

HOE VALLEY NEIGHBOURHOOD FORUM AND NEIGHBOURHOOD AREA DESIGNATION

Executive Summary

A proposed Hoe Valley Neighbourhood Forum has submitted a formal application to the Council to designate a Neighbourhood Area and a Neighbourhood Forum for the purposes of preparing a Neighbourhood Plan. In accordance with the Neighbourhood Planning (General) Regulations (2012) (as amended), these two applications are distinct and separate applications and should be determined as such by the Council. The applications have been made in a single document to be determined in parallel with each other, which Officers consider to be reasonable. The applications are included in Appendix 1. A Map of the proposed Neighbourhood Area is in Appendix 2.

The applications were widely publicised and consulted on. In particular, the applications were published on the Council's website for a period of six weeks between 4 February 2019 and 18 March 2019 to bring them to the attention of people who live, work or do business in the area. There was a public notice in the local newspapers about the applications. Direct letters were sent to every household within the proposed Neighbourhood Area and copies of the applications were deposited in the main library and the Civic Offices for inspection.

Officers have provided advice on procedure and commented on initial draft of the applications. 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 **116** individuals submitted representations by the end of the consultation period. An analysis of the representations is set out in paragraph 1.9.

An assessment of how the applications meet the requirements of Government legislation is set out in Sections 2 and 3 of the report.

Reasons for Decision

To enable the preparation of a Neighbourhood Plan for the proposed Hoe Valley Neighbourhood Area.

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 designation of the Hoe Valley Neighbourhood Forum for the purposes of preparing a Neighbourhood Plan;
- (ii) pursuant to Section 61G of the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) the Council approves the Neighbourhood Area for Hoe Valley as included in Appendix 2 of the report;

Hoe Valley Neighbourhood Forum and Neighbourhood Area Designation

- (iii) the effective date for the designation of the Hoe Valley Neighbourhood Forum and the Hoe Valley Neighbourhood Area should be the date of the Council's decision on the two applications, in this regard, 25 July 2019.

The Council has the authority to determine the recommendation 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

Date Published:

17 July 2019

Hoe Valley Neighbourhood Forum and Neighbourhood Area Designation

1.0 Introduction

- 1.1 The Localism Act makes provision for the preparation of Neighbourhood Plans. Neighbourhood Plans are planning documents prepared by a Neighbourhood Forum (or a Parish Council) for a defined Neighbourhood Area. They are designed to empower local communities to take control in shaping the places they live and work in. There is no statutory requirement for communities to prepare Neighbourhood Plans, only a right to do so if they wish. Local authorities are expected to consider any request from local communities who wish to prepare a Neighbourhood Plan. Once adopted, a Neighbourhood Plan will form part of the statutory development plan for the area and must be taken into account in all planning decisions where relevant.
- 1.2 The Council has an adopted Core Strategy that offers in principle support for Neighbourhood Plans that meet the following requirements:
- have regard to national planning policy;
 - are in general conformity with the strategic policies and proposals of the Core Strategy;
 - have regard to other development plan documents for the area;
 - are compatible with European Union Directives and obligations (subject to any policy changes after Britain leaving the EU); and
 - have a clear definition of the geographical area to be covered by the Neighbourhood Plan.
- 1.3 The preparation of a Neighbourhood Plan must follow a clear process that is prescribed by legislation. This includes:
- Defining the geographical extent of the Neighbourhood Area which the Neighbourhood Plan will cover - A formal application must be made to the Council to designate the Neighbourhood Area. This will have to be publicised for at least 6 weeks and representations received should be taken into account before a decision is made to approve or refuse the application;
 - Establishing and designating a Neighbourhood Forum – A formal application for the designation of the Neighbourhood Forum must be made to the Council. This will have 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. (For information, a Parish or Town Council may prepare a Neighbourhood Plan for all or part of it's area);
 - Gathering evidence, identifying issues to be addressed in the Plan and preparing the Neighbourhood Plan;
 - Submitting the Neighbourhood Plan for Independent Examination and an Examiners Report;
 - A referendum on the Plan to be organised by the Council. 50%+ rule applies to qualify for adoption; and
 - Adoption of the Plan by the Council.

Hoe Valley Neighbourhood Forum and Neighbourhood Area Designation

- 1.4 The Council has clear roles to play to ensure that the above process is followed. These include:
- Determining the applications for the designation of a Neighbourhood Forum and a Neighbourhood Area;
 - Organising a Neighbourhood Plan Examination and the referendum and meeting the associated costs;
 - Ensuring conformity of a Neighbourhood Plan with the strategic planning policies of the Council;
 - Advising Neighbourhood Forums on process and procedure for preparing a Neighbourhood Plan when requested; and
 - Sharing available evidence base where relevant.
- 1.5 It is important to stress that some of the above responsibilities such as determining applications for the designation of a Neighbourhood Forum and a Neighbourhood Area are prescribed by Government legislation.
- 1.6 The approval of Neighbourhood Forum and Neighbourhood Area applications are a prerequisite for the preparation of a Neighbourhood Plan.
- 1.7 According to the National Planning Policy Framework (NPPF), Neighbourhood Plans can shape, direct and help to deliver sustainable development by influencing local planning decisions as part of the statutory development plan. Neighbourhood Plans should not promote less development that is set out in the strategic policies for the area, or undermine those strategic policies.
- 1.8 A proposed Hoe Valley Neighbourhood Forum has submitted a formal application to the Council to designate a Neighbourhood Forum and a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan. The applications were widely publicised as set out in paragraph 1.9 below. The length of time during which the applications were publicised and the means of publicising them were all in line with the requirements of the Act.
- 1.9 A total of **116** individuals submitted representations by the end of the consultation period. Of this total, 113 were expressively supportive of the application to designate the Neighbourhood Forum, 91 were expressively supportive of the application to designate the Neighbourhood Area. There was one individual who objected to both applications and another one individual who just raised a number of questions to be answered. Officers have responded to the set of questions and the individual has been advised to contact the proposed Neighbourhood Forum for further information. There was one other person who mistakenly just commented on the Council's draft Site Allocations Development Plan Document (DPD) instead of the applications. As can be seen from this analysis, there has been an overwhelming support for the applications. Copies of the representations can be inspected at the Planning Policy Team or be provided on request.
- 2.0 Assessments of the applications against the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Localism Act 2011.**
- Assessment of the Application for the designation of Hoe Valley Neighbourhood Forum**
- 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

Hoe Valley Neighbourhood Forum and Neighbourhood Area Designation

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;
 - 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 Hoe Valley Neighbourhood Forum designation application submitted by the proposed Hoe Valley 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 Hoe Valley Neighbourhood Forum. Paragraph 1.2 of the constitution sets out the main purpose and objectives of the Forum and it explicitly seeks to further 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. Obviously, the key test for measuring whether this has been achieved will be through the contents of the Neighbourhood Plan and its delivery and the community support for it through the referendum.

2.5 The proposed Neighbourhood Forum comprises over 21 members who live and or work in the proposed Neighbourhood Area. There are about 146 members of the Forum. A list of members of the Forum is included in Appendix 3 for information. The membership of the Forum include local Ward councillors. The formation of the Forum had been opened on a voluntary basis to anyone who lives and works in the area and wished to join. Membership of the Forum is also drawn from different places in the proposed Neighbourhood Area, including Westfield, Kingsfield, Old Woking, Claremont Avenue and Gresham Mill. 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.

Hoe Valley Neighbourhood Forum and Neighbourhood Area Designation

- 2.6 The application includes a constitution for the Neighbourhood Forum, which covers the following:
- The purpose and objectives of the Forum;
 - Membership;
 - The Forum Committee;
 - Meetings;
 - Finance,
 - Neighbourhood Development Plan;
 - General policies and principles;
 - 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. Whilst there is one individual who has made a representation objecting to the application that alone will not constitute a reason to refuse 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 designate the proposed Neighbourhood Forum as Hoe Valley Neighbourhood Forum to take effect from the date of the Council's decision, in this case 25 July 2019.

3.0 Assessment of the application for the designation of Hoe Valley Neighbourhood Area

- 3.1 The designation of the Neighbourhood Area is the first legal stage in producing a Neighbourhood Plan. The Localism Act provides guidance on the definition of a Neighbourhood Area. It is an area within the area of a local planning authority in England which has been designated by the authority as a Neighbourhood Area; but that power to designate is exercisable where a relevant body has applied to the authority for an area specified in the application to be designated by the authority as a Neighbourhood Area. It goes on to define a relevant body as an organisation or body which is, or is capable of, being designated as a Neighbourhood Forum. Members will note from the Officers recommendations that the proposed Neighbourhood Forum is considered capable of being designated as a Neighbourhood Forum. Consequently, the proposed Neighbourhood Forum satisfies the test to be able to submit an application to designate a Neighbourhood Area as required by the Act. The application is therefore considered duly made on this ground. The Council has not received any other application prior to receiving the application to designate the Hoe Valley Neighbourhood Area to designate all or any part of the proposed Neighbourhood Area as another Neighbourhood Area. On the basis of the above, it is reasonable and proper for the Council to determine the application on its merits and in accordance with the requirements of the Act.

Hoe Valley Neighbourhood Forum and Neighbourhood Area Designation

- 3.2 The Regulations set out what an application to designate a Neighbourhood Area must include:
- A map which identifies the area to which the area application relates;
 - A statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area; and
 - A statement that the body making the area application is a relevant body.
- 3.3 As a matter of good practice, Neighbourhood Areas should have easily definable boundaries (often using pre-existing boundaries) that are logical, recognisable as a neighbourhood by the local community and the character of its various parts should not be distinctly dissimilar. It should also have the potential for future growth. Overall, the delineation of the Neighbourhood Area should make good planning sense in the local context. The proposed Neighbourhood Area follows the Hoe Valley Ward boundary.
- 3.4 91 individuals out of the total of 116 individuals who made representations expressively supported the allocation to designate the Neighbourhood Area. Only one individual objected to the application.
- 3.5 No part of the proposed Neighbourhood Area is covered by another Neighbourhood Area or is being proposed as a Neighbourhood Area by another Neighbourhood Forum. The proposed Neighbourhood Area does not cover any part of a parished area.
- 3.6 The application includes a Map defining the Neighbourhood Area. There is a clear justification of why the geographical extent of the Neighbourhood Area has been chosen. The body making the application is considered a relevant body. The proposed Neighbourhood Area has a clear defensible boundary that makes planning sense.
- 3.7 Based on the above, and in accordance with the Neighbourhood Planning (General) Regulations 2012, it is recommended that the proposed Hoe Valley Neighbourhood Area designation application be approved. The proposed Neighbourhood Area being approved is defined by the Map in Appendix 2.

4.0 Resourcing neighbourhood planning

- 4.1 The introduction of the report sets out the main responsibilities of the Council in helping to prepare Neighbourhood Plans. Each of these will require staff resources to manage. At this stage, it is expected that this will be met from existing Planning Services and Corporate Services staff resources. However, this may have to be reviewed in future depending on the number of communities who choose to submit a formal application to prepare a Neighbourhood Plan.
- 4.2 The organisation of the Hoe Valley Examination and referendum of the Neighbourhood Plan could cost the Council anything up to £20,000. At this stage it will be difficult to provide an exact estimate for the cost of the Examination as this will entirely depend on the content and complexity of the Neighbourhood Plan and whether people choose to appear at the Examination, over which the Council has no control. The £20,000 estimate is based on the experience of the other Neighbourhood Plans that have already been adopted by the Council.
- 4.3 The Government is providing financial assistance, which local authorities can bid for, to assist the preparation of Neighbourhood Plans. Local authorities can bid for a un-ringfenced grant of up to £20,000 once they have set a date for a referendum following a successful examination. Local authorities can claim £5,000 for the first five Neighbourhood Areas designated only and £5,000 for the first five Neighbourhood Forums they designate.

Hoe Valley Neighbourhood Forum and Neighbourhood Area Designation

Given the Council has already designated five Neighbourhood Areas and five Neighbourhood Forums, it would not be able to claim the £10,000.

- 4.4 The Council has already given delegated authority to the Deputy Chief Executive and the Financial Services Manager to submit bids to secure funding towards future applications approved by the Council. In this regard, Officers will be making a bid to the fund subject to the decision of the Council on the Neighbourhood Area and Forum designation applications.
- 4.5 Members should note that the Government is also providing financial assistance directly to Neighbourhood Forums to help them prepare their Neighbourhood Plans.

5.1 Conclusion

- 5.1 Neighbourhood planning is relatively a new layer of plan making being introduced and 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 discussing with local communities about how this could be taken forward.
- 5.2 The first stages for preparing a Neighbourhood Plan are for communities to apply to the Council to designate a Neighbourhood Area and a Neighbourhood Forum. The proposed Hoe Valley Neighbourhood Forum has submitted an application to designate a Neighbourhood Forum and a Neighbourhood Area. Officers are satisfied that the proposed Neighbourhood Forum and Neighbourhood Area applications meet the requirements of Government legislation and should be approved.

6.0 Implications

Financial

- 6.1 It is estimated that the cost for organising the Examination and referendum for a Hoe Valley Neighbourhood Plan could be up to £20,000.
- 6.2 The Government has set aside some funding to help local authorities support Neighbourhood Plans. The Council can bid for a un-ringfenced total grant of £20,000 towards the preparation of each Neighbourhood Plan. It is therefore possible that there will be no direct financial cost to the Council in helping local communities to prepare a Neighbourhood Plan. The Deputy Chief Executive and the Financial Services Manager will prepare a bid to secure this funding.

Human Resource/Training and Development

- 6.3 The preparation of the Hoe Valley Neighbourhood Plan will require on-going staff resources to advice and provide evidence to the Neighbourhood Forum. This will be met from existing staff resources and budget.

Community Safety

- 6.4 There are no community safety implications.

Risk Management

- 6.5 The Council has a legal duty to determine applications for the designation of a Neighbourhood Forum and a Neighbourhood Area. Failure to do so without substantive

Hoe Valley Neighbourhood Forum and Neighbourhood Area Designation

reasons could open the Council to legal challenge. When adopted, a Neighbourhood Plan will be part of the Development Plan for the area and must be taken into account in planning decisions. Consequently, it is important that the Council assist local communities to prepare their Plan to ensure that they are in general conformity with the strategic planning policies for the Borough.

Sustainability

6.6 Addressed as part of the sustainability impact assessment.

Equalities

6.7 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