
PROPOSED NEIGHBOURHOOD PLAN AREA FOR MARGATE

To: **Cabinet – 1 May 2014**

Main Portfolio Area: **Housing and Planning Services**

By: **Director of Community Services**

Classification: **Unrestricted**

Ward: **Westbrook, Garlinge, Salmestone, Dane Valley, Cliftonville East, Cliftonville West, Margate Central**

Summary: Neighbourhood plans can be prepared by local communities and are led by Town or Parish Councils or a Neighbourhood Forum in areas which do not have a Town or Parish Council. The first stage of the neighbourhood planning process is to define a neighbourhood area which the neighbourhood plan will apply to.

The Council received an application to designate a neighbourhood area from a proposed neighbourhood forum in Margate. The Council has consulted on the application, as required by legislation. This report sets out the responses to the consultation and recommends that the proposed Margate Neighbourhood Area is designated.

For Decision

1.0 Introduction and Background

- 1.1 Under the Localism Act 2011, the government has introduced new legislation that gives greater weight to community-led planning. The Act introduced four new community rights, including the right to plan, which gives communities the right to have a say in the future of the places where they live, through drawing up a neighbourhood plan.
- 1.2 Neighbourhood plans are prepared by a relevant body (as defined in section 61G of the 1990 Town & Country Planning Act) who can either be a town or parish council, or a neighbourhood forum in areas not covered by town or parish councils. Neighbourhood forums are designated by the Council. Once adopted, neighbourhood plans become a statutory plan for the neighbourhood planning area. Planning policies in neighbourhood plans will carry the same weight as local plan policies in making decisions on planning applications.
- 1.3 Neighbourhood plans need to be compatible with national planning policies and the policies in the Council's local plan. The Council's Local Plan will set the context within which neighbourhood plans will sit. Neighbourhood plans will be about local rather than strategic issues, for example, where new shops, offices or homes should go or how a development site allocated in the Local Plan should come forward and what it should look like. They should be focused on guiding development and cannot be used to block development.

- 1.4 Annexes 1, 2 and 3 set out a summary of the steps in the process of developing a neighbourhood plan, copies of the submissions from the potential Margate Neighbourhood Forum and a copy of the consultation responses received.

2.0 The Current Situation – Application Submitted and Consultation

- 2.1 The first formal stage in the neighbourhood planning process (outlined in Annex 1) is for the communities preparing plans to submit their proposed neighbourhood planning area to the Council for designation.
- 2.2 A proposed neighbourhood forum from Margate has submitted a proposed neighbourhood planning area for designation. As there is currently no town or parish Council for Margate, the potential Margate forum has also submitted an application to become a neighbourhood forum.
- 2.3 The Council is obliged under the Neighbourhood Planning Regulations to carry out a public consultation on proposed neighbourhood plan area for a minimum of 6 weeks. The consultation for the Margate neighbourhood plan area was carried out from 6th January-14th February 2014. The following methods were used for the consultation:
- Applications and relevant documents available on the consultation portal for comment, with information and links from the Council's website.
 - People registered on the consultation portal were contacted inviting comments on the consultations
 - Paper copies of the consultations documents and questionnaire available at the Gateway and local libraries
 - Adverts in local newspapers
 - Posters displayed
 - Notices displayed in the affected wards

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Proposal

- 2.4 The proposed neighbourhood plan area includes 7 electoral wards – Westbrook, Garlinge, Salmestone, Dane Valley, Margate Central, Cliftonville West and Cliftonville East. The supporting statement explains that a number of participative workshops had been carried out where the plan area boundary was debated and considered. Established boundaries were considered and reviewed; including district council ward boundaries, county council wards and former boundaries of the Borough of Margate. The statement explains that the designation of the 7 wards will facilitate the consolidation of shared concerns and objectives and avoid duplication between neighbourhoods. It states that changes to one area would affect the others so a comprehensive approach is appropriate.

Summary of Responses

- 2.5 Consultation responses are set out in full at Annex 3.
- 2.6 During the Council's consultation, 33 people responded to the questionnaire, all in support of the proposed plan area. Responses were received from community groups, developers and residents. Comments included that the proposed area is a good representation of the built environment recognised as Margate, it is small enough to have a local focus yet large enough to warrant the resources necessary to bring about change, it will create new community relationships built on a shared

vision. One comment suggested that Westbrook and Garlinge should not be included as other areas are more in need of focus and support.

3.0 Options

- 3.1 In determining a neighbourhood area application, the Council must consider:
- How desirable it is to designate the whole of the parish area as a neighbourhood area, and
 - How desirable it is to maintain the existing boundaries of areas already designated as neighbourhood areas (as areas designated must not overlap),
 - Proposed areas by a neighbourhood forum do not include any parished areas
 - Whether the area should be designated as a business area in accordance with Section 61G and H of the Town and Country Planning Act 1990.
 - that the submission has been made by a 'relevant body' – a parish council or an organisation of body that is capable of being designated as a neighbourhood forum
- 3.2 Government guidance suggests that the Local Planning Authority should aim to designate the Neighbourhood Planning area applied for unless it considers the area is not appropriate. Where it does so, it must give reasons.
- 3.3 To assess the appropriate area the Local Planning Authority must ensure neighbourhood areas are coherent, consistent and appropriate in planning terms. As well as taking on board comments received from consultation other factors to consider might include:
- any natural or man-made features (such as rivers or mountains, roads, railway lines or canals)
 - catchment areas for current and planned infrastructure and services (e.g. schools)
 - development proposals and allocations
 - environmental designations.
- 3.4 Unless there are valid planning reasons the Local Planning Authority must designate the proposed neighbourhood plan area. If the Local Planning Authority considers the area not to be appropriate it must issue a refusal notice, explaining why, and designate a revised plan area to include some or all of the originally proposed area.
- 3.5 Where a proposed neighbourhood area is one that is wholly or predominantly business in nature, the local authority may decide to designate it as a business area. This has the effect of allowing business people to vote in an additional referendum on whether to bring the neighbourhood plan into force.

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- 3.6 Whilst the proposed neighbourhood plan area is quite large, the supporting statement justifies why this particular area has been identified, and there are no significant planning reasons to justify refusal of the designation or amend the boundaries to cover a smaller area. It is possible that in some areas other community planning measures (such as Neighbourhood Development Orders or the Community Right to Build) may be more appropriate once definite issues/projects have been identified.
- 3.7 If an area is wholly or predominantly used for business, it can be designated as a business neighbourhood area. Examples include industrial estates, business parks or

town centres. If a business area is designated, there must be two referendums at the end of the process – one for residents within the area and one for businesses operating in the area. The proposed Margate area does include Margate Town Centre and Northdown Road, however the majority of the area proposed would not warrant a business neighbourhood area allocation. The Neighbourhood Forum would be expected to involve local businesses in their plan making and engagement processes and are required under the neighbourhood planning regulations to bring any consultation to the attention of people who live, work or carry out business in the neighbourhood area.

- 3.8 In response to the comment that certain wards should be excluded to focus attention on the areas that need it the most, areas which are in need of focus and support should be identified through the consultation processes carried out by the proposed neighbourhood forum and will highlight where resources should be focussed, so it is not considered necessary to exclude areas from the proposed neighbourhood plan area.
- 3.9 The proposed area does not include any parished areas, and it is considered that the submission has been made by a body which is capable of being a neighbourhood forum.
- 3.10 It is recommended that the proposed Margate neighbourhood plan area is designated.
- 3.11 If the Council refuses to designate the area, the relevant legislation requires the reasons for refusal to be publicised.

4.0 Corporate Implications

4.1 Financial and VAT

- 4.1.1 The designation of the areas will not result in any direct financial or VAT implications. However future work on developing neighbourhood plans will require Council resources including staff time.
- 4.1.2 There will also be administrative costs associated with consultations and other stages of neighbourhood plan preparation, such as advertising, printing and the referendum.
- 4.1.3 The government have set up a fund to cover the costs of neighbourhood planning. This is proposed to cover both staff costs and administrative costs.
- 4.1.4 The Council can obtain the funding as each neighbourhood plan proposal reaches a particular stage:
- £5,000 following each neighbourhood area designation
 - £5,000 following each neighbourhood forum designation
 - £5, 000 when a LPA publicises a neighbourhood plan prior to examination
 - £20,000 on successful completion of a neighbourhood plan examination
- 4.1.5 Democratic services are considering the potential costs of a referendum, based upon the two applications we have received, to understand whether the funding available will cover the costs to the Council.

4.2 Legal

- 4.2.1 The relevant provisions for neighbourhood planning are set out in Sections 61E to 61Q of the Town and Country Planning Act 1990 (as amended). The Neighbourhood Planning (General) Regulations 2012 set out the requirement for the Council to consult for a minimum of 6 weeks, following the submission of an application for the designation of a proposed neighbourhood plan area and proposed neighbourhood plan forum.
- 4.2.2 The relevant legislation requires the following to be submitted in an application for a neighbourhood planning area:
- A map identifying the area
 - Statement explaining why it is considered an appropriate neighbourhood area
 - Statement that the organisation making the application is a relevant body
- 4.2.3 It is considered that the proposed Margate neighbourhood forum meets these requirements with their application. The map and statements are included in Annex 2.
- 4.2.4 The Council is currently consulting on a governance review for Margate. In the event that the result of this review is the establishment of a parish council for Margate, it is likely that this would be in place by spring 2015. In those circumstances, the neighbourhood forum would cease to be the relevant body able to take forward a neighbourhood plan.

4.3 Corporate

- 4.3.1 Neighbourhood planning proposals support the following Corporate Plan priorities:

Priority 1 – Economy and Growth
Priority 3 – Community and Voluntary
Priority 7 - Home and Community
Priority 10 – Working in Partnership
Priority 11 – Preserving our Public Spaces

4.4 Equity and Equalities

- 4.4.1 An Equalities Impact Assessment has not been carried out as there are no plans or projects identified at this stage – only the areas to which any neighbourhood plans will apply.

The Constitution for the Margate Neighbourhood Forum states that:

‘The Forum shall take no action unless it is motivated by the purposes of the organisation and shall not discriminate against any individual or group on the basis of age, disability, nationality, race, ability, marital status, sexuality, gender, political or religious beliefs’ and that it is open to all who support the purpose of the Margate Neighbourhood Plan.

5.0 Recommendation(s)

- 5.1 That the Margate Neighbourhood Plan Area be designated as shown at Annex 2.

6.0 Decision Making Process

- 6.1 This is a non-key decision subject to call in.

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Reporting to:	Madeline Homer, Director of Community Services

Annex List

Annex 1	Outline of Neighbourhood Planning Process
Annex 2	Margate Submission – Plan Area Statement, Map, proposed Forum Statement, Constitution
Annex 3	Consultation Responses – Margate Plan Area

Corporate Consultation Undertaken

Finance	Sarah Martin, Financial Service Manager
Legal	Peter Reilly, Litigation Solicitor
Corporate	Hannah Thorpe, PR & Publicity Manager