

# TONBRIDGE & MALLING BOROUGH COUNCIL

## CABINET

06 September 2016

### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Executive Non Key Decisions

#### 1 WEST MALLING PARISH NEIGHBOURHOOD AREA

**Summary: West Malling 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 West Malling Parish Council applied to the Borough Council, with the required accompanying information on 14<sup>th</sup> July 2016 for the designation of a Neighbourhood Area. The proposal covers the whole of the parished area of West Malling 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 21<sup>st</sup> July to 18<sup>th</sup> August 2016 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, made available at the Gibson Building reception at Kings Hill and in West Malling and Larkfield libraries. The adjoining Parish Councils of East Malling & Larkfield, Leybourne, Kings Hill, Mereworth, Offham and Ryarsh were also sent copies of the consultation documents.
- 1.1.4 At the close of the consultation period, 51 responses had been received in support of the Neighbourhood Plan. The responses make no specific comment on the

designation, but one response from Gladman Developments Ltd highlights the key requirements to which any Neighbourhood Plan should have regard Gladman have also offered their assistance to the Parish Council in the preparation of their Neighbourhood Plan (see Appendix 2). These concerns are not relevant to the decision to designate the Neighbourhood Planning Area, but they have been shared with West Malling 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 West Malling 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 West Malling 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.

LPAs can claim £20,000 once they have set a date for a referendum following a successful examination, for each Neighbourhood Plan. In addition to this, LPAs can claim £5,000 for the first five neighbourhood areas designated. The limit of five areas applies to the total number of areas designated in the LPA (i.e. it includes areas designated in previous years). At present the Council have only designated one Neighbourhood Planning Area; Ditton. A full explanation of the Government's financial assistance available to LPAs can be found at Appendix 3 to this report.

## **1.5 Risk Assessment**

- 1.5.1 Amendments to the Neighbourhood Planning Regulations 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 15<sup>th</sup> September 2016.

## **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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