

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 01 July 2019

Portfolio:	Planning and Development
Subject:	Warsash Neighbourhood Plan: Applications for Warsash Neighbourhood Forum and Warsash Neighbourhood Area
Report of:	Director of Planning and Regeneration
Corporate Priorities:	Providing Housing Choices Protect and Enhance the Environment Strong, Safe, Inclusive and Healthy Communities Maintain and Extend Prosperity

Purpose:

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

Executive Summary:

On 22nd March 2019, the Council (Local Planning Authority) received an application to establish a neighbourhood forum and neighbourhood area for Warsash. Put simply, if both designated, Warsash Neighbourhood Forum can then go on to produce a Neighbourhood Plan for the Warsash Neighbourhood Area.

This report briefly explains the key requirements within legislation and regulations the local authority has to consider when determining any neighbourhood forum and neighbourhood area applications. Then the publicity the Council, as the local planning authority, must undertake, along with an explanation of the timescales within which the decision needs to be taken and a summary of the outcome of the Council's publicity on these applications.

Recommendations:

It is recommended that the Executive approves the application to designate the Warsash Neighbourhood Forum and the application to designate the Warsash Neighbourhood Area, as they meet the requirements of the relevant legislation and regulations.

Reason:

Given that both these applications meet the relevant legislation and regulations, it is recommended that both applications should be approved.

Cost of proposals:

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

Appendices:

A: Warsash Neighbourhood Forum Application

B: Constitution submitted by prospective neighbourhood forum

C: Warsash Neighbourhood Area Application

D: Map of the proposed neighbourhood area submitted by prospective neighbourhood forum

E: Comments received during the publicity period on Warsash's Neighbourhood Forum Application

F: Comments received during the publicity period on Warsash's Neighbourhood Area Application

Background papers: None

Reference papers: None

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Executive Briefing Paper

Date:	01 July 2019
Subject:	Warsash Neighbourhood Plan: Applications for Warsash Neighbourhood Forum and Warsash Neighbourhood Area
Briefing by:	Director of Planning and Regeneration
Portfolio:	Planning and Development

INTRODUCTION TO NEIGHBOURHOOD PLANNING

1. Neighbourhood planning was largely introduced into the existing planning system through the Localism Act (2011). The Act introduced a new right for local communities to draw up a neighbourhood plan. Further detail has largely come through relevant aspects of the National Planning Policy Framework, Planning Practice Guidance, legislation and regulations.

Neighbourhood Forum Application

2. On 22nd March 2019, the Council (Local Planning Authority) received an application (Appendix A) to establish a neighbourhood forum for Warsash, which included a copy of the prospective neighbourhood forum's constitution (Appendix B).
3. Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended) stipulates that where an organisation or body submits a neighbourhood forum application to the local planning authority it must include:
 - (a) the name of the proposed neighbourhood forum;
 - (b) a copy of the written constitution of the proposed neighbourhood forum;
 - (c) the name of the neighbourhood area to which the application relates and a map which identifies the area;
 - (d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and
 - (e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.
4. An Officer of the Council met with the prospective forum on 4th March 2019 to discuss the forthcoming application.

5. The application received includes the name of the proposed neighbourhood forum, the name of the neighbourhood area to which the application relates and a map which identifies the area. Contact details of at least one member of the proposed neighbourhood forum have been made public and a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act, including provision of a written constitution for the prospective forum.
6. 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. A prospective neighbourhood forum is not required to have a member from each membership category in order to be designated. 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.
7. The Council was supplied with a membership list 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.

Neighbourhood Area Application

8. On 22nd March 2019, the Council (Local Planning Authority) received an application (Appendix C) to establish a neighbourhood area for Warsash.
9. Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended) stipulates that where a prospective neighbourhood forum submits an area application to the local planning authority it must include:
 - (a) a map which identifies the area to which the area application relates;
 - (b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - (c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
10. An Officer of the Council met with the prospective forum on 4th March 2019 to discuss the forthcoming application.
11. The application received included a map (Appendix D) and within the application there is a statement explaining why this area is considered appropriate to be designated as a neighbourhood area. The last consideration is whether the application has been submitted by an organisation or body which is, or is capable of being, designated as a neighbourhood forum.

Neighbourhood Forum Application Publicity Requirements

12. Regulation 9 of The Neighbourhood Planning (General) Regulations 2012 stipulate as soon as possible after receiving a neighbourhood forum application, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:
 - (a) a copy of the application;

(b) a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;

(c) details of how to make representations; and

(d) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first publicised.

Neighbourhood Area Application Publicity Requirements

13. Regulation 6 of The Neighbourhood Planning (General) Regulations 2012 stipulate as soon as possible after receiving an area application from a prospective neighbourhood forum, a local planning authority must publicise the following on their website and in such other 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:

(a) a copy of the area application;

(b) details of how to make representations; and

(c) 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

14. It is important to highlight that a local planning authority can consult on applications to designate a neighbourhood area and a neighbourhood forum at the same time.

Fareham Borough Council's Publicity of the Applications

15. On 9th April 2019, the Council launched a dedicated web page providing the required publicity information for both applications as detailed above, as well as supporting information about the process of Neighbourhood Planning.
16. This publicity period ran from 9th April through to 21st May 2019, a 6-week publicity period required by relevant legislation and regulations.
17. The neighbourhood area and neighbourhood forum application were promoted on the front page of the Council website, as required by relevant legislation and regulations.
18. In addition to the required publicity, a press release was sent out at the start of publicity (9th April 2019), as well as Promoted on the Council's Facebook page Twitter account during the publicity period.
19. Furthermore, details of both applications along with response forms and boxes to post them were placed in Victory Hall in Warsash for the entirety of the consultation period.

Time Limits for the Determination of a Neighbourhood Area Application and a Neighbourhood Forum Application by a Local Planning Authority

20. An application for a neighbourhood area must be determined by the local planning authority within 13 weeks of first being publicised. If these time limits are not met, the local planning authority must designate all the area applied for.
21. Similarly, 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.

22. For clarity, there are no such other neighbourhood forum applications under consideration.
23. These time periods are prescribed in the Neighbourhood Plan (General) Regulations 2012.

Local Planning Authority Recommendation

24. There were just over 150 responses to the consultation undertaken by the Council. A clear majority of these responses were positive and supportive in nature.
25. In respect to the neighbourhood area (c.77 individual responses), whilst the responses were overwhelmingly supportive in nature, one response questioned whether the neighbourhood area should be 'restricted to actual Warsash and not the surrounding area', whereas another stated 'it should go all the way to the M27'. There is also another detailed submission, which identifies that Government provides guidance (Planning Practice Guidance) that explains 'What considerations, other than administrative boundaries, may be relevant when deciding the boundaries of a neighbourhood area'. Whilst it is acknowledged that the criteria in the guidance could form a variety of other configurations of a proposed neighbourhood area, on balance, in respect to the relevant legislation and regulations, coupled with the positive consultation responses received during the publicity period, it is recommended that the neighbourhood area is designated as submitted.
26. In relation to the neighbourhood forum (c. 80 individual responses), whilst the responses were overwhelmingly supportive in nature, there is one comment that states 'I am in favour of having a forum provided they consult residents.' It is important to explain that, put simply, if a neighbourhood forum is designated and prepare a neighbourhood plan, they undertake 6-week consultation on the 'pre-submission version' of the draft plan. If a forum goes onto submit the plan ('submission version') to the Council, the local planning authority will publicise the plan, undertaking a 6-week consultation. The next potential stage is an independent examination, where all written representations of those wishing to make their views or evidence known to the independent examiner made during the submission version consultation would be considered. If the plan is then able to proceed to referendum, residents within the neighbourhood area would be able to vote on the neighbourhood plan.
27. Officers in dialogue with the neighbourhood forum established that the prospective neighbourhood forum have a dedicated page Facebook to attract members. They have also used other means for promoting membership, such as using other social media accounts, articles in a Parish Magazine and meetings of the Warsash Residents Association to attract members. Whilst there could be other means for attracting membership, on balance, in respect to the relevant legislation and regulations, coupled with the positive consultation responses received during the publicity period, it is recommended that the neighbourhood forum is designated.
28. Appendices E & F provide details of the comments received following the publicity.

CONCLUSION

29. The applications received both meet the requirements of the relevant legislation and regulations. This report recommends that the Executive approves both applications to designate a neighbourhood forum and neighbourhood area for Warsash.

30. 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).