

## **STONELEIGH AND AURIOL NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM APPLICATIONS**

<b>Head of Service:</b>	Viv Evans, Head of Planning
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	Appendix 1 Neighbourhood Area Application Appendix 2 Neighbourhood Forum Application Appendix 3 Map showing the distribution of members of the Forum Appendix 4 Consultation responses on the Neighbourhood Area Application Appendix 5 Consultation responses on the Area Forum Application

### **Summary**

To determine the applications for Stoneleigh and Auriol Neighbourhood Area and Stoneleigh and Auriol Neighbourhood Forum.

### **Recommendation (s)**

**The Committee is asked to:**

- (1) designate Stoneleigh and Auriol Neighbourhood Area;**
- (2) designate Stoneleigh and Auriol Neighbourhood Forum.**

## **1 Reason for Recommendation**

- 1.1 Officers are satisfied that the criteria for designating the Neighbourhood Area and Neighbourhood Forum are met, and as a result, recommends that the Stoneleigh and Auriol Neighbourhood Area and Stoneleigh and Auriol Neighbourhood Forum applications are approved.

## **2 Background**

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- 2.1 Neighbourhood planning was introduced by the Localism Act 2011. It a mechanism for communities to get more involved in shaping the future of the places where they live and work through the preparation of Neighbourhood Plans. Neighbourhood Plans are intended to contribute positively to the social, economic and environmental well-being of a local area.
- 2.2 There are no 'qualifying bodies' in the Borough that can prepare a Neighbourhood Plan. This is because there are no Parishes within Epsom and Ewell. Consequently, communities that wish to prepare these documents are required to make an application to the Local Planning Authority to establish themselves as a Neighbourhood Forum. Any such application would need to define the Neighbourhood Area where a future Neighbourhood Plan and associated policies would cover. The approval of Neighbourhood Forum and Neighbourhood Area applications are a prerequisite for the preparation of a Neighbourhood Plan.
- 2.3 The preparation of a Neighbourhood Plan is prescribed by legislation. A summary of the key stages in neighbourhood planning preparation are set out in National Planning Guidance of a Neighbourhood Plan is Paragraph: 080 Reference ID: 41-080-20180222. In summary these are:
- Step 1: Designating neighbourhood area and if appropriate neighbourhood forum
  - Step 2: Preparing a draft Neighbourhood Plan or Order
  - Step 3: Pre-submission publicity and consultation
  - Step 4: Submission of a neighbourhood plan or Order proposal to the local planning authority
  - Step 5: Independent Examination
  - Steps 6 and 7: Referendum and bringing the neighbourhood plan or Order into force
- 2.4 Neighbourhood Plans are required to be consistent with the planning principle that all plan-making and decision-making should help to achieve sustainable development.

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- 2.5 The Council is required to take decisions at key stages in the neighbourhood planning process within the time limits set out in the Neighbourhood Planning (General) Regulations 2012. The Council is also required to provide advice or assistance to a neighbourhood forum producing a neighbourhood plan or Order. This includes advising Neighbourhood Forums on process and procedure and ensuring conformity of a Neighbourhood Plan with the strategic planning policies of the National Planning Policy Framework (NPPF) and the Council's emerging Local Plan. In addition the Council will be required to organise a Neighbourhood Plan Examination and the referendum and meet the associated costs.
- 2.6 In relation to the Council's initial responsibilities on receipt of an applications for a Neighbourhood Area and Neighbourhood Forum, the Council is required to publish the application for a period of at least 6 weeks to allow people who live, work or carry out a business in the proposed Neighbourhood Area with an opportunity to comment on the proposal.
- 2.7 Following the conclusion of the consultation period, the Council is required by the Neighbourhood Planning (General) Regulations 2012 to come to a decision on the establishment of the neighbourhood Forum within 13 weeks from the date it was published.

### 3. Applications

- 3.1 There are two applications, the first to designate a Neighbourhood Area and the second to establish a Neighbourhood Forum covering the Stoneleigh and Auriol Wards. These were received on 21 July 2020.
- 3.2 The Regulations require the Council to publish the applications for a period of at least 6 weeks to allow people who live, work or carry out a business in the proposed Neighbourhood Area with an opportunity to comment on the proposals.
- 3.3 In line with the Council's [Statement of Community Involvement \(SCI\)](#) the applications were published on the [Council's main website](#) and its [consultation portal](#) and residents and stakeholders on the Council's consultation system were notified via email or by post. The coronavirus restrictions meant that hard copies of the documents were not made available at libraries or the Council Offices. The consultation started on the 17 August 2020 and concluded on 9 October 2020. This was an extended period of consultation of 8 weeks to allow extra time to respond in the context of the coronavirus restrictions.
- 3.4 The Council is required to determine the applications within thirteen weeks of publishing the application. The deadline for determining the applications is 15 November 2020.

#### 4. Neighbourhood Area Application

- 4.1 The designation of a Neighbourhood Area will define the area where a Neighbourhood Plan can be made and where policies will apply.
- 4.2 In accordance with the requirements, the applicants submitted the following information for the Neighbourhood Area application (Appendix 1):
- A map identifying the area
  - A statement explaining why it is considered an appropriate neighbourhood area
  - A statement that the organisation making the application is a relevant body.
- 4.3 The Council must consider the following when considering the application
- how desirable it is to designate the whole of the 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.
- 4.5 The proposed Neighbourhood Area Boundary follows the existing Ward boundary of Stoneleigh Ward and Auriol Ward. Therefore the boundary for the proposed Neighbourhood Area is considered to follow a logical boundary as it follows existing boundaries will avoid potential overlap with another Neighbourhood Area (should another group wish to designate another area). At present, the proposed Neighbourhood Area does not overlap with another Neighbourhood Area or proposed Neighbourhood Area and does not cover a parish area (there are no Parish Councils in Epsom & Ewell Borough). Overall the boundary is appropriate from a planning perspective.
- 4.6 The applicants have provided a supporting statement for area designation where they consider it an appropriate neighbourhood area that share a similar character and community ethos.
- 4.7 In terms of the application being made by a relevant body. The application for the designation of Stoneleigh and Auriol Neighbourhood Forum has been submitted alongside the Neighbourhood Area application.

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- 4.8 A total of 59 individual representations were made to the Neighbourhood Area application, these came from a mix of individuals and organisations. All response were received by email or electronically. 51 responses expressly supported the application. There were no objections, the remaining responses were comments about the particular interests of the respondent and requests to consulted in future consultation of the Neighbourhood Plan as it progresses. One response related to a planning application near Stoneleigh Station and was therefore not relevant for this consultation.
- 4.9 Based on the above, it is recommended that Stoneleigh and Auriol Neighbourhood Area is designated.

### 5 Neighbourhood Forum Application

- 5.1 In accordance with the requirements, the applicants submitted the following information for the Neighbourhood Forum application (Appendix 2):
- the name of the proposed Forum;
  - a copy of its written constitution;
  - the name and map of the Neighbourhood Area to which the application relates;
  - contact details of at least one member that can be made public;
  - and a statement setting out how the proposed Forum meets the conditions set out in section 61F(5) of the Town And Country Planning Act 1990. The conditions are that the Forum:
    - Is established to promote or improve the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area for the Neighbourhood Development Plan
    - Has 21 individual members and membership is open to the following groups: people living in the area; People who work there; County council, district or London borough councillors for the area
    - Has a written constitution.
- 5.2 The designation of a Neighbourhood Forum will enable it to prepare a Neighbourhood Plan for a relevant Neighbourhood Area.
- 5.3 In making its decision on the proposed designation, the Council must be satisfied that the proposed Forum:

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- Is established to promote or improve the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area for the NDP;
- Has 21 individual members and membership is open to the following categories: people living in the area; people who work there; county council, district borough councillors for the area;
- Has a written constitution.

### 5.4 The Council should also be satisfied that the Forum:

- has secured, or taken reasonable steps to secure, people who live, work or are elected members for the area
- membership is drawn from different places in the area and different sections of the community in the area
- The purpose of the forum reflects (in general terms) the character of the area

### 5.5 Taking the requirements in order:

5.5.1 the constitution (Appendix 2) of the proposed Stoneleigh and Auriol Neighbourhood Forum sets out explicitly that one of its main objectives is to “To promote or improve the economic, social and environmental wellbeing and quality of life of those living and working in the area, through the preparation and implementation of a Neighbourhood Plan”. Officers are satisfied that it meets the first criteria, and there is no reason to doubt its intent. Ultimately, any future Neighbourhood Plan relating to this area will need to demonstrate how it will achieve sustainable development. It will be tested at an independent examination, followed by a referendum.

5.5.2 The application identifies that the proposed membership is comprised of 46 people that are resident or work or an elected member within the area. Whilst a prospective neighbourhood forum is not required to have a member from each membership category in order to be designated. The Council must consider whether the prospective neighbourhood forum has secured or taken reasonable steps to attempt to secure membership from each category and from different places and sections of the community in that area. The membership is mainly comprised of residents, but also includes an elected Ward Member and some business owners. On this basis, Officers are satisfied that the proposed Forum has met the second criteria.

5.5.3 The application includes a written constitution, structured into the following headings:

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- Name: Stoneleigh and Auriol Neighbourhood Forum SANF
- Area of benefit: Provides a description of the proposed Neighbourhood Area, made up of the two wards Stoneleigh and Auriol
- Objectives and purpose: Sets out the Forum's objectives including to prepare a Neighbourhood Plan for the area
- Policies and principles- Sets out its key principles including promoting policies to maximise the social benefit and make changes and improvements to the local environment
- Membership- Membership will be open to all over the age of 18 who live or regularly work in the area, and elected members from Surrey County Council or Epsom and Ewell Borough Council and they will encourage membership from different parts of the Area and different sections of the community.
- Declaration of Interest: Requires forum members declare any interest, nature and extent of any interest, direct or indirect, and excuse themselves from discussions where the conflict may arise.
- Management Committee: Sets out the role of the Management Committee. Comprises of up to 10 members who undertake the day to day work of the Forum.
- Stoneleigh and Auriol Neighbourhood Forum Group Meetings: Sets out the arrangements for group meetings, who calls them and how regular these occur. Sets out governance procedures for the meetings.
- Powers: Sets out the powers of the committee
- Financial Management: Sets out how the Forum will manage its funds
- Alterations to the Constitution: sets out the process to alter the constitution once adopted.
- Duration: The period whereby the Forum can operate, 5 years from designation.

The constitution sets a clear framework for how the Forum will be governed. Officers are satisfied that the third criteria has been met.

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- 5.9 The final matter relates to the composition of the proposed Forum members, and whether reasonable steps have been made to secure membership is drawn from different places in the area and different sections of the community in the area. Forum members are required to provide addresses to verify eligibility for membership, these addresses have been mapped to provide an understanding of the distribution within the proposed Neighbourhood Area (See Appendix 3). The distribution of members indicates that the proposed Forum members are evenly spread throughout the neighbourhood area. In addition, section 4 and 5 of their Constitution indicates that the Forum will encourage membership from different parts and sections of the community.
- 5.10 The Council received a total of 54 responses to the Neighbourhood Forum consultation. These came from a mix of individuals and organisations. All response were received by email or electronically via the consultation portal. 47 responses were expressly supportive of the proposed designation of the Forum, with comments stressing the importance of local people having their say. There were no objections to the designation of the Forum. The remaining responses did not expressly state either support or objection but raised what their key interests were in relation to any future Neighbourhood plan and requested to remain updated in future consultations on any Neighbourhood Plan relating to the proposed designation. The responses are found in Appendix 4.
- 5.11 Officers are satisfied that the combination of the application information provided and consultation responses demonstrates the criteria for designating the Forum is met, and as a result, recommends the designation of Stoneleigh and Auriol Neighbourhood Forum.
- 5.12 There is no other Neighbourhood Forum applications for the same Neighbourhood Area. If designated, the Stoneleigh and Auriol Neighbourhood Forum remains in place for a period of 5 years from the date of designation. Within this time, the local planning authority may decline to consider any neighbourhood forum application made in relation to the same neighbourhood area, unless the Forum withdraws its designation.
- 5.13 The designation of a Neighbourhood Forum will enable it to prepare a Neighbourhood Plan. If adopted, the Neighbourhood Plan will form part of the Development Plan and will sit alongside the local plan prepared by the Council. Decisions on planning applications will be made using both the local plan and the neighbourhood plan, and any other material considerations.

## **6 Risk Assessment**

Legal or other duties

6.1 Impact Assessment

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6.1.1 The Corona Virus pandemic impacted how this consultation took place. The consultation was an 8 week consultation period (the regulations require a minimum of 6 weeks) in order to ensure comments could be submitted in due time and in the context of restrictions introduced because of the pandemic.

### 6.2 Crime & Disorder

6.2.1 None

### 6.3 Safeguarding

6.3.1 None

### 6.4 Dependencies

6.4.1 None

### 6.5 Other

6.5.1 None

## 7 Financial Implications

7.1 At this stage, it is expected that staff resources required for Neighbourhood Planning will be met from existing staff.

7.2 There will be specific associated costs in relation to Examination and Referendum of a Neighbourhood Plan that the Neighbourhood Forum prepares. It is difficult to provide an exact estimate for the cost of the Examination as this will entirely depend on the content and complexities involved. An estimate of £20,000 is based on the experience of the other authorities.

7.3 The Government provides financial assistance to assist the preparation of Neighbourhood Plans. Local authorities can bid for a grant of up to £20,000 once they have set a date for a referendum following a successful examination.

7.4 In addition Local authorities can claim £5,000 for the first five Neighbourhood Areas and first five Neighbourhood Forums designated.

7.5 **Section 151 Officer's comments:** None arising from the contents of this report.

## 8 Legal Implications

8.1 The Council in making its decisions on the applications must be satisfied that all the statutory requirements are met. The legal requirements are considered and addressed within the body of the report.

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8.2 The terms of reference of this Committee permits the Head of Planning to ask the Committee to consider any planning policy matters deemed necessary and this is why both these applications have come before this Committee.

8.3 **Monitoring Officer's comments:** none arising from the contents of this report.

### 9 Policies, Plans & Partnerships

9.1 **Council's Key Priorities:** The following Key Priorities are engaged:

9.2 Green and vibrant, Safe and Well, Cultural and Creative, Opportunity and Prosperity, Smart and Connected, Effective council

9.3 Any future Neighbourhood Plan that the Forum prepares will form part of the Development Plan for the area and must be taken into account in planning decisions. It is therefore 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.

9.4 **Service Plans:** The matter is within the current Service Delivery Plan.

9.5 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report

9.6 **Sustainability Policy & Community Safety Implications:** None arising from the contents of this report

9.7 **Partnerships:** Council Officers will assist the Neighbourhood Forum where appropriate, in preparing their Neighbourhood Plan

### 10 Background papers

10.1 The documents referred to in compiling this report are as follows:

#### **Previous reports:**

- Application for Stoneleigh and Auriol Neighbourhood Forum consulted 24 February 2020-6 April 2020, determined under emergency powers on 22 May 2020. The Neighbourhood Forum application was refused by the Council as it cannot designate a Neighbourhood Forum under s. 61F(5) of the Town and Country Planning Act 1990 ('TCPA 1990') without having already designated a neighbourhood area under s. 61G TCPA 1990.

#### **Other papers:**

- None