

WIRRAL COUNCIL

CABINET

7 JULY 2014

SUBJECT:	UNITY IN OUR COMMUNITY – DESIGNATION OF A NEIGHBOURHOOD FORUM AND NEIGHBOURHOOD AREA FOR LEASOWE
WARDS AFFECTED:	LEASOWE AND MORETON EAST AND BIDSTON AND ST JAMES
REPORT OF:	STRATEGIC DIRECTOR FOR REGENERATION AND THE ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR PAT HACKETT - ECONOMY
KEY DECISION	YES

1.0 EXECUTIVE SUMMARY

- 1.1 Unity in Our Community has applied to the Council to be formally designated as a statutory Neighbourhood Forum to enable them to prepare a statutory Neighbourhood Development Plan for Leasowe. Public consultation has taken place in accordance with the Delegated Decision published on 26 February 2014, to comply with national regulations.
- 1.2 As no substantive representations were received, this report recommends that Unity in Our Community is designated as the Neighbourhood Planning Forum for the Leasowe Neighbourhood Area and that the designation is published in accordance with Regulations 7 and 10 of the Neighbourhood Planning (General) Regulations 2012.
- 1.3 The designation of Unity in Our Community and of the Neighbourhood Area of 'Leasowe' requires a resolution of Full Council.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Localism Act 2011 and accompanying regulations, allow communities to have more control over planning and development within their area. Using these new powers, community groups can apply to the Council to be designated as a neighbourhood forum, to allow them to develop land-use planning proposals for their area which can include the preparation of a statutory Neighbourhood Development Plan.
- 2.2 The Council has already approved the designation of two other Neighbourhood Forums and Neighbourhood Areas at Devonshire Park and at Hoylake (Council 30 April 2013, Minute 147 refers) and their proposals are at an advanced stage of preparation.
- 2.3 A previous Delegated Report (26 February 2014) considered the application submitted to the Council by Unity in Our Community to establish a Neighbourhood

Forum in Leasowe. The report concluded that the application documents complied with the relevant statutory requirements and were appropriate for publication for statutory public consultation, which took place between 17 March and 30 April 2014.

- 2.4 Seven comments were received, which are summarised in Appendix 1 to this report.
- 2.5 Most of the comments received related to issues that respondents wished to see taken into account when Unity in Our Community begin to prepare their Neighbourhood Plan.
- 2.6 There were no substantive comments on the principle of designating Unity in Our Community, on their proposed constitution or on the designation of the proposed Neighbourhood Area.
- 2.7 English Heritage initially raised a query in relation to the exclusion of the residential areas to the west of Reeds Lane but were subsequently satisfied with the explanation set out in the application documents (Appendix 2 refers).
- 2.8 The Council must now complete the legal process set out in national regulations.
- 2.9 As consultation revealed no objection to Unity in Our Community's application and the application meets the conditions prescribed in national legislation, this report recommends that Council be recommended to formally designate Unity in Our Community as the statutory Neighbourhood Forum for the Neighbourhood Area of 'Leasowe', as shown on the plan attached to this report (Appendix 4 refers).
- 2.10 As the proposed Neighbourhood Area is not predominantly business in nature it is not proposed that the Neighbourhood Area is also designated as a business area.

Period of Designation

- 2.11 Once designated, the Leasowe Neighbourhood Forum will become the statutory Neighbourhood Planning Forum for the designated Neighbourhood Area of Leasowe, for five years from designation or until the designation is withdrawn and no other organisation or body may be designated as the Neighbourhood Forum for the area until the designation period expires or is withdrawn.

3.0 RELEVANT RISKS

- 3.1 As compliance with the national neighbourhood planning regulations is not discretionary, the principal risks to the Council are legal and financial, dependent on the continued availability of Government grants.
- 3.2 A decision not to designate Unity in Our Community could be subject to legal challenge.
- 3.3 Potentially abortive costs at public examination and local referendum could be mitigated by working in partnership with Unity in Our Community to maximise the potential success of their neighbourhood planning proposals.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 There is no other option available to the Council once a valid application has been received and there is no objection to the designation from the local community.
- 4.2 Neighbourhood planning must be community-led. Unity in Our Community has strongly established ties with the proposed neighbourhood area as part of the Leasowe Partnership. No other organisation has come forward to apply to act as a neighbourhood forum or to propose to prepare neighbourhood planning proposals for the proposed neighbourhood area.
- 4.3 There is potential for proposals equivalent to proposals prepared by the local community to be included as part of one of the Council's own statutory Local Plans but no statutory Local Plan at this level of detail is currently being prepared and the preparation of proposals at an equivalent level of detail for each individual area of the Borough would be financially and procedurally prohibitive.
- 4.4 The potential availability of alternative planning powers will be a matter to be considered by the proposed forum in consultation with the Council as their neighbourhood planning proposals are prepared.

5.0 CONSULTATION

- 5.1 Unity in Our Community has involved representatives from the local community in drawing up their constitution and area boundary, as part of an initiative led by the Leasowe Partnership.
- 5.2 Elected Members for Leasowe and Moreton East will be members of Unity in Our Community. Elected Members for Bidston and St James will also be eligible to be members of the new Neighbourhood Forum.
- 5.3 The application for designation, including the proposed constitution and proposed Neighbourhood Area boundary was publicised for six weeks, in accordance with national regulations.
- 5.4 Documents were loaded on the Council's website on 13 March and public consultation took place between 17 March and 30 April 2014. The consultation was advertised through a press release, public notices in the local free press and the Council's social media (Facebook and Twitter). Constituency Committee contacts for Leasowe were also informed.
- 5.5 Council notification was also sent to the following:
 - Two hundred and fourteen neighbour notification letters to properties at (but outside) the immediate edge of the proposed neighbourhood area;
 - Eight letters and twenty three emails to consultation bodies listed in Schedule 1 of the Neighbourhood Planning (General) Regulations 2012;
 - Four letters to contacts from Leasowe registered on the Council's Local Development Framework contacts database; and
 - Sixteen letters and five emails to local businesses and other organisations within the proposed Neighbourhood Area boundary.

- 5.6 The Leasowe Development Trust also publicised the proposals through Facebook on 17 March 2014 and through invitations to a drop-in session at the offices of Leasowe Community Homes on 24 March 2014.
- 5.7 Paper copies of the application documents were placed at the libraries at Leasowe and St James and at the public counter of the North Annexe of Wallasey Town Hall. Council officers also attended a meeting of the Joint Management Committee of the Leasowe Play, Youth and Community Association on 3 April 2014.
- 5.8 Any subsequent proposals by Unity in Our Community will need to be subject to statutory public involvement, independent examination and local referendum before they can be formally approved.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 The development of Unity in Our Community has involved a wide range of groups within the community associated with the Leasowe Partnership, who have also been consulted on their application for designation as a Neighbourhood Planning Forum.
- 6.2 The constitution of the Unity in Our Community Neighbourhood Planning Forum will ensure that any local group will be able to contribute to the content of their emerging neighbourhood planning proposals.

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

- 7.1 The costs associated with designation can be met from existing resources in Regeneration and Planning.
- 7.2 An unringfenced grant of £10,000 is available to the Council from the Department of Communities and Local Government, to cover these costs, if the designation of the neighbourhood area and the designation of Unity in Our Community as a neighbourhood forum is confirmed by Council resolution before the end of 2014/15.
- 7.3 Future grants of up to £25,000, which are currently available to help councils with costs associated with publishing a submitted draft Neighbourhood Plan, arranging an independent examination and holding a local referendum, may not be available during 2015/16.
- 7.4 Unity in Our Community will now be responsible for drawing up Neighbourhood Planning proposals in line with national regulations.
- 7.5 Any additional resources to support Unity in Our Community and the later stages of the neighbourhood planning process, including publishing a draft Plan, arranging an independent examination and holding a local referendum, will need to be met from resources held by the Strategic Director for Regeneration and the Environment, less any available grant monies.
- 7.6 Recent local experience suggests that an independent examination could cost between £10,000 and £15,000, depending on the nature of the proposals to be contained within the proposed Neighbourhood Plan.

- 7.7 A local referendum of registered electors within the area boundary proposed is currently expected to cost up to £10,000.

8.0 LEGAL IMPLICATIONS

- 8.1 The Council has a legal duty to support local communities in their preparation of statutory neighbourhood planning proposals and must accept and publish proposals for designation that comply with the requirements of the Localism Act.
- 8.2 The Council can only refuse to designate a forum where it does not meet the prescribed conditions of the Act and must publish the reasons for refusing any application.
- 8.3 When considering whether to designate a neighbourhood forum, the Council must have regard to the desirability of designating an organisation or body which has secured or taken reasonable steps to attempt to secure that its membership: contains at least one individual who lives in the area, one individual who works in the area and one individual who is an Elected Member for that area; is drawn from different places and from different sections of the community within the area concerned; and that the purpose of that organisation or body reflects, in general terms, the character of that area.
- 8.4 The nature or merit of any draft or initial proposals is however not a relevant consideration in the decision to designate a neighbourhood forum.
- 8.5 The Council may only designate one organisation or body as the neighbourhood forum for each neighbourhood area and neighbourhood areas are not allowed to overlap each other. Once designated, no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn.
- 8.6 The Council can refuse an application to designate a neighbourhood area, if they consider that the area is not appropriate to be designated as a neighbourhood area but must publish a statement of the reasons for refusing any application to designate a neighbourhood area and must exercise its power of designation so as to secure that some or all of the specified area forms part of the area to be designated.
- 8.7 In areas which are wholly or predominantly business in nature, the Council must also consider whether the area should also be designated as a business area, to allow an additional referendum of local businesses to be held alongside the referendum of local electors.
- 8.8 As soon as possible after designating a neighbourhood forum and a neighbourhood area the Council must publish the name of the neighbourhood forum; a copy of the written constitution of the neighbourhood forum; the name of the neighbourhood area to which the designation relates; a map which identifies the area; and contact details for at least one member of the neighbourhood forum, on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area.

- 8.9 Following designation, Unity in Our Community will be responsible for the preparation of a draft plan, in line with national regulations which provide for statutory public involvement and for submitting the draft plan to the Council for publication and examination by an independent person with appropriate qualifications and experience.
- 8.10 The Council must make the proposed neighbourhood plan part of the statutory Development Plan for Wirral, if it passes the examination and is supported by a majority of those voting in a local referendum.
- 8.11 The designation of the forum will initially last for five years. Once designated, the Council will only be able to rescind the status of Unity in Our Community if they no longer meet the statutory conditions for designation.
- 8.12 Any local referendum will need to comply with the Neighbourhood Planning (Referendums) Regulations 2012 (SI 2012 No. 2031) and the Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 (SI 2013 No. 798).

9.0 EQUALITIES IMPLICATIONS

- 9.1 Has the potential impact of your proposals been reviewed with regard to equality?
(a) Yes and the impact review can be accessed at:
<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/regeneration-housing-planning>
- 9.2 It is concluded that the objectives, representative nature and open membership of the proposed neighbourhood planning forum could have positive equalities implications. A new equalities impact assessment will, however, need to be prepared once the neighbourhood planning proposals of Unity in Our Community have been prepared.

10.0 CARBON REDUCTION IMPLICATIONS

- 10.1 It is a legal requirement that neighbourhood planning proposals must contribute towards the achievement of sustainable development.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 11.1 If designated, Unity in Our Community will be responsible for the preparation of draft neighbourhood planning proposals in line with national regulations including national policy.
- 11.2 If adopted after independent examination and referendum, any Neighbourhood Plan will become part of the Council's statutory Development Plan alongside the Unitary Development Plan, the Joint Waste Local Plan for Merseyside and Halton (and the emerging Core Strategy Local Plan) and must be used in the determination of individual planning applications.
- 11.3 Unity in Our Community must demonstrate that their final proposals will meet the basic conditions set out in national legislation and must have regard to the National Planning Policy Framework and be in general conformity with the Council's strategic

land use planning policies, including for the control of development within the Green Belt and within the coastal zone.

- 11.4 The inclusion of the foreshore within the proposed neighbourhood area boundary could have a bearing on the outcome of the screening for Strategic Environmental Assessment and Habitat Regulations Assessment, depending on the nature of the proposals being brought forward by the Forum.

12.0 RECOMMENDATION

- 12.1 That Cabinet recommends to Council that Unity in Our Community is formally designated as the statutory neighbourhood planning forum for the neighbourhood area of Leasowe shown on the plan attached to this report; and
- 12.2 That the designation and the associated documents are published in accordance with Regulations 7 and 10 of the Neighbourhood Planning (General) Regulations 2012.

13.0 REASONS FOR RECOMMENDATIONS

- 13.1 To fulfil the Council's statutory duties for the administration of an application to establish a statutory neighbourhood planning forum and a statutory neighbourhood planning area boundary for Leasowe.

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APPENDICES

Appendix 1 – Summary of Representations Received
Appendix 2 – Neighbourhood Forum Application Letter
Appendix 3 – Neighbourhood Forum Constitution
Appendix 4 – Neighbourhood Area Boundary

REFERENCE MATERIAL

[Localism Act 2011](#) (Part 6, Chapter 3 and Schedules 9 to 12 refer)
[The Neighbourhood Planning \(General\) Regulations 2012](#) (2012, No. 637)
Regulations 5 to 10 refer
[Neighbourhood Planning \(Referendums\) Regulations 2012](#) (SI 2012 No. 2031)
[Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013](#) (SI 2013 No. 798)
[National Planning Policy Framework \(CLG, March 2012\)](#), paragraphs 183 to 185 refer

A copy of the application documents can also be viewed at:
<http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/neighbourhood-planning>

A copy of the Delegated Decision Report can be viewed at
<http://democracy.wirral.gov.uk/ieDecisionDetails.aspx?ID=2681>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Delegated Decision - Unity in Our Community – Application for the Designation of a Neighbourhood Forum and Neighbourhood Planning Area for Leasowe (approval of statutory public consultation)	26 February 2014