

## **ANNUAL MEETING OF MEDWAY COUNCIL**

**24 MAY 2023**

### **ADOPTION OF CLIFFE AND CLIFFE WOODS NEIGHBOURHOOD PLAN**

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

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#### **Summary**

This report presents the Cliffe and Cliffe Woods Neighbourhood Plan for formal adoption by the Council. The Council held a referendum on the Neighbourhood Plan in the parish of Cliffe and Cliffe Woods on 4 May 2023. The majority of voters were in favour of the plan. The Council must formally adopt or 'make' the plan within 8 weeks of the referendum. The Neighbourhood Plan forms part of the development plan for Medway and will be used to help decide planning applications in Cliffe and Cliffe Woods.

#### **1. Budget and policy framework**

- 1.1. Neighbourhood Plans were introduced through the Localism Act 2011 and are considered to be one means of encouraging the wider participation of local communities in planning for the future of their local areas. 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 responsibility for supporting the preparation of Neighbourhood Plans, including meeting the costs of an independent examination and referendum. The government provides a Neighbourhood Planning grant towards these costs. 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. Cliffe and Cliffe Woods Parish was designated as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan in June 2015. The local community led on the research, engagement and preparation of the draft plan. Cabinet considered the draft plan at its meeting on 8 March 2022 and approved the publication of the plan at Regulation 16. The Council then

arranged an independent examination of the plan. In February 2023, Cabinet agreed to accept the recommendations of the independent examiner of the Neighbourhood Plan, and to send the plan to referendum on 4 May 2023.

2.2. The Cliffe and Cliffe Woods Neighbourhood Plan sets out its vision that 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

2.3. In line with the Neighbourhood Planning Regulations, the Council organised a referendum following the consideration of the examiner's report. The referendum was held on 4 May 2023, on the same date as the Medway Local Elections. The referendum asked the question: "Do you want Medway Council to use the Neighbourhood Plan for Cliffe and Cliffe Woods to help it decide planning applications in the neighbourhood area?". 1323 ballot papers were verified in the vote. 1152 (87%) people voted in favour, and 171 (13%) against. As more than 50% of those who voted in the referendum were in favour, the Neighbourhood Plan has been approved and becomes part of the statutory development plan.

2.4. The Council must 'make' or formally adopt the Neighbourhood Plan within eight weeks of the referendum. It is for this reason, that the Plan has been presented to this meeting of Full Council. The Council's governance process for Neighbourhood Planning has been set out in a report to Cabinet on 18 October 2022. This process confirms that the adoption of a Neighbourhood Plan is a decision for Full Council.

### 3. Options

3.1. There are no options to consider at this stage in the process. The Council must follow the legislative requirements for Neighbourhood Plans. If the majority of those who vote in the referendum are in favour of the draft Neighbourhood Plan, then the plan must be made by the local planning authority within 8 weeks of the referendum.

3.2. There are narrow circumstances where the local planning authority is not required to make the Neighbourhood Plan. These are where it considers that the making of the Neighbourhood Plan would breach, or otherwise be incompatible with, any EU or human rights obligations.

- 3.3. The Council does not consider that the Cliffe and Cliffe Woods Neighbourhood Plan would breach such obligations.
- 3.4. Therefore, it is recommended that the Council approves the Neighbourhood Plan as set out at Appendix 1, as part of the development plan.

#### 4. Advice and analysis

- 4.1. The Council’s Planning Service has liaised with the Neighbourhood Planning group throughout the development of the Cliffe and Cliffe Woods Neighbourhood Plan and sought to ensure that there is not conflict with the current or emerging Medway Local Plan. The Neighbourhood Plan has been independently examined and found to meet the basic conditions for Neighbourhood Plans. The plan has been put to referendum and the majority of voters were in favour of using the plan to help determine planning applications. It is therefore appropriate that the plan be considered for formal adoption by the Council, and ‘made’.
- 4.2. The policies in the Neighbourhood Plan align with the National Planning Policy Framework to seek sustainable development. A Diversity Impact Assessment has been carried out and is set out at Appendix 2. The plan seeks to benefit a wide range of communities in the neighbourhood area, and to protect the environment.

#### 5. Risk management

- 5.1. This report concerns the formal adoption of the Neighbourhood Plan following a referendum. There are limited risks associated with this specific matter. The Council must ‘make’ the Neighbourhood Plan within eight weeks of a Referendum, where the majority of voters are in favour of the plan. The Planning Service will provide additional training to members on the new Neighbourhood Plan policies and update internal procedures, so that officers and members clearly understand the content of the plan in making decisions on planning applications.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Delay in formal adoption of plan	Council fails to ‘make’ plan within 8 weeks of the referendum	Report presented to Council 24 May 2023	F4
Lack of awareness of NP policies in determining planning applications.	Decisions do not reflect policy context of NP	Member training and review of internal processes in Planning Service.	E3

For risk rating, please refer to the following table:

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. This is not a consultation stage in the Neighbourhood Plan process.
- 6.2. Substantial and iterative consultation was carried out on the emerging and draft Neighbourhood Plan over a number of years. A detailed report of the work carried out by the Neighbourhood Planning group was provided in the Consultation Statement submitted with the draft plan. Comments received at the Regulation 16 stage in 2022 were published and provided to the Examiner as part of the examination documents and materials.
- 6.3. The Planning Service will arrange additional training for members on the use of Neighbourhood Plan policies in decision making on planning applications.

## 7. Climate change implications

- 7.1. The Neighbourhood Plan promotes sustainable development, which encompasses addressing and mitigating the impacts of climate change. Climate change is recognised in the plan's objectives and in a number of policies, such as protecting biodiversity and promoting walking and cycling.

## 8. Financial implications

- 8.1. The costs of preparing the Neighbourhood Plan have largely been met by the Parish Council and Neighbourhood Planning group. The Council has had the responsibility for the costs of the independent examination and referendum. The Council has submitted a claim to central government for a Neighbourhood Planning Grant to meet these costs. There are no specific financial implications resulting from the adoption of the Neighbourhood Plan. Some policies provide direction on infrastructure requirements, that will be used in agreeing developer contributions to mitigate growth impacts in the parish resulting from new development.

## 9. Legal implications

- 9.1. The Neighbourhood Plan has been prepared in accordance with legislation, including the Neighbourhood Planning (General) (Amendment) Regulations 2015. The 'made' Neighbourhood Plan forms part of the development plan for Medway Council. In line with the Planning and Compulsory Purchase Act

2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 9.2. Following the outcome of the referendum the Council has no discretion in whether or not to adopt the Neighbourhood plan and the date for “making” the plan is prescribed under Neighbourhood Planning (General) Regulations 2012.

## 10. Recommendation

- 10.1. It is recommended that Council approves that the Cliffe and Cliffe Wood Neighbourhood Plan (as set out at Appendix 1) be ‘made’, as part of the statutory development plan for Medway Council.

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### Appendices

Appendix 1 – Cliffe and Cliffe Woods Neighbourhood Plan, 2022-2040  
Appendix 2 – Diversity Impact Assessment

### Background papers

None