
PROPOSED NEIGHBOURHOOD PLAN AREA FOR CLIFFSEND

To: **Cabinet – 1 May 2014**

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

By: **Director of Community Services**

Classification: **Unrestricted**

Ward: **Cliffsend**

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 Cliffsend Parish Council. 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 Cliffsend 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 Cliffsend Parish Council 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 Cliffsend Parish Council has submitted a neighbourhood planning area for designation.
- 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 Cliffsend neighbourhood plan area was carried out simultaneously 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 Councils 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 map submitted follows the parish boundaries. The supporting statement describes the location of Cliffsend and its boundaries, the history of the parish and village amenities, the location of public open spaces, visitor attractions and transport. The statement explains that a neighbourhood plan public meeting was held including discussions and post-it exercises to find out what areas of interest people thought should be included in the neighbourhood plan.

Summary of Responses

- 2.5 Consultation responses are set out in full at Annex 3.
- 2.6 During the Council's public consultation, 22 people responded to the questionnaire. Responses were received from local businesses, developers and residents. Most comments supported the proposed plan area. There were 4 objections received, comments being that the plan included the area of the Pegwell Country Park, whilst the supporting statement said that this area was not included in the plan area. Another comment was made that the new East Kent Access road was not shown on the plan. One objection stated that the Parish Council had not engaged with residents and had not worked with the Cliffsend Community Planning Group. The objector recommended that the Cliffsend Community Planning Group should prepare the neighbourhood plan.

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 In response to the comment regarding the consultation carried out by the Parish Council, it is considered vital that effective engagement with all relevant groups and residents is carried out by the Parish Council in the preparation of a neighbourhood plan in order for it to meet the requirements of the relevant legislation, and for it to be an inclusive, meaningful document likely to be voted for in a referendum. However, at this stage in the process, the issue for consideration is the appropriateness of the proposed neighbourhood plan area. As the proposed area is not controversial and follows the parish boundary (excluding the country park) this is considered an appropriate area. The neighbourhood plan cannot be progressed by the Cliffsend Community Planning Group as suggested as neighbourhood plans in a parished area have to be led by the Parish Council as stated in the relevant legislation.
- 3.7 As the supporting statement submitted as part of the neighbourhood area application excludes the Pegwell Country Park from the plan area, it is considered that its

inclusion on the map was an error. The proposed plan area, excluding the Country Park, as shown on the map in Annex 2 is therefore considered acceptable and recommended for designation as the Cliffsend neighbourhood plan area.

- 3.8 If the Council refuses to designate the proposal, 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 Cliffsend Parish Council meets these requirements with their application. The map and statements are included in Annex 2.

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.

5.0 Recommendation

5.1 That the Cliffsend Neighbourhood Plan Area be designated as shown at Annex 2 (excluding the Country Park).

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	Cliffsend Submissions – Plan Area Statement and Map
Annex 3	Consultation Responses – Cliffsend Plan Area

Corporate Consultation Undertaken

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