

# Bath Neighbourhood Planning Focus Group

11<sup>th</sup> November 2011

Report

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# **Appendices**

Appendix 1	Attendance Sign-in sheet
Appendix 2	Introduction to Neighbourhood Planning and the Council's response (presentation)
Appendix 3	Outline of Neighbourhood Planning Protocol (poster)
Appendix 4	Routes for Neighbourhood Forum Designation (handout)
Appendix 5	Designation Criteria (handout)

# Bath Neighbourhood Planning Focus Group

The purpose of this report is to provide Bath & North East Somerset Council and those who attended with a record of the focus group. This Focus Group took place on the morning of the 11<sup>th</sup> November 2011 and was part of the early stage consultation on the new Neighbourhood Planning Protocol.

Key points of discussion and the activities undertaken are outlined in this report together with a record of the presentations given and consultation materials.

#### 1 Context

- 1.1 The aims of the Bath focus group are as follows:
  - Inform preparation of the new Council policy on community involvement in planning (including new localism duties)
  - Find out what's useful for end users of the document and build upon experiences to date
  - · Inform Council members of community view
  - To discuss issues of particular relevance to Bath specifically the issue of Neighbourhood Forum Designation

#### 2 Process

2.1 The focus group was organised and led by Cleo Newcombe-Jones and Liz Tu, Planning Policy Officers.

### 3 Programme

- 3.1 The focus group commenced with a welcome from David Trigwell, Divisional Director for Planning and Transport.
- 3.2 The nature of the Localism Bill and Neighbourhood Planning was then introduced before introduction of the Council's emerging response to the new requirements the Neighbourhood Planning Protocol.
- 3.3 The session then moved on to consider the substantive item, the views of those attending on the options for the draft approach to defining Neighbourhood Forums within the city of Bath.

## 4 Attendance

4.1 The workshop was attended by 13 participants including representatives of residents associations and the Bath Society. A full attendance list is included as **Appendix 1**.

### 5 Record of workshop

5.1 This part of the report will outline the detail of the event, including the presentations given and includes a summary of the discussions during the focus group. The Powerpoint used at the meeting is attached at Appendix 2.

Introduction

5.2 Cleo Newcombe-Jones, opened the focus group, welcoming the attendees and introducing the representatives from Planning. David Trigwell then highlighted the background to the meeting including concern that Neighbourhood Forum Designation is a Bath specific issue that warrants further discussion. David thanked Mark O'Sullivan and Henry Brown for bringing the group together for this focus group discussion.

Introduction to the Localism Bill and Neighbourhood Planning

- 5.3 Neil Best gave a presentation giving an overview of the Localism Bill and Neighbourhood Planning. This included:
  - The new framework for planning
  - National Planning Policy Framework
  - Localism Bill
  - What is a Neighbourhood Plan?
  - What is a Neighbourhood Forum?
  - Neighbourhood Development Orders
  - Community Right to Build Orders
  - Process for developing a Neighbourhood Plan

#### Introduction to the Neighbourhood Planning Protocol

- 5.4 Liz Tu then presented how B&NES are responding to the new requirements in terms of planning. This included:
  - What will the Neighbourhood Planning Protocol include? Including the draft outline of the NPP see Appendix 3.
  - · Feedback from two Focus Groups held so far
  - Programme

#### Neighbourhood Forums - Discussion

5.5 Cleo Newcombe-Jones then introduced the discussion on the approach to designating Neighbourhood Forums.

The following options were presented for discussion (for more detail see Appendix 4):

- i) Preferred route allow Neighbourhood Forums to be self-defining and designated based on Criteria
- ii) Route A Council to designate neighbourhood forums on a Ward basis
- iii) Route B Council to designate neighbourhood forums on another basis

# Key discussion points

#### General

- The low limit of 21 people how does the body have any validity? Need to consider how 21 come to be the 21, currently not very democratic. It was noted that this minimum 21 people is a requirement of the emerging Localism Bill rather than a Council requirement.
- Issue of self-selection of Bath residents- input needs to be more representative.

- Need to take advantage of the new opportunities presented by new neighbourhood planning arrangements.
- World Heritage management. This is our major asset and we need overarching authority to protect that.
- Evidence base Bristol already have an extensive evidence base for Neighbourhood Forums to access, need similar? There is otherwise an issue of availability of information and disaggregating the data.
- The potential for piloting was discussed, but the government timeframe does not readily allow for this.

#### Preferred route

- Ethos of localism is that it should be a local initiative, so whilst a bit 'messy' the preferred route is the most appropriate of those presented.
- Majority favour this approach against the 2 alternatives originally presented.
- What about the gaps where no one comes forward or there is no interest? Coverage is the main issue of the preferred route.
- Some areas will pick up and run with it, whilst others won't. The other approaches don't guarantee action.
- The Council could put limits on what will come forward i.e. in the first year only 3 etc. Need to add some constraints to it otherwise all sorts of disparate requests.
- Advantages- it challenges people to be positive about a site. Negative proposals for Neighbourhood Forums would need to be turned down. Need to propose things that go with the approach (not against it).
- Once a Neighbourhood Forum is designated they are in for 5 years is this a race to get in first? Don't want residents associations to fall out over it.

# Alternative '4th' approach

- Should be consideration of a single neighbourhood area for Bath. A whole city forum for Bath' could be the best way to do it but does it give local people enough say.
- Possible synergies with the Bath City Conference concept (working group led by CIIr David Dixon)
- Costing of Bath city parishes vs. an organic approach should be summarised to inform the consideration of options?
- What about the ward members on a 'Bath City' model, would it need to be all of them- if so duplicates Council function, if not how would the representatives be selected?
- Whole Bath approach will lose the opportunity for residents associations but they can continue to act as pressure groups.
- Whole Bath approach would need to ensure that opportunities for more micro-scale initiatives to be allowed or true opportunities of localism will be lost
- How would the focus be determined amongst a whole city approach. There will be difficult decisions and difficulty getting agreement.
- 21 people 'out of nowhere' may be difficult to influence who these are. Shouldn't they be democratically elected?
- Bath is distinctive; we need a coherent planning approach to our special case.
- David Trigwell getting agreement in a whole Bath approach would need methodology for conflict resolution.
- Whole Bath city approach could pre-empt issue of business led forums. However, there should be opportunity to consider the proposal
- Mixed views on whether this would work, but agreed it was an interesting proposition which warrant further consideration and presentation as an option
- Could this come forward if it emerged within criteria based approach

#### Discussion outcome

Group propose an alternate '4<sup>th</sup> option' relating to a whole Bath Neighbourhood Forum.

Planning Policy to consider the Bath approach and understand the practicalities. However, it is acknowledged within the group that there is no agreement on whether this is the preferred approach. There are pros and cons which need to be further articulated and considered.

#### To note

Due to the direction of the discussion, the session did not move onto discussing the Neighbourhood Forum designation criteria which would be associated with the 'preferred route'. The hand-out of the draft criteria for Neighbourhood Forum designation (Appendix 5) was circulated for information/for any comment following the meeting.

#### 6 Conclusion

### Next Steps

- 6.1 The next steps are as follows:
  - This Workshop Report is to be distributed to all attendees of the focus group on 11<sup>th</sup> October 2011
  - Re-visit draft options and re-circulate options for comment
  - A public consultation on the draft Neighbourhood Planning Protocol will follow in March 2012.
  - Follow up discussion with FoBRA to be held
- 6.2 The results of the focus groups and any further comments will inform drafting of the Neighbourhood Planning Protocol which will be presented to members for approval for consultation.

#### Thank you

6.4 We would like to thank all those who gave up their time to be involved in the focus group, your input has been invaluable.

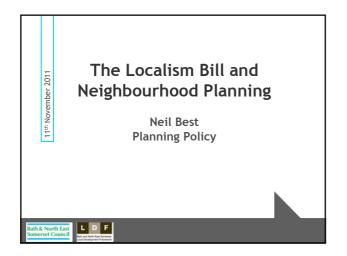
# Sign in Sheet

Organisation	Representative – Please sign	Email address
Bath Bus Users Group	Pat Lunt	
Bathwick Hill Association	Colin Clark	ce à 7 vhr. freserve.co.vk
Beech Avenue Association, Claverton Down	Chris Beezley	chris D beezley, org. uk
Carlton Gardens	Sylvia Green	
Chair, London Road & Snow Hill Partnership	Alex Schlesinger	
Changes Project Whiteway	Elaine Thomas	Already have thank you
Federation of Bath Residents' Associations	Henry Brown	Already have thank you
	Robin Kerr	
	Mark O'Sullivan	Already have thank you
Greenway!	Roger Nunn	
London Road and Bath Society	Ann Dunlop	bath. durisps @ It in Ferral com
	David Dunlop	My Mu I
Macaulay Prospect Association	Gerald Chown	gerald a gehown - myzeroco, uk
Widcombe Association	Paddy Doyle	
	Andrew Gordon- Duff	An Col M. agordon Joff

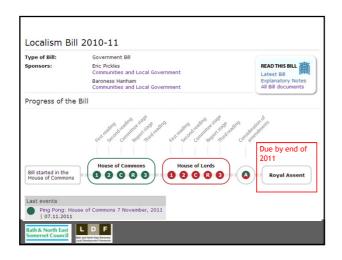
Organisation	Representative – Please sign	Email address	
BouthSecielary	Bwar Cassid	n mbcase@waitrose.com	
April Society	Anthy Sambi To	Mbcase woutrose. com.	
Both Sound	Groff Walher	rgreffwhhagppylemail.com	
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# • Localism Bill • The new planning framework - where do Neighbourhood Plans fit in? • What is a Neighbourhood Plan? • Neighbourhood Development Orders • Community Right to Build Orders • Process for developing a Neighbourhood Plan







# What is a Neighbourhood Plan? Neighbourhood, not local planning authority led Led by the Parish/Town Council or a 'Neighbourhood Forum' Should plan positively to support the strategic policies of the Core Strategy A permissive tool: to enable more development, not less This aside, the contents are up to you



# What is a Neighbourhood Forum? To promote or improve the social, economic and environmental well-being of the neighbourhood

- Membership open to people who live in the neighbourhood, work in the neighbourhood, and elected members
- Minimum of 21 people
- · Has to have a written constitution
- · Only one Forum per neighbourhood area
- 5 year lifespan



# Why do a Neighbourhood Plan?

- It's not compulsory
- Policies in a Neighbourhood Plan become part of the Council's 'Development Plan'
- They take precedence over existing policies in the Local Plan/Core Strategy where they are in conflict
- They will have significant weight when deciding planning applications

Bath & North East Somerset Council

# Neighbourhood Plans have limitations...

- Must *have regard* to development plan and national policy
- Must be *in general conformity* with 'strategic policies and proposals in development plan
- Must be compatible with relevant EU obligations and human rights requirements

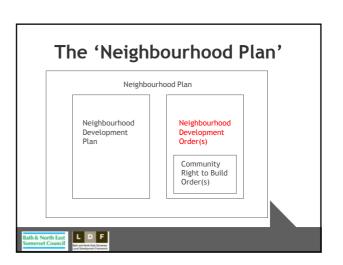












# Neighbourhood Development Order

- Grants automatic planning permission for specified developments - no need to apply to the Council for permission
- Could include, for example, household extensions, shop fronts or renewable energy proposals

Bath & North East Somerset Council



# Community Right to Build Order

- This is a specific type of Neighbourhood Development Order
- Will be able to identify land for new, small scale development

Bath & North East Somerset Council

# In a nutshell

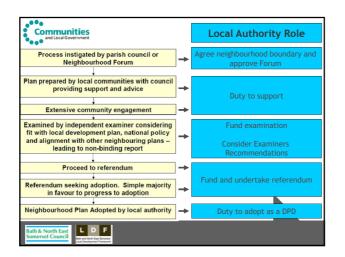
Neighbourhood Development Plan = vision and planning policies

Neighbourhood
Development Order =
general permitted
development rights



Community Right to Build Order = site specific permitted development rights

ath & North East omerset Council



# **Community Infrastructure Levy Neighbourhood Funds** • CIL regulations out for consultation • B&NES will be required to allocate a 'meaningful

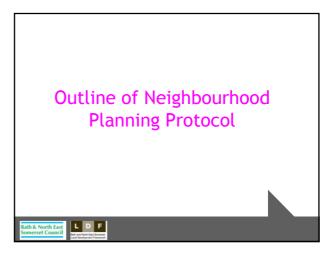
- proportion' of CIL to the Parish Council for the area where development occurs
- Where no Parish Council, B&NES will retain the funds and should engage with the community in determining how to spend them
- The approach for this is to be set out in statutory guidance
- Funds must be spent on infrastructure to support growth

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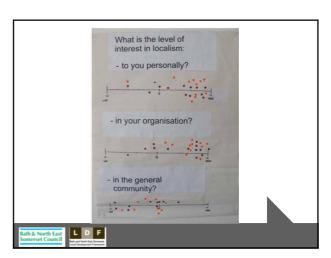
**Neighbourhood Planning** 11th November 011 **Protocol** Liz Tu **Planning Policy** 

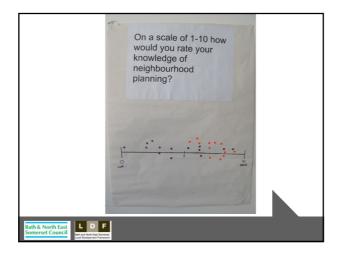
New Council document detailing how the public can get involved in planning in the district

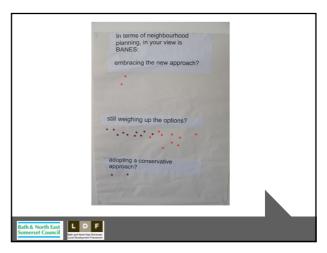


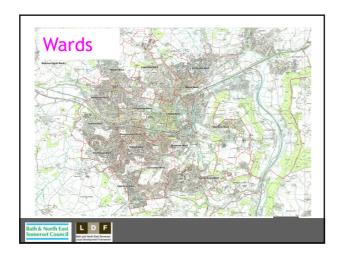


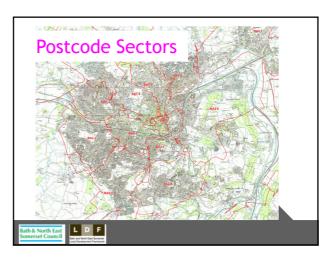


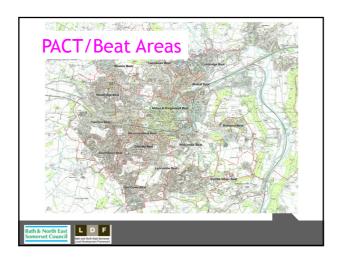












# Key messages from first 2 focus groups

- Neighbourhood Forums need structure
- Keen for limited guidance with support available
- Keen for a Parish/Community Plan conversion process
- Role of businesses
- · Democratic process













# **Outline Structure of Neighbourhood Planning Protocol**

- 1. Options for getting involved in planning
- 2. How to designate a Neighbourhood Forum
- 3. How to prepare a Neighbourhood Plan
- i) Formal Procedures simple outline of procedural requirements examination, validation, referendum etc.
  - ii) Guidance on "how to" not prescriptive
  - iii) Parish/Community Plan conversion
  - 4. Neighbourhood Development Orders (including Community Right to Build)
  - 5. Involvement in planning policy (SCI review)
  - 6. Involvement in DM process (SCI review)
  - 7. Tree work publicity (new)

# **Draft Routes for Neighbourhood Forum Designation**

The Localism Bill when enacted in 2012 will enable groups to be formally constituted as Neighbourhood Forums within the City of Bath. These Forums will have the potential to prepare Neighbourhood Plans, which will have weight in the determination of planning applications in their area.

Neighbourhood Plans are a permissive tool, enabling more development and shaping development rather than acting as a block to development. They must be in general conformity to both national and local Planning Policy, and there is a formal process that they must be taken through.

The following potential routes to Neighbourhood Forum Designation are proposed for public consultation. These options apply to the un-parished area of the City of Bath, as Parish or Town Councils automatically have Neighbourhood Forum status.

Route	Description	Positives	Issues
Preferred Route	Facilitate applications to become Neighbourhood Forums while allowing Neighbourhoods to be self-defining by communities.  By developing:  B&NES Neighbourhood Forum Application Form  B&NES Criteria for Neighbourhood Forum Designation  Democratic Process for Councillors to consider applications and designate forums  B&NES Neighbourhood Forum Code of Conduct	<ul> <li>Bottom up</li> <li>Structured, yet locally responsive</li> <li>Checks and balances ensured via local criteria and code of conduct</li> <li>Clear process</li> </ul>	There may be areas in Bath with no forum designated  More difficult to predict demand for Council support - however, support offered can be more targeted
Alternative Route A	Designate Bath Wards as Neighbourhood Forums (i.e. Bristol Neighbourhood Partnership approach)	Coverage ensured for the whole city	<ul> <li>Top Down</li> <li>Bureaucratic</li> <li>Administration         arrangements would         need to be resourced         and established</li> <li>Does not respond to         community demand</li> <li>Correlates with         democratic structures         i.e. Ward Councillors         who must be in a Forum</li> </ul>
Alternative Route B	Designate Neighbourhood Forums on another basis (i.e. PACT areas, super output areas, post code sectors etc.)	<ul> <li>Coverage ensured for the whole city</li> <li>More responsive to planning issues like local character and development pressure</li> <li>More meaningful than ward boundaries</li> </ul>	<ul> <li>Top Down</li> <li>Bureaucratic</li> <li>Administration         arrangements would         need to be resourced         and established</li> <li>Does not respond to         community demand</li> <li>Difficult to get         consensus on the best         way to define         neighbourhoods</li> </ul>

# **Draft Neighbourhood Forum Designation Criteria?**

- \* = mandatory in Localism Bill/draft regs
- Changes from Focus Group in strikethrough if removed or bold if added
- Changes to align with NF regs consultation shown in red strikethrough/red bold

# Eligibility

- 1. Where Parish or Town Councils exist these are automatically designated as the Neighbourhood Forum for their area\*
- 2. It is only the un-parished city of Bath where new Neighbourhood Forums can be designated.\*

# **Designation Process**

- 1. The Local Planning Authority (LPA) will be responsible for the designation of Neighbourhood Forums.\*
- 2. An application must be registered with the LPA\* (by the Neighbourhood Forum), using the B&NES Neighbourhood Forum application form
- 3. The Local Planning Authority will publicise the application area and invite representations over a period of not less than 6 weeks.\*
- 4. This application will be considered via a committee (e.g. existing local Council Committee or Localism Committee if/when established) and will be judged against the Bath Neighbourhood Forum Designation Criteria
- 5. Designation will be made with immediate effect following this decision by Committee and the decision publicised by the Local Planning Authority\*.
- 6. Once designated by the LPA a Neighbourhood Forum will be able to operate in line with the functions outlined in the *Localism Bill*.
- 7. Once designated the Neighbourhood Forum must agree to abide by the Council's Code of Conduct for

*Neighbourhood Forums*, a breach of this Code may result in the Council reviewing the designation of the Neighbourhood Forum.

## **Role of Ward Councillors**

1. Usual rules apply to Councillors.

# Draft Bath Neighbourhood Forum Designation Criteria

In order to become a Neighbourhood Forum, it must be demonstrated that the following criteria can be met:

### 1 Name

a. A name for the Neighbourhood Forum that represents the area of coverage should be registered with the Council.\*

# 2 Membership

- a. Neighbourhood Forums must be made up of residents, employees and businesses living or operating within the area which the Forum covers.\*
- b. Where there are residents within the area these must be represented in the Forum.
- c. There must be at least 21 people in a Neighbourhood Forum, names and addresses of **all the the 21** people making up this core group must be submitted with the application.\*
- d. Should a resident or business relocate from the area, they can no longer be on the list of 21 and new replacement members should be nominated.
- e. The list of 21 will be registered with the Council and will be made publicly available.
- f. All the At least one Ward Councillors representing the area within which the Neighbourhood Forum is located

must be on the Neighbourhood Forum. A Ward Councillor must support the proposed Neighbourhood Forum.

- g. Ward Councillors can be on more than one Forum.
- h. The inclusion of representatives of pre-existing groups such as residents associations, faith groups, voluntary and community groups, local amenity groups, and business groups within the Forum will be supported encouraged.
- 3 Defining the Forum Neighbourhood Area
- a. A name for the Neighbourhood Area should be registered with the Council.\*
- b. The proposed boundary of a Neighbourhood Forum Area must be submitted with an application for designation, this should be shown on a map as a red line boundary.
- c. This proposed boundary should be on an **up to date** OS base map so that it is clear where the precise boundary is proposed.

# 4 Exclusivity

- a. Where a Neighbourhood Forum has already been designated it is not possible for another to cover the same geographical area, i.e. there can be no overlap in the geographical coverage of a Neighbourhood Forums.
- b. Any subsequent applications for the same geographical area cannot be accepted any later than 28 days after publication of the first application for that area.\*
- c. Where more than one group proposes a Neighbourhood Forum containing part or all of the same geographical area, at the same time, the applicants will be asked to consider a joint application. If they decide to proceed separately, the committee will consider each application on their own merits and will make a decision on the Neighbourhood Forum which they consider would best serve the neighbourhood based on the agreed criteria.

# 5 Justification

- a. The Neighbourhood Forum presenting itself for designation must outline to the committee their case for designation in a maximum of 500 words
- b. The aims of the Forum should also be expressed in the application.\*
- c. A written statement from all the Ward Councillors in the area covered by the Forum must be included to show support for the proposed Forum.
- d. Other written statements of support or objection for example from existing community groups, other residents not on the Neighbourhood Forum list of 21 or local businesses etc. will also be accepted with applications.
- 5 Code of Conduct
- a. The written constitution of the proposed Neighbourhood Forum should support the application\* and this should include confirmation of commitment to the Code of Conduct for Neighbourhood Forums.

# **Draft Code of Conduct for Neighbourhood Forums**

## Essential

- 1 The Forum has a duty to inform the Council within a reasonable timeframe where one of the 21 founder representatives relocates. At this time a new member should be nominated accordingly and name and contact address provided.
- 2 A single point of contact and a deputy should be nominated for the Forum which must be provided to the Council and made publicly available. This contact should be kept up to date.
- 3 All Neighbourhood Forums should hold an open Annual General Meeting, of course subject to the capacity of the venue.
- 4 Agendas should be prepared for meetings of Neighbourhood Forums and the meetings should be minuted, both agendas and minutes should be made publicly available to the public in accordance with existing arrangements for Parish Councils.
- 5 Members of the public may submit statements that relate to issues that are on the agenda for the meeting or any

- other issues, providing sufficient advance notice is given. These should be submitted to the nominated point of contact for the Forum. REMOVE THIS CRITERION?
- 6 Meetings should be Chaired, the arrangements for this are left to the Forum to decide.
- 7 Any financial contributions to the Forum from third parties must be declared.
- 8 Forums must be open to respond to potential concerns about their activities any such complaints if considered to be justified may lead to a review of the designation of the forum. See Review section below.

# Desirable

- 1. A Forum webpage is desirable
- 2. The frequency of meetings of the Forum is to be determined locally. Quarterly meetings are suggested as a minimum.
- The membership- make up of the Forum is to be determined by the Forum in line with the criteria suggested. It is desirable that a range of people from the area are represented and attention should be given to involving equalities groups and young people in the Forum.
- 4. A formal constitution is desirable, but not essential.

# **Review Process**

- 1. A breach of this Code of Conduct may lead to the Council re-considering the designation of a Neighbourhood Forum, and potentially the immediate suspension of the status of the Forum.
- 2. A breach of this Code of Conduct may lead to the Council re-considering the designation of a Neighbourhood Forum, and potentially the immediate suspension of the status of the Forum.
- 3. Where issues can be satisfactorily resolved this will be preferable to further action such as the suspension of the Forum as a designated Neighbourhood Forum.
- 4. A new application would then need to be lodged to re-designate the Forum and this would be considered on its own merits.