



ADUR DISTRICT COUNCIL

Adur Planning Committee
6 July 2020
Agenda Item no. 7

Ward: Marine ward

Shoreham Beach Neighbourhood Forum - Designation

Report by the Director for the Economy

1.0 Summary

1.1 The Shoreham Beach Neighbourhood Forum was designated on 20th November 2014, to become the qualifying body to progress the Shoreham Beach Neighbourhood Plan. A Forum has a 5 year life, which expired in November 2019. The Shoreham Beach Neighbourhood Forum has since reapplied for designation; this application has been consulted on, and this report considers the representations received, and whether to redesignate the Forum for a further 5 years..

2.0 Background

2.1 The production of Neighbourhood Plans was introduced by the Localism Act 2011, with the aim of enabling local communities to influence how their areas will change and develop in the future. The procedures for producing a neighbourhood plan are set out in the Neighbourhood Planning (General) Regulations 2012 (as amended).

2.2 The Shoreham Beach Neighbourhood Forum was designated 20th November 2014. The five year life of this Forum expired in November 2019.

2.3 The Shoreham Beach Neighbourhood Area was also designated in November 2014. However, under the legislation neighbourhood areas do not have a time-restricted life. As a result it is not necessary for this report to consider the geographical area covered by the neighbourhood area designation.

2.4 It should be noted that if designation is made, no other body or organisation may be designated for this neighbourhood area until that designation expires or is withdrawn.

3.0 Proposals

3.1 For the forum designation, the following must be submitted to the local planning:
(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.

3.2 An application meeting these requirements was submitted, and is appended at Appendix 1. In line with the Regulations, the application was made available for consultation by this Council, commencing on Thursday 19th March, and originally to last until to 30th April 2020.

Consultation

3.3 In order to publicize the consultation, the application was made available on the Council's website; an item was published in Beach News shortly before the consultation exercise commenced (this is the magazine of the Shoreham Beach Residents Association, which is delivered to every home on Shoreham Beach); and an advert was placed in the Shoreham Herald (and Worthing Herald). Several site notices were put up around the Forum area.

3.4 Given the pandemic, the consultation was extended for a further 3 weeks, to 22nd May. Additional site notices were put up to advertise the extension, and another advert placed in the Shoreham Herald (also Worthing Herald).

3.5 The application and Statement of Consultation were made available on the Council's website throughout this period together with a response form (although responses could also be submitted by email or post.).

3.6 The application and Statement of Consultation were also made available for inspection at the Shoreham Centre, Pond Road, and Portland House Worthing. However as the lockdown commenced shortly afterwards, this information was not accessible. The Council's Legal Team was consulted on this matter. In contrast to Local Plan consultations, the Neighbourhood Planning Regulations do not require documents to be made available for consultation in the same way; as a result it was concluded that legislative requirements have been complied with.

3.7 A total of 7 separate responses were received (although one was sent on behalf of several people); one response was sent by Shoreham Beach Residents Association. In general, one supported the Forum redesignation, the others raised concerns and objections. These responses are attached at Appendix 2.

3.8 The key matters to be considered in the designation of a Forum are set out in legislation as follows:

- Is the Forum representative of people who live in the area?

- Is the Forum representative of different geographical parts of the area?
- Is the Forum representative of people who work in the area?
- Is the Forum representative of different sections of the community?

Responses received and the LPA response to the matters raised, can be found at Appendix 2.

Analysis of responses

3.9 Is the Forum representative of people who live in the area?

- The submitted application contains a map showing the distribution of members in the Forum area (Map 2, page 2 of application). The document states the Forum has 540 members.
- As required by the Regulations, the details of 21 members have been provided to the Council. (These have not been published on the Council's website due to Data Protection issues).
- With regards to the consultation responses 1 agreed that it was representative, others raised matters such as communication which are addressed below; another expressed concerns that few people seem to be aware of the neighbourhood plan's existence or potential impact.
- Some demographic information regarding the ages of those engaged has been provided, although it is noted that this dates from 2017, and relates to all those engaged, not just members. This document also states: The vast majority of Forum Committee members are 50+'. Whilst this might not be truly representative in age profile of residents on the Beach it does generally reflect those residents that have the time to be engaged in neighbourhood planning.

3.10 Is the Forum representative of all the different geographical parts of the area?

- According to the map provided, membership appears to come from all parts of the geographic area of the Forum. Comments have been made in the consultation responses - some relate to content of the actual neighbourhood plan (eg Shoreham Fort and Local Nature Reserve) but these do not relate to membership of the Forum and can be best addressed through consultation on the Plan itself. One states the Forum is not representative of the geographical area (although doesn't make clear why not); one states it is representative.

3.11 Is the Forum representative of people who work in the area?

- The Forum has confirmed that the details of the 21 named members contains at least one who works in the area. Given that the Beach is a largely residential area this is considered acceptable.

3.12 Is the Forum representative of different sections of the community?

- This question is very similar to question 1; however the Application states: The Forum has succeeded in attracting a diverse group of members from across the designated neighbourhood plan area... these members represent a varied range of

age groups and interests. Details of this diversity within the Forum have not been provided but your Officers consider that it would be difficult to argue that this requirement has not been met.

Other Matters

- 3.13 Members will note that other matters relating to the Forum have been raised in the responses received. Some of these relate to the specific contents of the emerging Neighbourhood Plan. These matters can be addressed through consultation on the Plan, if the Forum is redesignated. However, other matters relate to the Forum itself; these are considered below.

Matters relating to the Forum's Constitution:

- 3.14 A number of responses refer to issues regarding failure of the Forum to comply with its own Constitution, and communication issues. Specifically; a lack of Annual General Meetings; committee papers/ minutes not posted on the website; lack of clarity as to whether Finance reports are presented to Management Committee monthly, and a lack of accountability. The application explains that the 2019 AGM was postponed due to lack of advance notice; the application states that an AGM will be held once the Forum is redesignated, alongside a 'Have Your Say Day'. The latest Management papers available on the Forum's website (as at 15th June 2020) are dated September 2019.
- 3.15 This Council has no powers to take action if the Forum does not act consistently with its Constitution. However given the concerns raised as part of this consultation exercise it seems appropriate for the Council to raise these with the Forum. As these matters do not directly relate to the application for designation, and cannot be taken into consideration as part of this process, officers will address these separately. It should also be noted that Officers have already raised these concerns with the Forum prior to the recent consultation exercise.
- 3.16 The application also includes a request from the Forum for reapproval of their Constitution (Section 3). However there is no requirement for ADC to agree the Forum's Constitution, and therefore no action is recommended with regard to it.

Communication.

- 3.16 Several representations raise concerns regarding allegedly poor communication between the Forum, its members and the wider community of Shoreham Beach, as follows: members are not being invited to 3 meetings a year; there is infrequent communication with members other than Beach News, and the Forum website is not kept up to date. Concerns are raised that the Forum cannot be truly representative if there is inconsistent communication between the local community and the Forum. These concerns, plus the matter of the awareness of residents about

the emerging plan, have been raised by respondents. It does appear that the Forum website has not been updated for some time (for example, the consultation on the application for designation was not advertised by the group on their website) and it is not clear how much liaison there is between the Forum and its members.

- 3.17 The Application sets out (page 5) a range of community engagement and evidence, although dates/ frequency are not clear. Much of the survey work took place between 2015-17, and according to the application, the last community consultation 'Have Your Say Day' event took place in 2016. As such, there will be a considerable period of time between this early work and the examination of the Plan. However, these matters cannot be taken into account with regards to determining designation of the Forum. Nevertheless, these concerns will be relayed to the Forum if redesignated.

Progress on the Neighbourhood Plan

- 3.18 The key stages of neighbourhood plan making are:

- Gathering baseline information and evidence, and preparing a draft Plan;
- Undertaking 'pre-submission' consultation (a consultation held for at least 6 weeks)
- Following this consultation, developing a revised version of the Plan (having regard to findings of the consultation) and submitting it to the Local Planning Authority (ADC)
- Independent Examination
- Referendum.
- Bringing the Plan into force.

- 3.19 Of the over 700 made neighbourhood plans in England, which have been completed and 'made' the average time to make a plan has been 3 years, 4 months. (Source: Locality). The five year life of a forum should provide sufficient time for the preparation and making of a neighbourhood plan.

- 3.20 Section 8 of the Application (page 5) sets out progress from 2015 - 2019. However it is worth noting that the Shoreham Beach Neighbourhood Plan has not yet reached the initial stage of a Pre-submission consultation. Several 'Have Your Say Day' community consultation events have been held - however these do not constitute the six week pre-submission consultation on a Draft Plan that the Regulations require. As such it would seem that little progress has been through the statutory stages over the last 5 years. This may be in part due to changes in membership/ chair of the group, but there are concerns as to how long the plan may take to progress, and the impact on ADC resources to support it.

- 3.21 The Application states on page 4 that the Forum aims to submit the Regulation 16 plan to ADC in Autumn 2020; however given that the Regulation 14 consultation has not yet taken place, this appears to be an ambitious timetable. Given the impact of Covid-19 it is likely this timetable will need to be updated. However this should not impact on the determination of the application for designation.

4.0 Legal

- 4.1 Statutory requirements regarding the designation of neighbourhood forums are set out in Section 61F of the 1990 Town and Country Planning Act. The Council may designate an organisation if it is satisfied that it meets the criteria set out in paragraph 3.1 of this report. The Neighbourhood Planning (General) Regulations 2012 set out further details of the neighbourhood forum designation process.

5.0 Financial implications

- 5.1 There are costs to producing a neighbourhood plan to be borne both by the neighbourhood forum, and the local authority. However, as stated above financial matters cannot be taken into account in the determination of an application for Forum designation. However as designation will result in financial implications for the Council these are set out for information.
- 5.2 It should be noted that although Local Authorities have a duty to 'advise and assist' in the preparation of neighbourhood plans, there is no statutory requirement for a Local Planning Authority to provide funding to support the progression of a neighbourhood plan. The Adur & Worthing Councils note 'Neighbourhood Plans: Offer of Support' (available on the Councils' website) clearly states: "*The Councils are not able to offer advice or assistance in the following areas...Direct financial support (the Councils can apply and use CLG grants)*".
- 5.3 This refers to the fact that Local Authorities can apply for funding from the Ministry of Housing, Communities and Local Government (MHCLG) at certain stages of neighbourhood plan development (including designation). However this money is to support the LPAs additional workload with regards to its statutory requirements in relation to neighbourhood plans (such as organising and funding the independent examination, and referendum stages). Payment of any of this to a Forum or Parish preparing a neighbourhood plan is at the discretion of the local authority.
- 5.4 Forums (or parish councils, where these are preparing neighbourhood plans) can apply to Locality - a national network supporting local community organisations for financial support. It is understood that the Shoreham Beach Neighbourhood Forum has already received the maximum possible funding from Locality in terms of general grant allowance (although they may be eligible for specific technical support packages which Locality offer, for example, with regards to Design Codes).
- 5.6 Any future request from a redesignated Forum to the Council would give the opportunity to provide some conditions to potentially address some of the issues highlighted during the consultation process.

Conclusion

5.5 Since initial designation in 2014 a great deal of work has been undertaken by the Shoreham Beach Neighbourhood Forum to develop a neighbourhood plan. A number of concerns have been raised regarding other matters, as outlined above. However these matters cannot be taken into consideration and should be addressed separately. It appears that the Forum has met the legal requirements for designation of the Forum.

6.0 **Recommendation**

6.1 Officers will be recommending to the Joint Strategic Committee (JSC) that the Shoreham Beach Neighbourhood Forum is designated. It is recommended that members of the Planning Committee forward any comments with regards to the designation application to JSC.

Local Government Act 1972

Background Papers:

Application for the Redesignation of Shoreham Beach Neighbourhood Forum for a Further Five years - Shoreham Beach Neighbourhood Forum

Support for Neighbourhood Plans - Adur & Worthing Councils. (Note on website)

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Schedule of Other Matters

1.0 Council Priority

- 1.1 The Council has a statutory duty to advise and support neighbourhood forums in producing neighbourhood plans.

2.0 Specific Action Plans

- 2.1 There are opportunities for the neighbourhood plan to contribute to a range of priorities linked to Tackling Climate Change and supporting our natural environment; and thriving people and communities, as set out in Platforms for Our Places: Going Further

3.0 Sustainability Issues

- 3.1 Those bodies making neighbourhood plans must consider the impact their plan will have on the environment. A neighbourhood plan should be screened to ascertain whether Strategic Environmental Assessment is required.

4.0 Equality Issues

- 4.1 The Forum constitution addresses equalities issues.

5.0 Community Safety Issues (Section 17)

- 5.1 No issues identified.

6.0 Human Rights Issues

- 6.1 At this stage no issues identified.

7.0 Reputation

- 7.1 The Council has offered, and provided, support and advice to the neighbourhood forum, in line with its statutory duties.

8.0 Consultations

- 8.1 The application for designation of the Shoreham Beach Neighbourhood Forum has been subject to public consultation (in line with the Neighbourhood Planning Regulations 2012 and Section 61F of the Town and Country Planning Act 1990, and feedback assessed, as set out in the report. The statutory stages of neighbourhood plan progression require statutory consultation periods.

9.0 Risk Assessment

9.1 The Council has a statutory duty to consider the application for designation; only relevant matters can be taken into account in determining this application.

10.0 Health & Safety Issues

10.1 None identified.

11.0 Procurement Strategy

11.1 No issues identified.

12.0 Partnership Working

12.1 The Council has provided support and advice to the Shoreham Beach Neighbourhood Forum in producing the neighbourhood plan and will play a key role at certain statutory stages of the Plan.

Appendix 1 - Application

Appendix 2 - representations received

