

CABINET

7 MARCH 2023

NEIGHBOURHOOD PLANS – REGULATION 16 HIGH HALSTOW AND ARCHES (CHATHAM)

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

Report from: Richard Hicks, Director of Place and Deputy Chief Executive

Author: Dave Harris, Head of Planning
Catherine Smith, Planning Manager – Policy

Summary

Draft neighbourhood plans for High Halstow and Arches (Chatham) have been submitted to Medway Council. The Council must now publish the plans at 'Regulation 16' to gather comments, in advance of arranging an examination. The report outlines the process and issues for the Council. Approval is sought to publish the draft plans for representations.

1. Budget and policy framework
 - 1.1. Neighbourhood Plans were introduced through the Localism Act 2011. Once adopted, or 'made', the Neighbourhood Plan, alongside the Medway Local Plan, forms part of the Development Plan for the local planning authority. The Development Plan forms part of the Council's policy framework.
 - 1.2. The Council has the responsibility of publishing the draft Neighbourhood Plan for representations and arranging an independent examination. The Council has claimed a £5,000 Neighbourhood Planning grant following the designation of the Neighbourhood Area for High Halstow. It has also claimed a grant for the designation of Arches (Chatham) Neighbourhood Area, and the associated Neighbourhood Forum. Local planning authorities can claim a £20,000 grant from when they issue a decision statement detailing their intention to send the plan to referendum. The wider work of the local planning authority in relation to supporting neighbourhood planning is met within the Planning Service budget.

2. Background

- 2.1. Neighbourhood plans form part of the statutory development plan process. There are five neighbourhood plans in preparation in Medway. In late 2022, draft plans were submitted for Arches (Chatham) and High Halstow. The Council must now follow the process for publishing the plans at 'Regulation 16' for comments. Following this, the Council must then organise an independent examination of the plan. A referendum is held before the plan is approved as planning policy.
- 2.2. The Council has liaised with the neighbourhood planning groups in the preparation of the plans and has provided comments at earlier stages of consultation.
- 2.3. The plans reflect the different character and issues of the two areas – a rural parish on the Hoo Peninsula, and the inner urban communities in the Luton area. These contexts inform the content and ambitions of the draft plans.
- 2.4. The High Halstow draft Neighbourhood Plan is rooted in the parish's rural character and concerns about the impacts of potential large-scale change that may follow from development allocations in the emerging Medway Local Plan. The draft plan is set out at Appendix 1. The main themes of the draft plan are:
 - Community
 - Environment
 - Movement
 - Place Quality
- 2.5. The draft plan does not promote development sites, but pre-empts potential allocations in the emerging Medway Local Plan, and planning applications through providing policy guidance for a specific strategic site. The draft plan is supported by a Design Code and allocates a number of Local Green Spaces.
- 2.6. There are five key policy areas in Chatham (Arches) draft Neighbourhood Plan:
 - Housing
 - Built and Natural Environment
 - Sustainable Transport
 - Local Economy
 - Community Spaces
- 2.7. The plan also includes a number of development site allocations in the Luton and central Chatham area, as it recognises the potential for new development to deliver improvements and opportunities for local communities. The plan is supported by a Design Code and also designates some Local Green Spaces. The draft plan is set out at Appendix 2.

3. Options

- 3.1. The neighbourhood planning groups have submitted the required information to the Council with their draft plans. The Council must now publish the plans for consultation comments at 'Regulation 16' for a minimum of six weeks. As this is a statutory process, it is not feasible to consider other options.

4. Advice and analysis

- 4.1. The two plans are considerably different in content, approach and the vision for their areas. The Arches (Chatham) plan seeks to improve conditions in the Luton area through sustainable growth. Policies recognise the opportunities that may come with new development. The neighbourhood plan area includes key regeneration sites in Chatham, including the former Go Outdoors and Gala Bingo. There has been ongoing work with the Council in the preparation of the draft plan and supporting design code.
- 4.2. The High Halstow plan promotes the rural character of the parish and has included a design code against which to determine planning applications. In advance of the Medway Local Plan, there is uncertainty on the strategic planning context, and specifically development allocations. There are areas where the draft Neighbourhood Plan could be seen to pre-empt the new Medway Local Plan, and some policies and requirements in the design code could be overly onerous and a barrier to development coming forward.
- 4.3. The Planning Service has liaised with colleagues across the Council to gather comments on the draft plans. A number of comments have been made in relation to the specific policy wording, improving clarity and alignment to the Council's approach and policy on greenspaces, environmental matters, transport and housing. These will inform the Council's formal comments on the Regulation 16 stage and be provided to the independent examiner for further consideration. It is possible that this could result in modifications to the plan, or a recommendation that it be withdrawn, or paused until there is further progress on the Medway Local Plan.
- 4.4. The draft Neighbourhood Plans seek to promote the sustainable development of High Halstow and the Arches (Chatham) neighbourhood. Policies seek to improve community well-being and protect and enhance the environment. A Diversity Impact Assessment has been prepared for each draft plan. The assessments are set out at Appendices 3 and 4.

5. Risk management

- 5.1. The potential risks relate to costs, not meeting procedural requirements and conflict with the emerging Medway Local Plan. In the absence of an up-to-date Medway Local Plan, there are challenges in providing a definitive assessment of compliance with the Council's strategic policies. Therefore, there is a potential risk that Neighbourhood Plan policy does not clearly align with the Council's aims for sustainable development.

5.2. The main areas of potential risk are outlined below:

Risk	Description	Action to avoid or mitigate risk	Risk rating
Delay in publishing draft plans creates reputational damage.	If Regulation 16 delayed, local communities critical of council.	Proceed with publishing draft plans and arrange examination.	D3
Cost of preparation of Neighbourhood Plan creates budget pressure on Council.	Costs exceed agreed service budgets, placing pressure on Council resources.	Secure government funding through Neighbourhood Planning grant, and manage resources in Planning Service.	D3
Neighbourhood Plan conflicts with Medway Local Plan.	Neighbourhood Plan policies do not align with Council's policies and assessments for sustainable development.	Engagement with NP group, and provide robust consultation comments, consideration of Basic Conditions Statement, and Examiner's report	C2

Likelihood	Impact:
A Very high B High C Significant D Low E Very low F Almost impossible	1 Catastrophic (Showstopper) 2 Critical 3 Marginal 4 Negligible

6. Consultation

- 6.1. The draft Neighbourhood Plans have been submitted to the Council to publish for consultation comments. Both plans have already been subject to significant consultation at earlier stages. The Neighbourhood Planning groups have worked with local communities to identify the key aims and themes for the plans, and develop the policy content. High Halstow Parish Council and Arches Chatham Neighbourhood Forum published their draft plans for consultation at 'Regulation 14'. Through these early rounds of consultation, the groups considered comments and any amendments to the plan that they viewed were appropriate. Details of the consultation carried out and comments received at 'Regulation 14' are set out in Consultation Statements that were submitted to the Council with the draft plan.
- 6.2. The Council must now publish the draft Neighbourhood Plans and supporting information for representations at 'Regulation 16' for a minimum period of six weeks. It is proposed that the Council publishes the draft plans for

representations from Friday 17 March to Sunday 30 April 2023. The Council will publicise this through a Public Notice in the Kent Messenger and direct mailings to contacts on the Planning Policy mailing database. The Planning Service will work with the Council's Communications team to publicise the consultation more widely, such as through use of social media channels.

- 6.3. There will be a dedicated webpage for the consultation on the Council's website, where the draft plans and supporting materials will be available to view. Printed copies of documents will be available in selected public libraries, the Council's offices at Gun Wharf, and other accessible locations, as appropriate, in agreement with the Neighbourhood Planning groups. The Council has offered the groups the opportunity to present the content of the draft plans to Members, to raise awareness and understanding. A planning presentation has been arranged.
- 6.4. Consultation responses will be gathered through the bespoke consultation software 'OpusConsult' used by the Planning Service.
- 6.5. Following the close of the consultation, the Council will collate the comments and forward, together with the submission documents, to an independent examiner who will carry out an examination of the plans. All written comments received will be published, with redaction of sensitive personal information, on the Council's website as part of the examination process.

7. Climate change implications

- 7.1. The draft plans promote sustainable development and are intended to be compliant with national and local planning policy. Both plans positively seek to achieve environmental objectives, including addressing climate change. These ambitions inform a number of policies in the plans.
- 7.2. Arches Chatham Neighbourhood Plan includes policies promoting sustainable construction, such as use of renewable energy and water efficiency measures; outdoor space providing for a net gain for biodiversity; use of sustainable urban drainage systems; urban greening; green space improvements; and sustainable and active travel.
- 7.3. High Halstow Neighbourhood Plan states in its vision for 2037 that 'development will have responded to the climate emergency'. One of the plan's strategic objectives is for a Sustainable Environment. There are a range of policies that seek to make positive contributions to mitigating and addressing climate change. These include planning for the natural environment; sustainable urban drainage measures; green routes; active travel; and a specific policy HH E8: Towards zero-carbon development.

8. Financial implications

- 8.1. The wider work of the local planning authority in relation to supporting neighbourhood planning and the costs of the Regulation 16 consultation will be met from within the existing Planning Service budget.

9. Legal implications

- 9.1. The proposals to publish the draft Neighbourhood Plans as set out in this report meet the requirements of Neighbourhood Planning process as set out in legislation, in particular, the Planning and Compulsory Purchase Act, 2004, and the Neighbourhood Planning (General) Regulations 2012, as amended.

10. Recommendation

- 10.1. Cabinet is requested to approve the publication of the draft High Halstow Neighbourhood Plan, as set out at Appendix 1, and the Arches (Chatham) Neighbourhood Plan, as set out at Appendix 2, for representations.

11. Suggested reasons for decision

- 11.1. To meet the legal requirements for the publication of draft Neighbourhood Plans at Regulation 16.

Lead officer contact

Dave Harris, Head of Planning
Gun Wharf
Tel: 01634 331575
Email: dave.harris@medway.gov.uk

Catherine Smith, Planning Manager – Policy
Gun Wharf
Tel: 01634 331358
Email: catherine.smith@medway.gov.uk

Appendices

Appendix 1 – High Halstow Neighbourhood Plan, 2020-2037 Submission Version
Appendix 2 – Arches (Chatham) Neighbourhood Plan, 2022–2040, Regulation 16 Draft
Appendix 3 – Diversity Impact Assessment High Halstow Draft Neighbourhood Plan
Appendix 4 – Diversity Impact Assessment Arches (Chatham) Draft Neighbourhood Plan

Background papers

None