

# Designation of the Deepcut Neighbourhood Forum

## Summary

This report seeks approval to designate a Neighbourhood Forum for the Deepcut Neighbourhood Area, as shown on the map in Annex 2 to this item. The previous Neighbourhood Forum designation for this area expired in 2019. The same organisation has applied to be formally designated again, to enable it to continue preparation of a Neighbourhood Plan. The proposed Neighbourhood Forum will be named the 'Deepcut Neighbourhood Forum'.

## Portfolio: Planning and People

Date Portfolio Holder signed off report: 18/10/2021

## Wards Affected:

Mytchett and Deepcut

## Recommendation

The Executive is advised to RESOLVE that:

- (i) the application to designate the Neighbourhood Forum for the Deepcut Neighbourhood Area be approved; and
- (ii) the designated Neighbourhood Forum be named the 'Deepcut Neighbourhood Forum'.

## 1. Key Issues

- 1.1 On 21 June 2021, the Council received an application to designate a Neighbourhood Forum for the Deepcut Neighbourhood Area, under regulation 8 of the Neighbourhood Planning (General) Regulations 2012<sup>1</sup>. The application proposes the designation of the group named the "Deepcut Neighbourhood Forum".
- 1.2 Regulation 9A of the Neighbourhood Planning (General) Regulations 2012<sup>2</sup> requires that the Council determines the application by 16<sup>th</sup> November 2021.
- 1.3 Neighbourhood Forums may be designated by the Council where the organisation or body satisfies the prescribed conditions set out in Section 61F(5) of the Town and Country Planning Act (1990) (as amended), as introduced by Schedule 9 of the Localism Act 2011, which are that (paraphrased):
  - (i) It must be established for the express purpose of promoting or improving the social, economic and environmental wellbeing of the area.
  - (ii) Membership must be open to anyone who lives, works, does business, or is an elected councillor in the neighbourhood area.

<sup>1</sup> Available online at: <https://www.legislation.gov.uk/ukxi/2012/637/regulation/8/made>.

<sup>2</sup> Available online at: <https://www.legislation.gov.uk/ukxi/2016/873/regulation/2/made>.

(iii) It must have a minimum of 21 members drawn from the groups listed above.

- 1.4 Annex 1 to this item provides a Validation Report, which sets out an assessment of the application made by the group named the 'Deepcut Neighbourhood Forum' against the prescribed conditions. The Validation Report also considers whether the application complies with Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.5 The Council may refuse the application. Reasons for the refusal must be publicised in a 'refusal statement'. Reasons for refusal may comprise the application not complying with the requirements of both Section 61F(5) of the 1990 Act and Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.6 The Validation Report concludes that the application meets the requirements of both Section 61F(5) of the 1990 Act and Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.7 It is therefore recommended that the group named the 'Deepcut Neighbourhood Forum' is designated the Neighbourhood Forum for the Deepcut Neighbourhood Area.

## **2. Resource Implications**

- 2.1 Neighbourhood planning requires input from Planning Officers within both the Planning Policy and Development Management teams. The cost is unknown, but is not likely to be substantial. Officers within the Planning Policy team undertake neighbourhood planning activities, the cost of which would be partially offset by the Neighbourhood Planning Support Grant (see paragraph 2.4 below).
- 2.2 Neighbourhood plans are required to pass an independent examination. Given a positive result to the examination, neighbourhood plans are also required to be subject to a referendum of the Neighbourhood Area. Costs associated with this are estimated to be approximately £5,000 - £10,000 for an examination, and approximately £5,000 - £10,000 for a referendum, depending on the area in question. Legislation requires that these costs are borne by the Local Authority.
- 2.3 Whilst the independent examination can be organised by Planning Officers, the management of the referendum must be undertaken by the Council's Electoral and Democratic Services. With regard to the resource of officer time, the cost of this is unknown, but is not likely to be significant.
- 2.4 Surrey Heath Borough Council can claim for a Neighbourhood Planning Support Grant. Funds can be claimed at the following stages:
  - £5,000 after designating a neighbourhood area (limited to the first five)
  - £5,000 after designating a neighbourhood forum (including re-designation)

- £20,000 on successful completion of a neighbourhood plan examination.

2.5 In the case of the Deepcut Neighbourhood Plan, the total amount available is £25,000. £5,000 of this is available to request upon the designation of the Neighbourhood Forum. If the Council decides to refuse the application, the £5,000 Neighbourhood Planning Support Grant will not be available to claim and there would be no Qualifying Body authorised to progress work on a Neighbourhood Plan for the Deepcut Neighbourhood Area.

2.6 Funding has previously been claimed relating to the Deepcut Neighbourhood Forum and Deepcut Neighbourhood Area, including £5,000 for the original designation of the Neighbourhood Forum in 2014, and a further £5,000 for the designation of the Deepcut Neighbourhood Area.

### **3. Options**

3.1 The available options are as follows:

- (i) to approve the formal designation of the 'Deepcut Neighbourhood Forum'; or
- (ii) to refuse the formal designation the 'Deepcut Neighbourhood Forum' (in which case, the Council would be required to publicise a 'refusal statement', which sets out the reasons for refusal).

Subject to the formal designation of the 'Deepcut Neighbourhood Forum':

- (iii) to approve officers to request the relevant funding from the Department for Levelling up, Housing and Community to support officer and other Council costs.

### **4. Proposals**

4.1 Officers have reviewed the application for the proposed Deepcut Neighbourhood Forum. The Validation Report, provided as Annex 1 to this item, demonstrates that the application meets the requirements of both Section 61F(5) of the 1990 Act and Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

4.2 Officers therefore recommend that the application to designate the group named the 'Deepcut Neighbourhood Forum' as the Neighbourhood Forum for the Deepcut Neighbourhood Area, is approved.

### **5. Supporting Information**

5.1 On 21 October 2014, the Council designated the Deepcut Neighbourhood Area, which is shown on the map in Annex 2 to this item. On the same date, the Council also designated the group named the "Deepcut Neighbourhood Forum" as the neighbourhood forum for the Deepcut Neighbourhood Area.

- 5.2 Under current legislation, the designation of a neighbourhood forum lasts for five years, meaning that the Deepcut Neighbourhood Forum ceased to be the designated forum for the Deepcut Neighbourhood Area on 21 October 2019. The Deepcut Neighbourhood Area is not affected by the expiry of the forum designation.
- 5.3 In areas without a parish or town council, neighbourhood planning is led by a neighbourhood forum. Neighbourhood forums are designated by the Council. Neighbourhood planning allows local people to produce and review neighbourhood plans and Neighbourhood Development Orders.
- 5.4 Neighbourhood plans contain planning policies that are used to determine planning applications, along with the Council's Local Plan and other material considerations. Neighbourhood Development Orders grant up-front planning permission for specific developments.
- 5.5 The group named the “Deepcut Neighbourhood Forum” has applied to be designated as the Neighbourhood Forum for the Deepcut Neighbourhood Area. If a designation is made, no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn.
- 5.6 Further supporting information is provided in Annexes 1 and 2 to this item.

## **6. Corporate Objectives and Key Priorities**

- 6.1 The designation of Neighbourhood Forums provides local communities with the opportunity to bring forward Neighbourhood Plans. Neighbourhood Planning provides local communities across the borough with the opportunity to support the delivery of key corporate priorities as set out in the recently agreed Five Year Strategy 2022 – 2027 – **Environment, Economy and Health & Quality of Life.**

## **7. Policy Framework**

- 7.1 The National Planning Policy Framework (NPPF) sets out government's planning policies for England. The NPPF promotes Neighbourhood Planning and states that Neighbourhood plans should support the delivery of strategic policies contained in Local Plans<sup>3</sup>.

## **8. Legal Issues**

- 8.1 No matters arising.

## **9. Governance**

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<sup>3</sup> NPPF Paragraph 13. Available online at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf).

9.1 No matters arising.

## **10. Risk Management**

10.1 No matters arising.

## **11. Equalities Impact**

11.1 The purpose of Neighbourhood Planning is to promote a high standard of development throughout the Neighbourhood Areas. Therefore, it is not likely that the policies included would have a specific differential impact on people based on any protected characteristics.

## **12. Human Rights**

12.1 No matters arising.

## **13. Environmental Impact**

13.1 The designation of Neighbourhood Forums provides local communities with the opportunity to bring forward Neighbourhood Plans.

13.2 Neighbourhood plans must meet the 'basic conditions' set out in the Town and Country Planning Act 1990 (as amended). Compliance with these basic conditions is tested through an independent examination. The basic conditions require that 'making' (adopting) the plan must not breach, and otherwise be compatible with, EU obligations, such as those in the Strategic Environmental Assessment and Habitats Directives.

13.3 Whether a forthcoming neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed (assuming that a proposal is developed). The Council will undertake SEA/HRA Screening Assessment at the appropriate stage(s) in the production of the Neighbourhood Plan.

## **14. Consultation**

14.1 The Council consulted on the application for the designation of the Deepcut Neighbourhood Forum from 00:00 on 16 August to 23:59 on 29 September 2021. The consultation ran for just over six weeks. The consultation itself and relevant information can be found at: <https://surreyheathplanningpolicy.inconsult.uk/TSTSHBC/consultationHome>.

14.2 The application was first publicised as part of the consultation on 12/08/2021. In publicising the consultation, the Council undertook a range of activities to bring the application to the attention of people who live, work or carry on business in the area, as required by Regulation 9 of the Neighbourhood Planning (General) Regulations 2012. These actions included:

- (i) Emailing stakeholders in the Inovem consultation database that reside within and adjacent to the Neighbourhood Area. This resulted in 540 residents being contacted with information directly.
- (ii) Publishing information on our website and using targeted Social Media posts through the Communications team.
- (iii) Liaised with the group named the 'Deepcut Neighbourhood Forum' to utilise their communication channels for publicity, including the group's membership newsletter and website.
- (iv) Providing Hard Copies of the consultation documents for viewing in the Council Offices and local Libraries.

14.3 The consultation yielded two responses from local residents. Both responses expressed general support for the approval of the application made by the 'Deepcut Neighbourhood Forum' to be designated as the Neighbourhood Forum for the Deepcut Neighbourhood Area.

14.4 Whilst expressing general support for the Forum and its objectives, one response detailed three areas of concern, which include (paraphrased):

- the exclusion of the Mindenhurst development from the Deepcut Neighbourhood Area,
- that the group named the Deepcut Neighbourhood Forum does not benefit from an 'incorporated' status and will consequently be unable to claim grant funding, and
- that the group's constitution is not robust.

14.5 The full responses to the consultation are available to view online at: <https://surreyheathplanningpolicy.inconsult.uk/TSTSHBC/consultationHome>.

14.6 Officer Response:

- The geographical extent of the Deepcut Neighbourhood Area has been determined through a separate exercise and designated in 2014. The application relates to the Deepcut Neighbourhood Area as designated. The Council may only amend the Neighbourhood Area boundary where an application is made for the Neighbourhood Area to be designated<sup>4</sup>.
- The Council is not required to consider the status of the organisation in deciding whether to designate the Neighbourhood Forum.
- The proposed constitution represents the same document that was previously used when the Deepcut Neighbourhood Forum was originally designated in 2014. The Council is not required to consider the quality of the submitted documents.

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<sup>4</sup> Planning Practice Guidance – Paragraph: 037, Reference ID: 41-037-20180222. Available online at: [www.gov.uk/guidance/neighbourhood-planning--2#designating-a-neighbourhood-area](http://www.gov.uk/guidance/neighbourhood-planning--2#designating-a-neighbourhood-area).

14.7 As set out in Annex 1 to this item, Council officers believe that the application made by the group named the Deepcut Neighbourhood Forum satisfies the prescribed conditions as set out in Sections 61F(5) & (7)(a) of the 1990 Act and Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

14.8 No consultation responses were received that raised concerns that relate to the compliance with the prescribed conditions or which questioned the desirability of designating the Deepcut Neighbourhood Forum in relation to Section 61F(7)(a) of the 1990 Act. The Council is not required to assess the quality of the submission documents and is not required to refuse to designate the neighbourhood forum where the quality of the submission is questioned.

## 15. PR And Marketing

15.1 The Council was required to publicise the consultation. Publicising the consultation was undertaken as set out in paragraph 14.2 above.

## 16. Officer Comments

16.1 The role of officers in the Neighbourhood Planning process is generally to support the development of a Neighbourhood Plan. Progress is being made by the group named the 'Deepcut Neighbourhood Forum' toward the submission of a Neighbourhood Plan for the Deepcut Neighbourhood Area.

16.2 Officers will continue supporting the production of the Neighbourhood Plan through the process until adoption. The availability of resource to support the development of the plan, beyond the statutory requirements, will need to be balanced with the significant amount of officer resource that is required in the preparation of the emerging Local Plan.

16.3 The development of the Neighbourhood Plan for the Deepcut Neighbourhood Area is the responsibility of the Forum. Officers would be required to fulfil statutory duties throughout the process toward the adoption of the Neighbourhood Plan.

16.4 Council officers believe that the group named the Deepcut Neighbourhood Forum meets the requirements for designation. The assessment is set out in detail in Annex 1 to this item.

<b>Annexes</b>	Annex 1 – Validation Report Annex 2 – Deepcut Neighbourhood Area Map
<b>Background Papers</b>	N/A
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