

REDESIGNATION OF WEST BYFLEET NEIGHBOURHOOD PLAN

Executive Summary

The existing West Byfleet Neighbourhood Forum was designated in March 2014. The Neighbourhood Plan for the Neighbourhood Area was adopted in December 2017, and is now part of the Development Plan for the area.

Section 61F(8) of the Town and Country Planning Act 1990 advises on the life span of a Neighbourhood Forum. It emphasises that a Neighbourhood Forum ceases to have effect at the end of the period of 5 years beginning with the day on which it is made. Given that the existing West Byfleet Neighbourhood Forum is now nearly 7 years old, it ceases to have effect in representing the community in preparing, reviewing or monitoring the delivery of the West Byfleet Neighbourhood Plan. It has no statutory status as a consultee on planning applications for development within the Neighbourhood Area. In order to continue its work, the existing West Byfleet Neighbourhood Forum has submitted a formal application to the Council to re-designate the Neighbourhood Forum for a further period of 5 years in accordance with the Planning Act and the Neighbourhood Planning (General) Regulations (2012) (as amended). The application includes a copy of the written constitution, objectives of the Forum, a Map of the Neighbourhood Area to which the Forum seeks to plan and the contact details of the relevant members of the Forum. The application can be accessed at:

<https://www.woking2027.info/neighbourhoodplanning/westbyfleetneighbourhoodplan>. A copy is in Appendix 1.

The procedure for re-designating a Forum is the same as designating a new Forum. It is important to highlight that there is no time limit for the existence of a Neighbourhood Area, and the application does not seek to alter any part of the existing Neighbourhood Area. In this regard, the Neighbourhood Area is not a subject for consideration. The application was widely publicised and consulted on. In particular, the application was published on the Council's website for a period of eight weeks between 12 November 2020 and 7 January 2021 to bring it to the attention of people who live, work or do business in the area. There were public notice and Press Release in local newspapers about the application. Direct letters were sent to every household and business premises within the proposed Neighbourhood Area.

Officers have provided advice on procedure and commented on initial draft of the application. The assistance that is provided is all within the scope of what the Council should do to help local communities to prepare a Neighbourhood Plan.

A total of **21** individuals and 2 organisations submitted representations by the end of the consultation period. An analysis of the representations is set out in paragraph 1.4.

An assessment of how the application meet the requirements of Government legislation is set out in Section 2.

Reasons for Decision

To enable the existing West Byfleet Neighbourhood Forum to continue its work in supporting any potential future review of the West Byfleet Neighbourhood Plan and the delivery of its requirements.

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Recommendations

The Council is requested to:

RESOLVE That

- (i) pursuant to Section 61F(5) of the Town and Country Planning Act 1990 (as amended) the Council approves the re-designation of the West Byfleet Neighbourhood Forum for a further period of 5 years for the purposes of supporting the future review of the West Byfleet Neighbourhood Plan and to ensure the effective delivery of its requirements; and
- (ii) the effective date for the re-designation of the West Byfleet Neighbourhood Forum should be the date of the Council's decision on the application, in this regard, 11 February 2021.

The Council has the authority to determine the recommendations set out above.

Background Papers:

- The Neighbourhood Planning (General) Regulations 2012 (as amended).
- The Town and Country Planning Act 1990 (as amended).

Reporting Person: Douglas Spinks, Deputy Chief Executive
Ext. 3440, E-Mail: Douglas.spinks@woking.gov.uk

Contact Person: Ernest Amoako, Planning Policy Manager
Ext. 3427, E-Mail: Ernest.Amoako@woking.gov.uk

Portfolio Holder: Councillor G Elson
E-Mail: cllrgary.elson@woking.gov.uk

Shadow Portfolio Holder: Councillor G Chrystie
E-Mail: cllgraham.chrystie@woking.gov.uk

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1.0 Introduction

- 1.1 Section 61F(8) of the Town and Country Planning Act 1990 (Act) sets the time limit for the life of a Neighbourhood Forum. It advises that a Neighbourhood Forum ceases to have effect at the end of the period of 5 years beginning with the day on which it is made. The existing West Byfleet Neighbourhood Forum was designated in March 2014. It is over 5 years old and ceased to have effect from March 2019. The existing Neighbourhood Forum has submitted an application to re-designate the Neighbourhood Forum for a further period of 5 years. This is in line with the requirements of the Planning Act. The Council has a duty to consider the application in the same manner as it would have done for a new application. Similarly, the application has to satisfy the tests set out in Section 61F(5) of the Town and Country Planning Act 1990 to be approved.
- 1.2 The Act prescribes the list of requirements against which the application should be determined. The application has to be published for at least 6 weeks to give local residents the opportunity to comment on it. The Forum should comprise at least 21 members who live and or work or do business in the Neighbourhood Area. The Forum should be inclusive and representative of the general characteristics of the community. The Forum should have a name, contact details of its leaders and a constitution.
- 1.3 The application was published for eight weeks consultation between 12 November 2020 and 7 January 2021. It was widely publicised as set out in the Executive Summary. The length of time during which the application was publicised and the means of publicising it were all in line with the requirements of the Act and the Council's Statement of Community Involvement. Due to the COVID 19 pandemic and associated restrictions on social distancing, the application was published for a period of eight weeks instead of the usual six weeks.
- 1.4 A total of 21 individuals and 2 organisations submitted representations by the end of the consultation period. All of them were expressively supportive of the application to designate the Neighbourhood Forum. In addition, Natural England and Highways England submitted representations saying that they had no comment to make on the redesignation application, but drawing attention to various matters which would be relevant to future neighbourhood plan preparation. Historic England made a similar comment, although this was submitted the day after the close of the consultation. As can be seen from this analysis, there has been an overwhelming support for the application. Copies of the representations can be inspected by an arrangement with the Planning Policy Team.
- 1.5 It is stressed that there is already a designated West Byfleet Neighbourhood Area and an adopted Neighbourhood Plan for the area. The application is neither seeking to alter the Neighbourhood Area or to review the Neighbourhood Plan.

2.0 Assessments of the application against the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Localism Act 2011.

- 2.1 The Town and Country Planning Act 1990 (as amended) sets out a list of requirements against which an application for the designation of a Neighbourhood Forum should be determined. A local authority may designate a body as a Neighbourhood Forum if it is satisfied that it meets the following conditions:
 - it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the Neighbourhood Area concerned;
 - its membership is open to:
 - individuals who live in the neighbourhood area concerned;

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- individuals who work there (whether for businesses carried on there or otherwise) and
 - individuals who are elected members of the district and/or County councils any of whose area falls within the neighbourhood area concerned;
 - its membership includes a minimum of 21 individuals each of whom:
 - lives in the neighbourhood area concerned;
 - work there;
 - is an elected member of the district or county any of whose area falls within the neighbourhood area concerned;
 - it has a written constitution;
 - such other conditions as may be prescribed.
- 2.2 The Council should also have regard to whether the membership of the Forum is drawn from different places in the Neighbourhood Area concerned and its purpose reflects the general character of the area when determining an application to designate a Neighbourhood Forum.
- 2.3 Officers are satisfied that the West Byfleet Neighbourhood Forum re-designation application submitted by the existing West Byfleet Neighbourhood Forum broadly covers the above requirements. How it seeks to do so is addressed below.
- 2.4 **Appendix 1** of the report contains the constitution of the proposed West Byfleet Neighbourhood Forum. Section 2 of the constitution sets out the objectives of the Forum. It explicitly seeks to promote the social, economic and environmental well-being of residents of the Neighbourhood Area. It also seeks to foster community spirit and encourage civic pride. There is no reason to doubt this intent given the track record of the Forum regarding its activities to date.
- 2.5 The proposed Neighbourhood Forum comprises over 21 members who live and or work in the designated Neighbourhood Area. There are over 21 members of the Forum. The membership of the Forum include local Ward councillors and County Divisional Councillors. The formation of the Forum had been opened on a voluntary basis to anyone who lives or works in the area and wished to join. Membership of the Forum is also drawn from different segments in the Neighbourhood Area. Based on the information provided, there is a reasonable spread of membership across the Neighbourhood Area. Given the composition and character of the proposed Neighbourhood Forum, Officers are satisfied that the application satisfies the requirements of the Act and the Regulations.
- 2.6 The application includes a constitution for the Neighbourhood Forum, which covers the following:
- Objectives of the Forum
 - Membership
 - Management Committee
 - Meetings
 - Finance
 - Officers

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- How alterations to the Constitution will be carried out; and
- How the Forum may be dissolved.

- 2.7 The Constitution provides a clear objective to improve the well-being of the people in the area. It covers how the Forum will manage its activities and provides a useful basis for holding it to account.
- 2.8 Officers are not aware of any other prescribed conditions that should be taken into account in determining the application.
- 2.9 Based on the above assessment, Officers are satisfied that the requirements of the Act, in particular, of Section 61F(5), and the Regulations have been met by the application. Consequently, the Council is requested to resolve to re-designate the West Byfleet Neighbourhood Forum to take effect from the date of the Council's decision, in this case 11 February 2021 for a further period of 5 years.

5.1 Conclusion

- 5.1 Neighbourhood planning is another layer of plan making being actively promoted by Government through the Localism Act. It is part of the Government's overall agenda to devolve decision making to local communities. The Core Strategy offers an in-principle support to it and Officers have been supporting local communities about how this could be taken forward.
- 5.2 The work of the Neighbourhood Forum is fundamental to the preparation and review of the Neighbourhood Plan. Whilst the West Byfleet Neighbourhood Area already has an adopted Neighbourhood Plan, the Forum could continue to have a vital role for making sure that the Plan continue to be up to date and for ensuring that development proposals in the Neighbourhood Area are determined in accordance with the Neighbourhood Plan. The existing West Byfleet Neighbourhood Forum has submitted an application to re-designate the Neighbourhood Forum in order to be able to legitimately continue its activities in the Neighbourhood Area. Officers are satisfied that the proposed Neighbourhood Forum application meet the requirements of Government legislation and should be approved.

6.0 Implications

Financial

- 6.1 Given that the Neighbourhood Area already has an adopted Neighbourhood Plan and there is no intention to review it, there is no perceived significant financial implications as a result of the re-designation.

Human Resource/Training and Development

- 6.2 There will be on-going staff resources to provide advice to the Neighbourhood Forum. This will be met from existing staff resources and budget.

Community Safety

- 6.3 There are no community safety implications.

Risk Management

- 6.4 The Council has a legal duty to determine applications for the designation of a Neighbourhood Forum. Failure to do so without substantive reasons could open the Council to legal challenge. In particular, a local planning authority must make a decision on an

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application to designate a Neighbourhood Forum within 13 weeks. This time period is prescribed and as such every effort should be made to consider the application in an expeditious manner within the prescribed deadline. The Forum have no objection to the application being determined at this Council meeting.

Sustainability

6.5 Addressed as part of the sustainability impact assessment.

Equalities

6.6 There are no specific equality impacts associated with the applications.

Safeguarding

6.8 There are no specific safeguarding implications

7.0 Consultations

7.1 The Portfolio Holder for Planning has been consulted.

REPORT ENDS