

## **TONBRIDGE & MALLING BOROUGH COUNCIL**

### **REPORT TO THE DIRECTOR OF PLANNING, HOUSING AND ENVIRONMENTAL HEALTH**

**18 January 2021**

#### **Matters for Decision**

#### **1 HILDENBOROUGH NEIGHBOURHOOD PLAN**

**Hildenborough Parish Council has made an application to Tonbridge and Malling Borough Council to designate the whole of Hildenborough Parish as a Neighbourhood Area in accordance with the Localism Act. This report sets out the process for considering the application and invites the Director of Planning, Housing and Environmental Health to approve the designation under delegated authority.**

#### **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 and associated updates, 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 Hildenborough Parish Council applied to the Borough Council on 15<sup>th</sup> December 2020 for the designation of a Neighbourhood Area. The proposal covers the whole of the parished area of Hildenborough and is the first step for the Parish Council in preparing a Neighbourhood Plan (see Appendix 1 for map).

#### **1.2 Determining the Application**

- 1.2.1 Parish Councils are known as a 'relevant body' 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 In this case as the area to be designated is the Parish Council boundary and the Parish Council is a qualifying body, and no part of the parish is currently

designated as a Neighbourhood Planning Area, there are no clear reasons why the designation should not be approved.

- 1.2.4 The Director of Planning, Housing and Environmental Health has delegated authority to exercise all functions of the LPA (with exceptions). Designation of a neighbourhood area under s.61G would be such a function and is not excluded under the constitution.
- 1.2.5 As soon as possible after designating a neighbourhood area, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area—
- (a) the name of the neighbourhood area;
  - (b) a map which identifies the area; and
  - (c) the name of the relevant body who applied for the designation.

### **1.3 Legal Implications**

- 1.3.1 There are no legal implications arising directly from the designation of a 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 Hildenborough 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 Hildenborough 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.
- 1.4.2 LPAs can claim £20,000 once they have set a date for a referendum following a successful examination. 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 by the LPA (i.e. it includes areas designated in previous years). At present the Council have only designated two Neighbourhood Planning Areas; Ditton and West Malling.

### **1.5 Risk Assessment**

- 1.5.1 None identified.

**1.6 Decision**

1.6.1 Tonbridge and Malling Borough Council approves the designation of the Hildenborough Neighbourhood Area.

Signed .



Date . . 13 January 2021. . .

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

# Appendix 1

