

CABINET

8 MARCH 2022

CLIFFE AND CLIFFE WOODS NEIGHBOURHOOD PLAN

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

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Summary

This report seeks approval to publish the draft Cliffe and Cliffe Woods Neighbourhood Plan for formal consultation and to arrange an independent examination, in accordance with the Neighbourhood Planning regulations. The draft Neighbourhood Plan has been prepared by Cliffe and Cliffe Woods Parish Council and has been submitted to Medway Council as local planning authority to progress through to adoption.

1. Budget and policy framework

- 1.1. Neighbourhood Plans, when duly 'made' form part of the development plan for a local planning authority. The development plan forms part of Medway Council's corporate policy framework. Cliffe and Cliffe Woods Parish Council has submitted its draft plan to Medway Council to progress the plan making process. The Council must publicise the draft Neighbourhood Plan for consultation at 'Regulation 16' prior to arranging an independent examination. As this is a formal stage of neighbourhood plan preparation, Cabinet approval is sought to publish the draft plan.
- 1.2. The costs of preparing the draft Neighbourhood Plan have been met by Cliffe and Cliffe Woods Parish Council. Medway Council will meet the costs of consulting on the draft Neighbourhood Plan within the revenue budget of the Planning Service. The Council is eligible to apply for a Neighbourhood Planning grant from central government, that will contribute to the costs of the latter stages of plan preparation at examination and subsequent referendum.

2. Background

- 2.1. Neighbourhood Plans were introduced in the Localism Act in 2011, and form part of the planning policy framework. When 'made' or adopted, they are part of the development plan for the local planning authority, and have an important role in decision making on planning applications. The process of preparing a Neighbourhood Plan is set out in legislation – the Neighbourhood Planning (General) Regulations 2012 (as amended). Following the designation of a Neighbourhood Area, the local community leads on the preparation of the Neighbourhood Plan. After consultation on its draft plan, the Parish Council or Neighbourhood Planning Forum submits the draft plan and supporting information to the local planning authority to progress the latter stages through to examination, referendum and adoption. Cliffe and Cliffe Woods Parish Council has submitted its draft plan to Medway Council. This is set out at Appendix 1. The Council is required to progress the next stages of the neighbourhood plan making process.
- 2.2. Cliffe and Cliffe Woods was the first Neighbourhood Area designated in Medway, in 2015, for the purpose of preparing a Neighbourhood Plan. Further plans are in preparation in High Halstow, Arches (Chatham) and Hoo St Werburgh, and Frindsbury Extra Parish Council is anticipated to start work shortly. Cliffe and Cliffe Woods Parish Council has led on the preparation of its Neighbourhood Plan, through a dedicated Neighbourhood Planning Group, and consultation and engagement over the past few years. It has liaised with Medway Council throughout this time.
- 2.3. In 2020 - 2021, the Parish Council consulted on its draft Neighbourhood Plan. It considered the comments made and has submitted its draft Neighbourhood Plan to Medway Council as local planning authority to take forward the next stages in the plan making process. The Council is required to notify key consultation bodies and publicise the draft plan for a minimum of six weeks and invite representations. It must then arrange the appointment of an independent examiner (with the agreement of the Parish Council). The examiner will consider if the draft plan meets the basic conditions of alignment to national and local planning policy and contributes to the achievement of sustainable development. A neighbourhood plan must be in general conformity with, and plan positively to support, the strategic policies of the development plan. The Parish Council has set out how it considers it has met these requirements in its Basic Conditions Statement at Appendix 4.
- 2.4. The draft Cliffe and Cliffe Woods Neighbourhood Plan sets out its vision that: 'By 2037 the unique rural landscape of Cliffe and Cliffe Wood Parish will continue to be a haven for wildlife and agriculture, and provide homes, jobs and community infrastructure for people by protecting the heritage of the area and enhancing its character through sustainable development'. The plan is organised into a series of linked policy themes:
 - Sustainable development
 - Community facilities
 - Housing

- Employment
- Environment
- Heritage
- Infrastructure

2.5. The draft plan is set out at Appendix 1 and its supporting Design Guidelines is at Appendix 2. The draft Neighbourhood Plan does not allocate sites for development. It has been prepared in the context of the emerging Medway Local Plan, and the understanding that development sites will be considered in the Local Plan. It seeks to promote the sustainable development of the parish. When adopted, the Neighbourhood Plan forms part of the development plan and sits alongside the Medway Local Plan. Decisions on planning applications will be made using both the Local Plan and the Neighbourhood Plan, and any other material considerations. The Council has worked with Cliffe and Cliffe Woods Parish Council throughout its preparation of the draft Neighbourhood Plan to seek conformity and avoid areas of potential conflict in policies.

3. Options

3.1. The requirements for the preparation of a Neighbourhood Plan are set out in legislation. The Council must follow the specified process. Cliffe and Cliffe Woods Parish Council has carried out its own round of consultation at Regulation 14, considered the comments made, and submitted the draft plan, and supporting information to Medway Council as local planning authority. The Council is now required to publicise the draft Neighbourhood Plan for a further period of consultation at Regulation 16, prior to arranging an independent examination.

3.2. There are no appropriate alternatives to the proposal to publish the draft Neighbourhood Plan for consultation at Regulation 16 as the next stage of plan preparation.

4. Advice and analysis

4.1. Medway Council's Planning Service has liaised with Cliffe and Cliffe Woods Parish Council throughout the preparation of the draft Neighbourhood Plan. The Council has submitted comments to the consultations carried out by the Parish Council, and has provided information and mapping to produce the draft plan. The Parish Council has submitted the required documents to support the publication of the draft plan for consultation comments, including a Basic Conditions Statement, which sets out how the draft plan meets legal requirements of plan making and alignment with national and local planning policy. As the Council has received the necessary information and documents, it is appropriate that it should now arrange the consultation of the draft plan, and subsequently arrange to send the draft plan for independent examination.

4.2. The draft Neighbourhood Plan promotes sustainable development. A Diversity Impact Assessment is set out at Appendix 5.

5. Risk management

- 5.1. The Council must meet its responsibilities to progress the preparation of the Cliffe and Cliffe Woods Neighbourhood Plan. There are limited risks to proceeding with this work.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Challenge in not following legal requirements for Neighbourhood Plans.	Council could be challenged for not progressing Neighbourhood Plan, or following legal requirements.	Progress to consultation and examination as proposed.	E3
Neighbourhood Plan is inconsistent with Medway Local Plan and national policy.	Neighbourhood Plan policies are not aligned with Medway Local Plan or national planning policy.	Neighbourhood Plan must meet 'basic conditions', which is subject to independent examination.	D3

6. Consultation

- 6.1. The proposed consultation of the draft Neighbourhood Plan is a formal stage of the plan making process. Cliffe and Cliffe Woods Parish Council has previously published an earlier version of the draft Neighbourhood Plan for consultation in 2020 and 2021. The comments received have been taken into consideration in preparing the Submission version of the draft plan. Details of the consultation carried out by Cliffe and Cliffe Woods are set out in the Consultation Statement at Appendix 3.
- 6.2. The Planning Service will arrange for the publication of the draft Neighbourhood Plan for consultation. The Council will notify statutory consultees and key stakeholders, using its planning policy consultation database. The draft Neighbourhood Plan and supporting documents will be available to review on the Council's website. Printed copies of the draft plan will be available to view in a number of public buildings. It is proposed to publish the draft Neighbourhood Plan for consultation for eight weeks. This is an extension to the statutory minimum period of six weeks, recognising the holiday period over Easter and the May Bank Holiday.

7. Climate change implications

- 7.1. The draft Cliffe and Cliffe Woods Neighbourhood Plan has sustainable development as the basis of its vision and objectives. The draft plan has a number of proposed policies that could make positive contributions to adaptation and mitigation to climate change. These include retention of local

services and employment to reduce the need to travel; protection of the natural environment and strengthening green infrastructure; and seeking improvements for walking and cycling.

8. Financial implications

- 8.1. This report seeks approval to publish the draft Cliffe and Cliffe Woods Neighbourhood Plan for consultation. The costs of carrying out the consultation will be met from within the Planning Service budget. The Council can apply to central government for a Neighbourhood Planning grant that will contribute to the costs of the independent examination and referendum.

9. Legal implications

- 9.1. The process for the preparation of a Neighbourhood Plan is set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). When duly 'made', or adopted, the Neighbourhood Plan forms part of the development plan for Medway, and is a basis for decision making on planning applications.

10. Recommendations

- 10.1. The Cabinet is requested to approve the publication of the Submission Draft Cliffe and Cliffe Woods Neighbourhood Plan (as set out at Appendix 1) for an eight week period of formal consultation.
- 10.2. The Cabinet is requested to approve that the draft Neighbourhood Plan be sent to independent examination, following the completion of the consultation.

11. Suggested reasons for decisions

- 11.1. To meet the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended) to progress the preparation of a Neighbourhood Plan for Cliffe and Cliffe Woods.

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Appendices – included in Supplementary Agenda No.1

Appendix 1 Submission Draft Cliffe & Cliffe Woods Neighbourhood Plan

Appendix 2 Cliffe & Cliffe Woods Design Guidelines

Appendix 3 Cliffe & Cliffe Woods Consultation Statement

Appendix 4 Cliffe & Cliffe Woods Neighbourhood Plan Basic Conditions Statement

Appendix 5 Diversity Impact Assessment

Background papers

None