

EXECUTIVE BOARD –24 February 2015

Subject:	Application for Designation of a Neighbourhood Area and Forum for the Sneinton area		
Corporate Director(s)/ Director(s):	Sue Flack, Director of Planning and Transport/ David Bishop, Corporate Director of Development and Growth		
Portfolio Holder(s):	Councillor Urquhart – Portfolio Holder for Planning and Transportation		
Report author and contact details:	Karen Shaw, Planning and Transport Strategy – 0115 8763969 – karen.shaw@nottinghamcity.gov.uk		
Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subject to call-in	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons: <input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision			<input type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total value of the decision: Nil			
Wards affected: Dales and St. Ann's	Date of consultation with Portfolio Holder(s):		
Relevant Council Plan Strategic Priority:			
Cutting unemployment by a quarter			<input type="checkbox"/>
Cut crime and anti-social behaviour			<input type="checkbox"/>
Ensure more school leavers get a job, training or further education than any other City			<input type="checkbox"/>
Your neighbourhood as clean as the City Centre			<input type="checkbox"/>
Help keep your energy bills down			<input type="checkbox"/>
Good access to public transport			<input type="checkbox"/>
Nottingham has a good mix of housing			<input type="checkbox"/>
Nottingham is a good place to do business, invest and create jobs			<input checked="" type="checkbox"/>
Nottingham offers a wide range of leisure activities, parks and sporting events			<input type="checkbox"/>
Support early intervention activities			<input type="checkbox"/>
Deliver effective, value for money services to our citizens			<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>The City Council has received its first applications to designate a Neighbourhood Forum and Area. These applications represent the first stage in the preparation of a Neighbourhood Plan and have been submitted by Sneinton Neighbourhood Forum. The boundary of the Neighbourhood Area includes parts of the Dales and St. Ann's wards. In accordance with the Neighbourhood Planning (General) Regulations 2012 ("the Regulations"), the City Council consulted on these applications between 1 September and 13 October 2014. This report details the consultation comments received and seeks Executive Board's determination of both the Neighbourhood Forum and Area. Once a Neighbourhood Forum and Area have been designated, a Neighbourhood Plan can be prepared. The Neighbourhood Plan will be subject to an independent examination and a referendum before it can be adopted.</p>			
Exempt information:			
<p>Appendices G and H are exempt from publication under paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972 because they contain information relating to any individual or information which is likely to reveal the identity of an individual and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose this information because it could identify an individual and reveal information about them.</p>			
Recommendation(s):			
<p>1. To note the results of the statutory consultation on the applications for designation of a Neighbourhood Area and Forum for Sneinton.</p>			
<p>2. To note the further representation made by the Chair of the Sneinton Neighbourhood Forum regarding the proposed amendments to the Neighbourhood Area boundary.</p>			

<p>3. To approve the designation of Sneinton Neighbourhood Forum.</p>
<p>4. To approve the designation of the amended Sneinton Neighbourhood Area as shown in the plan in Appendix D (which excludes land to the south of the railway (except for the residential enclave around Bendigo Lane), excludes land to the west of A612 Manvers Street and also to the north of the B686 Carlton Road, thereby omitting the following strategic development sites contained within the emerging Land and Planning Policies Document (Local Plan Part 2): Waterside – Daleside Road (Eastpoint), Creative Quarter – Bus Depot, Creative Quarter – Sneinton Market and Brook Street East).</p>
<p>5. To note the cost implications for the City Council that the production of a Neighbourhood Plan entails and agrees that any expenditure in excess of government funding (available to local authorities for Neighbourhood Planning purposes) be met from the Area Committee East budget allocation.</p>

1 REASONS FOR RECOMMENDATIONS

- 1.1 The City Council is required to determine the designation of the applications for a Neighbourhood Area and Forum for Sneinton in accordance with the Neighbourhood Planning (General) Regulations 2012 s.61 4F and 4G.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The Localism Act 2011, s116, sch.9 inserted provisions into the Town and Country Planning Act 1990 (“The Act”) for neighbourhoods to produce their own land use plans, called Neighbourhood Plans, which must be in general conformity with the strategic policies in the development plan for the local area (i.e. the adopted Greater Nottingham Aligned Core Strategy and the emerging Land and Planning Policies (LAPP) document). Neighbourhood Plans are intended to guide development rather than stop it and will, for example set out policies to state where new development should go and what it should look like. A Neighbourhood Plan would form part of the statutory development plan for Nottingham City and would fall to be considered alongside other Development Plan Documents (such as the Core strategy) in development management decision making processes within the area, including in the determination of planning applications. Paragraph 184 of the National Planning Policy Framework (NPPF) is clear that a Neighbourhood Plan must be in general conformity with the strategic policies of the statutory development plan and should reflect and positively support them. Neighbourhood Plans should not promote less development than set out in the statutory development plan or undermine its strategic policies.
- 2.2 Neighbourhood Plans must be subject to consultation in accordance with the Regulations, undergo an Independent Examination and then be put to a local referendum before they can be adopted as part of the statutory Development Plan. Neighbourhood Plans will not take effect unless there is a majority of support in a referendum of the neighbourhood. If proposals pass the referendum stage then the local planning authority will be under a legal duty to bring them into force.
- 2.3 Neighbourhood planning can be taken forward by Neighbourhood Forums (in an area without town or parish councils) which are community groups that a local planning authority designates as a Neighbourhood Forum for a Neighbourhood Area.
- 2.4 The first stage in the preparation of a Neighbourhood Plan is the application for designation of a Neighbourhood Area by a relevant body which is capable

of being designated as a Neighbourhood Forum. Designation as a Neighbourhood Area is determined by the local planning authority following a six week consultation period. This should then be followed or accompanied by an application for designation of a Neighbourhood Forum, which is representative of the designated Area. Similarly this application is determined by the local planning authority, following a minimum 6 week consultation period. Legally the two six week consultation periods (on the Neighbourhood Area and the prospective Neighbourhood Forum) can occur simultaneously and this is the approach that has been taken with the regards to the proposals for the Sneinton Neighbourhood Forum and Area.

2.5 Details of the applications for Neighbourhood Forum and Area designations submitted by Sneinton Neighbourhood Forum:

2.5.1 The application for designation of Sneinton as a Neighbourhood Area has been made by an organisation named 'Sneinton Neighbourhood Forum'. The organisation has also submitted an application for designation as a Neighbourhood Forum. The details of these applications can be viewed in Appendix A. The Forum now comprises around 50 members (a mixture of individuals, community groups and businesses) and meets the key requirements of the Regulations. Details of the composition of the Forum can be found in exempt Appendix H (as per the original application) and G (as updated) and a copy of the written constitution of the Forum can be found in Appendix A.

2.5.2 The Area of Sneinton that the Forum proposed to be designated as the Neighbourhood Area is shown on a map included in Appendix B. The map in Appendix B varies slightly to the map included in the original application in Appendix A. This has occurred as a result of transferring the original map to an Ordinance Survey map base and has been done in consultation with the Neighbourhood Forum. The map in Appendix B shows that the boundary extends to the south along Daleside Road then cuts in along Colwick Road around Colwick Woods to Oakdale Road then along Cardale Road to meet Carlton Road. The boundary then runs east along Carlton Road. The western boundary is along Manvers Street to include Sneinton Market. It should be noted that the area includes five development sites that are proposed in the Land and Planning Policies Document (Creative Quarter – Bus Depot, Carlton Road (Castle College), Creative Quarter - Sneinton Market, Brook Street East and Waterside - Daleside Road (Eastpoint)).

2.5.3 In preparing the application, Sneinton Neighbourhood Forum has carried out a number of consultations with the local community and this is detailed in Appendix A. The consultations date back to 2012 and include a number of 'Placecheck Walks'.

2.5.4 There are no firm proposals for the content of the Neighbourhood Plan or timescales envisaged at this stage. Consultation comments received from Sneinton Neighbourhood Forum to date have, however, indicated that fine grain design issues are important to local residents, together with connectivity and access issues and green infrastructure (i.e. parks, open space and other incidental open and green spaces).

2.6 Results of the Statutory Consultation:

2.6.1 On receipt of a valid application for designation of a Neighbourhood Forum and Neighbourhood Area, the Regulations state that a local planning authority must, for a period of at least six weeks, publicise such a request on its website and in any other manner that it deems appropriate to bring the request to the attention to those who live, work or undertake business in the area that the Neighbourhood Plan will cover. In order to comply with these Regulations, the City Council made copies of the application available on its website, at Loxley House and at Sneinton Library. Officers also wrote to key groups and individuals, put up site notices at key points around the boundary, and used social media in order to seek views on the both the Neighbourhood Forum and the Neighbourhood Area being proposed.

2.6.2 In total 17 responses were received during the consultation period. Of these responses, 4 respondees (the statutory planning consultees) had no specific comments to make, 6 respondees objected and 7 respondees supported the proposals. A summary of all the responses received can be found in Appendix C.

2.6.3 Five out of the seven respondees who were in favour of both the Forum and the Area were members of Sneinton Neighbourhood Forum. All of the seven people who expressed support stated that the Forum was representative of people who lived and worked in the area and believed the boundaries to be to represent what local people regard as being part of their neighbourhood.

2.6.4 Objections to the Forum ranged from a respondee who had not heard of the Forum before, and respondees who stated that it was not representative of the area. Concern was expressed by one individual who highlighted that some members of the Forum had said (during public meetings) that they had not given agreement to be recorded as Forum members and that safeguards have not been put in place to prevent the possibility of businesses taking over the Forum for their own needs.

2.6.5 Objections to the boundary of the Neighbourhood Area included concerns that the boundary was too wide and that Colwick Woods is included yet most of this area relates to Bakersfield, which is excluded from the Neighbourhood Area. Concern was also expressed that the boundary of the Neighbourhood Area includes strategic development sites that have city-wide implications. One respondee requested the inclusion of Bakersfield in the Neighbourhood Area boundary.

2.6.6 In response to concerns about the validity of the Forum's membership, specifically the concerns raised by response number 11 and 15, officers have liaised with the Forum to confirm membership of the original list submitted with the application contained within exempt Appendix H and since the time of the original submission, the Forum now has a membership nearer to 50 individuals (this is included in exempt Appendix G).

2.7 Determining the application seeking designation of Sneinton Neighbourhood Forum:

2.7.1 If the Executive Board determines to approve the application and establish the Sneinton Neighbourhood Forum, the Forum would have statutory powers in relation to the Sneinton Neighbourhood Area, as granted under the Localism Act 2011. This would include the powers required to prepare a Neighbourhood Plan for the defined area.

2.7.2 Section 61F(5) of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) sets out the conditions to be met before a Neighbourhood Forum can be designated. In broad terms, it should be 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 and its membership must include a minimum of 21 individuals each of whom:

- lives in the Neighbourhood Area concerned,
- works there (whether for a business carried on there or otherwise), or
- is an elected member of a county council, district council or London borough council any of whose area falls within the Neighbourhood Area concerned.

2.7.3 The Forum must also have a written constitution.

2.7.4 As alluded to above, officers have liaised with Sneinton Neighbourhood Forum to verify membership of the Forum and this has resulted in the Forum confirming the status of the original list of members (as set out in exempt Appendix H) and also submitting a further membership list, which now includes around 50 members. This can be found in exempt Appendix G. It is considered that the Forum meets the requirements set out in section 61F and subsections (5) and (7) (a) of the Town and Country Planning Act 1990 (as inserted by the Localism Act 2011) as its membership is open and includes a minimum of 21 individuals each of whom live or work in the Neighbourhood Area or who are an elected member whose area falls within the Neighbourhood Area. The Forum also has a written constitution and the original application submitted by the Forum states that it has been established for the express purpose of promoting or improving the social, economic and environmental wellbeing of the area (see Appendix A).

2.7.5 If Executive Board resolves to determine the application positively (i.e. to establish the proposed Forum), Sneinton Neighbourhood Forum would be established for a period of 5 years (under section 61F (8) (a)). Section 61F(9) makes provision for the designation to be withdrawn at an earlier point if it is no longer meeting any conditions established at the time of its designation; this might, for example come about if the Forum were failing to adhere to its own constitution or otherwise failing to meet the requirements of section 61F(5).

2.8 Determining the application seeking designation of Sneinton Neighbourhood Area:

2.8.1 Appendix B contains a map showing the Neighbourhood Area Boundary proposed for designation by Sneinton Neighbourhood Forum. The application letter submitted by the Forum contains a statement explaining/in support of that area (see Appendix A). National Planning Policy Guidance published by The Department for Communities and Local Government (DCLG) is of relevance in the determination of the application for the Neighbourhood Area in Sneinton. It sets out that a local planning authority must designate a Neighbourhood Area if it receives a valid application and some or all of the area has not yet been designated and should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must also use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated Neighbourhood Areas. In addition, when a Neighbourhood Area is designated a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft Neighbourhood Plan or Order. It should not make assumptions about the

Neighbourhood Plan or Order that will emerge from developing, testing and consulting on the draft Neighbourhood Plan or Order when designating a Neighbourhood Area.

2.8.2 As set out previously, the Regulations state that the Neighbourhood Plan must be in general conformity with the strategic policies of the development Plan and should reflect the and positively support them. Neighbourhood Plans should not promote less development than set out in the development plan or undermine its strategic policies.

2.8.3 In light of the consultation comments received, and the guidance available, there are a number of considerations to which it is legitimate to have regard to considering an application for the designation of a Neighbourhood Area in Sneinton. These include:

KEY POINT	ISSUES/RESPONSE
<p>The proposed Neighbourhood Area boundary includes Local Plan development sites which are of significance to a wider area than just the immediate vicinity.</p>	<p>It has been identified that the following sites (which are included as site allocations in the emerging LAPP) are of significance to a wider population than just the immediate locality: Waterside – Daleside Road (Eastpoint), Creative Quarter – Bus Depot, Creative Quarter – Sneinton Market and Brook Street East). This is due to there being housing, transport and employment implications arising from the redevelopment of these sites which have an effect and impact on a wider basis than just the Neighbourhood Area. In addition, three of the sites (Creative Quarter – Bus Depot, Creative Quarter – Sneinton Market and Brook Street East) are within the City Centre and one of the sites (Waterside – Daleside Road (Eastpoint)) is within the Waterside Regeneration Zone, which is a strategic site location set out in the Core Strategy. Three of the development sites are also within the Creative Quarter which is part of the City Growth Deal which is of conurbation-wide significance.</p>
<p>A detailed, fairly prescriptive policy framework is in the process of being completed for the four development sites which are contained in the emerging Local Plan and included in the Neighbourhood Area proposed by the Forum. Development principles exist for these sites which address the type, design and mix for four of the sites, and these have been the subject of substantial consultation.</p>	<p>The four development sites, allocated within the emerging LAPP, are at an advanced stage in the plan preparation process and have been subject to two major rounds of consultation. Detailed site assessments and a Sustainability Appraisal have been undertaken for each of the sites. It is inappropriate for the development of these sites to now become the subject of preparation of further policy at a neighbourhood level which may lead to confusion as to the appropriate form of development and jeopardises the timely delivery of development on site.</p>

<p>Planning permission has been granted for two of the development sites in the emerging Local Plan sites falling within the Neighbourhood Plan Area.</p>	<p>Sneinton Market has a current planning permission to refurbish part of it. The Waterside – Daleside Road (Eastpoint) development site has now been granted outline planning permission. This raises issues as to the practical benefit that may be achieved as a result of including some of the emerging LAPP development sites, which are at an advanced stage of delivery.</p>
<p>By the time a Neighbourhood Plan is in place (a process likely to take 21 months), the development of at least two of the emerging Local Plan development sites, contained within the proposed Neighbourhood Area is likely to be well underway.</p>	<p>The first phase of work is already underway at Sneinton Market. In addition, it is possible that development will have commenced at Waterside – Daleside Road (Eastpoint) prior to the adoption of a Neighbourhood Plan. The process for a Neighbourhood Plan being put in place would mean that planning applications and/or development may occur well in advance of the conclusion of the neighbourhood plan preparation process and lead to disappointment and confusion for local people. The investment in terms of time and money in the preparation of the Neighbourhood Plan would therefore not be timely and does not represent an expedient use of resources.</p>
<p>There are infrastructure and physical features that define a more coherent natural boundary than that proposed by the Forum.</p>	<p>It is considered that the railway to the south of the proposed Neighbourhood Area provides a more coherent natural boundary to the Neighbourhood Area. In addition, land beyond this point is covered by the Waterside Regeneration Zone which is a strategic location listed in the adopted Core Strategy. This area is significant to the whole of the City due to its capacity to deliver a significant proportion of housing (to fulfil housing requirements set out in the Core Strategy) and realise regeneration objectives over a large area. It is also envisaged that the Waterside will foster and provide the infrastructure for a new sustainable community. Access both into and around the Waterside will be key to the success of the area and policies within the emerging LAPP have been drafted to with this in mind. Furthermore the proposed Neighbourhood Area incorporates parts of the Strategic Road Network (A612 Manvers Street and the B686 Carlton Road). It is considered more appropriate that the boundary of Neighbourhood Plan is amended to exclude these roads as shown in the map in Appendix D and align it with the back edge of pavements.</p>

2.8.4 The City Council has a broad discretion as to the area to be designated as a Neighbourhood Area which is exercisable on the basis of specific factual and policy considerations that exist at the time a decision is to be taken. Set out above are what are considered to be the relevant factual and policy considerations which presently exist in this individual case. Such an approach to the consideration of a Neighbourhood Area designation has been upheld by the Court of Appeal in (Daws Hill Neighbourhood Forum and others v Wycombe District Council [2014] EWCA Civ 228 – the: ‘Daws Hill’ case. The judge in the Daws Hill case accepted the case of the local planning authority that the proposed Neighbourhood Area included areas of wider community significance (which should be excluded from the Neighbourhood Area), which would have required referendum over a much wider area than that specified in the particular Forum’s application and that the planning processes in relation to strategically important sites were at a well advanced stage.

2.8.5 Consideration of the Neighbourhood Area proposed for designation by the Sneinton Neighbourhood Forum appears to involve similar matters. The development sites from the emerging LAPP that are included within the Neighbourhood Area by the Forum are central to the delivery of the emerging Development Plan in terms of their potential for housing and regeneration provision. The emerging LAPP, is at an advanced stage in the plan preparation process and has been subject to two major rounds of consultation (and the Core Strategy has already been adopted). For this reason it would not be appropriate for development at these locations to be delayed or otherwise hindered because of confusion or complexity caused by another layer of plan being developed. In addition, it is likely that a large proportion of the areas (proposed to be removed from the Neighbourhood Area) will have been granted planning permission, or be under construction, before any Neighbourhood Plan could be produced. This would lead to a risk therefore that the preparation of a Neighbourhood Plan would raise false expectations amongst the community about the level of influence that a Neighbourhood Plan could have on such areas.

2.8.6 It is considered that the above factors, the consultation responses and the government guidance outlined above, give rise to a clear and proper basis for the City Council to conclude that a revised boundary (as shown in the map in Appendix D) should be approved and land excluded from any Neighbourhood Area that may be designated as follows:

- Land to the south of the railway (excepting the residential enclave around Bendigo Lane), thereby omitting the Daleside Road (Eastpoint) development site set out in the emerging Local Plan;
- Land to the west of A612 Manvers Street, thereby omitting the Creative Quarter – Bus Depot, Creative Quarter – Sneinton Market and Brook Street East development sites set out in the emerging Local Plan; and
- Land to the north of the B686 Carlton Road, thereby aligning the boundary to the back of the pavement along this road.

2.9 Additional information/views received on the Amended Neighbourhood Area:

2.9.1 City Council officers met with the Chair and three members of the Forum on 16 December 2014 to outline the City Council’s proposals to amend the Neighbourhood Area boundary (as proposed by the Forum) and provide an opportunity for the Forum to respond to these amendments. Following on from this, the Chair of the Forum submitted a written response to the City Council on 19

January 2015 and this is included in Appendix E. This response sets out the Chair's interpretation of local planning authorities parameters for determining Neighbourhood Areas but does not acknowledge s 61G (5) of the Act which confers a wide discretion for local authorities in determining Neighbourhood Area designations. The response does not have regard either to the 'specific factual and policy matrix that exists at the time the determination is made'.

2.9.2 The table above sets out what are considered to be the relevant factual and policy considerations that presently exist. These are namely:

- the strategic nature of the development sites that are included within the Neighbourhood Area boundary. The Waterside has been identified in the adopted Core Strategy as a strategic location. This site is critical to the delivery of the development plan as it will provide a significant amount of housing, accommodate a new sustainable community and fulfil regeneration ambitions. Similarly because of their location (i.e. they predominantly fall within the City Centre boundary), and contribution to regeneration ambitions, the emerging LAPP development sites to the east of the A612 Manvers Street are also strategic sites and critical to deliver regeneration aims of the City Council and the aims of the Eastside Regeneration Zone designated in the Core Strategy and now known as the Creative Quarter;
- that a fairly prescriptive policy framework is in the process of being completed for the areas of land proposed to be excluded from the Neighbourhood Area by the City Council. A set of draft Development Principles exist for all of the development sites proposed to be excluded and these address the type, design and mix of development for the development sites. In addition detailed policy is being developed in the emerging LAPP to cover the Creative Quarter and Waterside areas;
- the fact that outline planning permission has been granted for the Daleside Road, Eastpoint development site and the Sneinton Market development site has a current planning permission to refurbish part of it, with the first phase of work already underway;
- the fact that by the time a Neighbourhood Plan is in place (a process likely to take up to 21 months), the development of both of these sites was likely to be well underway such that the resources required to advance a Neighbourhood Plan including the proposed excluded areas would not be justified and would lead to expectations being disappointed; and
- the fact that substantial consultation has already taken place in respect of the development sites in the emerging LAPP and the Creative Quarter and Waterside areas.

2.9.3 Overall it is considered that the implications of developing the areas of land to the east of the A612 Manvers Street and to the south of the railway line are of significance to a wider area than just the immediate locality, which is proposed as the Neighbourhood Area by Sneinton Neighbourhood Forum and this is why these areas have been designated as principal regeneration areas (i.e. the Waterside Regeneration Zone in the Core Strategy and the Creative Quarter and the Waterside Area in the emerging LAPP) within the emerging development plan. It should also be noted that during the statutory consultation on the Neighbourhood Area and Forum designations there was only one comment made specifically supporting the inclusion of Sneinton Market in the Neighbourhood Area boundary. Furthermore, it is relevant that there is possibly only one Forum member who (as listed in Appendices G and H) represents the area of land to the east of the A612 and none to the south of the railway line that is proposed to be excluded from the Neighbourhood Area boundary. Also, whilst the Chair of the Forum indicates in his

letter (see Appendix E) that the Chief Executive of the Creative Quarter has no objection to the Neighbourhood boundary, and supports the inclusion of Sneinton Market in the Neighbourhood Area (and believed that the board of the Creative Quarter also supported this), no formal representation has been received by the City Council to clarify this position.

2.9.4 The Chair highlights that connections into and out of Sneinton are poor. He feels that this issue could appropriately be addressed via a Neighbourhood Plan and the areas proposed to be excluded from the Neighbourhood Area are crucial to achieving improved connections. However, the linkages into and out of the areas proposed to be excluded are integral to the wider development of these locations and this includes not only linkages to Sneinton but to all adjoining communities. Due to the importance of this, connectivity is listed as a specific criterion for any development proposals to be considered against in both the Creative Quarter and Waterside policies in the emerging LAPP. The areas of land to the east of the A612 and to the south of the railway line are of too wide a significance to only be considered in terms of connectivity to Sneinton.

2.9.5 In order to address some of the issues raised above, the Chair of the Forum has submitted an example he considers could be used as a basis for agreeing the scope of a Neighbourhood Plan covering the areas proposed to be excluded (see Appendix E). It shows a division of responsibilities for the local planning authority and the Neighbourhood Forum. Whilst the aims of this document are laudable, it is difficult to see how this could be enforced as it would appear to go beyond what is set out in the Regulations and national planning guidance. Until the content of any future Neighbourhood Plan is confirmed, it would be premature to consider whether a similar document would be appropriate. It is also noted that Newark and Sherwood District Council has not yet signed the Fernwood Parish Council 'Division of Responsibilities' document.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 In determining the application seeking to establish the Neighbourhood Area, Executive Board must essentially determine between two options

- Designate the area shown in the plan in Appendix B, as proposed by Sneinton Neighbourhood Forum, which includes 5 development sites contained within the emerging Local Plan, or
- Designate the amended area shown in the plan in Appendix D, which excludes 4 development sites contained within the emerging Local Plan, and which are considered to be of a wider significance than just the Neighbourhood Area.

3.2 There were no further options considered in making these recommendations. The determination of the designations of both the Neighbourhood Plan Area and Forum are processes defined in the Neighbourhood Planning (General) Regulations 2012 and the City Council must fulfil its obligations with regards to these.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

4.1 It is estimated the total cost to the City Council for preparing a Neighbourhood Plan, will be up to £50,000 (the major components of which are an independent examination which will cost approximately £10,000 and a Referendum which will cost approximately £15,000). The government (DCLG)

has provided a funding allocation to local authorities to assist with Neighbourhood Planning. The Council will be eligible to seek staged payments totalling a contribution of up to £30,000 subject to submission of claims at trigger points and adherence to the grant conditions such as the successful completion of the Neighbourhood Plan Examination.

- 4.2 The early payments totalling up to £10,000 are contributions to pre-publicity (current stage) and plan preparation, together with legal and compliance checks, which are tasks for the City Council under its duty to assist in Neighbourhood Plan preparation.
- 4.3 The final payment of £20,000 is intended to contribute to the costs of a successful Examination and Referendum. No payment is made if the Examination concludes that the Neighbourhood Plan cannot be “made” (adopted) and therefore cannot proceed to Referendum. Should the costs associated with this element of the Neighbourhood Plan exceed this contribution, or the examination is not successful, it is proposed that the additional costs will be met from the Area Committee East budget. Detailed costings will become clearer as the Neighbourhood Plan process progresses. Area Committee East will be kept informed, and will be consulted as this happens, and prior to Examination and Referendum.
- 4.4 Whilst this funding allocation may cover a substantial proportion of the costs to the City Council of preparing a Neighbourhood Plan, it is unlikely that it will be adequate to fully cover the staff resource that is likely to be required.
- 4.5 Observations of the Chief Finance Officer: The financial implications of the Neighbourhood Plan process cannot be fully costed at this stage. It is estimated that the cost of the Neighbourhood Plan could be up to £50k and this will be firmed up when the process has commenced. It is proposed that this be met via £30k from specific funding for Neighbourhood Planning available from DCLG with the balance being met from existing City Council budgets. The report recommends this be met from the Area Committee East budget.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

- 5.1 The steps that a local planning authority must take on receipt of an application for designation of an organisation or body as a Neighbourhood Forum and for designation of a Neighbourhood Area are set out sections 61F and G of the Town and Country Planning Act 1990 (as inserted by the Localism Act 2011) and the Regulations. Once a Neighbourhood Area is designated, a Neighbourhood Plan can be promoted to guide development within that area. The process for promotion and adoption of a Neighbourhood Plan including consultation and the carrying out of a local referendum is prescribed by the Regulations.
- 5.2 There is potential for conflict between the adopted Core Strategy and the emerging LAPP and community aspirations in respect of the Neighbourhood Plan. At the present time the risk of such conflict could be removed or minimised if the proposed amended Neighbourhood Area (as set out in Appendix D) was designated.

5.3 As with any decision of a public body the decision to designate the Neighbourhood Area by the council would be susceptible to judicial review. In this instance however, the risk of challenge by way of judicial review is felt to be low.

6 SOCIAL VALUE CONSIDERATIONS

6.1 Not applicable.

7 REGARD TO THE NHS CONSTITUTION

7.1 Not applicable.

8 EQUALITY IMPACT ASSESSMENT (EIA)

8.1 An EIA is not needed, as the report does not contain proposals for new or changing policies, services or functions, financial decisions or decisions about implementation of policies development.

8.2 Nottingham City Council takes its responsibility regarding meeting the Public Sector Equality Duty very seriously and as a result there is an expectation that Sneinton Neighbourhood Forum takes into account the needs and views of affected citizens from all of the protected characteristics during the preparation process of the Neighbourhood Plan.

9 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

9.1 None

10 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

10.1 Sections 61F and G and 116 of the Town and Country Planning Act 1990 (as inserted by the Localism Act 2011).

10.2 Neighbourhood Planning (General) Regulations 2012.

10.3 Paragraphs 183-185 of the National Planning Policy Framework.

10.4 Neighbourhood Planning advice contained within National Planning Practice Guidance.

11 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

11.1 Sarah Wilson, Chief Elections Officer, 0115 8764308,
sarah.wilson@nottinghamcity.gov.uk

11.2 Richard Bines, Solicitor, 0115 8764413, richard.bines@nottinghamcity.gov.uk

11.3 Matt Gregory, Planning Policy Manager, 0115 8763981,
matt.gregory@nottinghamcity.gov.uk

11.4 Jim Driver, Finance Service Partner, 0115 8764226,
jim.driver@nottinghamcity.gov.uk

11.5 Stephanie Pearson, Information Governance Manager, 0115 8763232,
stephanie.pearson@nottinghamcity.gov.uk