

Annual Meeting of Medway Council

15 May 2024

Adoption of Arches Chatham Neighbourhood Plan

Portfolio Holder: Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration

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Summary

This report presents the Arches Chatham Neighbourhood Plan for formal adoption by the Council. The Council held a referendum on the Neighbourhood Plan in the designated Arches Chatham Neighbourhood Area on 2 May 2024. 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 the Arches Chatham Neighbourhood Area.

1. Recommendations

1.1. It is recommended that Council approves that the Arches Chatham Neighbourhood Plan (as set out at Appendix 1) be 'made', as part of the statutory development plan for Medway Council.

2. Budget and policy framework

2.1. Neighbourhood Plans were introduced through the Localism Act 2011 and are considered to be a 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.

2.2. 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, but it is anticipated that the funding will not meet the full costs on the authority, placing further pressures on budgets.

Wider work of the local planning authority in relation to supporting neighbourhood planning is met within the Planning Service budget.

3. Background

3.1. The Arches Chatham Neighbourhood Area was formally designated by the Council in August 2019 for the purposes of preparing a Neighbourhood Development Plan. The work has been led by the Arches Chatham Neighbourhood Forum, which was set up to progress the plan. The Forum has been active in working with local communities and wider stakeholders in preparing a plan that promotes sustainable development that improves the quality of life for residents and enhances the local environment. Its work on community engagement has been exemplary, reaching out to a wide range of residents, to reflect their ambitions and needs in the draft plan.

3.2. The plan's vision is to:

'transform the neighbourhood area into a beautiful, green and prosperous place in which people wish to stay, live and work; a neighbourhood to raise children, help others and grow old; a place in which people can rediscover a sense of community, pride and purpose; a place with a beating heart'.

3.3. There are five key policy areas in the plan:

1. Housing: Creating beautiful, high-quality and affordable homes that create a cohesive and multi-generational community.
2. Built & Natural Environment: Providing safe, inclusive and pleasant streets and public spaces that protect our environment and will be embraced by all.
3. Sustainable Transport: Creating a car-lite neighbourhood in which residents reclaim the streets for walking, cycling, playing and shopping.
4. Local Economy: Revitalising the local economy and reviving the high street along Luton Road, by making the area a desirable place to do business.
5. Community Spaces: Protecting and improving community facilities and ensuring that no resident is left behind.

3.4. Following iterative consultation, the Forum submitted its draft plan to Medway Council in late 2022. The Council published the draft plan for representations at Regulation 16 in Spring 2023. The plan was then submitted for examination in Summer 2023. The Council appointed an independent examiner, in consultation with the Neighbourhood Forum and he issued his report in November 2023. The examiner's report recommended a number of modifications to the plan. These were agreed by the Neighbourhood Forum and the local planning authority. A report was presented to Cabinet in December 2023, seeking approval to send the modified plan to referendum.

3.5. Following Cabinet approval to send the plan to referendum, the Council made arrangements for the referendum, in line with the Neighbourhood Planning

Regulations. In consultation with the Neighbourhood Forum, it was agreed to hold the referendum on the same date as the Elections for the Kent Police and Crime Commissioner on 2 May 2024.

- 3.6. The referendum asked the question: “Do you want Medway Council to use the Neighbourhood Plan for Arches (Chatham) to help it decide planning applications in the neighbourhood area?”. 832 ballot papers were verified in the vote. 4 votes were rejected for being unmarked or voided for uncertainty. 727 (87.8%) people voted in favour, and 101 (12.2%) 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.
- 3.7. 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.

4. Options

- 4.1. 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.
- 4.2. 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.
- 4.3. The Council does not consider that the Arches Chatham Neighbourhood Plan would breach such obligations.
- 4.4. Therefore, it is recommended that the Council approves the Neighbourhood Plan as set out at Appendix 1, as part of the development plan.

5. Advice and analysis

- 5.1. The Council’s Planning Service has liaised with the Neighbourhood Forum throughout the development of the Arches Chatham 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’.

5.2. 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.

6. Risk management

6.1. 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 officers and 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 15 May 2024	C IV
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.	C III

6.2. For risk rating, please refer to the following table:

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

7. Consultation

7.1. This is not a consultation stage in the Neighbourhood Plan process.

7.2. 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 Forum was provided in the Consultation Statement submitted with the draft plan. Comments received at the Regulation 16 stage in 2023 were published and provided to the Examiner as part of the examination documents and materials. The Examiner noted that pro-active community engagement and public consultation formed a major

part of the plan-making process by the Neighbourhood Forum. He stated that this demonstrated an exemplary approach to public consultation.

- 7.3. The Planning Service will arrange additional training for members and officers on the use of Neighbourhood Plan policies in decision making on planning applications.

8. Climate change implications

- 8.1. The Neighbourhood Plan promotes sustainable development in the Arches Chatham area. The objectives and policies in the plan seek to mitigate and adapt to climate change. These include the promotion of sustainable transport choices, making it safer, more attractive and healthier for people to walk and cycle through the local area. Green infrastructure is an important theme in the plan, with policies seeking to strengthen networks and spaces for nature and people.

9. Financial implications

- 9.1. The costs of preparing the Neighbourhood Plan have largely been met by the Arches Chatham Neighbourhood Forum. The Council has responsibility for the costs of the independent examination and referendum. The government provides a Neighbourhood Planning grant to support the costs of this work. 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.
- 9.2. Given the size of the Arches Neighbourhood Planning Area, and the work needed on the arrangements for a referendum, it is unclear if the external government grant will meet the full costs of the examination and referendum. While it is not possible to forecast final costs accurately at this stage, officers do not envisage a pressure arising of more than £10,000, it will be necessary to meet any pressure arising from within other existing budgets.

10. Legal implications

- 10.1. 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.

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Appendices

Appendix 1 – Arches Chatham Neighbourhood Plan, 2022-2040
Appendix 2 – Diversity Impact Assessment

Background papers

[Cabinet report 19 December 2023 – Arches Chatham Neighbourhood Plan – Request to send to Referendum](#)