

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

24 June 2015

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Executive Non Key Decisions

1 DITTON PARISH NEIGHBOURHOOD AREA

Summary: Ditton Parish Council has made an application to designate the whole of the Parished area as a Neighbourhood Area in accordance with the Localism Act. This report sets out the process for considering the application, the results of the public consultation exercise and invites Members to approve the designation.

1.1 Introduction

- 1.1.1 The Localism Act 2011 introduced new neighbourhood planning provisions for which Regulations came into force on 6 April 2012. The Localism Act 2011, together with these regulations, places various duties and responsibilities upon the Council in relation to neighbourhood planning and as part of these duties, defines the process for designating neighbourhood areas and neighbourhood forums (where applicable).
- 1.1.2 Ditton Parish Council applied to the Borough Council on 12th March 2015 for the designation of a Neighbourhood Area. The proposal covers the whole of the parished area of Ditton and is the first step for the Parish Council in preparing a Neighbourhood Plan (see Appendix 1). A four week public consultation was carried out by the Borough Council, from 11th May to 8th June 2015 in accordance with the Regulations (as amended). This consultation was solely focussed on the designation of the Neighbourhood Area and was not a consultation on the Neighbourhood Plan itself.
- 1.1.3 Consultation documents were posted on the Borough Council's website and made available at the Gibson Building reception at Kings Hill. The adjoining Parish Councils of East Malling & Larkfield, Aylesford in Tonbridge and Malling and also Barming in Maidstone Borough were also sent copies of the consultation documents. Maidstone Borough Council was also sent copies as an adjoining Local Authority.
- 1.1.4 At the close of the consultation period, one response had been received from Gladman Properties (see Appendix 2). The response makes no specific comment

on the designation, but raises a number of concerns regarding the preparation of a Neighbourhood Plan in advance of the Borough Local Plan. These concerns are not relevant to the decision to designate the Neighbourhood Planning Area, but they have been shared with Ditton Parish Council.

1.2 Determining the Application

- 1.2.1 Parish Councils are known as 'qualifying bodies' for the purpose of designating Neighbourhood Areas. This means that they do not have to apply separately to become Neighbourhood Planning Forums for their area. In non-parished areas communities have to apply to become Neighbourhood Planning Forums before they can designate a Neighbourhood Area and begin a Neighbourhood Plan.
- 1.2.2 The Local Planning Authority has to decide whether the application to designate a Neighbourhood Area should be approved, approved with modifications or rejected.
- 1.2.3 The Planning Advisory Service suggests that the area applied for by the qualifying body should be approved by the LPA unless there are clear reasons why an alternative Neighbourhood Area is more appropriate. The starting point should be a boundary that makes sense to that community and is logical and in coming to a decision on an application LPAs should consider what makes an appropriate boundary for a Neighbourhood Area based on sound planning reasons.
- 1.2.4 In this case as the area to be designated is the Parish Council boundary and the Parish Council is a qualifying body there are no clear reasons why the designation should not be approved.

1.3 Legal Implications

- 1.3.1 There are no legal implications arising directly from the designation of Neighbourhood Area. Should the Parish Council decide to prepare a Neighbourhood Plan and that Plan is adopted after a successful examination and local referendum, it would form part of the statutory development plan for the area.
- 1.3.2 Ditton Parish council is a relevant body under Section 61(G) of the Localism Act 2011 and pursuant to that section may apply to the Council as a local planning authority for the designation of a specified area as a "Neighbourhood Area".

1.4 Financial and Value for Money Considerations

- 1.4.1 The application to approve the Ditton Neighbourhood Area does not raise any financial or resource implications for the Council at this stage. However, the Council has a duty to support and advise Neighbourhood Planning Bodies if they decide to prepare Neighbourhood Plans, including paying for the independent examination and the referendum.

1.5 Risk Assessment

1.5.1 Amendments to the Neighbourhood Planning Regulations in January this year introduced timescales for Local Planning Authorities to determine Neighbourhood Area applications within eight weeks of being publicised. This means that a decision on this application should be made by 6th July 2015.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

1.7.1 That the designation of the Neighbourhood Area shown at Appendix 1 is approved.

Background papers:

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Nil

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