

Subject:	WORTH AND ST MARGARET'S-AT-CLIFFE NEIGHBOURHOOD AREAS
Meeting and Date:	Cabinet – 7 January 2013
Report of:	Michael Dawson, Director of Regeneration and Development
Portfolio Holder:	Councillor Nicholas Kenton, Portfolio Holder for Environment, Waste and Planning
Decision Type:	Key
Classification:	Unrestricted
Purpose of the report:	To seek Cabinet approval to designate Worth Neighbourhood Area and St. Margaret's-at-Cliffe Neighbourhood Areas.
Recommendation:	Cabinet agrees that the designation of: <ul style="list-style-type: none"> 1) the Worth Neighbourhood Area; and 2) the St. Margaret's at Cliffe Neighbourhood Area.

1. Summary

- 1.1 At its meeting on 10 September 2012, Cabinet agreed to undertake consultation on applications to designate Neighbourhood Area in Worth and St Margaret's parishes as the first formal step in the preparation of Neighbourhood Plans.
- 1.2 The public consultation for the Worth and St Margaret's proposed Neighbourhood Areas has now closed. In total sixteen representations were received during the six week period. The District Council now has to consider the representations and to decide whether or not the proposed Areas should be designated.

2. Introduction and Background

- 2.1 The first stage in the production of a Neighbourhood Plan is for the Parish/Town Council to submit an application to the local authority to designate a Neighbourhood Area. A Neighbourhood Area defines the area to be covered by the Plan. Worth and St Margaret's at Cliffe Parish Councils both submitted applications to designate a Neighbourhood Area in their respective parishes. The Areas are identified in Appendix 1.
- 2.2 Worth Parish Council identified an area that covered the western part of the parish. This was in recognition of the two distinct parts of the Parish, the area around the village of Worth and the Sandwich Bay Estate. The residents of Sandwich Bay Estate had indicated that they did not wish to be within the Neighbourhood Area.
- 2.3 St Margaret's at Cliffe Parish Council proposed to designate the whole Parish as a Neighbourhood Area because the spatial planning policies they propose to develop in their Plan would affect all areas of the Parish.

- 2.4 At the Cabinet meeting of the 10 September it was agreed that the Worth and St Margaret's-at-Cliffe Neighbourhood Areas be publicised for public consultation. The consultation period started on 4 October and ran for six weeks until 15 November 2012.

Consultation Responses

- 2.5 The District Council has received sixteen representations in total, nine for Worth Neighbourhood Area and seven for the St. Margaret's at Cliffe Neighbourhood Area. These are summarised in Appendix 2.

Worth

- 2.6 Of the nine representations received in connection with the Worth Neighbourhood Area, there was one in 'support', four 'noted' and four 'noted with guidance' for the future plans. The representation in support did express a disappointment that Sandwich Bay Estate did not want to be part of the Area.

St Margarets at Cliffe

- 2.7 With regard to the St. Margaret's at Cliffe Neighbourhood Area, the seven representations included three 'noted' and four 'noted with guidance'.

- 2.8 There were no representations objecting to either of the proposed Areas.

Relevant Considerations

- 2.9 The Section 61G of the Town and Country Planning Act 1990 (as amended by Schedule 9 of the Localism Act 2011) provides that in determining an application for a Neighbourhood Area, the local authority must have regard to:

- The desirability of designating the whole of the area of a parish council as a neighbourhood area; and
- Whether the area overlaps with any other designated Areas.

- 2.10 If the local authority refuses an application, it must also give reasons why. The reasons for refusal would need to relate specifically to the boundary of the area.

- 2.11 If the local authority refuses an application because they consider that the specified area is not appropriate to be designated, the authority must exercise their power of designation and identify an alternative area.

- 2.12 If the Neighbourhood Area is approved then the District Council has to publish a map on the web site setting out the area being designated and in other ways that would bring the designation to the attention of people who live, work or carry on business in the neighbourhood area.

Equality Issues

- 2.13 It is unlikely that the designation of the Neighbourhood Area would have any equality issues as there are no policies or proposals at this stage that could have an impact.

3. Identification of Options

- 3.1 For each Neighbourhood Area there are two options;

Option 1 – the proposed Neighbourhood Area is designated; or

Option 2 – the local authority refuses the application and designates an amended Neighbourhood Area.

4. Evaluation of Options

- 4.1 In evaluating the options the local authority must have regard to the two points set out the Localism Act in paragraph 2.9 above.

Worth

- 4.2 With regard to the first point to be covered, Worth Parish Council has not designated the whole Parish and has provided sound reasons why only the western part had been designated. Although there has been one comment expressing disappointment that Sandwich Bay Estate has decided not to be included, there have been no representations received objecting to the proposed Area or demanding that the Estate should be included. With regard to the second point, the proposed Area does not overlap with other designated Areas.

St Margaret's at Cliffe

- 4.3 St Margaret's at Cliffe Parish Council has designated the whole Parish area. This is because the spatial policies they propose to develop in their Plan will cover the whole parish. Again there have been no representations received objecting to the proposed Area and the Area does not overlap with other designated Areas.
- 4.4 In conclusion, as no issues have been raised as part of the consultation that would result in the proposed Neighbourhood Areas to be refused and amended. Cabinet is recommended to approve the Worth and St Margaret's at Cliffe Neighbourhood Areas.

5. Resource Implications

- 5.1 The resource implications for Neighbourhood Planning were identified in the Cabinet Report dated 6 February 2012 and updated in the Cabinet report dated 10 September 2012. These highlighted that there would be additional costs to the Council as it is the District Council that organises and pays for later stages in the process; the examination and the referendum.
- 5.2 The Cabinet Report relating to the proposed Ash Neighbourhood Area (5th November 2012) updated Members on the Government funding scheme for Neighbourhood Planning. For the 2012/13 financial year, there will be an unringfenced payment of up to £30,000. This will be paid in two stages, £5,000 for the designation of a neighbourhood area and the remainder on the successful completion of the Neighbourhood Development Plan examination.
- 5.3 The designation of the Worth and St. Margaret's at Cliffe Neighbourhood Areas will be within this financial year and the District Council will be eligible to claim for £5,000 per Area designated. It is unlikely that examinations for the two Parishes Plans will be held before the end of March 2013 but the Government has indicated that they hope to be in a position to confirm similar arrangements for the next financial year by January 2013.

6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has no further comments to add (MC)
- 6.2 Comment from the Solicitor to the Council: solicitor
- 6.3 Comment from the Equalities Officer: The Equality officer has been consulted during the development of this report and has no further comments to make other than to remind members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

7. **Appendices**

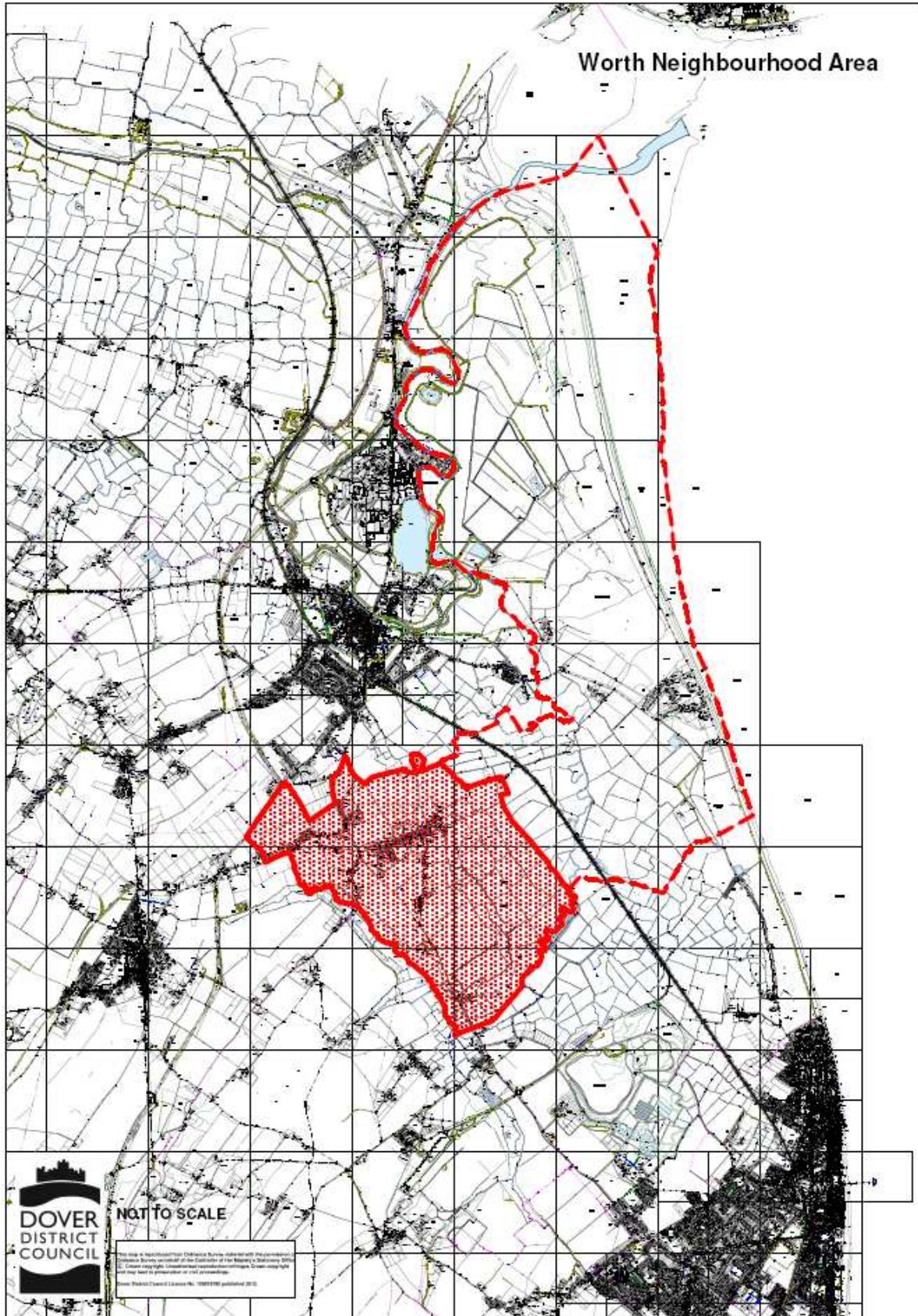
Appendix 1 – Proposed Neighbourhood Areas

Appendix 2 - Summary of Representations Received

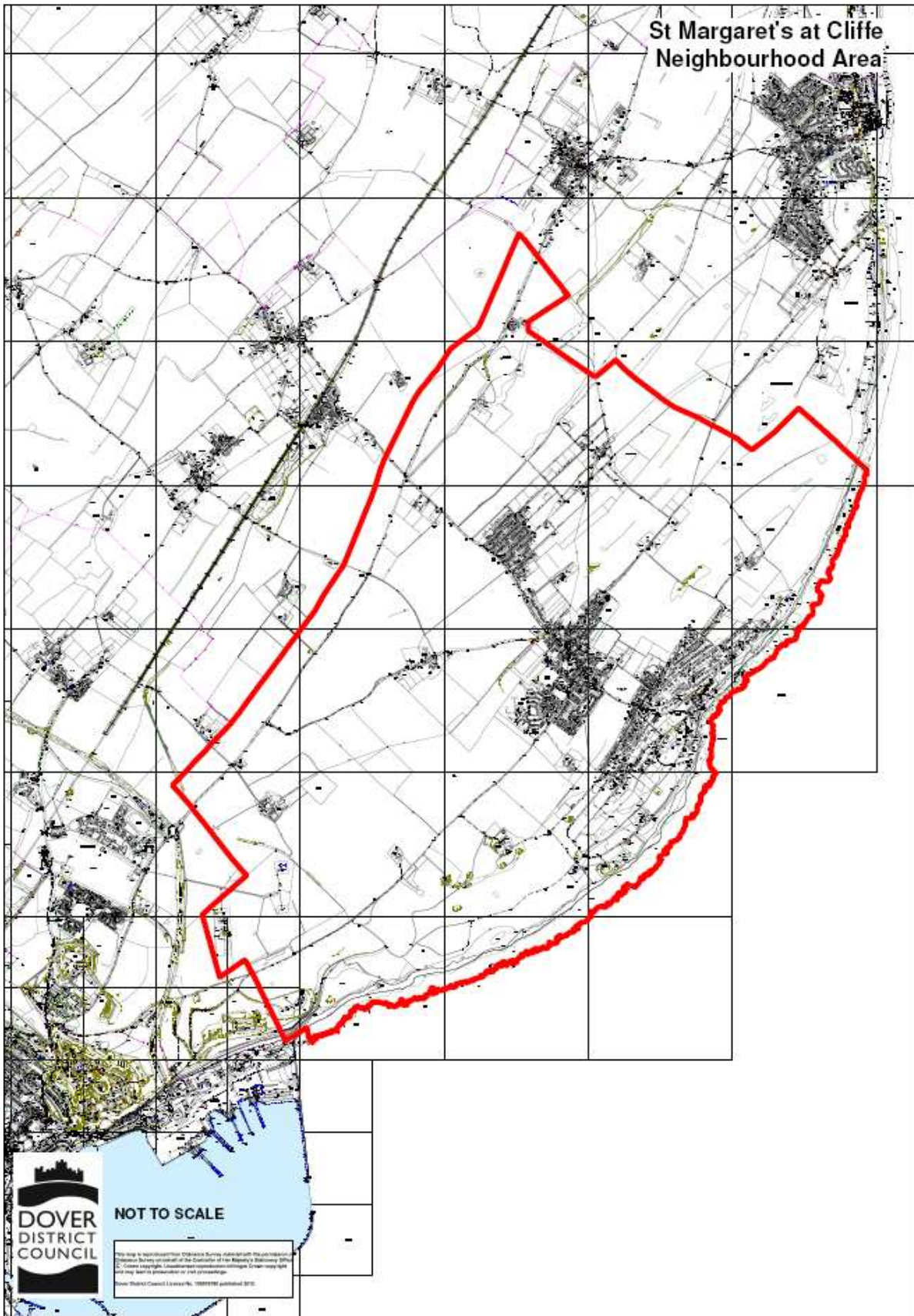
8. **Background Papers**

None.

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St Margaret's at Cliffe Neighbourhood Area



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Appendix 2

Summary of Representations Received

Representations Received for the St Margaret's At Cliffe Neighbourhood Area

Name or Organisation	Summary of representation
Kent County Council (Planning and Environment Directorate)	Noted but would be interested to see how they progress and in any proposals that would require KCC services.
The Coal Authority	'...St Margaret's at Cliffe is situated outside the currently defined coalfield area; consequently the Coal Authority has no specific comments to make...'
Natural England	'We acknowledge the intention to commence work on the preparation of a Neighbourhood Plan and would like to draw your attention to the joint guidance issued by Environment Agency, English Heritage, Forestry Commission and Natural England...'
Environment Agency	No specific comments on the proposed Neighbourhood Area but reiterated guidance and advice for the St Margaret's Neighbourhood Development Plan
Civil Aviation Authority	No specific comments on the proposed Neighbourhood Area but have provided links to guidance.
Kent Wildlife Trust	'...no objection to these applications provided designated areas and habitats of ecological importance are protected from impacts due to development or any other plans'.
Kent Downs AONB	'...no comments to make at this stage of the consultation but would appreciate consultation on the next steps'.

Representations Received for the Worth Neighbourhood Area

Name or Organisation	Summary of representation
Sandwich Town Council	'Reported at the Council meeting on 15th October 2012 and the subject was noted. Thank you for bringing this information to our attention'.
Kent County Council (Planning and Environment Directorate)	Noted but would be interested to see how they progress and in any proposals that would require KCC services.
The Coal Authority	'...Worth lies within the current defined coalfield. According to current records there are no recorded risks...The Coal Authority will respond to future consultations in respect of the Worth Neighbourhood Development Plan'
Natural England	'We acknowledge the intention to commence work on the preparation of a Neighbourhood Plan and would like to draw your attention to the joint guidance issued by Environment Agency, English Heritage, Forestry Commission and Natural England...'
Environment Agency	No specific comments on the proposed Neighbourhood Area but reiterated guidance and advice for the Worth Neighbourhood Development Plan.
Civil Aviation Authority	No specific comments on the proposed Neighbourhood Area but have provided links to guidance.
Kent Wildlife Trust	'...no objection to these applications provided designated areas and habitats of ecological importance are protected from impacts due to development or any other plans'.
Kent Downs AONB	'...no comments to make at this stage of the consultation but would appreciate consultation on the next steps'.
Mr Paul Carter	'I think that this application is a very valid and important move to progress Localism of planning to the people of the community of Worth and I fully support it. I also acknowledge Worth Parish Council's foresight in making such an early application even in advance of the legislation being adopted... It is a shame Sandwich Bay Estate did not want to join Worth's lead role in establishing it's own priorities to future planning as it may be a lost opportunity'.