

<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	PROPOSALS TO DESIGNATE BASSETT NEIGHBOURHOOD AREA AND BASSETT NEIGHBOURHOOD FORUM		
<b>DATE OF DECISION:</b>	17 DECEMBER 2013		
<b>REPORT OF:</b>	LEADER OF THE COUNCIL		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Chris Lyons</b>	<b>Tel: 023 8083 2044</b>
	<b>E-mail:</b>	<b>chris.lyons@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Stuart Love</b>	<b>Tel: 023 8091 7713</b>
	<b>E-mail:</b>	<b>Stuart.love@southampton.gov.uk</b>	

<b>STATEMENT OF CONFIDENTIALITY</b>
NOT APPLICABLE

### **BRIEF SUMMARY**

Under the Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004 and Localism Act 2011, the Council has a statutory duty to assist communities in the preparation of neighbourhood plans. The first step in this process requires communities to apply to designate the neighbourhood area and the second step requires communities to apply to designate a neighbourhood forum for that area. The Council has received applications to designate Bassett ward as a neighbourhood area and to designate Bassett Neighbourhood Forum to act as the neighbourhood forum for that area. The statutory requirement for a minimum 6 week public consultation has been carried out on the two applications by the Council and a decision is now required to be made on the two applications. The decision must be made on the neighbourhood area first, and then on the neighbourhood forum.

### **RECOMMENDATIONS:**

- (i) To approve the application made for Bassett ward to be designated as a Neighbourhood Area under Section 61G and 61H of the Town and Country Planning Act 1990.
- (ii) Subject to approval of recommendation (i) above, to approve the application made for the proposed Bassett Neighbourhood Forum to be designated as a neighbourhood forum under Regulation 10 of the Neighbourhood Planning (General) Regulations 2012.
- (iii) To delegate to the Head of Planning, Transport and Sustainability the power to publicise the decisions on the Council's website in accordance with the Neighbourhood Planning (General) Regulations 2012.

### **REASONS FOR REPORT RECOMMENDATIONS**

1. To fulfil the statutory requirements of the Council under the Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004 and the

Localism Act 2011 in respect of Neighbourhood Planning.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. Not to progress the two applications. This would be contrary to the Council's statutory duties to assist communities in the preparation of neighbourhood development plans and is therefore not recommended. The Council could also take the view that the Neighbourhood Area is not the suitable area or the Neighbourhood Forum is not the suitable group for progressing this work and not to progress the applications but it is considered, for the reasons set out in the report, that they are suitable.

## **DETAIL (Including consultation carried out)**

### Bassett Neighbourhood Area

3. The area proposed by the community for the purposes of neighbourhood planning is the area covered by Bassett ward in its entire extent (see Appendix 1).
4. In accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 the application was publicised to allow for representations to be made and considered before the application was determined. Details of the public consultation carried out for both applications are provided at paragraphs 21-22 below to avoid repetition.

### Criteria for determining a neighbourhood area

5. In determining an application for the designation of a neighbourhood area there is very limited guidance. Sections 61G and 61H of the Town and County Planning Act 1990 only require Council's to consider:
  - How desirable it is to designate the whole of the parish area as a neighbourhood area, and
  - How desirable it is to maintain the existing boundaries of areas already designated as neighbourhood areas (as areas designated as neighbourhood areas must not overlap), as well as
  - Whether they should designate the area as a business area.

### Public Consultation Responses

6. Of the total 184 respondents to the conjoined consultation process, only five related to the proposed neighbourhood area. This relatively low response rate was considered to relate to the complexity of the new neighbourhood planning process and the new terminology associated with the different elements. Whilst it is expected that those who reviewed the neighbourhood forum application also reviewed the neighbourhood area application, there were significantly higher responses to the forum application and a large number of general comments made in support of a neighbourhood plan for Bassett.
7. One objection was received in respect of the proposed area (see Appendix 3). The respondent raised concerns that the proposed area was too large and sweeping and would therefore create ambiguity. An additional concern also related to the fact that Bassett is a mixed area which has differing density ranges.

### Statement of suitability of proposed neighbourhood area

8. It is considered that the entirety of Bassett ward is an appropriate area to be designated as a neighbourhood area for planning purposes. It is already a clearly defined administrative area and established as a community area for electoral purposes. The area has a distinct identity within the context of the City and has a strong sense of local community. Whilst predominately residential, the area is varied and contains local businesses, retail, educational and recreational facilities and open spaces.
9. The concern that the area is too large for neighbourhood planning purposes is not supported in this instance and it is noted that considerably larger neighbourhood areas are being supported elsewhere in the country than proposed at Bassett. Whilst the area does have differing character areas associated with existing densities, this is a matter for a future neighbourhood plan to appropriately address.
10. The proposed area is consistent with the concept of a neighbourhood area as intended by the Act and is considered to be an appropriate area for the purposes of neighbourhood planning. In accordance with section 61H of the Act it has also been considered whether it is suitable to designate the area concerned as a 'business area'. This is not considered appropriate in this instance, as the area is not wholly or predominately business in its nature.

### Bassett Neighbourhood Forum

11. For non-parished areas, a 'qualifying body' for the purposes of neighbourhood planning is a designated neighbourhood forum. A forum designation expires five years from the day on which it was made, although this does not affect the validity of a Neighbourhood Plan made before the end of the period. The Council can also withdraw a neighbourhood forum designation when requested by that neighbourhood forum or if it considers the forum is no longer meeting the conditions of approval for designation.
12. In accordance with Regulation 10 of the Neighbourhood Planning (General) Regulations 2012 the application was publicised to allow for representations to be made and considered before the application was determined. Details of the public consultation carried out for both applications are provided at paragraph 21-22 below to avoid repetition.

### Criteria for determining a neighbourhood forum

13. On receipt of the application to designate a neighbourhood forum, the Council carried out an initial review of the applications to ensure that they met the series of conditions required under Regulation 8 of the Neighbourhood Planning (General) Regulations 2012. Following these checks a delegated decision was taken by the Head of Planning & Sustainability to go out to public consultation. Having completed that exercise and reviewed the public consultation feedback, it is now appropriate for the application to be determined.
14. In determining such an application, the Council:
  - must have regard to the desirability of designating the forum organisation or body:

- a) that has taken reasonable steps to secure membership that includes at least one person from each of the three membership groups identified, people drawn from different places in the area and different sections of the community in the area, and
  - b) whose purpose reflects the character of the area.
- 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.

#### Public Consultation Responses

15. Of the total 184 respondents to the conjoined consultation process, 180 respondents commented specifically on the proposed neighbourhood forum. These responses were broken down into 179 responses of support and 1 response of objection (see Appendix 3).
16. The objection letter received raised concerns relating to the overall transparency of the plan making process. Concerns were also noted regarding the ability of local businesses to attend meetings unless by invite, which it was felt was an attempt to stop investment from local businesses whilst encouraging it from others. With particular regard to the Neighbourhood Forum application, the objection also stated that a quorum of three members is not enough to represent a large ward such as Bassett. It suggested that this may have been purposefully added to the written constitution to enable those involved in the plan to have ultimate power without transparency and without true representation of the residents of which a high number are students. The objection to the Neighbourhood Forum application is therefore very specific in its nature, as it relates to a detail contained within the forum's written constitution regarding meeting procedures for committee meetings. It should be noted that a different procedure applies for the Annual General Meeting and Member meetings where the quorum for open meetings should be eight members or one third of membership, whichever is the lower. A further element of the written constitution requires minutes to be taken of all meetings and made available to any forum member.

#### Statement of suitability of proposed neighbourhood forum

17. The Bassett Neighbourhood Forum has in excess of 25 members that are reasonably spread across the proposed Neighbourhood Area. Whilst the forum has been created through the collaboration of a number of active residents associations and its membership is therefore largely derived from those who run the associations, the constitution also enables individual residents to gain membership of the forum.
18. The proposed forum's constitution sets out the full terms of membership and the process regarding meetings. Whilst the constitution enables some decisions to be made by relatively small numbers of members in the interests of managing the day to day duties of the Forum, it is specifically noted that significant decisions such as approving the draft plan prior to submission to the Council, will need to be taken by the full Forum membership. The level of transparency provided in the plan making process, will also be an important matter for the independent Inspector to consider as part of the formal Examination of the plan. The representations received

during the required formal consultation periods, and the Forum's response to such comments, will be examined. It is considered that the written constitution and the requirements of the plan making process addresses the objection raised during the recent consultation process.

19. Taking into account the statutory statement submitted with the application, the details contained within the written constitution and the consultation responses received, it is considered that the community group have submitted an application which conforms to the Regulations and the Localism Act 2011.

#### Statutory Requirements on Determination of Applications

20. There are a number of statutory duties which must be performed following the determination of the two applications with regards to publicising the decisions. Recommendation (iii) of this report seeks delegated powers to produce and publicise the statutory information if the proposals are approved.

#### Public Consultation Undertaken

21. The statutory minimum 6 week public consultation period took place for the two applications between Friday 6<sup>th</sup> September and Monday 21<sup>st</sup> October 2013. Copies of the application documents were made available to view at Burgess Road Library and Portswood Library, Gateway and on the Council's website. Numerous letters and emails were also distributed to local residents groups, voluntary agencies, business associations, educational institutes and adjoining councils. A number of posters were also displayed in local shops and at a number of public buildings, with further copies being distributed to the University and residents associations (who carried out further publication of the consultation locally).
22. All comments received were recorded and considered. Given the nature of the applications which themselves provided limited detail compared with other planning policy consultations, this unsurprisingly resulted in particularly brief responses. A file of all supporting responses received is included in the Background Papers of this report and is available for public inspection. The objection letter is attached at appendix 3 and is also addressed within the main body of the report.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

#### **23. Capital**

This report does not commit the Council to any capital spending.

#### **24. Revenue**

The designation of the Neighbourhood Area and Neighbourhood Forum would give rise to further work for the planning policy team in providing assistance in the Forum's development of a neighbourhood plan. This is however a statutory function which the Council must undertake and the work would be carried out within the existing planning policy budget.

### **Property/Other**

25. This report does not present any implications.

## LEGAL IMPLICATIONS

### Statutory power to undertake proposals in the report:

26. The report is prepared in accordance with provisions pursuant to neighbourhood planning within the Town and County Planning Act 1990, Planning and Compulsory Purchase Act 2004 and Localism Act 2011.

### Other Legal Implications:

27. The proposed applications comply with the requirements of the Human Rights Act 1998 and the Equalities Act 2010. Any plan prepared by the forum will be required to be produced having regard to an Equalities Impact Assessment in line with other development plan documents..

## POLICY FRAMEWORK IMPLICATIONS

28. The designations of the neighbourhood area and neighbourhood forum are the first two steps in the development of a neighbourhood plan which once adopted would form part of the development plan. If progressed to adoption, planning applications would have to be determined in accordance with the neighbourhood plan and other policies.

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	Bassett.
-----------------------------	----------

## SUPPORTING DOCUMENTATION

### Appendices

1.	Bassett Neighbourhood Area Application
2.	Bassett Neighbourhood Forum Application
3.	Objection Letter

### Documents In Members' Rooms

	None.
--	-------

### Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No.
--	-----

### Other Background Documents

#### Equality Impact Assessment and Other Background documents available for inspection at: Please contact Planning Policy

Title of Background Paper(s) Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	Full file of consultation responses.	
----	--------------------------------------	--