

WIRRAL COUNCIL

CABINET 21 JUNE 2012

SUBJECT:	NEIGHBOURHOOD PLANNING - AREA AND FORUM DESIGNATIONS
WARD/S AFFECTED:	GREASBY, FRANKBY AND IRBY, HOYLAKE AND MEOLS, LISCARD, PRENTON
REPORT OF:	DIRECTOR OF REGENERATION, HOUSING AND PLANNING
RESPONSIBLE PORTFOLIO HOLDER:	REGENERATION AND PLANNING STRATEGY COUNCILLOR PAT HACKETT
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

- 1.1 Wirral has four Neighbourhood Forums funded by Government as part of the Neighbourhood Planning Frontrunner project. These are at various stages of plan preparation, although none has yet submitted a Neighbourhood Plan formally to the local planning authority, or to independent examination or referendum.
- 1.2 Following the commencement of provisions in the Localism Act 2011, the Government has now issued Neighbourhood Planning Regulations and has amended the Town and Country Planning Act 1990 to make Neighbourhood Plan preparation a statutory process. If adopted by the local planning authority, the resulting plans will then become part of the Council's development plan, alongside the Unitary Development Plan, Regional Strategy and emerging Core Strategy.
- 1.3 As a result of this change in status of the Neighbourhood Plans, the Regulations require that the area designations and the Neighbourhood Forum constitutions should be agreed by the Council and be subject to public consultation in their neighbourhood area.
- 1.4 This report sets out the background to this issue and the stages reached by each of Wirral's former Neighbourhood Planning Frontrunners. Officers have assisted each of the Neighbourhood Forums to prepare their plans in accordance with the previous development plan regulations and the stages now proposed closely follow the new procedures, although now with statutory effect.
- 1.5 Cabinet is asked to agree the area boundaries of the four Wirral Neighbourhood Planning areas and that the constitutions of the four Neighbourhood Forums comply with the requirements of sections 61F and 61G of the Town and Country Planning Act 1990.
- 1.6 Cabinet is further asked to agree that the area boundaries and constitutions of the four Neighbourhood Forums are issued for a six week public consultation and that officers report back to a future Cabinet on the results of that consultation, with a view to

designating (or refusing designation) the Neighbourhood Forums and area boundaries.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 During 2011, four communities in Wirral successfully bid to become Frontrunners on the Government's Neighbourhood Planning pilot project. This pilot project was brought in before the Localism Act was given Royal Assent on 15th November 2011 and involved local communities preparing Neighbourhood Development Plans for their areas. Members should be aware that the preparation of Neighbourhood Development Plans is a separate process to the Council's Area Forum neighbourhood plans, which are concerned with local resource allocation and not town planning issues.
- 2.2 The first two pilot areas in Wirral were reported to Cabinet on 3rd February 2011 (minute 320 refers) and Members agreed to endorse the submission of the pilot bids from Devonshire Park Residents' Association and Hoylake Village Life. Cabinet also resolved that officers should assist the two neighbourhood groups to determine their boundaries and prepare draft neighbourhood plans. On 1st April 2011, the Government announced funding of £20,000 to be allocated to Wirral Council to assist in the preparation of the Devonshire Park Residents' Association Neighbourhood Plan. Funding of £20,000 for the Hoylake Village Life proposals was granted by the Government on 24th May 2011.
- 2.3 Central Liscard Area Residents' Association was the third group to come forward and submitted their bid to Government on 8th July 2011, following submission to the Council's Leader on 4th July 2011, with the support of two Ward Members. The bid was agreed and funding of £20,000 awarded to the Council for CLARA's proposals, by Government on 31st August 2011.
- 2.4 The fourth Wirral bid was submitted by Greasby Community Association, following submission to the Portfolio Holder for Regeneration and Planning Strategy, with the support of three Ward Members. The bid was agreed by Government and funding of £20,000 awarded on 1st March 2012.
- 2.5 The four pilot areas are at different stages in their preparation of a Neighbourhood Plan for their communities. There is a basic process of consultation, submission and examination before the Neighbourhood Plan can be put to a referendum of local voters and then adopted by the Council as part of the statutory development plan. This process has been supported by officers in my Department, using the four blocks of £20,000 allocated to the pilot project by Government and held by the Council.
- 2.6 Whilst the four pilot areas were being used by the Government to test this new approach to plan-making, the Government has now introduced Neighbourhood Planning Regulations, following the Localism Act. These Regulations came into force on 6th April 2012 and set out a clear statutory process for the preparation of Neighbourhood Plans. Whilst the carrying out of a Referendum is part of this process, the necessary Regulations for that stage under the Localism Act have not been made yet. The process consists of the following stages:
 - (1) designation of Neighbourhood Plan Area (Regs 5-7)
 - (2) designation of Neighbourhood Forum (Regs 8-12)

- (3) develop the draft Neighbourhood Plan (Reg 14)
- (4) consultation on the draft Neighbourhood Plan (Reg 14)
- (5) revision of the draft plan post-consultation
- (6) submission of the draft Neighbourhood Plan to the Local Planning Authority (Regs 15,16)
- (7) independent Examination of the draft Neighbourhood Plan (Reg 17)
- (8) revision of the draft plan post-Examination (Reg 18)
- (9) carrying out of a Referendum
- (10) Neighbourhood Plan adoption by Local Planning Authority (Regs 19,20)

2.7 In addition to the Neighbourhood Planning Regulations, Schedule 9 of the Localism Act has made a number of changes to provisions within the Town and Country Planning Act 1990, at Section 61F 'Authorisation to act in relation to neighbourhood areas' and Section 61G 'Meaning of "neighbourhood area"'. These sections set out a further range of conditions that Neighbourhood Forums are required to adhere to, including:

'(5) A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions-

- (a) It is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),
- (b) Its membership is open to-
 - (i) Individuals who live in the neighbourhood area concerned,
 - (ii) Individuals who work there (whether for businesses carried on there or otherwise), and
 - (iii) Individuals who are elected Members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
- (c) Its membership includes a minimum of 21 individuals each of whom-
 - (i) Lives in the neighbourhood area concerned,
 - (ii) Works there (whether for a business carried on there or otherwise), or
 - (iii) Is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned'
- (d) It has a written constitution, and
- (e) Such other conditions as may be prescribed.'

'(7) A local planning authority-

- (a) must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, have regard to the desirability of designating an organisation or body-
 - (i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of subparagraphs (i) to (iii) of subsection (5)(b),

- (ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and (iii) whose purpose reflects (in general terms) the character of that area,
- (b) may designate only one organisation or body as a neighbourhood forum for each neighbourhood area,
- (c) may designate an organisation or body as a neighbourhood forum only if the organisation or body has made an application to be designated, and
- (d) must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the application.'

2.8 The 1990 Act (as amended) contains further principles to which a neighbourhood forum should conform. Members should come to a view as to whether the individual neighbourhood forums should be supported in accordance with the amendments to the Town and Country Planning Act 1990. However, public consultation on the area designations and neighbourhood forums constitutions should establish whether the forums have the support of their neighbourhoods at this stage. Ultimately, the Neighbourhood Plans will be subject to a referendum of electors from within each Neighbourhood Plan area, with the requirement that a simple majority of those voting support the relevant Neighbourhood Plan.

2.9 The support given to the individual neighbourhood forums is a complex issue, as each of Wirral's neighbourhood forums has adopted a different structure, dependent upon the circumstances in which they have been formed. Government encouraged this wide range of structures at the Fronrunner pilot stage, and Members may believe that the forums should not be penalised at this stage for divergence from the model now promoted by Government through the Regulations.

2.10 The local planning authority has some discretion in terms of having regard to 'the desirability of designating an organisation or body...'((7)(a) in para 2.7 above). All the groups have an open membership and have attempted to engage as widely as possible with their local communities. The extent to which that engagement has been successful will be shown by the public consultation on the area designation and constitution, and later by the extent by which their neighbourhood plan proposals carry the support of their neighbourhoods, if they advance to that stage.

2.11 Members have already broadly agreed the area boundaries in their consideration and support to the Fronrunner submissions. Consultation on the Devonshire Park Neighbourhood Plan appears to have shown the logic of the chosen boundary. Initial consultation on Hoylake Village Life's proposals has drawn some comment on the role of Meols, which should be addressed by the neighbourhood forum. There has been no consultation yet on the Central Liscard proposals or on those for Greasby. However, officers have recommended that the original boundary for Greasby, which was drawn very tightly, should be extended and this has been agreed by the Community Association. Public consultation on the area boundaries should clarify these issues for the neighbourhood forums.

2.12 The neighbourhood areas and the constitutions of each of the neighbourhood forums are appended to this report. It is officers' view that the information provided by each neighbourhood forum provides an appropriate level of detail for Cabinet to come to a view and to form the basis of public consultation. Following that consultation, the

proposed Neighbourhood Forums and their areas will be re-submitted to Cabinet for designation, or a decision to refuse designation.

Devonshire Park Residents' Association

- 2.13 A residents association with membership open to those living or working in the neighbourhood. Support of two local Ward Members.
- 2.14 The Devonshire Park neighbourhood area is entirely within Prenton Ward and is bounded by Borough Road, North Road, Greenway Road and Prenton Road East.
- 2.15 The Devonshire Park Neighbourhood Plan is the most advanced of the Wirral plans, with an initial questionnaire survey in summer 2011 and a draft Neighbourhood Plan being subject to 6 weeks public consultation from February to March 2012. The plan has now reached stage (5) set out at para 2.6 above. The Residents' Association is very concerned that the momentum gained with the community should not be lost and would like to advance to a Referendum in September 2012.

Hoylake Village Life Community Interest Company

- 2.16 Community Interest Company set up to further social, economic and environmental wellbeing in their area. Directors drawn from different sectors of the local community. Open membership. Written constitution (as Company articles of association).
- 2.17 The Hoylake boundary includes Hoylake but not Meols. It is bounded by the sea to the north, Green Belt land to the south of Hoylake Station and follows the Hoylake and Meols Ward boundary on Meols Drive.
- 2.18 The Hoylake Neighbourhood Plan has been subject to initial consultation, using a billboard advertising campaign, free newspaper inserts and a questionnaire survey from January 2012. The Community Interest Company is now considering the content of a draft Neighbourhood Plan. They are therefore at stage (3) of the process set out at para 2.6 above.

Central Liscard Area Residents' Association (CLARA)

- 2.19 Confederation of residents' associations with open membership within each association area. Support of two local Ward Members.
- 2.20 CLARA has opened a shop unit in Liscard as a 'drop-in' centre for local residents and proposes a comprehensive study of all residents in its five constituent associations. Due to time commitments to the Portas pilot Town Team initiative, progress has not been as rapid as the Association would wish. However, public meetings have been held to develop initial ideas. As with Hoylake Village Life, students from Liverpool University's School of Civic Design/Environmental Sciences have been engaged in a project with CLARA to develop a draft Neighbourhood Plan and this could form the basis for public consultation if agreed by local residents. CLARA is therefore also at stage (3).

Greasby Community Association

- 2.21 Company limited by guarantee, with memorandum and articles of association, with charitable objects. Eight subscribers (trustees or directors) include three Ward Members (as ex-officio Trustees). Twenty-one sponsors' names provided for the original Frontrunner bid. Although membership is only open to trustees, there is a class of Associate Members to be drawn from a wider population.
- 2.22 The Greasby neighbourhood area follows the boundary of the traditional parish, including the built up area of the village and surrounding Green Belt towards Frankby, Irby Common, Arrowe Park, Upton Village and Saughall Massie. It is entirely within the Greasby, Frankby and Irby Ward.
- 2.23 The Community Association is at a similar stage to CLARA, considering the drafting of an initial questionnaire to obtain residents' views on the issues facing the neighbourhood. The group is therefore at stage (3).
- 2.24 In order to assist the various Neighbourhood Forums in Wirral, officers sought advice from Communities and Local Government about how the Forums should proceed, in light of the different stages that had been reached. All of the groups had considered themselves to be at least at stage (3), although officers have advised them that the introduction of the Neighbourhood Planning Regulations would require them to revisit stages (1) and (2). This was most critical for Devonshire Park Residents' Association, which was most advanced, having undergone a questionnaire survey last summer and consulted for 6 weeks in early spring this year on a draft Neighbourhood Plan.
- 2.25 The advice from Communities and Local Government is as follows:

The frontrunners were testing the approach of neighbourhood planning using the existing legislation – producing a DPD, LDO or other planning document and using the legislation governing their production. As neighbourhood planning is now legally part of the planning system they can choose to produce a formal neighbourhood development plan. However, they will need to comply with the legislation, including the new regulations. This means that they will need to get the neighbourhood area formally designated by the local planning authority (including consultation on this) and as the Devonshire Park Residents' Association is not a Parish Council they will also need to apply to be designated as a Neighbourhood Forum and meet the conditions needed to be a forum (and again formal consultation will need to happen on this).

I understand from legal that some consultation on the planning documents could be counted towards the final consultation requirement in the regulations as section 234 of the Act (pre-commencement consultation) allows this.

- 2.26 The effect of this legal advice from CLG is that the four Wirral Neighbourhood Plan Frontrunners: Devonshire Park, Hoylake, Central Liscard and Greasby; have had to resubmit their areas boundaries and forum constitutions to the Council, in order that the Cabinet can formally consider them and issue them for a 6 week consultation.

3.0 RELEVANT RISKS

- 3.1 The principal risk for the Neighbourhood Planning process in Wirral is delay to the communities' proposals. Where the Neighbourhood Forums have a high level of

support within the local community, this delay may not be critical, although it does frustrate members of the Forums, who had been given the understanding by Government that they could prepare simplified Neighbourhood Plans for their communities.

- 3.2 There is clearly a risk that public consultation will not support the existing Neighbourhood Forums but all the Frontrunner groups were urged by officers from the beginning of the process to engage as widely as possible with their local communities in order to carry them forward.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 No other options have been considered, as this report sets out a response to proposals that are required by Regulations issued by the Government and responded to by local organisations.

5.0 CONSULTATION

- 5.1 The four Neighbourhood Plan Areas and Neighbourhood Forum constitutions will be issued for public consultation for a period of six weeks on the Council's website, in One Stop Shops and libraries local to the Neighbourhood Areas and at the Council's Technical Services Department.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 The development of the Neighbourhood Planning proposals involves a wide range of groups within each community being engaged. This process can lead to a better understanding between these groups and the development of community cohesion, if the process is properly managed.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 7.1 The grants of £20,000 for each of the four Neighbourhood Planning areas are non-ringfenced. The cost of the additional public consultation stage on the Area designations and Neighbourhood Forum constitutions will be absorbed within the existing grant funding of £80,000. The costs of the independent examination and Referendum for each Neighbourhood Plan are still to be quantified but it is intended that these will also be accommodated within the existing grant funding.
- 7.2 As the Council is the accountable body for this project, there are staffing implications of supporting the Neighbourhood Forums so as to ensure that the Council's procedures for effective financial management are complied with. To date any support work has been absorbed within existing staffing resources. Officers are managing the allocation of funds in accordance with the Council's audit practices to ensure that all funding is appropriately accounted for.
- 7.3 At this stage there are no IT or asset management implications. If submissions propose individual projects with additional implications, these will be reported to Members as appropriate.

8.0 LEGAL IMPLICATIONS

- 8.1 The Council has a legal duty to support local communities in their preparation of Neighbourhood Plans. In due course, the Council, as local planning authority has to

review the submitted Neighbourhood Plans for compliance with the Council's development plans and ultimately adopt the Plans if they pass independent examination and are supported at Referendum.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached – (*insert appropriate hyperlink*).

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010-0>

10.0 CARBON REDUCTION IMPLICATIONS

10.1 The Neighbourhood Plans must be in conformity with the National Planning Policy Framework which sets out national policy in terms of sustainable development.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 If adopted, a Neighbourhood Plan will become part of the Council's development plan, alongside the Core Strategy (to become Local Plan), in accordance with section 38 of the Planning and Compulsory Purchase Act 2004 (as amended). The Neighbourhood Plan must be in general conformity with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan and should not promote less development than set out in the Local Plan or undermine its strategic policies (National Planning Policy Framework, para 184). The local planning authority should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.

12.0 RECOMMENDATIONS

12.1 (1) That Cabinet agrees the neighbourhood area boundaries for Devonshire Park, Hoylake Village Life, Central Liscard Area Residents' Association and Greasby for the purposes of public consultation.

(2) That Cabinet agrees that the constitutions for Devonshire Park Residents Association, Hoylake Village Life, Central Liscard Area Residents' Association and Greasby Community Association fulfil the conditions imposed by the amendments to sections 61F and 61G of the Town and Country Planning Act 1990.

(3) That Cabinet agrees that the neighbourhood area boundaries and neighbourhood forum constitutions be consulted upon for a period of six weeks and that officers report back to a future meeting of Cabinet on the results of that public consultation, with a view to designating (or refusing designation) the Neighbourhood Forums and area boundaries.

13.0 REASONS FOR RECOMMENDATIONS

13.1 (1) to (3) To comply with the provisions of the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012, SI 2012 No.637.

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APPENDICES

Constitutions: Devonshire Park Residents' Association, Hoylake Village Life, Central Liscard Area Residents' Association, Greasy Community Association
Area boundaries: Devonshire Park, Hoylake Village Life, Central Liscard, Greasby

REFERENCE MATERIAL

- (i) Town and Country Planning, England, The Neighbourhood Planning (General) Regulations 2012, SI 2012, No. 637, The Stationery Office, March 2012

[Town and Country Planning, England, The Neighbourhood Planning \(General\) Regulations 2012, SI 2012, No. 637, The Stationery Office, March 2012](#)

- (ii) Town and Country Planning Act 1990, The Stationery Office (as amended)

- (iii) Planning and Compulsory Purchase Act 2004, The Stationery Office (as amended)

- (iv) Localism Act 2011, The Stationery Office (Part 6, Chapter 3 and Schedules 9 to 12 refer)

[Localism Act 2011, The Stationery Office](#)

- (v) National Planning Policy Framework, Communities and Local Government, March 2012 (paragraphs 183 to 185 refer)

[National Planning Policy Framework, Communities and Local Government, March 2012](#)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet – Neighbourhood Planning Vanguard – Wirral Proposal (minute 320)	3rd February 2011

Equality Impact Toolkit (from May 2012)

Section 1: Your details

EIA Lead Officer: Richard Lewis

Email address: richardlewis@wirral.gov.uk

Head of Section: David Ball

Chief Officer: Kevin Adderley

Department: Regeneration, Housing and Planning

Date: 30th May 2012

Section 2: What Council proposal is being assessed?

Neighbourhood Planning – designation of Neighbourhood Areas and designation of Neighbourhood Forum constitutions

Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?

Yes If 'yes' please state which meeting and what date

Cabinet 21 June 2012.....

Please add hyperlink to where your EIA is/will be published on the Council's website

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010-0>

Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)

- Services**
- The workforce**
- Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 4: Does the proposal have the potential to maintain or enhance the way the Council..... (please tick relevant boxes)

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity
- Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 5:

Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any negative impact.

Which group of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
All	Positive - The work will help to bring community together to tackle issues within their neighbourhoods		Richard Lewis	June 2012	Staff time
All	Negative – potential for some community groups to not be as involved as others.	Encourage Neighbourhood Forums to be as inclusive as possible and engage and consult as widely as possible.	Richard Lewis	June 2012	Staff time

Section 5a: Where and how will the above actions be monitored?

Review of consultation methods used by the Neighbourhood Forums. The final Neighbourhood Plan will be subject to independent examination, which will assess to what extent the consultation has satisfied the statutory requirements for Neighbourhood Plan preparation.

Section 5b: If you think there is no negative impact, what is your reasoning behind this?

Section 6: What research / data / information have you used in support of this process?

Each of the Neighbourhood Plans are being prepared against a background of evidence of socio-economic conditions within their neighbourhoods, proportionate to that required to justify their policies.

Section 7: Are you intending to carry out any consultation with regard to this Council proposal?

Yes

If 'yes' please continue to section 8.

If 'no' please state your reason(s) why:

(please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 8: How will consultation take place and by when?

The Neighbourhood Plan area designations and Forum constitutions will be subject to a 6 week public consultation, via the Council's website and in such other manner as it is considered likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates.

Before you complete your consultation, please email your preliminary EIA to equalitywatch@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting it's legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for re-publishing.

Section 9: Have you remembered to:

- a) **Add appropriate departmental hyperlink to where your EIA is/will be published?** (section 2b)
- b) **Include any potential positive impacts as well as negative impacts?** (section 5)
- c) **Send this EIA to equalitywatch@wirral.gov.uk via your Chief Officer?**
- d) **Review section 5 once consultation has taken place and sent your completed EIA to equalitywatch@wirral.gov.uk via your Chief Officer for re-publishing?**