

# **Management Committee**

## **20 September 2016**

### **Procedure for approving Neighbourhood Forums, including agreement of Sutton Poyntz Neighbourhood Forum and Area designation, and amendments to the consultation period for neighbourhood plan area applications**

#### **For Decision**

#### **Briefholder**

Cllr Ray Nowak - Environment and Sustainability

#### **Senior Leadership Team Contact:**

S Hill, Strategic Director

#### **Report Author:**

N Cardnell, Senior Planning Officer

#### **Statutory Authority**

The procedures for agreeing neighbourhood forums and plan areas are prescribed in the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004 as amended, and the Neighbourhood Planning (General) Regulations 2012.

#### **Purpose of Report**

- 1 To agree the procedure for approval of neighbourhood forums, revise the consultation period for neighbourhood area applications and agree the Sutton Poyntz neighbourhood forum and area applications.

#### **Officer Recommendations**

- 2 The following three recommendations are made:
  - a) To alter the minimum consultation period for publicising neighbourhood forum and area applications from the current 8 weeks to the statutory period of 4 weeks where the area follows a parish boundary (ie for Portland) and 6 weeks in all other cases.
  - b) That delegated powers be given to the Corporate Manager Planning (Community and Policy Development), in consultation with the relevant local ward councillors, to approve neighbourhood forums where certain criteria are met. In all other cases the decision on neighbourhood

forum applications will be brought to the next available Management Committee.

- c) That the Sutton Poyntz Neighbourhood Forum and the Sutton Poyntz Neighbourhood Area be agreed and designated.

## **Reason for Decision**

- 3 The previously agreed procedure for designating neighbourhood areas on 5 November 2013 is not aligned with more recent changes to the statutory procedure. This report sets out a revised general procedure for approval of neighbourhood forums and a reduction in the consultation period for neighbourhood area applications, to bring it in line with the statutory changes.
- 4 The report also seeks a decision on the application for the designation of Sutton Poyntz Neighbourhood Area and Forum received from the Sutton Poyntz Society.

## **Background and Reason Decision Needed**

- 5 The Localism Act introduced powers for local communities to produce neighbourhood development plans, which when adopted become part of the statutory development plan for the area. It also provided powers for local communities to produce a neighbourhood development order, effectively giving permitted development rights for certain types of development in a specified area. The Neighbourhood Planning (General) Regulations came into force alongside the Act on 6 April 2012. The regulations set out some of the more detailed procedural requirements for these neighbourhood planning tools.

### ***Consultation arrangements for Neighbourhood Areas and Forums***

- 6 The Neighbourhood Planning (General) (Amendment) Regulations 2015 came into force on the 9 February 2015 and introduced prescribed dates for an area application to be determined. These timescales are:
  - Where the area applied follows parish boundaries the determination period will be eight weeks,
  - For applications that include any of the areas of more than one local planning authority the determination period will be twenty weeks,
  - For all other applications the determination period will be thirteen weeks.
- 7 This means that we need to have effective member and officer decision-making processes in place to deal with applications within these timescales. Delegating straightforward decisions to the Corporate Manager Planning (Community and Policy Development), in consultation with the relevant local ward councillors, will enable this process.
- 8 To facilitate these timescales the government changed the statutory consultation period for neighbourhood area applications from six weeks to

four weeks where the application is a parish council and to six weeks in all other circumstances.

- 9 Management Committee on 5 November 2013 agreed a procedure for approving neighbourhood areas which included a consultation period of 8 weeks.
- 10 A consultation period of this length would make it challenging to achieve the prescribed 13 week determination period for neighbourhood forum applications given the current committee cycle and the time needed to process the application. It is recommended that the consultation periods be amended to that of the 'statutory requirement' of 4 weeks where the application area follows the parish boundary and 6 weeks in all other circumstances.
- 11 For a community to exercise neighbourhood planning powers, a 'qualifying body' needs to be established. The qualifying body would normally be a parish or town council where one exists. In other circumstances, a neighbourhood forum would need to be established.
- 12 A neighbourhood forum has to be designated by the local planning authority in accordance with the procedures set out in the Neighbourhood Planning (General) Regulations 2012 and section 61F(5) of the Town and Country Planning Act 1990.
- 13 To designate an organisation or body as a neighbourhood forum the authority has to be satisfied that:
  - No other competing application has been received,
  - It is set up for the express purposes of promoting or improving the social, economic and environmental well being of the neighbourhood area,
  - Its membership is open and includes a minimum of 21 individuals each of whom lives, works or is an elected member of the district council, or county council within the neighbourhood area,
  - Reasonable steps have been taken to secure at least one representative from each of these categories,
  - Its membership is drawn from different places in the neighbourhood area, and represents a good cross section of the community as a whole,
  - It has a written constitution.
- 14 As with neighbourhood area applications, neighbourhood forum applications have a statutory consultation period of 6 weeks. During this period area applications where they have to be publicised on the council's website and in such other manner likely to bring them to the attention of people who live, work or carry on business in that area.
- 15 It would therefore be appropriate to align the publicity for a forum application with that of an area application which will be for the statutory period. Currently forum applications are subject to consultation for a period of 8 weeks.

### ***Granting of Delegated Powers to designate neighbourhood areas and forums.***

- 16 Where the conditions relating to forum applications have been satisfied and there are no significant issues raised as a result of the consultation, there is no practical reason why the forum should not be approved under delegated powers.
- 17 It is recommended therefore that delegated powers be given to the Corporate Manager Planning (Community and Policy Development), in consultation with the relevant local ward councillors to approve neighbourhood forums where:
- no other competing application has been received,
  - it is set up for the express purposes of promoting or improving the social, economic and environmental well being of the neighbourhood area,
  - that the neighbourhood area to which the application relates is agreed by the council and it relates to an area where there is no town or parish council,
  - its membership includes a minimum of 21 individuals each of whom lives, works or is an elected member of the district council, or county council within the neighbourhood area, and has secured membership from at least one representative from each of these categories,
  - its membership is drawn from different places in the neighbourhood area, and represents a good cross section of the community as a whole,
  - it has a written constitution agreed by the Head of Legal Services,
  - There are no significant issues raised as a result of the consultation.
- 18 If any significant issues are raised as part of the consultation or any of the criteria above are not met in full, the decision on neighbourhood forum applications will be brought to the next available Management Committee for member consideration.

### ***Sutton Poyntz Neighbourhood Area and Forum***

- 19 On the 27 May 2016, the Council received an application to become a neighbourhood forum from the Sutton Poyntz Society alongside an application for the designation of a neighbourhood area. There is no parish council in Sutton Poyntz so in order to progress a neighbourhood plan there is a need to establish a neighbourhood forum. Details of the application are contained in appendix A.
- 20 In designating the forum, the council must be satisfied that the application meets the legal requirements. The application must include:
- The name of the proposed neighbourhood forum
  - A copy of its written constitution
  - The name of the neighbourhood area to which application relates and a map which identifies the area.
  - Contact details of at least one member that can be made public

- A statement explaining how the proposed forum meets the following conditions: A neighbourhood forum must comprise at least 21 people, and it must remain open to new members who live or work in the area or are councillors for the area. Its remit (as set out in its written constitution) must be established to promote or improve the social, economic and environmental wellbeing of the neighbourhood area.
- 21 In deciding on a forum designation the council must have regard to the desirability of designating the organisation or body as a forum and that the organisation:
- has taken reasonable steps to secure membership that includes at least one person from each of the three membership groups identified,
  - has membership drawn from different places in the area and different sections of the community in the area, and
  - Whose purpose reflects the character of the area.
- 22 The Council must designate only one organisation or body as a neighbourhood forum for a neighbourhood area, and only if the body has applied to do so, and only where the area does not include part or all of a parish.
- 23 The Neighbourhood Area application includes details of the organisation submitting the application (Sutton Poyntz Society), a map identifying the proposed area and a statement why this is considered an appropriate area. The application also includes a statement setting out why the Sutton Poyntz Society should be designated as the neighbourhood forum and therefore become the qualifying body for the proposed Sutton Poyntz neighbourhood area.
- 24 The neighbourhood area contains the village of Sutton Poyntz, with its surrounding farmland. On the West, North and East, the boundary follows the Weymouth & Portland Borough boundary. On the south, there is no 'official' or historic line separating Sutton Poyntz and Preston; the southern boundary has been aligned roughly with the narrowest point of the River Jordan valley, between Rimbury and Winslow Hills; it has also been drawn to include most but not all of the Important Open Gap land identified in the Local Plan, which helps to separate Sutton Poyntz from Preston, and hence to keep Sutton Poyntz as a village.
- 25 On the northern side, the boundary between Weymouth & Portland and West Dorset divides the village, with 8 houses at the top end of Plaisters Lane being in West Dorset. Those houses cannot be included in the Neighbourhood Area as they are in the parish of Bincombe and hence the whole of the Winterborne Farringdon grouped parish would need to be included within the area and Winterborne Farringdon grouped parish council would then become the qualifying body. The Sutton Poyntz Society has confirmed that they will include the occupants of the Plaisters Lane houses in future consultations, and hope that they can be included in the Referendum.

- 26 Section 61H of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that when designating a neighbourhood area, a local planning authority should consider whether the area concerned should be designated as a business area. A neighbourhood area should only be designated as a business area if it is “wholly or predominantly business in nature”. Sutton Poyntz is a predominantly residential area with few businesses and on that basis it is not considered appropriate to designate the neighbourhood area as a business area.
- 27 The neighbourhood forum application includes details of the name of the area (Sutton Poyntz) and organisation making the application, contact details for the organisation, a statement setting out why the Sutton Poyntz Society should be designated as the neighbourhood forum and contact details for individuals wishing to become involved.
- 28 The Sutton Poyntz Society was founded in 1968 as a village social and conservation society. It has always taken a close interest in planning matters affecting the village. The primary objective of the Society is “promoting the social, economic and environmental well-being” of the village. Membership is open to those living in the area and has a current membership of 295 (2015/16) of which 3 are Borough Councillors, 3 work in the area but live elsewhere, 11 live in 8 Sutton Poyntz Houses in West Dorset and 25 live outside the village. The joint applications were accompanied by the Sutton Poyntz Society constitution and steering group terms of reference (Appendices B & C).
- 29 Consultation took place on the application for an eight week period between 10<sup>th</sup> June – 5<sup>th</sup> August 2016. At the close of the consultation 8 representations were received, five from statutory bodies and three from local residents (Appendix D).
- 30 Two representations from local residents sought to question the democratic accountability of the Sutton Poyntz Society. The Localism Act 2011 supports neighbourhood area and forum applications from organisations that fulfil the prescribed conditions outlined above. Neither objector supplied evidence to demonstrate that the Sutton Poyntz Society did not meet these prescribed conditions.
- 31 One representation questioned the small geographic area of the proposed neighbourhood plan area. There is no guidance that prescribes a minimum area and the area proposed is considered to represent the village of Sutton Poyntz. It was acknowledged within the application that establishing a clear cut off to the south has been difficult due to the lack of clear geographical features.
- 32 A representation noted the lack of local services and development land within the proposed area. Again, neither the level of local services or perceived lacks of development land are valid reasons for refusing the application.
- 33 The representations also expressed concern at the lack of political accountability and the relationship with the Preston Ward. Membership of the Sutton Poyntz Society is open to all local residents within the proposed area. The Sutton Poyntz Society has published terms of reference that

encourage openness and transparency and all members have a vote. The proposed neighbourhood forum will be set up for the express purpose of preparing a neighbourhood plan and would not lessen the powers of the local ward member.

- 34 Therefore it is recommended that members approve the applications for the Sutton Poyntz Neighbourhood Area and Sutton Poyntz Neighbourhood Forum as received from the community in Sutton Poyntz.

## **Implications**

### **Corporate Plan**

#### 35 Environment

Priority: C1. Creating a planning framework which balances environmental protection with meeting community and economic needs

### **Financial**

- 36 LPAs can claim £5,000 for the first five neighbourhood areas or forums designated. The limit of five areas applies to the total number of areas designated in the LPA (i.e. it includes areas or forums designated in previous years). LPAs can claim £20,000 once they have set a date for a referendum following a successful examination.

### **Equalities**

- 37 The consultation by the Council will be guided by the Council's Statement of Community Involvement. This matter will also be for the qualifying bodies to consider in preparing their plans.

### **Environmental**

- 38 Environmental considerations are taken into account in preparing a neighbourhood plan and SEA screening is required as part of the process.

### **Economic Development**

- 39 A Neighbourhood Forum must be set up for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area.

### **Risk Management (including Health & Safety)**

- 40 No risks identified for this stage. Neighbourhood plans will become part of the development plan and therefore will have a significant influence on future planning decisions.

### **Human Resources**

- 41 On going support for the project provided by the Spatial Policy and Implementation team with additional support from Community Planning, Communications (in terms of media relations, printing and design services), IT (mapping systems) and advice from officers from Development Management, Technical Services (infrastructure), Electoral Services and Economic Regeneration.

## **Consultation and Engagement**

42 The statutory requirements for publicising neighbourhood forum and area applications are similar to those for publicising neighbourhood areas and so in advance of agreeing a procedure, to avoid delays both applications under went a period of public consultation for 8 weeks from 10<sup>th</sup> June – 5<sup>th</sup> August 2016.

## **Appendices**

- A. Neighbourhood Area & Forum Application
- B. Steering Group Terms of Reference
- C. Constitution 2016
- D. Sutton Poyntz Area & Forum Designation Consultation responses received 10<sup>th</sup> June – 5<sup>th</sup> August 2016

## **Background Papers**

### **Footnote**

Issues relating to financial, environmental, and economic and equalities implications have been considered and any information relevant to the decision is included within the report.

**Report Author:** N Cardnell – Senior Planning Officer

**Telephone:** 01305 838263

**Email:** ncardnell@dorset.gov.uk