

## **CABINET**

**12 JUNE 2018**

### **DESIGNATION OF HIGH HALSTOW NEIGHBOURHOOD AREA**

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

Report from: Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive

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#### **Summary**

This report advises Cabinet that High Halstow 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.

Members are requested to support the approval of the confirmation of the designation of the proposed Neighbourhood Area subject to the satisfactory conclusion of statutory consultation.

#### **1. Budget and Policy Framework**

- 1.1 The Neighbourhood Planning (General) Regulations 2012 (as amended in 2015 and 2017) set out the requirements for the preparation of a Neighbourhood Plan, including 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 designation of a Neighbourhood Area.
- 1.2 There are no existing powers in the Council's employee scheme of delegation in relation to Neighbourhood Planning. The decision for this designation is therefore a matter for Cabinet.
- 1.3 Once adopted, or 'made', a Neighbourhood Plan forms part of the statutory development plan for the area, together with the Medway Local Plan.
- 1.4 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 is

anticipated to 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. Government promotes neighbourhood planning as a means of involving local people in planning the future development of their areas. A Neighbourhood Plan 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 2,300 communities have started the process of neighbourhood planning.
- 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.

### *High Halstow Parish Council Application*

- 2.4 High Halstow Parish Council submitted an application for the designation of its parish area as a Neighbourhood Area on 11 May 2018, for the purpose of preparing a Neighbourhood Plan. A map of the area is set out in Appendix 1 and the application is set out in Appendix 2.
- 2.5 Medway Council must publish the application for the proposed Neighbourhood Area for a minimum period of 4 weeks. The Council must determine the application for the Neighbourhood Area within eight weeks from the date immediately following that on which the application is first published. This presents a tight timetable for the designation and is the reasoning for the proposed recommendations in this report.
- 2.6 The Parish Council has the responsibility for the baseline information collation/analysis and engagement and development of a draft plan. Medway Council will then take on the responsibility for the formal consultation on the

draft plan, arranging an independent examination and any subsequent referendum.

- 2.7 The government requires that the Council, acting as the Local Planning Authority engages constructively with the community throughout the process and meets a 'Duty to Support' the preparation of the plan. The Council is also required to set out in its Statement of Community Involvement how it will provide advice and assistance to facilitate proposals for neighbourhood development plans. Planning officers met representatives of the Parish Council in early May 2018 to discuss its intentions for the preparation of the Neighbourhood Plan. This included the scope of the plan, and the timetable for developing a draft plan. The meeting with the Parish Council considered how Medway Council could provide High Halstow Parish Council with appropriate means of support within fixed resources. Medway Council planning officers will be attending the July Parish Council/Neighbourhood Planning Group.
- 2.8 Cliffe and Cliffe Woods Parish Council applied for Neighbourhood Area status in 2015 and have since been working towards a plan, for which the Council has been providing support. This has largely involved signposting and provision of information, mapping and attendance input to meetings. A neighbourhood group in Chatham have recently expressed an interest in undertaking a neighbourhood plan covering an area around Luton Arches. No formal request has yet been made to the council.

#### *Considerations for Medway Council*

- 2.9 The preparation of a Neighbourhood Plan has a number of potential implications for Medway Council.
- 2.10 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. The Council will therefore seek to liaise with neighbourhood planning groups to coordinate work. 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. Government has renewed its commitment to support neighbourhood planning, with funding offered to both neighbourhood planning groups and the Local Planning Authority.
- 2.11 The Neighbourhood Plan is to be consistent with the Medway Local Plan. Officers have highlighted the need for the progression of the Neighbourhood Plan to be coordinated with the key Local Plan stages.
- 2.12 There are further financial implications for the Council in that an area with an adopted Neighbourhood Plan is eligible for a greater proportion of the Community Infrastructure Levy (CIL) 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.

- 2.13 Although the Council is not currently a CIL charging authority, in recent consultation documents on planning the Government has confirmed its intention to retain CIL as the primary means for authorities to secure strategic funding from developers for infrastructure. Therefore, it is anticipated that the Council will further consider its infrastructure contributions mechanisms in the future. In the absence of CIL, there are still likely to be expectations that areas with adopted Neighbourhood Plans would receive higher proportions of infrastructure funding from developer contributions.

### **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 High Halstow Parish Council, and therefore no realistic alternative options to the consideration of the Neighbourhood Area. If the Council does not determine the application within the specified statutory time limit, the proposed Neighbourhood Area will be deemed to be approved.

### **4. Advice and analysis**

- 4.1 The application made by High Halstow 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 High Halstow Parish Council is considered valid and therefore recommended that the proposed designation be confirmed, subject to the satisfactory outcome of the statutory publication of the Neighbourhood Area application.
- 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 Local Plan and Neighbourhood plans in Medway.
- 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. In addition, a Diversity Impact Assessment will be undertaken on the proposals at that stage. 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.
- 4.4 Therefore, officers are recommending that Cabinet agrees to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation, to approve the designation of the proposed High Halstow Neighbourhood Area, consistent with the parish boundary, for the purpose of producing a Neighbourhood Plan, following the conclusion of the statutory consultation period.

## 5. Risk management

- 5.1 The Council must meet its statutory requirements regarding the designation of the Neighbourhood Area by considering this proposal.

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
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 The council will publicise the proposed Neighbourhood Area in High Halstow through a public notice in the Medway Messenger and on the Council's website. This will notify people of the application to designate a Neighbourhood Area in High Halstow. Four weeks will be given to submit representations on the application to Medway Council. This meets the statutory requirements for the publicity on the proposal to designate a Neighbourhood Area.
- 6.2 There will be 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 will be 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, as amended in 2015, and in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017.

## **9. Recommendations**

9.1 Cabinet is requested to:

9.1.1 Approve the publication of the application for the proposed Neighbourhood Area consistent with the parish boundary of High Halstow, as set out in Appendix 1, for the purposes of statutory consultation; and

9.1.2 Agree to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation, to approve the designation of the proposed High Halstow Neighbourhood Area, consistent with the parish boundary, for the purpose of producing a Neighbourhood Plan, following the statutory consultation period.

## **10. Suggested reasons for decision(s)**

10.1 To meet statutory requirements in preparing Neighbourhood Plans, as the application is valid and consistent with legislation and there are no grounds on which to reject the application.

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### **Appendices**

Appendix 1 - Map of Proposed High Halstow Neighbourhood Area

Appendix 2 - Application for designation of High Halstow Neighbourhood Area

### **Background papers**

None