

Committee **PLANNING & TOWNSCAPE**

Date and Time Monday, 22 July 2019, 6.30pm

Venue The Town Hall, Market Street, Rye

Members appointed to the Committee David Bookless, Michael Boyd (Mayor), Cheryl Creaser (**Committee Chairman**), Chris Hoggart, Pat Hughes, Shaun Rogers (**Committee Vice-Chairman**), Sam Souster, Andy Stuart, Sam Wood

22 APOLOGIES

To accept any apologies for absence.

23 CODE OF CONDUCT

To receive any declarations of interest required under the Council's Code of Conduct – and to consider any written applications made by Members to the Clerk for a dispensation to allow them to participate in, and vote on an agenda item for which they have a Disclosable Interest.

The Chairman to adjourn the meeting for up to 30 minutes for questions/contributions from members of the public.

24 MINUTES

To authorise the Chairman to sign the Minutes of the Planning and Townscape meeting of the 8 July 2019 (PT04) as a correct record of the proceedings.

25 MATTERS ARISING

To note any matters arising from the Minutes of the Planning and Townscape meeting of the 8 July 2019 (PT04).

26 RYE NEIGHBOURHOOD PLAN

To receive an update and Closing Report and to agree a course of action.

RNPSG Vice-Chairman

27 RYE COLLEGE TURNING CIRCLE

To note that the College has 'fenced and gated' the turning circle and to consider whether to make representations.

Clerk

28 PLANNING APPLICATIONS

To consider the application/s following and to determine the responses to the Planning Authority:

RR/2019/209/P

145 South Undercliff, Rye TN31 7HW

Outline Proposed demolition of buildings serving Holland of Rye and construction of 4 semi-detached 4-bedroom town houses with allocated parking, 1 fish restaurant (A3) and 1 office (B1), with 2 x 2-bed flats and 1 4-bed flat above, all with allocated parking.

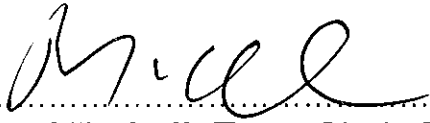
RR/2019/1449/P

42 Cinque Ports Street, Regent Motel, Rye TN31 7AN

Replacement shop front. New doors to replace existing shop front window.

Papers distributed with this agenda

24 Draft Minutes **26** Update; Closing Report **27** Email from B Blakelock;
photographs



15 July 2019

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**MEETINGS OF THE COUNCIL AND ITS COMMITTEES
ARE OPEN TO THE PUBLIC**

Rye Neighbourhood Plan (RNP) update for Rye TC: July 2019

The successful result of the Referendum for the Rye Neighbourhood Plan will now be well known. Rother DC has reported in its papers for Cabinet that:

“A Referendum was held in Rye on 27 June 2019 with the question:

‘Do you want Rother District Council to use the Neighbourhood Plan for Rye to help it decide planning applications in the Neighbourhood Area?’

The results of the referendum were: Yes = 677 (85.8%) No = 109 (13.8%) Unmarked or Void 3 (0.4%) Number of Votes = 789 Turnout = 21.81%”

Both the website and Facebook page have been updated.

The last stage in the process is for Rother DC to consider the whole process and formally adopt the Plan (See Enclosure 1). This is scheduled initially for Rother Cabinet on 8 July and then to full Council. At this stage there are several loose ends to be addressed. These are below:

- **Budget:** The Town Clerk will wish to consider the balance of funds and recommend disposal (but see remarks about data below).
- **Structure:** Council will wish to consider the future of the Steering Group. Is there a residual requirement that the P&T Committee could take on? Vice Chair Steering Group is prepared to retain some responsibility (for NP liaison - time limited) for coordination and tidying if Council wishes, including related work such as on CPE and traffic.
- **Website and Facebook** page: It may be helpful to leave these for say three months and then close both having collected the data from the former. There would be a small charge for this by the server provider (Domain UK).
- **Impact of the Plan on the future process:** The Rye P&T Committee may want to consider the impact of the Plan on its handling of future proposals.
- **CIL:** This has been discussed at length from early 2016. In that year the Steering Group submitted some priorities for a Rye Infrastructure Development List (mostly now found in the Aspirations of the RNP). These (subsequently included in the Aspirations Section of the RNP) included: Station Approach; the Greenway Cycleway; green spaces along the New Winchelsea Road (Town Side); Deadman’s Lane improvements and improvements to the walkway from Love Lane to the Cemetery. There is now discussion to be had with Rother DC about precisely how the 25% of CIL collected in Rye would be prioritised, committed and monitored. In 2016, the Steering Group compiled notes on CIL and S106 which are extracted as Enclosure 2.
- **Rother DC DaSA and Core Strategy Review:** Rother is engaged in work on both these policy documents. There may be impacts on the RNP, and vice versa. It will be necessary to consider handling.

Anthony Kimber PhD
Vice Chair RNPSG

<http://www.rother.gov.uk/Rye-Neighbourhood-Plan>

June 2019

www.ryeneighbourhoodplan.org.uk

Enclosures:

1: Adoption

2: CIL

Adoption: Following the Referendum, Rother DC as the Local Planning Authority (LPA) will satisfy itself that all procedures have been followed and then adopt the RNP as part of the development plan. Rother DC will then publish the RNP on its website and may advise all those who commented on the RNP. A hard copy will also be made available in the Rye Library. Once adopted, planning applications will still be determined by the LPA in the normal way, but taking into account policies in the RNP as well as the Local Plan. It is assumed that pre proposal advice will be handled by the LPA drawing on the RNP as necessary. Rye TC will want to monitor development progress against the RNP to ensure that momentum is not lost, and that the aspirations of the community are met. Rye TC will also want to review the RNP (perhaps annually) to keep it up-to-date and relevant.

Modifications: There are 3 types of modification which can be made to a neighbourhood plan. The process will depend on the degree of change involved:

Minor (non-material) modifications to a neighbourhood plan are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.

Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.

Material modifications which do change the nature of the plan would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

Community Infrastructure Levy (CIL) - Guidance (Provided in 2016)

From 4 April 2016, Rother DC opted to charge a 'Community Infrastructure Levy' (CIL) on any new development with an internal floorspace of over 100 square metres. The regulations that permit this are *The Community Infrastructure Levy Regulations 2010*.

How will CIL work?

To enable them to start charging CIL, Rother DC has prepared and agreed a 'charging schedule'. This document, like all Development Plan Documents, has been subject to an independent examination and sets out what the charge will be per dwelling for residential development, or per square metre for all other development. For those eligible planning proposals undecided by 4 April 2016, applicants for planning permission will know how much they will be expected to contribute to infrastructure in the area where that development will take place.

Are there any exemptions?

The CIL Regulations exempt the following types of development from paying a CIL charge:

- Affordable housing
- Development by charitable institutions
- Changes of use that do not increase floorspace
- Buildings into which people do not normally go e.g. plant rooms
- Building with only temporary planning permission

CIL is also not payable if the gross internal area of the new development is less than 100 sq metres *except* for new market homes, where CIL is payable irrespective of size.

How will CIL money be spent? (Extracted from guidance available nationally)

CIL will pay for infrastructure to support new development, within "the area", in Rye's case the Parish. The Levy can be spent on 'the provision, improvement, replacement, operation or maintenance of infrastructure', such as:

- Physical: roads, green and open spaces, cycleways, energy supply, water, flood defences, waste management.
- Social: schools, community buildings, healthcare, cultural, sports facilities, faith facilities.
- Strategic infrastructure serving a wide area, such as busway or other improvements,
- Localised infrastructure: to help reduce the impact of new development on the road network.

CIL receipts can also be used to expand and enhance existing infrastructure or for the on-going maintenance or operational costs of providing infrastructure.

These costs must be directly related to the additional demands arising from new development. The upfront and continuing costs of preparing and implementing a CIL can also be drawn from CIL receipts subject to annual percentage ceilings.

The Localism Act 2011 makes it possible for local planning authorities to share a proportion of CIL money with local communities; 25% for those areas with an adopted neighbourhood plan in place. This would apply to Rye. Rother DC can retain up to 5% of revenue received to meet its costs in administering the levy. *Should Rye TC have a percentage for administration?*

CIL, unlike contributions received from S106 Planning Obligations, will go into a central pot managed by Rother DC. CIL is unlikely to generate sufficient funds to pay for the entire infrastructure needs in Rye Parish. Hence Rye's list of potential projects will need to be prioritised with the Rother DC infrastructure list (Known as the 123 list). *Rye TC has in fact set its priorities in the aspiration section of the RNP.*

"The governance and prioritisation of future CIL spend is the responsibility of the Charging Authority (Rother DC). However, in practice (and in line with statutory guidance) the prioritisation of projects will need to be "undertaken in partnership with other infrastructure providers" including Rye TC and ESCC."

How much can Rye expect?

In 2016, a rough order indication was below.

- Target of 160 new dwellings to 2028; **deduct affordable homes (S106); say 40 = 120**
- Average dwelling is 88-100sq m X £135 = average around £12k
- Say around 100 **dwellings in the period** x 12k = around £1.2m;
- 25% of receipts to Rye (with RNP) to 2028 = **around £300k**

What is the difference between CIL and a section 106 agreement?

Section 106 agreements are put in place to make it possible to approve a planning proposal that might not otherwise be acceptable in planning terms. For example, an S106 agreement might require a developer to fund improving the access road to a site, to ensure that access will be safe once the development is completed, OR to ensure that the need for affordable housing is met. (S106 agreements can require a developer to include a certain proportion (30% in Rother) of affordable housing on an otherwise market housing development. S106 is specific to the site that is being proposed for development.

CIL is a general levy on all development, designed to raise funds for infrastructure needed in the area (for Rye, within the Parish). One Law Firm summarises the difference as

- Local strategic infrastructure = CIL
- Development site specific "mitigation" = S106.

RNPSG

Rye Neighbourhood Plan – Some Final Thoughts

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development” (NPPF, July 2018, para. 29)

Neighbourhood-made plans were a flagship of the Localism Act of 2011. The introduction of the initiative to have locally developed and endorsed plans as an integral part of the statutory planning system was a landmark government decision. From the earliest days (2012) neighbourhood plans have been subjected to developer challenges, counter development proposals and legislation changes. As we found in Rye, these factors can turn a two/three year project into one that lasts 6 years!

Effort Required

The time and effort needed to develop a neighbourhood plan places a huge burden, tantamount to part-time employment, on a small core group of individuals. From the early stages, the Local Planning Authority had “the responsibility to support communities who wish to engage in the neighbourhood planning process”, but resources were slim as government “austerity” resulted in budgets and staff reductions. When Rye joined the 75% of all plan makers who happen to fall in the South of England, it did not bargain on a six year project! The effort is Big Society writ large. The mobilisation of volunteers to contribute and influence its content represents the equivalent of hundreds of thousands of pounds using any equivalence calculation. The Rye coordinator alone committed around 1500 hours per year for 6 years (in some weeks up to 20 hours) to steering group meetings, council meetings (including annual Town Meetings), other sessions with the Local Planning Authority; time with consultants and Locality, drafting, reporting and processing bids for support. There has been a website to build and maintain; Facebook and Twitter sites to run. Town and public events had to be planned and prepared. All in all some 70 GB of data has been accumulated with iterations of the plan running to eleven versions, finally comprising 300 pages and 300,000 words. The effort has occupied the periods of office of four elected mayors and six separate councils. In all, it is estimated that some 100 members of the community from some 25 voluntary groups have actively contributed. Fortunately, Rye is blessed with significant social capital, including many with a long knowledge of the Town and others, many retired professionals, without which, the time consuming and technical issues could not have been tackled.

The total spend to date is £16,820 – of which, £5,400 was financed from grants.

Complexity

Neighbourhood Planning is not simple! Any plan must conform to national planning policy; the Local Planning Authority's Local Plan and its supplementary policy; any EU obligations, such as the habitats directive which apply to most of the area surrounding Rye. With all forms of flood risk affecting Rye, it tackled all the testing required to mitigate it. It conforms to targets set and agreed by the Local Planning Authority for housing and business premises development, taking full account of all the constraints on available land. Professional expertise, in the form of town planning experts, has been necessary at key milestones to shape the text and balance the issues within the plan. Throughout, volunteers have had to comprehend the Act and the regulations. They have to make sense of jargon, rules and guidelines. By exploiting existing voluntary local interest groups, ideas and initiatives can be collected, but while policy looks cut and dried on paper, it is anything but when talking with residents about potential development and design. It becomes personal; there is NIMBYism, and even hostile reactions from otherwise reasonable people. To avoid any accusation of vested interest, all the work must be completely transparent and every key decision processed through the democratic framework.

In Rye it was realised that to embark on a neighbourhood plan would be a significant commitment for a small town council, with a small budget. A group in the community pressed to get a plan made. In response, the Town Council formed a steering group. The challenge throughout was to write a plan that was simultaneously intelligible to the citizen; robust and precise enough to withstand legal challenge; and of practical use by planners. Importantly it had to exclude any policy which might cause the plan to founder or be so non specific as to be worthless.

Understanding the End Result and the Referendum

Towards the end and once the Regulation 16 consultation process had been completed, there was some relief that light appeared in the tunnel. An External Examiner was appointed and posed a series of questions which had to be addressed and then answers provided once cleared through the democratic framework. Once his changes had been reflected, the draft plan was approved for Referendum. At this stage a strong case for the plan – community influence; financial rewards; coherent strategic planning - had to be made to the community through the Press and by a summary handout to every house and business holder. After six years , it was accepted that few in the community had followed the twists and turns from the start and therefore it was necessary to remind those who may have heard a little or just

some aspects about the plan precisely what was at stake. This was made all the more difficult because the rules for Referendums meant that Councillors could not canvass within a set period of “purdah” before the Referendum. This was almost 6 weeks. In this time the final push fell to citizens of the group. How much easier and effective it would have been if the very Councillors who has agreed the policy and the drafts and actually owned the plan were allowed to take part?

To Summarise

After a successful Referendum and plan adoption, the Rye example bears out the fact that neighbourhood planning can be undertaken by a community if it has the political will and volunteers with significant time to commit to the project. It also needs to be effectively supported by the Local Planning Authority. Whatever comes in terms of future planning policy change, the Rye Neighbourhood Plan will be arguably the first ever strategic plan for the Parish and will allow all future planning work to build upon it.

ATBK
For RNPSG

July 2019