
MIDDLETON ST GEORGE – NEIGHBOURHOOD AREA DESIGNATION

**Responsible Cabinet Member –
Councillor Chris McEwan, Economy and Regeneration Portfolio**

Responsible Director – Ian Williams, Director of Economic Growth

SUMMARY REPORT

Purpose of the Report

1. To seek members approval for the designation of a Neighbourhood Area at Middleton St George (MSG).

Summary

2. The Localism Act 2011 gives neighbourhoods the opportunity to develop their own Neighbourhood Development Plans. The Council as local planning authority has a duty to support the process of Neighbourhood Planning. This includes a number of legal requirements, as set out in the Neighbourhood Planning (General Regulations) 2012, to publish and consult at various stages of the neighbourhood planning process.
3. In February this year, Middleton St George Parish Council (in association with Low Dinsdale Parish Council) applied to Darlington Borough Council for Middleton St George ward (see attached Map 1 at **Appendix 1**) to be designated as a Neighbourhood Area for the purpose of preparing a Neighbourhood Development Plan. A Neighbourhood Plan is a way for the parish councils or neighbourhood forums to help shape how their community develops over the coming years. Unless there are valid planning reasons to the contrary the Council must designate the area applied for as a Neighbourhood Area. If the Council considers the area not to be appropriate it must issue a refusal notice explaining why. It must also exercise its power of designation so as to secure that some of the area applied for forms a Neighbourhood Area or part of a Neighbourhood Area.
4. The consultation on the proposed Neighbourhood Area ended on 12 May, and four responses were received. Having considered each response, and the issues raised, officers are of the opinion that the application should be refused as submitted for the reasons set out in the main report. However, officers are of the opinion that, if Durham Tees Valley Airport was to be removed from the proposed Area, then the remaining Area can be so designated. Middleton St George Parish

Council was informed by letter of this proposal and the reasons for it and, despite reservations, it has agreed to the proposed modification to the boundary.

5. Members are therefore recommended to refuse the application because they consider that the specified area is not an appropriate area to be designated as a Neighbourhood Area, but to exercise their power of designation and designate as a the Neighbourhood Area the area shown on Map 2 **Appendix 2**.

Recommendation

6. It is recommended that :-
 - (a) Cabinet refuses the application from Middleton St George Parish Council to designate the area shown on Map 1 **Appendix 1** as a Neighbourhood Area.
 - (b) Cabinet designates the area shown on Map 2 **Appendix 2** as a Neighbourhood Area for the proposed Middleton St George Neighbourhood Plan.

Reasons

7. The recommendations are supported by the following reasons :-
 - (a) It is inappropriate for Durham Tees Valley Airport to be included in the Neighbourhood Area, for the reasons set out in paragraph 14 of the main report.
 - (b) The area within Middleton St George, once the Airport is removed, is an appropriate area to be designated as a Neighbourhood Area for the purposes of the proposed Middleton St George Neighbourhood Plan.

Ian Williams
Director of Economic Growth

Background Papers

No background papers were used in the preparation of this report

Steve Petch : Extension 2627

S17 Crime and Disorder	This report has no implications for crime and
Health and Well Being	No direct impacts of this report.
Carbon Impact	There are no carbon impact implications in this report.
Diversity	There are no specific issues relating to diversity
Wards Affected	Middleton St George
Groups Affected	All groups are affected
Budget and Policy Framework	The Council's Policy Framework includes the Local Development Plan (Local Plan). This report relates to the process for producing Neighbourhood Plans which ultimately could become part of the Development Plan for the Borough and would be part of the decision making process for planning applications in the designated area. The Neighbourhood Planning process places legal requirements on the Council to provide officer support and advice, for which resources have not been allocated. It may require the diversion of existing resources from currently planned work to facilitate the Neighbourhood Planning process. The Council will receive £30,000 per completed plan but this may not cover all costs. In addition, the later stages of the process include the appointment of an independent Examiner, and potentially the holding of a Referendum, before the Plan is adopted. These will need to be funded by the Council.
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	Neighbourhood Plans would form part of the Local Plan, which is itself considered to be the spatial representation of OD:PP.
Efficiency	This is a new piece of legislation which the Council is legally obliged to support and process. This will inevitably result in an additional officer workload

MAIN REPORT

Information and Analysis

8. The Localism Act 2011 (the Act) introduced neighbourhood planning as a way for communities to decide the future of their own area. It is not compulsory for neighbourhoods to do a plan. It is for communities to decide if they wish to be involved in neighbourhood planning. The detailed responsibilities for neighbourhood planning are set out in the Neighbourhood Planning (General Regulations) 2012 which came into force in April 2012.

9. A Neighbourhood Area may extend from a small area centrally located within one ward or on the boundary of a number of wards, or could extend to several wards or parishes. The Regulations require relevant bodies (including Parish Councils) submitting an area application to include a map which shows the area to be designated; a statement explaining why the area is considered to be appropriate for designation and confirmation that the parish council concerned is the relevant body for the purpose of neighbourhood planning for that area.
10. On receipt of a Neighbourhood Area application, the local planning authority must publicise it for a period of not less than 6 weeks and invite representations. Having considered the application and any representations, the Council will decide whether or not to approve the designation. If the Council approves the designation of the Neighbourhood Area, it will be published on the Council's website.
11. In February this year, Middleton St George Parish Council (in association with Low Dinsdale Parish Council) applied to Darlington Borough Council for the area within the Middleton St George ward boundaries (see attached Map 1 at **Appendix 1**) to be designated as a Neighbourhood Area for the purpose of preparing a Neighbourhood Development Plan.
12. The Council consulted on the proposed area using various methods, including help from the Parish Council which produced a special newsletter to advertise the proposed area across the ward. In addition, website, individual letters to surrounding parishes and local authorities etc.
13. The consultation generated four responses.
 - (a) Gladman Developments have no comments on the proposed Neighbourhood Area but wish to be involved in the development of the Plan.
 - (b) Long Newton Parish Council does not want the Area to extend beyond the proposed boundary, into its Parish Council area.
 - (c) Durham Tees Valley Airport strongly objects to the inclusion of land at the airport in the designated Area. In its view, planning for the airport should be led by the recently adopted Airport Masterplan.
 - (d) Stockton Borough Council provides some useful references to latest government guidance on Neighbourhood Plans and confirms its willingness to support the Neighbourhood Plan process if appropriate.
 - (e) The full responses are available at :
<http://www.darlington.gov.uk/Living/Planning/Planning+Policy/NeighbourhoodPlanning.htm>
14. Having considered each response, and the issues raised, officers are of the opinion that the application should be refused on the grounds that it is inappropriate for Durham Tees Valley Airport to be included in the Neighbourhood Area, for the reasons set out below.

- (a) Durham Tees Valley Airport is regarded as strategic transport infrastructure of sub-regional significance to the Tees Valley area economy. The purpose of the Neighbourhood Plan is intended to serve local issues concerned with Middleton St. George and Low Dinsdale and therefore it is considered inappropriate that decisions of sub-regional importance be dealt with through the Neighbourhood Plan process.
 - (b) The Airport, as strategic infrastructure, undertakes its own set of unique functions across the entire site and it is therefore important that planning matters in the future on the site are considered as a whole; hence the recent publication of the airport masterplan by the Airport. The Neighbourhood Area applied for would include only part of the airport, excluding the area within Stockton's Council boundary. It is considered that a neighbourhood plan covering only part of the site would have a fractured approach and could act to confuse the strategic vision of the airport.
 - (c) A draft policy (MGP7) relating to Airport development is part of the Council's emerging Local Plan Making and Growing Places Preferred Options Development Plan Document and it is considered that this document (in association with the Airport Masterplan) should, if adopted, deal with future issues concerned with airport development. Furthermore it is considered that the technical expertise required in Airport Planning should be dealt with through the Aviation policy framework and would be beyond the resources of the parish Council.
15. Having considered that the specified area is not an appropriate area to be designated as a Neighbourhood Area, officers then reviewed the area not including the Airport. Officers consider that it would be appropriate to designate the area shown on **Map 2 Appendix 2** as a Neighbourhood Area.
16. Middleton St George Parish Council was informed by letter of the above reasons and presented with a map showing the area proposed to be designated as the Neighbourhood Area (**see Map 2 at Appendix 2**). Although clearly reluctant to exclude the airport from the Neighbourhood Area, the Parish Council has ultimately agreed to the area proposed by officers.

Financial Implications

17. Central government has agreed to make funds available to Councils to cover the cost of supporting Neighbourhood plans. There is a non-ring-fenced payment of up to £30,000 per scheme (plan), paid in three stages:
- (a) The first payment of £5,000 will be made following designation of a Neighbourhood Area recognising the officer time supporting and advising the community in taking forward a neighbourhood plan.
 - (b) The second payment of £5,000 will be made when the local planning authority publicises the Neighbourhood Plan prior to examination. This will contribute towards the costs of the examination as well as other staff costs incurred at this

stage.

- (c) The third payment of £20,000 will be made on successful completion of the neighbourhood planning examination. This is to cover costs for that examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including referendum. However, the payment is not dependent on pursuing the referendum route if both parties agree on a different approach at that point (for example, if both parties agree, the neighbourhood plan could be taken forward as part of the local plan or as a supplementary planning document).

Consultation

- 18. The proposed Middleton St George Neighbourhood Area application was the subject of consultation as mentioned at paragraph 12 above and all representations were considered as part of the decision-making process.
- 19. If Cabinet decides to designate an area less than that applied for it does not need to be re-consulted on.