

Public Document Pack



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1 August 2018

Dear Councillor

NOTICE OF DELEGATED DECISION – (DD03 18) DESIGNATION OF DOVER TOWN COUNCIL NEIGHBOURHOOD AREA

Please find attached details of a decision taken by Mr Mike Ebbs, the Head of Regeneration and Development, to designate the whole of the Dover Town Council administrative boundary as a Neighbourhood Area.

As a non-Key Officer Decision, call-in does not apply (paragraph 18(a) of Part 4 (Rules of Procedure) of the Constitution).

Members of the public who require further information are asked to contact Kate Batty-Smith on 01304 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in cursive script that reads "Kate Batty-Smith".

Democratic Services Officer

ENCL

1 **NOTICE OF DELEGATED DECISION - (DD03 18) DESIGNATION OF DOVER TOWN COUNCIL NEIGHBOURHOOD AREA** (Pages 2-9)

Decision Notice

Delegated Decision

Decision No:	DD03
Subject:	DESIGNATION OF DOVER TOWN COUNCIL NEIGHBOURHOOD AREA
Notification Date:	1 August 2018
Implementation Date:	2 August 2018
Decision taken by:	Mike Ebbs, Head of Regeneration and Development
Delegated Authority:	Paragraph C43 of Part 3 (Responsibility for Functions) of Section 6 (Scheme of Officer Delegations) of the Constitution: 'To exercise the powers and functions of the Council in relation to Neighbourhood Development Plans.'
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	No (<i>call-in does not apply to non-Key Officer Decisions</i>)
Classification:	Unrestricted
Reason for the Decision:	To designate the Dover Town Neighbourhood Area.
Decision:	That the whole of the Dover Town Council administrative boundary (6 wards) be designated as a Neighbourhood Area for the purposes of neighbourhood planning.

1. **Consideration and Alternatives (*if applicable*)**
 - 1.1 The proposed Neighbourhood Area covers all 6 wards that lie within the administrative area of Dover Town Council. The proposed area does not overlap with other designated areas. There is no option other than to designate it.
 - 1.2 The designation of the Neighbourhood Area will enable Dover Town Council to progress with the preparation of its Neighbourhood Plan and will meet the Government's objective of allowing planning to take place at a local level.
2. **Any Conflicts of Interest Declared?**
 - 2.1 None.
3. **Supporting Information (*as applicable*)**
 - 3.1 Please see attached report.

Subject: DESIGNATION OF DOVER TOWN COUNCIL
NEIGHBOURHOOD DEVELOPMENT PLAN AREA

Date: 1 August 2018

Decision to be taken by: Mike Ebbs, Head of Regeneration and Development

Report of: Adrian Fox, Policy and Projects Manager

Portfolio Holder: Councillor James Back, Portfolio Holder for Built Environment

Decision Type: Executive Non-Key Decision

Call-in to be suspended: No (*Call-in does not apply to non-Key Officer Decisions*)

Classification: Unrestricted

Delegated Authority: Paragraph C43 of Part 3 (Responsibility for Functions) of Section 6 (Scheme of Officer Delegations) of the Constitution: 'To exercise the powers and functions of the Council in relation to Neighbourhood Development Plans.'

Purpose of the report: To designate the Dover Town Neighbourhood Area.

Recommendation: That the whole of the Dover Town Council administrative boundary (6 wards) be designated as a Neighbourhood Area for the purposes of neighbourhood planning.

1. Summary

1.1 Dover Town Council has submitted an application to Dover District Council under the Localism Act 2011 to designate the whole of the Dover Town Council administrative boundary (6 wards) as a Neighbourhood Area for the purposes of neighbourhood planning.

2. Introduction and Background

2.1 The first stage in the production of a Neighbourhood Plan is for the Parish/Town Council to submit an application to the local authority to designate a Neighbourhood Area. A Neighbourhood Area defines the area to be covered by the Plan. A map that identifies the proposed area to be covered by the Dover Town Neighbourhood Area and the statement that accompanied the request from Dover Town Council is attached at **Appendix 1**.

2.2 Dover Town Council proposes that the Neighbourhood Area will cover the 6 wards as the spatial planning policies it proposes to develop in its Plan would affect all areas of the town.

Relevant Considerations

2.3 The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 inserted what is now Regulation 5A into The Neighbourhood Planning (General) Regulations 2012. Paragraph 5 of the

Explanatory Memorandum to the 2016 amendment regulations states that the purpose of the amendment is to:

'prescribe two cases where a local planning authority must designate all of the neighbourhood area applied for. The first case is where a parish council applies for the whole parish to be designated as a neighbourhood area or applies to enlarge an existing designation of a smaller part of the parish to cover the whole of the parish'.

- 2.4 If the Neighbourhood Area is approved, then the District Council has to publish a map setting out the area being designated on the website and in other ways that would bring the designation to the attention of people who live, work or carry on business in the neighbourhood area.

Equality Issues

- 2.5 It is unlikely that the designation of the Neighbourhood Area would have any equality issues as there are no policies or proposals at this stage that could have an impact.

3. Identification of Options

- 3.1 As this is a valid application there is no option other than to designate the proposed Neighbourhood Area.

4. Evaluation of Options

- 4.1 The proposed Area covers all of the 6 wards that are covered by Dover Town Council and the proposed Area does not overlap with other designated Areas. There is no option other than to designate it.

- 4.2 The designation of the Neighbourhood Area will enable Dover Town Council to progress with the preparation of its Neighbourhood Plan and will meet the Government's objective of allowing planning to take place at a local level.

5. Resource Implications

- 5.1 The latest estimates for the cost of assisting a Town/Parish Council with preparing a Neighbourhood Plan are in the region of £20,000.

- 5.2 The Government has recently changed the financial support that is available for Local Planning Authorities for them to assist local communities with preparing Neighbourhood Plans. The changes to the Government funding mechanism now mean that it is only possible for a Local Planning Authority to claim £20,000 once the date of referendum for a Neighbourhood Plan has been set following a successful examination. This means that any preparation work that needs to go into the Neighbourhood Area designation, commenting on a draft Neighbourhood Plan, arranging publicity for the draft Neighbourhood Plan and providing general support to Dover Town Council will have to be absorbed by the team along with any associated costs. The Neighbourhood Planning budget does have a limited amount of money which can be used although now that the Government has changed the funding mechanism this needs to be used sparingly.

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB).
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 6.3 Comment from the Equalities Officer: 'This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in section 149 of Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15> '
- 6.4 Other Officers: None.

7. **Appendices**

Appendix 1 – Proposed Dover Town Neighbourhood Area and supporting statement

8. **Background Papers**

None.

Contact Officer: Adrian Fox, Policy and Projects Manager, (42474)

DOVER TOWN COUNCIL

Council Offices, Maison Dieu House, Biggin Street,

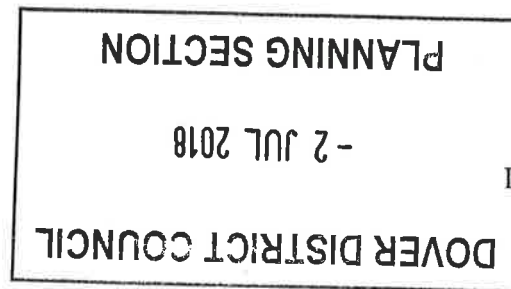
Dover, Kent CT16 1DW

Telephone / Answer Machine: 01304 242625

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Att: Adrian Fox,
Policy and Projects Manager,
Dover District Council, Council Offices,
White Cliffs Business Park
Whitfield
DOVER
Kent



DTC 1.6.2/11293
29th June 2018

Dear Mr Fox

Re: Dover Town Council Neighbourhood Development Plan/Neighbourhood Area Designation Application.

FOR THE PURPOSES OF SECTION 61G OF "THE TOWN & COUNTRY PLANNING ACT 1990".

Dover Town Council as the "relevant body" formally submits an application to Dover District Council as the Local Planning Authority for the designation of a Neighbourhood Area pursuant to the preparation of a Neighbourhood Development Plan.

An application is hereby submitted under Regulation 5 of the Neighbourhood Planning (General) Regulations 2012. As follows:

- a) A map which identifies the area of which the application relates (copy attached)
- b) A statement explaining why the area is considered appropriate to be designated as Neighbourhood Area

Statement

"Dover Town Council intends to avail itself of the opportunities provided by the Localism Act 2011 & discussed with Mr Fox at an initial meeting on 6th November 2017. A major element is the power to prepare a Neighbourhood Plan. The area is the Town of Dover (6 wards) for which the Town Council is the Qualifying Body given statutory powers to prepare a Plan. The Dover Town area is a cohesive and well-established community unit including houses, businesses, community facilities and public realm. The designation of the Town as a unit will ensure that the Neighbourhood Plan contributes to vibrant, attractive and well-designed future development in the Town which is in the public best interest balancing economic, environmental and social benefits. A Neighbourhood Plan for Dover will meet government objectives for planning to take place at the local level involving local people who best know what local needs are and how they can be met. The preparation of the Plan will mean that the Dover Town Community can come together to shape the future of our town. It is envisaged that the Neighbourhood Plan for Dover will be prepared alongside and have appropriate regard to the revision of the Local Plan currently being undertaken by Dover District Council and other applicable national and local policies".

- c) A statement that the organisation or body making the area application is a relevant body for the purpose of 61G of the Town & Country Planning Act 1990 (as amended)

Statement

For the reasons above, the proposed neighbourhood area as shown on the attached map is considered appropriate and justified. Under section 61G of the Town & Country Planning Act 1990, Dover Town Council is considered to be the "relevant body" for the purposes of this application. Dover Town Council therefore respectfully requests that Dover District Council processes this application in accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012.

Yours faithfully



DOVER TOWN COUNCIL

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DOVER DISTRICT

24 JUL 2018

PLANNING SECTION

Att: Adrian Fox,
Policy and Projects Manager,
Dover District Council, Council Offices,
White Cliffs Business Park
Whitfield
DOVER
Kent

DTC 1.6.2/11294

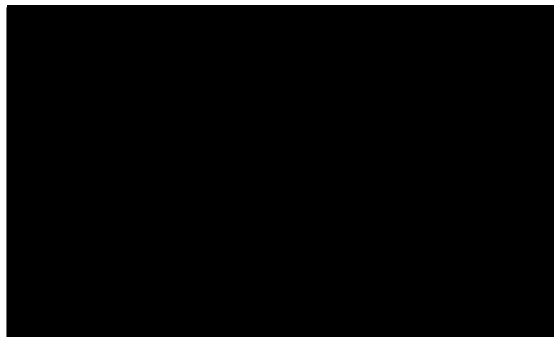
23rd July 2018

Dear Mr Fox

Re: Dover Town Council Neighbourhood Development Plan/Neighbourhood Area Designation Application.

Further to your email of 16th July 2018, I write to confirm that it is the whole Dover Town Council area, as shown on the attached map, which is to be designated to the Neighbourhood Plan.

Many thanks for bringing this to our attention.





Legend

 Dover Town Council Administrative Area

