with appropriate means of support, given restricted resources. The work was at an early stage, and the Parish Council sought to establish a formal Neighbourhood Plan Group to lead the work following the Elections in May 2015. A further meeting between Medway Council planning officers and the Parish Council/Neighbourhood Planning Group is anticipated to take place in early summer.

- 2.7 There are currently no further applications for Neighbourhood Areas known to the Council.

Considerations for Medway Council

- 2.8 The preparation of a Neighbourhood Plan has a number of potential implications for Medway Council.
- 2.9 The requirement to provide support to the Parish Council could place additional pressures on the resources of the Planning Service, at a time when the priority is to progress the preparation of a new Medway Local Plan. At the latter stages of the process, there are specific requirements for the consultation, Examination and referendum processes to be led and resourced by Medway Council. Officers will investigate funding sources made available by government to support neighbourhood planning, to secure any additional resources as soon as possible following designation of the Neighbourhood Area.
- 2.10 The Neighbourhood Plan is to be consistent with the Medway Local Plan. However, given the early stage of the preparation of the new Local Plan, there is a risk of the Parish Council developing a draft plan that may not align to the emerging policies and land allocations in the Medway Local Plan. There is also potential for confusion in the consultation processes that will inform the separate plan preparation work. Planning officers have discussed opportunities for coordinating consultation work on the emerging Medway Local Plan and the Cliffe & Cliffe Woods Neighbourhood Plan with the Parish Council, who have welcomed this approach.
- 2.11 There are further financial implications for the authority in that an area with an adopted Neighbourhood Plan is eligible for a greater proportion of the Community Infrastructure Levy payments following from development in the area. This would have an impact on the funding available for other services, such as transport, education and greenspaces. The parish would be eligible for 25% of the CIL levy raised in the parish, with no annual cap, as opposed to 15% in parished areas without a neighbourhood plan.

3. Options

- 3.1 The Council has a statutory responsibility for decision making on the designation of a Neighbourhood Area, and the Government continues to promote Neighbourhood Planning. There are no valid grounds for rejecting the application by Cliffe and Cliffe Woods Parish Council.

4. Advice and analysis

- 4.1 The application (Appendix 1) made by Cliffe and Cliffe Woods Parish Council is within the remit of the Neighbourhood Planning legislation, as it has been made by a relevant body, is consistent with the parish boundary and meets government expectations. It is viewed that the application made by Cliffe and Cliffe Woods Parish Council is considered valid and therefore recommended that the proposed designation be confirmed.
- 4.2 Officers will seek to work with the Parish Council to agree an appropriate means to meet the requirements to support the preparation of the Neighbourhood Plan, given that there are no resources dedicated for initiatives of this kind in the Planning Service approved budget, and the priority continues to be to progress the Medway Local Plan. This work will seek to avoid conflict and confusion between the separate two plans.
- 4.3 The formal process of preparing a Neighbourhood Plan involves a Sustainability Appraisal and evidence that consultation has been broad ranging and inclusive of all community and business groups. This stage of the process only concerns the designation of the boundary of the Neighbourhood Area for the purpose of producing a Neighbourhood Plan. It does not concern any of the issues relating to the content of the plan, or the process that the Parish Council follow in gathering and assessing evidence and carrying out consultation.

5. Risk management

- 5.1 The Council must meet its statutory requirements regarding the designation of the Neighbourhood Area by considering this proposal. The extension to the decision making date was confirmed with the Parish Council in line with the reporting restrictions during the purdah period.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Failure to meet legal requirements	Failure to respond appropriately to the application for a Neighbourhood Area designation	Public notice published in local press and council website for 4 week period and decision to be made within 8 weeks of notice being published.	E3

6. Consultation

- 6.1 A public notice was placed in the Medway Messenger and on the Council's website notifying people of the application to designate a Neighbourhood Area in Cliffe and Cliffe Woods. Four weeks were given to submit representations on the application to Medway Council. This met the statutory requirements for the publicity on the proposal to designate a Neighbourhood Area. No responses were received to the consultation.
- 6.2 There are further stages of consultation associated with the preparation of the Neighbourhood Plan. This includes a formal consultation organised by Medway Council in advance of an Independent Examination.

7. Financial implications

- 7.1 The initial costs of the Public Notice publicising the proposal to designate a Neighbourhood Area have been met within the Planning Service budget. Further costs for the authority have yet to be determined, and officers will seek to secure additional funding through dedicated government programmes, that can be accessed following the formal designation of Neighbourhood Areas. It is noted that the costs of the early stages of plan preparation work are the responsibility of the parish council or neighbourhood planning group.
- 7.2 As outlined above, there may be further financial implications relating to funding contributions resulting from development in an area with an approved Neighbourhood Plan.

8. Legal implications

- 8.1 An adopted Neighbourhood Plan forms part of the statutory development plan for the area, and is to be used in making decisions on planning applications. At this early stage of the process, the local planning authority has the duty to determine the designation of the Neighbourhood Area. The Council's actions meet the requirements of the Neighbourhood Planning (General) Regulations 2012 and as amended in 2015.

9. Recommendation

- 9.1 Cabinet is requested to approve the designation of a Neighbourhood Area at Cliffe and Cliffe Woods, which is consistent with the parish boundary and as set out in Appendix 2, for the purpose of producing a Neighbourhood Plan.

10. Suggested reasons for decision(s)

- 10.1 The application is valid and consistent with legislation and there are no grounds on which to reject the application.

Lead officer contact

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Appendices

Appendix 1 - Application
Appendix 2 - Map of Proposed Neighbourhood Area

Background papers

None

Application to designate a Neighbourhood Area

Town and Country Planning Act 1990 Neighbourhood Planning (General) Regulations 2012

Cliffe and Cliffe Woods Parish Council is applying to Medway Council for designation of the Parish of Cliffe and Cliffe Woods as a neighbourhood area under Part 2 Regulation 5 of the Town and Country Planning Act for the purpose of producing a Neighbourhood Plan.

Cliffe and Cliffe Woods Parish Council formally resolved to undertake a Neighbourhood Plan on 6 December 2014 (Minute No. 88.2).

We confirm that Cliffe and Cliffe Woods Parish Council is a relevant body for the purposes of Section 61G of the 1990 Act and Section 5C of the 2012 Regulations.

Name of the Proposed Neighbourhood Area: Cliffe and Cliffe Woods Parish

Extent of the Neighbourhood Area: The whole of the Cliffe and Cliffe Woods Parish Area as shown on the attached plan.

Intention of Neighbourhood Area:

Neighbourhood Development Plan:	Yes
Neighbourhood Development Order:	No
Community Right to Build Order:	No

Why this area is considered appropriate to be designated as a Neighbourhood Area.

The proposed Neighbourhood Area boundary is consistent with the current parish boundary.

Settlements consist of the villages of Cliffe and Cliffe Woods and it is considered appropriate and desirable to identify the constraints to development and desired level of community infrastructure and

environmental issues in planning for any future growth of this area by means of a Neighbourhood Plan.

The proposed Neighbourhood Area contains the RSPB Cliffe Marshes reserve and other areas designated as SSSIs and areas of national and international environmental importance. It is considered appropriate and desirable for the local community, the RSPB and other stakeholders to set out a vision for the future of these areas as part of a Neighbourhood Plan.

The Parish Council is not aware of any other application to designate a Neighbourhood Area on this or any adjacent land.

Declaration and contact details

We hereby apply to designate a neighbourhood area as described in this document and the accompanying plan.

Clerk	Chair	Chair of Neighbourhood Plan Steering Group
Mrs Alex Jack 17 Graveney Close Cliffe Woods Rochester Kent ME3 8LB	Mr Chris Fribbins 42 Quickrells Avenue Cliffe Rochester Kent ME3 7RB	Mr Nigel Moore 1 Miskin Cottages Pond Hill Cliffe Rochester Kent ME3 7UW

