

Subject:	Coldean - Designation of a Neighbourhood Area and Forum		
Date of Meeting:	25th November 2021		
Report of:	Executive Director Economy, Environment and Culture		
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Ward(s) affected:	Hollingbury & Stanmer		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks approval for two applications which have been submitted by the Coldean community to designate a Neighbourhood Area and a Neighbourhood Forum (see Appendices 1 & 2). These designations fall under the neighbourhood planning provisions introduced by the Localism Act 2011. When approved, they will enable the designated forum to prepare a neighbourhood development plan for the designated neighbourhood area.
- 1.2 The proposed neighbourhood area extends into the South Downs National Park so the two applications will also need to be considered by the National Park Authority.
- 1.3 This report sets out the background to neighbourhood planning and summarises the specific statutory and regulatory requirements that the Council must consider when deciding whether to approve the applications. The report also considers the representations received during the 8-week consultation and presents Council officer responses to the points raised. Appended to the report are copies of the Neighbourhood Area and Forum applications, a summary of the public consultation responses and detailed officer responses to all the points raised.

2. RECOMMENDATIONS:

- 2.1 That the committee approves the designation of the Coldean Neighbourhood Area and Neighbourhood Forum.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Localism Act 2011 introduced neighbourhood planning as a means of giving local communities more power to influence the future of the places in which they live. A key element of neighbourhood planning is the ability to prepare neighbourhood development plans (which are commonly referred to as 'neighbourhood plans').

- 3.2 Whilst neighbourhood planning is optional for communities any neighbourhood plans prepared must comply with national planning policy (NPPF) and be in general conformity with the strategic policies of the adopted development plan (City Plan Part One).
- 3.3 Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine adopted strategic policies. Adopted Neighbourhood Plans will form part of the statutory development plan and be used to determine planning applications in that area.
- 3.4 Applications were submitted to the council by the Coldean community in August 2021 to establish a neighbourhood area and become a designated neighbourhood forum (see appendices 1 and 2 of this report). The criteria for establishing a Neighbourhood Area and Forum are set out in Appendix 3 of this report.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 In determining the applications for neighbourhood area and neighbourhood forum status, the Council needs to consider whether the applications comply with the requirements set out in the legislation (see Appendix 3) taking account of the comments received in response to the public consultation undertaken as set out in Appendix 5.
- 4.2 The council can refuse to designate the neighbourhood area and forum applied for if it considers the area is not appropriate or the membership of the forum is not representative, however the council would need to give reasons. This approach is not recommended in this instance.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 To meet the requirements set out in the neighbourhood planning regulations, the Council has undertaken an 8-week period of public consultation on the applications between 9am on 26 August 2021 to 11:59pm on 22 October. The consultation period was originally 6 weeks, but the consultation period was extended to allow for it to coincide with consultation by the South Downs National Park Authority. The publicity and consultation for the city council included:
- Publicising the neighbourhood area and neighbourhood forum applications on the Council website;
 - Displaying site notices advertising the applications at around 12 locations throughout the proposed Coldean neighbourhood area;
 - Notifying all contacts on the Council's contact database;
 - The Equalities Team at the Council notified contacts on their equalities group mailing list and to those on the community engagement list for them to share with geographical-based groups.
 - Notifying all Brighton & Hove councillors;
 - Providing hard copies of the applications at the Jubilee, Hove and Coldean Libraries
 - Publishing a press release; and

- Providing an online consultation portal and consultation response form for individuals and organisations wishing to comment.

5.2 In total 22 responses were received during the consultation period. A summary of responses is provided in Appendix 4. The representations received have been considered in determining the applications for the neighbourhood area and neighbourhood forum.

5.3 Based on the information provided with the neighbourhood area and forum applications and having considered all the consultation responses received, it is considered that the proposed neighbourhood area boundaries are appropriate and that the proposed neighbourhood forum would meet all the requirements set out in the legislation.

5.4 Results of the consultation will be published on the Neighbourhood Planning webpages on the council website and will be emailed to all respondents. An email notifying all consultees on the Planning Policy, Heritage and Projects mailing list will also be sent to ensure that all are aware of the new neighbourhood designations.

6. CONCLUSION

6.1 After considering all relevant issues and all representations submitted in response to public consultation, officers consider that the applications for neighbourhood area and neighbourhood forum status satisfy all the requirements set out in the legislation. Members are requested to approve the designation of the Coldean Neighbourhood Area and to approve the designation of the Coldean Neighbourhood Forum.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 There are no financial implications arising at this stage of the neighbourhood plan process. It will be the responsibility of the Council after the Regulation 16 stage of consultation. The Council is entitled to funding from central Government to help support this and has a specific budget set aside for neighbourhood planning.

Finance Officer Consulted: John Lack

Date: 14/10/21

Legal Implications:

7.2 The statutory criteria for designating a neighbourhood area and neighbourhood forum are set out in Appendix 3 to the report. Once a neighbourhood forum and neighbourhood area have been designated, the designations must be published on the Council's website and in such other manner as the Council considers will bring the designations to the attention of persons living, working, or carrying on business in the neighbourhood area (Regulations 7 and 10 of the Neighbourhood Planning (General) Regulations 2012).

Lawyer Consulted: Hilary Woodward

Date: 22/10/21

Equalities Implications:

- 7.3 The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a “protected characteristic” and those who do not. This duty will apply to the Council when it takes formal decisions at the later stages of the neighbourhood plan process.
- 7.4 If the Neighbourhood Forum and Area are formally designated the forum will be advised to undertake an Equalities Impact Assessment when they have drafted and consulted on the Neighbourhood Plan.

Sustainability Implications:

- 7.5 The purpose of the planning system is to contribute to the achievement of sustainable development and one of the ‘basic conditions’ on which neighbourhood plans are examined is that they should contribute to this.

Brexit Implications:

- 7.6 None directly related to this report

Any Other Significant Implications:

- 7.7 None directly related to this report

Crime & Disorder Implications:

- 7.8 None directly related to this report

Risk and Opportunity Management Implications:

- 7.9 The neighbourhood plan preparation process requires that the Council provides ongoing support and liaison with the Neighbourhood Forum and there is also a requirement for the Forum to undertake formal consultation on a draft neighbourhood plan before it is submitted to the Council and taken forward for examination. This should ensure that any issues of concern to the Council are highlighted and that a future Coldean neighbourhood plan will be in general conformity with City Plan policies.

Public Health Implications:

- 7.10 None directly related to this report

Corporate / Citywide Implications:

- 7.11 None directly related to this report

SUPPORTING DOCUMENTATION

Appendices:

1. Coldean Neighbourhood Area application (completed form), including A4 map of proposed Neighbourhood Area
2. Coldean Neighbourhood Forum application (completed form to include written constitution), including map showing locations where members live and work.
3. Criteria for establishing a Neighbourhood Area and a Neighbourhood Forum
4. Summary of consultation responses
5. Officer responses to consultation comments received

Background Documents

1. National Planning Practice Guidance on Neighbourhood planning (includes links to relevant legislation)
<https://www.gov.uk/guidance/neighbourhood-planning--2>
2. Relevant legislation - Town and Country Planning Act 1990; Planning and Compulsory Purchase Act 2004; The Localism Act 2011; Neighbourhood Planning (General) Regulations 2012; Neighbourhood Planning (General) (Amendment) Regulations 2015; and Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

