**Medway Council Local Planning Authority**

**Cliffe and Cliffe Woods Neighbourhood Plan 2022 to 2040**

REGULATION 18 DECISION STATEMENT (proceeding to referendum)

1. Introduction

1.1 In accordance with the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of neighbourhood plans and to progress their neighbourhood plans through examination, referendum and to ‘make’ the Plan.

1.2 In accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 Medway Council has produced this ‘Decision Statement’ in relation to the Cliffe and Cliffe Woods Neighbourhood Plan (Cliffe and Cliffe Woods NP). This statement confirms that the modifications proposed in the Examiner’s Report on the Cliffe & Cliffe Woods NP have been accepted by Medway Council and the Plan has been consequently amended. The Plan can now proceed to referendum.

1.3 The Examiner’s Report and submission draft Cliffe and Cliffe Woods Neighbourhood Plan, including supporting documents, can be viewed on the Council’s website at:

<https://www.medway.gov.uk/info/200149/planning_policy/142/neighbourhood_planning/4>

Hard copies of the documents can also be viewed at the Council offices:

Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

2. Background

2.1 On 16 June 2015 Medway Council designated the Cliffe and Cliffe Woods Neighbourhood Area for the purpose of preparing a Neighbourhood Plan. The plan area covers the parish of Cliffe and Cliffe Woods and lies solely within the Medway Council Local Planning Authority Area.

2.2 Cliffe and Cliffe Woods Parish Council, the qualifying body, submitted the draft Cliffe and Cliffe Woods and supporting documents to Medway Council in September 2021.

2.3 Following submission of the Cliffe and Cliffe Woods Neighbourhood Plan, Medway Council publicised the Plan and supporting documents and invited representations during the consultation period which ran from 25 March to 20 May 2022.

2.4 Medway Council, with the consent of Cliffe and Cliffe Woods PC, appointed an independent examiner, Christopher Lockhart-Mummery KC, to review the Plan and assess whether it should proceed to referendum.

2.5 The Examiner’s Report was received on 26 January 2023 and recommended that, subject to a number of proposed modifications, the Plan should proceed to referendum. The modifications are required to ensure that the Plan meets the basic conditions set out in the legislation (Para 8(2) Schedule 4B Town and Country Planning Act 1990). The examiner also recommended that the area for the referendum should be based on the designated neighbourhood area which the Plan relates to.

2.6 In accordance with the legislation (Schedule 4B paragraph 12 Town and Country Planning Act 1990), the Local Planning Authority must decide what action to take in response to the examiner’s recommendations, what modifications to make to the Plan and whether the Plan should proceed to referendum.

2.7 If the Local Planning Authority is satisfied that the Plan can proceed to referendum, it is also required to consider whether the Referendum Area should be extended beyond the Cliffe and Cliffe Woods Neighbourhood Area (Schedule 4B paragraph 12(8) Town and Country Planning Act 1990).

3. Local Planning Authority Decision

3.1 Having considered the Examiner’s Report the Local Planning Authority confirms that:

* The Examiner’s recommended modifications are accepted and agreed. The modifications have been agreed and are supported by the Local Planning Authority in the interests of ensuring that the Cliffe and Cliffe Woods NP meets the basic conditions, improving precision for accurate interpretation of the Plan, and making necessary minor edits to the Plan.
* The Cliffe and Cliffe Woods NP, incorporating all the recommended modifications and consequential modifications, should proceed to referendum as the Plan:
* meets the basic conditions in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended);
* is compatible with Convention Rights (the European Convention on Human Rights) and complies with the Human Rights Act 1998;
* is compliant with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.
* The recommended modifications will not have significant environmental effects. A Strategic Environmental Assessment was not required for the Cliffe and Cliffe Woods NP.
* It agrees with the Examiner’s recommendation to proceed to a referendum based on the Cliffe and Cliffe Woods Neighbourhood Area as approved by the Council.

3.2 This decision has been made in accordance with the relevant legislation, guidance and advice and in response to the recommendations made in the Examiner’s Report.

3.3 Not less than 28 days before the date of the referendum the Council must publish on its website and make available an information statement and specified documents (which will include the Cliffe and Cliffe Woods NP, as revised in light of the Examiner’s recommendations). These documents will be made available during the referendum period for inspection including at the Council’s offices at Gun Wharf.

Schedule of Modifications to the Cliffe and Cliffe Woods Neighbourhood Plan

Appendix 1: Modifications in line with the Examiner’s recommendations and in consent with Medway Council (changes ordered as per Examiner’s report)

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| Change Reference | Policy/Paragraph | Page in Submission Neighbourhood Plan | Description of Modification | Explanation of modification |
| CCW1 | General | Throughout | The plan period should be specified on the front cover, on the header throughout the document and an additional paragraph at the end of page 3 | Minor editing matter |
| CCW2 | Local Plan | 3 | Text should be updated in accordance with the Local Development Scheme October 2022 to reflect the current position of the emerging local plan | Minor editing matter |
| CCW3 | Parish statistics | 5 | Review of Census data to reflect Census 2021 where appropriate | Minor editing matter |
| CCW4 | General | 6 | Medway Council January 2017 Infrastructure Position Statement is now likely to be updated and should be reviewed. This may require a considerable number of changes throughout the NP. | Minor editing matter |
| CCW5 | General | Throughout | Referenced to the NPPF (2019) need to be updated and refer to the current version dated 2021 | Minor editing matter |

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| CCW6 | Policy SUSDEV3 | 13 | Delete paragraph to accord with national policy and guidance:  Changes of use will need to be justified with evidence of their non-viability and demonstrate that every effort has been made to market them in their current use. | To meet basic conditions |
| CCW7 | Policy SUSDEV4 | 14 | Reference in line 1 of the Policy to “Greenfield site land” should be deleted and replaced by “greenfield land”.  First paragraph of the supporting text, the three references to “its” should be replaced by “their”. | Minor editing matter |
| CCW8 | Policy SUSDEV5 | 15 | In line 2, after “infrastructure sufficiency” “(including green infrastructure)”, should be added to accord with national policy and guidance. | To meet basic conditions |
| CCW9 | Evidence base | 17 | First paragraph, update to latest data on planning applications should be substituted. Update all references in second paragraph and last two paragraphs | Minor editing matter |
| CCW10 | Evidence base | 18 | Update to Housing Needs Survey | Minor editing matter |
| CCW11 | Policy H1 | 18 | Mixed uses should be “expected” or “encouraged” rather than “requested” | Minor editing matter |

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| CCW12 | Policy H2 | 18 | Addition at the end of the Policy as follows: *Providing they will not result in impact to designated nature conservation sites*. This is to accord with legal requirements and national policy and guidance relating to European sites. | To meet basic conditions |
| CCW13 | Evidence base | 22, 24, 25, 26 | Update evidence base documents | Minor editing matter |
| CCW14 | Policy CF1 | 27 | The three maps should be titled CF1;  The map on page 29 to 29 showing local shops/cafes outside the plan area should be deleted;  The outdoor sports areas on page 30 are illegible. | Minor editing matter |
| CCW15 | Policy CF3 | 31 | Duplication of policy CF1 so should be amalgamated or revised | Minor editing matter |
| CCW16 | Mapping | 39-40 | Public Open Space Maps - (page 39-40) be clarified | Minor editing matter |
| CCW17 | Policy E and H2 | 41 | Policy E and H2: relevant sentence in the Policy should be deleted and replaced by: *Developments must demonstrate a measurable biodiversity net gain in alignment with the Environment Act 2021*. | Minor editing matter |

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| CCW18 | Policy E&H3 | 45 | Paragraph a) be deleted and replaced with: *The nature and significance of the heritage assets identified in the Kent Historic Environment Record or elsewhere* | Minor editing matter |
| CCW19 | Economy and Employment | 47 | Map 1, Maps 3 and 4 is illegible and map 4 doesn’t clearly reflect content on page 48 |  |
| CCW20 | Chapter 9, Infrastructure | 58 | Addition to the end of paragraph 3 of Policy INFRA3: *while retaining their rural character*.  Policy INFRA4 whilst it is headed “Parking – Cars and Cycles”, there is no reference to any required quantum of car parking for visitors, or cycles. Discussion should take place with Kent County Council to ascertain if an agreed amendment/addition can be made and recommend that any agreed change to the policy be included | To meet basic conditions |
| CCW21 | Policy INFRA4 | 60 | Policy INFRA4 be amended to be consistent with MC’s parking standards however KCC content with policy so no changes suggested | To meet basic conditions |
| CCW22 | Policy INFRA6 | 61 | In agreement with Natural England, following addition to be included as a new second paragraph in the policy : *Any proposals to provide cycle routes through European conservation sites or the SSSI will need to ensure that impacts are avoided or fully mitigated*. | Minor editing matter |