

Background

The Deepcut Neighbourhood Forum was designated by the Council's Executive on 21st October 2014, following the six-week statutory consultation ending 24th July 2014.

The designation of the Deepcut Neighbourhood Forum expired on 21st October 2019, in accordance with Section 61F(8)(a) of the Town and Country Planning Act 1990 (as amended), which states that:

"A designation [...] ceases to have effect at the end of the period of 5 years beginning with the day on which it is made but without affecting the validity of any proposal for a neighbourhood development order made before the end of that period."

The Deepcut Neighbourhood Forum submitted an application to the Council for re-designation on 21 June 2021. National Planning Practice Guidance (PPG Reference: ID: 41-016-20140306) states:

"A group or organisation must apply to the local planning authority to be designated as a neighbourhood forum (a forum application). Those making a forum application must show how they have sought to comply with the conditions for neighbourhood forum designation. These are set out in section 61F(5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004."

Section 61F(5) of the 1990 Act requires that:

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 well-being 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.

In addition to the prescribed conditions, Part 3 Regulation 8 of the Neighbourhood Planning Regulations (2012) (as amended) requires that:

“Where an organisation or body submits a neighbourhood forum application to the local planning authority it must include –

- a) the name of the proposed neighbourhood forum;
- b) a copy of the written constitution of the proposed neighbourhood forum;
- c) the name of the neighbourhood area to which the application relates and a map which identifies the area;
- d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and
- e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

This validation check has been undertaken to confirm that the submission includes the prescribed documents and meets the conditions as set out in Section 61F(5) of the 1990 Act. The validation check is not concerned with the quality of the submitted documents.

If the submission meets the requirements of the legislation, the Local Authority must progress the plan to the next stage (Regulation 9 – a six-week public consultation on the designation application).

Local Authorities have a duty to support neighbourhood planning, which includes providing advice that can ensure the plan is received positively at examination.

Italic text in a blue box denotes text from Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended) or Section 61F(5) of the 1990 Act. The prescribed conditions of Section 61F(5) of the 1990 Act are considered first, followed by consideration of Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Summary of validation check

The submission meets the requirements of both Section 61F(5) of the 1990 Act and Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Assessment of compliance with Section 61F(5) of the 1990 Act

Purpose of the Forum

S61F (5) (a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being 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),

The submission includes the Deepcut Neighbourhood Forum Written Constitution, which lists a number of objectives that the organisation is committed to, including;

The objectives of the Forum shall be:

- a) To improve the area known as Deepcut for the benefit of the inhabitants of the area (See area defined in the attached map);*
- b) To promote the social, economic and environmental well-being of the area;*
- c) To prepare in partnership with the local planning authority a neighbourhood plan for the area, or in partnership with other forums any wider area;*
- d) To protect the rural character of the area;*
- e) To work with local people in assessing the priority of needs, and to work together to address these needs;*
- f) To encourage the goodwill and involvement of the wider community;*
- g) To foster community spirit and encourage civic pride.*

The prescribed condition at S61F(5) (a) is therefore satisfied, as the list of Deepcut Neighbourhood Forum's objectives includes promoting the social, economic and environmental well-being of the area.

Deepcut Neighbourhood Forum Membership

S61F (5) (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,*

The submission includes the Deepcut Neighbourhood Forum Written Constitution, which lists a number of Membership criteria for the organisation in Section 4, which states;

- (i) Membership of the Forum shall be open to anyone who has an interest in assisting the Forum to achieve its objectives and is willing to adhere to the rules of the Forum:*
 - Membership is open to all who live or work in the defined area;*
 - Membership is open to elected Council members whose electoral area falls in the Deepcut area;*
 - Membership shall be drawn from different places in the neighbourhood and different sections of the community in the neighbourhood.*

The prescribed condition at S61F(5) (b) is therefore satisfied.

S61F (5) (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,*

The submission includes a list of Deepcut Neighbourhood Forum members. The list includes 259 people, most of whom are registered at addresses within the Neighbourhood Area.

The prescribed condition at S61F(5) (c) is therefore satisfied.

Written Constitution and other conditions

S61F (5) (d) it has a written constitution, and
(e) such other conditions as may be prescribed.

The submission includes the Deepcut Neighbourhood Forum's Written Constitution.

The prescribed condition at S61F(5) (d) is therefore satisfied.

Compliance with the other such conditions as prescribed are assessed below. The conclusion of that assessment is that the prescribed condition at S61F(5) (e) is satisfied.

Assessment of compliance with Section 61F(7)(a) of the 1990 Act

Section 61F(7)(a) of the Town and Country Planning Act (1990) (as amended), as introduced by Schedule 9 of the Localism Act 2011, requires that:

S61F (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,"*

The submission includes a list of Deepcut Neighbourhood Forum members. The membership of the Deepcut Neighbourhood Forum organisation includes 259 individuals. Given that this figure is considerably greater than the requirement to secure at least 21 individuals, it is clear that the organisation have secured, or at least taken reasonable steps to attempt to secure, a broad and representative membership of individuals within the area.

The Deepcut Neighbourhood Forum are able to demonstrate a good level of geographical diversity within their membership, as the registered addresses of the members are derived from different places within the Neighbourhood Area.

Furthermore, Neighbourhood Forums are required by S61F(7)(a)(iii) to have a purpose that reflects (in general terms) the character of the area. The Deepcut Neighbourhood Forum's constitution sets out that one of the organisation's objectives is to promote the social, economic and environmental well-being of the area. Additionally, the Deepcut Neighbourhood Area represents a primarily residential area in character, which is reflected in the forum's membership.

In the view of Council officers, the prescribed conditions at S61F(7)(a) (i)(ii), and (iii) are therefore satisfied.

Assessment of compliance with Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

Name of Proposed Neighbourhood Forum

*Reg. 8 Where an organisation or body submits a neighbourhood forum application to the local planning authority it must include –
a) the name of the proposed neighbourhood forum;*

The submission includes an Application Cover Letter, which sets out that the name of the proposed Neighbourhood Forum shall be 'Deepcut Neighbourhood Forum'.

Regulation 8 (a) is therefore satisfied.

Written Constitution

Reg. 8 (b) a copy of the written constitution of the proposed neighbourhood forum;

The submission includes the Deepcut Neighbourhood Forum's written constitution.

Regulation 8 (b) is therefore satisfied.

Neighbourhood Area and Map

Reg. 8 (c) the name of the neighbourhood area to which the application relates and a map which identifies the area;

The applicant confirmed separately that the appropriate map to which the Deepcut Neighbourhood Forum designation would relate is the Neighbourhood Area map as designated by the Council in 2014.

Regulation 8 (c) is therefore satisfied.

Forum Contact Details to be Made Public

Reg. 8 (d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and

The application cover letter includes the contact details of Ms Clare Kennedy, to be made public.

Regulation 8 (d) is therefore satisfied.

Prescribed Conditions Statement

Reg. 8 (e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

The application cover letter includes the contact details of Ms Clare Kennedy, to be made public.

Regulation 8 (e) is therefore satisfied.