

# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive for Decision 06 March 2017

<b>Portfolio:</b>	Planning and Development
<b>Subject:</b>	Titchfield Neighbourhood Plan: Applications for Titchfield Neighbourhood Forum and Titchfield Neighbourhood Area
<b>Report of:</b>	Director of Planning and Regulation
<b>Strategy/Policy:</b>	Local Plan
<b>Corporate Objective:</b>	Protecting and Enhancing our Environment Strong and Inclusive Communities

**Purpose:**

To provide the Executive with the opportunity to consider both applications to designate a neighbourhood forum and neighbourhood area for Titchfield in light of the requirements of the relevant legislation.

**Executive summary:**

This Report explains the relevant neighbourhood planning process, the nature of the applications (Appendix A) submitted by a group of individuals in the Titchfield area for the designation of both a neighbourhood forum and neighbourhood area, and how these were subsequently publicised by the Council. This Report outlines the considerations the Council needs to take account of when determining both these applications. Appendices B & C contain comments received over the publicity period and the Local Planning Authority's response.

**Recommendation/s:**

That the Executive approves:

- (a) the application to designate a neighbourhood forum; and
- (b) the neighbourhood area for Titchfield, given both meet the requirements of the relevant legislation, subject to an amendment to the neighbourhood area as set out in Appendix D to exclude a small area of land falling within the boundary of Winchester City Council.

**Reason:**

On 5<sup>th</sup> December 2016, the Council (Local Planning Authority) received an application to establish a neighbourhood forum and neighbourhood area for Titchfield, which in turn can form the basis of the production of a neighbourhood plan. Given that both these applications meet the relevant requirements as set out in the Government's neighbourhood planning regulations, it is recommended that both applications should be approved.

**Cost of proposals:**

The costs involved to date supporting the prospective neighbourhood forum in submitting applications for neighbourhood forum and neighbourhood area designation have been met within existing operational budgets.

**Appendices:**

**A:** Titchfield Neighbourhood Forum and Titchfield Neighbourhood Area Applications

**B:** Comments received during the publicity period on Titchfield's Neighbourhood Forum Application & the Local Planning Authority's Response

**C:** Comments received during the publicity period on Titchfield's Neighbourhood Area Application & the Local Planning Authority's Response

**D:** Proposed Neighbourhood Area Designation

**Background papers:** Annotated Plan of Neighbourhood Area Application (as publicised).

**Reference papers:** None

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### Executive Briefing Paper

<b>Date:</b>	06 March 2016
<b>Subject:</b>	Titchfield Neighbourhood Plan: Applications for a Titchfield Neighbourhood Forum and Neighbourhood Area
<b>Briefing by:</b>	Director of Planning and Regulation
<b>Portfolio:</b>	Planning and Development

#### INTRODUCTION TO NEIGHBOURHOOD PLANNING

1. Neighbourhood planning was largely introduced into the existing planning system through the Localism Act (2011). Essentially, the Act introduced a new right for local communities to draw up a neighbourhood plan. Further detail has come through the National Planning Policy Framework (March 2012) and relevant National Planning Policy Guidance (since March 2014), Acts and regulations.

#### The Neighbourhood Area Application Process

2. An application must be made by a parish or town council or a prospective neighbourhood forum to the local planning authority for a neighbourhood area to be designated. This must include a statement explaining why the proposed neighbourhood area is an appropriate area.
3. In this local context, a local planning authority is required to designate the whole of a parish, applications must be determined within 13 weeks of first being publicised (14<sup>th</sup> December 2016). If these time limits are not met, the local planning authority must designate all of the area applied for.

#### The Neighbourhood Forum Application Process

4. Within this legislative framework, given the local context, a group or organisation must apply to the local planning authority to be designated as a neighbourhood forum (a forum application). Those making a forum application must show how they have sought to comply with the conditions for neighbourhood forum designation.
5. In National Planning Policy Guidance (NPPG), it explains in order to be designated a neighbourhood forum there must have a membership that includes a minimum of 21 individuals who either live in the neighbourhood area, work there; and/or are elected members for a local authority that includes all or part of the neighbourhood area. For clarity, a prospective neighbourhood forum is not required to have a member from each membership category in order to be designated.

6. In addition, the National Planning Policy Guidance (NPPG) explains that a neighbourhood forum must have an open membership policy, but it cannot force people to be a part of something they may not wish to be a part of. The local planning authority must consider whether the prospective neighbourhood forum has secured or taken reasonable steps to attempt to secure membership from each category and from different places and sections of the community in that area. Membership of a designated neighbourhood forum must also be open to those working in a neighbourhood area.
7. A local planning authority must take a decision on an application to designate a neighbourhood forum within 13 weeks, provided there is no other neighbourhood forum application already under consideration for all or part of the area. For clarity, there are no such other neighbourhood forum applications under consideration.

### **TITCHFIELD'S NEIGHBOURHOOD FORUM AND AREA APPLICATIONS**

8. On 5<sup>th</sup> December 2016, the Local Planning Authority formally received an application for a neighbourhood forum for Titchfield, as well as an application for a neighbourhood area for Titchfield for their determination.

#### **Joint Consideration of Both Applications**

9. It is worth highlighting that relevant guidance explains that a local planning authority can effectively consult on applications to designate a neighbourhood area and a neighbourhood forum at the same time.

#### **Titchfield's 'Neighbourhood Forum' Application**

10. In accordance with the relevant regulations, Titchfield's prospective neighbourhood forum application to Fareham Borough Council has the name of the proposed neighbourhood forum, which is 'Titchfield Neighbourhood Forum'. Again, in line with relevant regulations, the application includes a copy of the written constitution of the proposed neighbourhood forum. It also includes contact details of at least one member of the proposed neighbourhood forum. Finally, it can be concluded from the information provided within the application that it complies with the need for a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

#### **Titchfield's 'Neighbourhood Area' Application**

11. In accordance with the relevant legislation, the neighbourhood area application to Fareham Borough Council included a map, which identified the area to which the application related. It also included a statement, which explained why this area is considered appropriate to be designated as a neighbourhood area. Finally, it can be concluded from the information provided within the application that it complies with the need for a statement that the organisation or body making the application is a relevant body.

## **LOCAL PLANNING AUTHORITY'S PUBLICITY**

### **Titchfield 'Neighbourhood Forum' Publicity**

12. In accordance with the relevant regulations as soon as possible after receiving a neighbourhood forum application from a relevant body, Fareham Borough Council (the Local Planning Authority) must publicise the application on their website in such a manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area (to which the area application relates). This website publicity must include a name of the proposed neighbourhood forum, a copy of the written constitution of the proposed forum, the name of the neighbourhood area to which the application relates and contact details for at least one member of the neighbourhood forum.

### **Titchfield 'Neighbourhood Area' Publicity**

13. In accordance with the relevant regulations as soon as possible after receiving a neighbourhood area application from a relevant body, Fareham Borough Council (the Local Planning Authority) must publicise the application on their website in such a manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area (to which the area application relates).
14. This website publicity should include a copy of the area application, details of how to make representations; and the date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised.

### **The Publicity Period**

15. The Council on 14<sup>th</sup> December 2016 launched a dedicated web page providing the required publicity information for both applications as detailed above, as well as supporting 'Neighbourhood Planning' and 'How to make a Neighbourhood Plan'. The publicity period spanned the maximum amount of time available between when the formal applications were made and the time needed to set up the necessary publicity through to the lead-in times for preparation of this Executive Report. This publicity period ran from 14<sup>th</sup> December 2016 through to 17<sup>th</sup> February 2017 (3 weeks and 2 days over the minimum 6-week publicity period required by relevant legislation and guidance). In total, the publicity period ran for 9 weeks & 2 days to maximise the publicity period for both applications. The neighbourhood area and neighbourhood forum applications were regularly promoted on the front page of the website, as required by relevant legislation and guidance.
16. In addition to the required publicity, two press releases were sent out at the start of publicity (14th December 2016) and shortly before it closed (10th February 2017), as well as promoted on the Council's Facebook page and twitter account during the publicity period.
17. Within Titchfield, flyers promoting awareness of both applications and how to comment were placed in all the Council's public noticeboards located within the proposed neighbourhood boundary. Also, details of both applications along with response forms and boxes to post them left in the foyers of the Jubilee Surgery and Titchfield Community Centre.

18. Finally, emails inviting responses to comment on the applications were sent out to residents who were on the Council's E-Panel.

### **Local Planning Authority Response to the Publicity Response**

19. Appendices B & C provide details of the comments received following the publicity and the Local Planning Authority's response. There are no major concerns raised in the comments received during the publicity in light of relevant legislation and guidance. The Appendices do provide important points of clarity in the Local Planning Authority's response, especially regarding the neighbourhood planning process at this juncture. However, the Local Planning Authority proposes to amend the submitted neighbourhood area boundary to the north, in order to exclude a small area of land within the boundary of Winchester City Council.

### **CONCLUSION**

20. Subject to the amendment to the submitted neighbourhood area to exclude a small area of land within the boundary of Winchester City Council, and in light of the comments generated from the publicity, the applications received both meet the requirements of the relevant legislation. This Report recommends, subject to the amendment to the neighbourhood area that the Executive approves both applications to designate a neighbourhood forum and neighbourhood area for Titchfield.
21. For clarity, the Council's Executive can take decisions on neighbourhood planning in a local planning authority where the authority operates executive arrangements.

### **Enquiries:**

For further information on this report please contact Claire Burnett Head of Planning Strategy and Regeneration (Ext 4330).