



Agenda Supplement

I am now able to enclose, for consideration at the next meeting of the Cabinet on Tuesday, 13th December, 2016, the following reports that were unavailable when the agenda was printed.

		Application for designation of a Neighbourhood Area and Neighbourhood Forum by the West Cheltenham Neighbourhood Forum ITEM DEFERRED FROM 6 DECEMBER CABINET MEETING Updated report enclosed with Original report considered at 6 December Cabinet meeting	

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CABINET-13 DECEMBER

APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM BY THE WEST CHELTENHAM NEIGHBOURHOOD FORUM

UPDATE REPORT FROM DIRECTOR OF PLANNING/ONE LEGAL

Background

The officer report for Cabinet on the 6th December 2016 made two recommendations:

1. To approve the designation of the West Cheltenham Neighbourhood Forum area for the purpose of preparing a Neighbourhood Development Plan.
2. To approve the designation of the West Cheltenham Neighbourhood Forum as neighbourhood forum for that area.

The first issue is whether Cabinet are required to make a determination or whether the application can be deferred. The Neighbourhood Planning (General) (Amendment) Regulations 2015 prescribe time limits for the determination of a neighbourhood area application. Except where a local planning authority is required to designate the whole of a parish, applications must be determined within 13 weeks of first being publicised, or 20 weeks where the application relates to more than one local planning authority area. If these time limits are not met, the local planning authority must designate all of the area applied for. In this instance the application area as defined only covers a single local authority area and as such the 13 week determination period is relevant. This period ends on the 14th of December.

The second issue is whether the application could be withdrawn by the neighbourhood forum. There is no specific provision in the regulations for the withdrawal of an area application once it has been submitted. If the forum would like to change the area in a live application then they must submit a new application which then must go through consultation for six weeks.

On the basis of the regulations Cabinet must therefore make a decision to either refuse the application (with reasons for refusal) or approve it (as recommended in the cabinet report dated 6th December).

The third issue is the reasons for refusal. Cabinet can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, reasons must be given. The authority must 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.

The following could be considerations when deciding the boundaries of a neighbourhood area:

- village or **settlement boundaries, which could reflect areas of planned expansion**
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities
- the area where formal or informal networks of community based groups operate
- the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style

- whether **the area forms all or part of a coherent estate either for businesses or residents**
- whether the area is wholly or predominantly a business area
- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
- the natural setting or features in an area
- size of the population (living and working) in the area

Highlighted within the considerations above are the concerns raised by Cabinet on 6th December, relating to that part of the proposed neighbourhood area between the existing urban area and the Borough boundary at the west of the town. The main issue being that the proposed neighbourhood area would bisect the emerging West Cheltenham Strategic Allocation as proposed by the emerging JCS main modifications.

To inform Cabinet, officers agreed to discuss the following;

- potential for extending the proposed neighbourhood forum's area across the borough boundary into Tewkesbury (the parishes of Boddington and Staverton) with those authorities and the forum itself, and
- possibility of the forum agreeing to change the area boundary to exclude the Strategic Allocation.

It has not been possible to talk directly with the relevant parish councils. However, an initial discussion with relevant community officers has advised as follows;

- Boddington and Staverton parish councils have expressed their intention to submit a neighbourhood area application for the whole of their parish areas.
- expressed concern that the proposed neighbourhood area would cover only part of the Strategic Allocation and urged Cheltenham Council to defer making a decision. However, as stated above a further deferment is not an option.

Discussions have also taken place with a member of the West Cheltenham Neighbourhood Forum. This was also an initial discussion and does not necessarily represent the view of the entire forum. Further discussion will take place before the Cabinet meeting on the 13th but due to timing cannot be fed into this paper. The initial response from the forum member indicated that they would be open to amending their boundary if there was a clear reason for doing so. Concern was expressed that changes to the forum's area would risk putting many members off from continuing their involvement due to the knock on delay.

Potential Options

In order to assist the Cabinet in its decision three options are listed below. Each is accompanied by a brief rationale, a list of benefits and potential risks. The list is not exhaustive and is designed to provide a starting point for discussion and some additional guidance on the issues involved.

A. Refuse the application and designate the forum area using the Principal Urban Area for the western boundary

Reasoning: This response would address the concerns of Cabinet relating to the boundary of the West Cheltenham Strategic Allocation and concerns that decisions around this are still to be defined through the JCS examination. This option would alleviate concerns that the neighbourhood plan would include only part of the Strategic Allocation or cause delays and confusion to the master planning of the site.

Benefits: The eventual Neighbourhood Development Plan would be less likely to include larger than local issues. Local residents would still have opportunities to comment on the Strategic Allocation through other means (via JCS/Cheltenham Plan)

Risks: the following risks are identified

1. The decision to refuse could be open to a legal challenge. This would be by judicial review at the High Court. To minimise this risk it is imperative that Cabinet clearly set their reasons for refusal
2. This decision may cause disillusionment amongst local residents. To minimise this risk a clear engagement route with local communities affected by the strategic allocation of West Cheltenham could be considered. This would seek to ensure that the communities' views are represented through the JCS and Cheltenham plan processes and that the Neighbourhood Forum is engaged with the West Cheltenham development consortium in order to help influence master planning outcomes.

B. Approve the application as it stands

Reasoning: The application is recommended for approval by the officers because they consider that it meets the required criteria and would overall be of benefit to the Borough. From a legal perspective bisecting a strategic allocation site through a neighbourhood plan is not unacceptable, although there may well be other reasons for doing so.

Benefits: Would allow the Neighbourhood Forum to take their Neighbourhood Development Plan work forward and gain access to funding streams, together with engaging directly with the West Cheltenham Development Consortium. The decision would reflect that taken to designate Leckhampton and Warden Hill Parish in 2015. At that time the area included a Strategic Allocation which also crossed the border into another parish, although as a strategic allocation it was at a far more advanced stage.

Risks: the following risks are identified

1. Development at the strategic allocation will have wider impacts than just the neighbourhood area and any referendum may have to be conducted across a large area
2. To designate a Neighbourhood Area to include part of a strategic site could unrealistically raise expectations as to the effectiveness of a Neighbourhood Plan in relation to that site

C. Agree that the application is withdrawn and responds to the concerns of Cabinet by either redrawing the application to the Principal Urban Area Boundary (excluding the proposed strategic allocation) or extended to adjoining parishes (including all of the proposed strategic allocation)

Reasoning: Due to the regulations Cabinet cannot defer the decision as the time limit for determination is the 14th December. If this option were to be resolved by Cabinet, agreement in writing (available for the Cabinet meeting of 13th December) from the Neighbourhood Forum would be required agreeing to withdrawing the Neighbourhood application. This option would allow the forum to discuss cross boundary cooperation and could prevent future conflict and confusion at the Strategic Allocation.

Benefits: Allows potential future conflicts to be addressed now and provides further time for debate over all of the issues before a final decision is made

Risks: the following risks are identified

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1. The Neighbourhood forum may not want to cooperate
2. Delay caused to the neighbourhood plan programme

Officers will provide an oral update at the Cabinet meeting regarding the outcome of discussions with the Neighbourhood Forum.

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Cheltenham Borough Council
Cabinet 6th December 2016

**Application for designation of a Neighbourhood Area and
Neighbourhood Forum by the West Cheltenham Neighbourhood Forum**

Accountable member	Councillor McKinlay – Lead Member for Local Development Plan
Accountable officer	Tracey Crews – Director of Planning
Ward(s) affected	Hesters Way, Springbank, St. Peter's, St Mark's and Benhall and The Reddings
Executive summary	<p>Cheltenham Borough Council has a statutory duty to advise or assist communities in the preparation of Neighbourhood Development Plans (NDP). The Localism Act 2011 sets out the Local Planning Authority's (LPA) responsibilities including designating Neighbourhood Plan Areas by inserting provisions into the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 (as amended).</p> <p>An application to designate a neighbourhood plan area and designate the West Cheltenham Neighbourhood Forum as the neighbourhood forum for that area has been received. This application has been assessed against the requirements set out in the legislation and is considered to meet the requirements to enable designation of the neighbourhood area and of the neighbourhood forum. The Council's Neighbourhood Planning Protocol has been used to guide officers in assessing the application (see Appendix 6).</p> <p>Approval of this application enables the West Cheltenham Neighbourhood Forum to prepare a NDP for the area covered by the designation.</p>
Recommendations	<ol style="list-style-type: none">1. To approve the designation of the West Cheltenham Neighbourhood Forum area for the purpose of preparing a Neighbourhood Development Plan.2. To approve the designation of the West Cheltenham Neighbourhood Forum as neighbourhood forum for that area.

Financial implications	<p>Additional financial contributions are available from DCLG to support Neighbourhood Planning. This is in recognition of the legal obligations placed upon the Council to provide advice and support to those seeking to introduce a Neighbourhood Development Plan (NDP). This advice and support also includes arranging for the examination of the NDP and the referendum on the NDP. The Council may submit claims to the DCLG to cover the expenditure within the set limits. At present a local authority may submit claims of up to £30,000 for each completed NDP for consideration by the DCLG, made up of £20,000 once they have set a date for a referendum following a successful examination; £5,000 for the first five neighbourhood areas designated and £5,000 for the first five neighbourhood forums designated.</p> <p>There will be resource implications for Officers due to the requirement to provide some assistance and advise communities in the preparation of a Neighbourhood Plan; checking a submitted Plan meets legal requirements, arranging for the independent examination of the Plan; determining whether the Neighbourhood Plan meets the basic conditions and other legal requirements, arranging a referendum, and, subject to the results of the referendum, bringing the Plan into force.</p> <p>The resource implications are corporate-wide including Environment and Regulatory Services, Commissioning, Financial Services, Democratic Services and One Legal.</p> <p>Appropriate claims to the DCLG will need to be made to ensure the additional cost burden to the Council is mitigated.</p> <p>Contact officer: Sarah Didcote, Business Partner Manager sarah.didcote@cheltenham.gov.uk, 01242 264125</p>
Legal implications	<p>This work is pursuant to Sections 61G and 61H of the Town and Country Planning Act 1990 as inserted by the Localism Act 2011 and applied by Section 38C of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015.</p> <p>Contact officer: Nick Jonathan, nick.jonathan@teWKesbury.gov.uk, 01684 272032</p>
HR implications (including learning and organisational development)	<p>Officers are working closely with the neighbourhood forum. Officer resources will be programmed as appropriate.</p> <p>There are no Trade Union implications.</p> <p>Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 777249</p>
Key risks	<p>Local authorities are required to provide assistance to parish councils and neighbourhood forums in the neighbourhood planning process. They must take decisions as soon as possible and within statutory time periods. If the Council does not act constructively and make decisions on time then there is a risk that it will fail its statutory duties.</p>

Environmental/Social/ Equality Implications	<p>There are no known implications at this stage; however a neighbourhood development plan may require a strategic environmental assessment (SEA) under the EU Regulations and/or a Habitat Regulations Assessment (HRA). This will depend on the content of the neighbourhood plan.</p> <p>Preparation of Neighbourhood Development Plans could have implications for biodiversity, habitats, energy usage, waste and recycling and/or protected species. These would need to be considered by the body preparing the Plan as appropriate.</p> <p>The responsibility resides with the authorised body however the Borough Council may wish to support the authorised body to undertake a SEA/HRA screening of draft plans to determine whether a SEA and/or HRA will be required.</p>
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1. Background

- 1.1 The planning system helps decide what gets built, where and when. It is essential for supporting economic growth, improving people's quality of life, and protecting the natural environment. The Government's intention is to give local communities a greater say in planning decisions by providing the opportunity to prepare a 'Neighbourhood Development Plan', also known as a Neighbourhood Plan (NP).
- 1.2 Neighbourhood planning was introduced through the Localism Act 2011 with specific legislation the *Neighbourhood Planning (General) Regulations 2012* and subsequently amended by the *Neighbourhood Planning (General) Regulations 2015* came into force in April 2012 and February 2015 respectively. The report will refer to these as "the 2012 Regulations".
- 1.3 NPs are a statutory community-led framework for guiding the future development and growth of an area. NPs relate to the use and development of land and associated social, economic and environmental issues. NPs can establish general planning policies for the development and use of land in a neighbourhood, for example where new homes and offices should be built and what they should look like. The NP can be detailed or general, depending what local people want. However, NPs still need to meet the needs of the wider area, which will be set out through the Joint Core Strategy and the Cheltenham Plan.
- 1.4 NPs will be subject to full public engagement, examination and a public referendum. Once adopted a NP will form part of the statutory development plan (along with the Joint Core Strategy and Cheltenham Plan), which is used for guiding decisions on planning applications.
- 1.5 The presumption is that local authorities will designate neighbourhood areas on existing parish boundaries unless there is a valid planning reason not to do so. In non-parished areas, community and business groups can apply as long as they are able to demonstrate that they qualify as a relevant body and that its neighbourhood area/boundaries are justified. They will be classified as a neighbourhood forum. There are specific rules associated with running a forum.
- 1.6 This is the first application the Borough has received to designate a neighbourhood forum. An application for designation of a neighbourhood area from Leckhampton and Warden Hill Parish Council was received and approved in 2015.
- 1.7 There are five key stages to neighbourhood planning. The principles of how the Council will manage the neighbourhood planning process and how decisions will be made are set out in the Council's Neighbourhood Planning Protocol (this was approved by Council on 14th December 2015 and is included in Appendix 6).
- 1.8 **Stage 1: defining the neighbourhood (*current stage*).** Parish Council, community groups or

business groups apply to the Local Planning Authority for their area to be designated. The Local Authority determines the application using criteria established in the Localism Act and the 2012 Regulations.

1.9 Stage 2: preparing the Plan. The Parish Council or neighbourhood forum will need to prioritise their early ideas, and draw up their Plans according to the following rules:

- a) they must be in conformity with local and national strategic planning policies;
- b) they must be in conformity with the law;
- c) neighbourhood planning cannot be used to block the building of new homes and businesses identified in the Borough's development plans. They can, however, use Neighbourhood Planning to influence the type, design, location and mix of new development;
- d) NPs must contribute to achieving sustainable development; and
- e) the NP must also be subject to public consultation.

1.10 Stage 3: independent check. Once a NP has been prepared, an independent examiner will check that it meets the right basic standards. If the Plan does not meet the right standards the examiner will recommend changes. The Local Planning Authority will then need to consider the examiner's views and decide whether to make those changes. If the examiner recommends significant changes, then the Parish Council or neighbourhood forum may decide to consult the local community again before proceeding.

1.11 Stage 4: community referendum. The Council will organise a referendum on any Plan that meets the basic standards. This ensures that the community has the final say on whether a NP comes into force. People living in the neighbourhood who are registered to vote in local elections will be entitled to vote in the referendum. If more than 50% of people voting in the referendum support the plan, then the Local Planning Authority must bring it into force.

1.12 Stage 5: legal force. Once a NP is 'made' (i.e. it is in force), it carries legal weight as part of the planning authority's development plan. Decision makers are obliged to consider proposals for development in the neighbourhood against the NP.

1.13 Local Planning Authorities have a statutory duty to advise or assist communities in the preparation of NPs and to take Plans through a process of independent examination. The Council's responsibilities include:

- Designating the area of the NP;
- Designate neighbourhood forums;
- Advising or assisting communities in the preparation of a Neighbourhood Plan;
- Checking a submitted Plan meets legal requirements;
- Arranging for the independent examination of the Plan;
- Determining whether the NP meets the basic conditions and other legal requirements;
- Arranging a referendum to ensure that the local community has the final say on whether a NP comes into force in their area; and
- Subject to the results of the referendum, bringing the Plan into force (Cabinet decision).

- 1.14** The Council's Neighbourhood Planning Protocol sets out the how the Council will determine each stage of the process:

STAGE	COUNCIL ROLE
Publicising Neighbourhood Area / Forum Applications	Cabinet, the Planning and Liaison Member working group and local ward members for the areas concerned are to be notified.
Designating Neighbourhood Areas	<u>Cabinet to decide</u> on whether to designate Neighbourhood Area.
Designating Neighbourhood Forums	<u>Cabinet to decide</u> on whether to designate Neighbourhood Forum.
Pre-submission consultation and publicity	Officers to provide comments. Consideration of the plan/order will also be made via the Planning and Liaison Member Working Group.
Submission of Neighbourhood Development Plan	<u>Council to decide</u> whether the Neighbourhood Plan and Order should be submitted for examination.
Examination	Cheltenham Borough Council will publish the examiner's report and <u>Council to decide</u> whether to approve the plan for referendum.
Referendum	The council will run the referendum on behalf of the parish council/forum.
Adoption	The decisions to adopt a Neighbourhood Development Plan and a Neighbourhood Development Order are <u>made by Cabinet</u> .

2. Process for designation of a neighbourhood area

- 2.1** The 2012 Regulations specify that the following must be submitted by the relevant body:
- A map identifying the proposed Neighbourhood Area (Regulation 5(1)(a));
 - A statement explaining why the area is appropriate to be designated as a Neighbourhood Area (Regulation 5(1)(b)); and
 - A statement explaining that the body making the area application is capable of being a relevant body (Regulation 5(1)(c)).
- 2.2** Prior to the Council determining the application the Council is required to publicise the application for a period of not less than six weeks to invite representations on the proposal. The application is required to be publicised on the Borough Council's website and in any other such manner as is considered likely to bring the application to the attention of people who live, work or carry out business in the area to which the application relates.
- 2.3** The Local Authority is required to determine this application within thirteen weeks of first being publicised having regard to the following matters set out in Sections 61G and 61H of the Town and Country Planning Act 1990 and the 2012 Regulations (as amended):
- 1) Is the organisation making the application a relevant body?
 - 2) Is the area identified for designation as a Neighbourhood Area considered appropriate?
 - 3) Would the area more appropriately be designated as a business area i.e. the area is wholly or predominantly in business use?

4) Does the area overlap with another designated area?

5) Any comments received during the public consultation.

3. Process for designation of a neighbourhood forum

3.1 The 2012 Regulations (as amended) specify that the following must be submitted by the relevant body as part of an application for designation of a neighbourhood forum:

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

4. West Cheltenham Neighbourhood Forum Application

4.1 An application to designate a neighbourhood plan area and designate the West Cheltenham Neighbourhood Forum as the neighbourhood forum for that area was accepted on 22nd July 2016. Through discussions between the Forum and officers it was decided to start the consultation on 14th September and close on it 31st October 2016. The application was published on the Council's website (www.cheltenham.gov.uk/info/1004/planning_policy/1155/neighbourhood_plans) and was made available in the following locations:

- Municipal Offices; Charlton Kings Library; Cheltenham Library; Hesters Way Library and Community Resource Centre; Prestbury Library; Up Hatherley Library; Bishop's Cleeve Library; Springbank Community Resource Centre, Cheltenham West End Partnership Community Resource Centre; and Oakley Community Resource Centre.

4.2 The application has been considered and assessed against the matters set out in sections two and three:

- 1) West Cheltenham Neighbourhood Forum qualifies as a relevant body to make an application (see Appendix 2 for the criteria set out in section 61F of the 1990 Act and section 8 of the 2012 regulations);
- 2) The area proposed to be designated does not include any parish or any organisation currently seeking to be designated and there are no other designated areas that overlap with the proposed area;
- 3) The area proposed for designation cannot be described as being wholly or predominantly in business use and, therefore, it would be inappropriate to designate the area as a business area;
- 4) The area proposed is supported by a statement explaining why the area is considered appropriate.

3.3 One response supporting the application was received within the consultation period. The membership details of the forum show that there is local support and no official objections have

been received. On the basis of these points raised above, officers can see no planning reason to object to this application. Officers recommend the designation should be approved and the Forum should be enabled to continue to produce their neighbourhood plan.

5. Relevant Council Policies and Strategies

5.1 The following plans are considered relevant:

- Cheltenham Borough Council Local Plan, Second Review (adopted July 2006)
- Joint Core Strategy: Submission version (November 2014).
- Emerging Cheltenham Plan (part one). Issues and Options consultation: June to August 2015.

6. Alternative options Considered

6.1 The neighbourhood area application process is a statutory requirement, so for this reason there is no suitable alternative to its production. Sign off has been delegated to Cabinet as per the Council's Neighbourhood Planning Protocol adopted on 14th December 2015 (see Appendix 6).

7. Consultation and feedback

7.1 The prescribed date for determining an area application is thirteen weeks from the date immediately following that on which the application is first publicised.

8. Performance management –monitoring and review

8.1 The main consideration for the Council is to ensure it carries out its duty to determine the application within eight weeks of the application first being publicised. This has been achieved.

Report author	Contact officer: John Rowley, Senior Planning Policy Officer John.rowley@cheltenham.gov.uk, 01242 774928
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Neighbourhood Planning Criteria 3. Application for Designation of a Neighbourhood Plan Forum and Area 4. West Cheltenham Neighbourhood Forum Constitution 5. West Cheltenham Neighbourhood Forum Area Map 6. Cheltenham Borough Council Neighbourhood Planning Protocol
Background information	All background information regarding the application will be made available on the Council's website .

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	There is a legal issue in that if the Neighbourhood area application is not published and publicised by the Council now that it has been received, the Council could be acting unlawfully. There are potential legal risks including a possible legal challenge.	Tracey Crews	14.7.15	2	2	4	Accept	None	N/A	Tracey Crews	N/A if the recommendations of this report are agreed.
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

Neighbourhood Planning Criteria

Appendix 2

Extract from The Town and Country Planning Act 1990 as amended

61F Authorisation to act in relation to neighbourhood areas

- (1) For the purposes of a neighbourhood development order, a parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council.
- (2) If that neighbourhood area also includes the whole or any part of the area of another parish council, the parish council is authorised for those purposes to act in relation to that neighbourhood area only if the other parish council have given their consent.
- (3) For the purposes of a neighbourhood development order, an organisation or body is authorised to act in relation to a neighbourhood area if it is designated by a local planning authority as a neighbourhood forum for that area.
- (4) An organisation or body may be designated for a neighbourhood area only if that area does not consist of or include the whole or any part of the area of a parish council.
- (5) A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions—
 - (a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),
 - (b) its membership is open to—
 - (i) individuals who live in the neighbourhood area concerned,
 - (ii) individuals who work there (whether for businesses carried on there or otherwise), and
 - (iii) individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
 - (c) its membership includes a minimum of 21 individuals each of whom—
 - (i) lives in the neighbourhood area concerned,
 - (ii) works there (whether for a business carried on there or otherwise), or
 - (iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
 - (d) it has a written constitution, and
 - (e) such other conditions as may be prescribed.
- (6) A local planning authority may also designate an organisation or body as a neighbourhood forum if they are satisfied that the organisation or body meets prescribed conditions.
- (7) A local planning authority—

- (a) must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, have regard to the desirability of designating an organisation or body—
 - (i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of sub-paragraphs (i) to (iii) of subsection (5)(b),
 - (ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and
 - (iii) whose purpose reflects (in general terms) the character of that area,
- (b) may designate only one organisation or body as a neighbourhood forum for each neighbourhood area,
- (c) may designate an organisation or body as a neighbourhood forum only if the organisation or body has made an application to be designated, and
- (d) must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the application.

(8) A designation—

- (a) ceases to have effect at the end of the period of 5 years beginning with the day on which it is made but without affecting the validity of any proposal for a neighbourhood development order made before the end of that period, and
- (b) in the case of the designation of an unincorporated association, is not to be affected merely because of a change in the membership of the association.

(9) A local planning authority may withdraw an organisation or body's designation as a neighbourhood forum if they consider that the organisation or body is no longer meeting—

- (a) the conditions by reference to which it was designated, or
- (b) any other criteria to which the authority were required to have regard in making the designation;

and, where an organisation or body's designation is withdrawn, the authority must give reasons to the organisation or body.

(10) A proposal for a neighbourhood development order by a parish council or neighbourhood forum may not be made at any time in relation to a neighbourhood area if there is at that time another proposal by the council or forum in relation to that area that is outstanding.

(11) Each local planning authority must make such arrangements as they consider appropriate for making people aware as to the times when organisations or bodies could make applications to be designated as neighbourhood forums for neighbourhood areas.

(12) Regulations—

- (a) may make provision in connection with proposals made by qualifying bodies for neighbourhood development orders, and

- (b) may make provision in connection with designations (or withdrawals of designations) of organisations or bodies as neighbourhood forums (including provision of a kind mentioned in section 61G(11)(a) to (g)).

(13) The regulations may in particular make provision—

- (a) as to the consequences of the creation of a new parish council, or a change in the area of a parish council, on any proposal made for a neighbourhood development order,
- (b) as to the consequences of the dissolution of a neighbourhood forum on any proposal for a neighbourhood development order made by it,
- (c) suspending the operation of any duty of a local planning authority under paragraph 6 or 7 of Schedule 4B in cases where they are considering the withdrawal of the designation of an organisation or body as a neighbourhood forum,
- (d) for determining when a proposal for a neighbourhood development order is to be regarded as outstanding, and
- (e) requiring a local planning authority to have regard (in addition, where relevant, to the matters set out in subsection (7)(a)) to prescribed matters in determining whether to designate an organisation or body as a neighbourhood forum.

Extract from The Neighbourhood Planning (General) Regulations 2012

Application for designation of a neighbourhood area

- 7. —(1) Where a relevant body(1) submits an area application to the local planning authority it must include—
 - (a) a map which identifies the area to which the area application relates;
 - (b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - (c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
- (2) A local planning authority may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.

Application for designation of a neighbourhood forum

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

- (a) the name of the proposed neighbourhood forum;
- (b) a copy of the written constitution of the proposed neighbourhood forum;
- (c) the name of the neighbourhood area to which the application relates and a map which identifies the area;

- (d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and
- (e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

Neighbourhood Forum Application Information

Below is the information prepared for Cheltenham Borough Council in relation to the application process for designation of a neighbourhood forum.

1. Name of the proposed Neighbourhood Area

West Cheltenham

2. Name of the proposed/designated Neighbourhood Forum

West Cheltenham Neighbourhood Forum

3. Written Constitution (attached)

The constitution for the neighbourhood forums contains the following:

- the name and purpose of the neighbourhood forum,
- aims and objectives
- working arrangements including sub-groups, partners and their roles,
- pattern of meetings and details of how decisions will be made,
- details of governance, including official positions,
- arrangements for management and financial management,
- membership rules and regulations.

4. Contact/s for proposed Neighbourhood Forum

The contact details below are of two steering committee members.

Title: Mr

First Name: Andy

Surname: Hayes

Address: Hesters Way Community
Resource Centre, Cassin Drive,
Cheltenham

Postcode: GL51 7SU

Email:
andyhayes@hwpartnership.org.uk

Title: Mrs

First Name: Jenny

Surname: Perkin

Address: Hesters way Community
Resource Centre, Cassin Drive,
Cheltenham GL51 7SU

Postcode: GL51 7SU

Email:
jennyperkin@hwpartnership.org.uk

5. Statement

This section provides includes the purpose, aims and ambitions of the neighbourhood forum and to demonstrate how its membership is representative of the local community.

Please set out the purpose, aims and ambitions of the proposed neighbourhood forum

here:

The proposed West Cheltenham Neighbourhood Forum's express purpose is to produce a Neighbourhood Plan which will achieve amongst others the following goals;

- To detail aspirations for transport, traffic and parking
- To mitigation against the effects of climate change.

We have gathered over 50 individuals including local residents and employees of local businesses plus the requisite local councillors to establish the forum. (a list is attached) These members represent a wide range of local interests from across the area and consider themselves to be a 'relevant body' capable of being designated as a Neighbourhood Forum.

We have established a constitution for the forum to guide this project which is attached

At recent meetings the group has designated an area for the Neighbourhood Plan (attached) the boundaries of which it felt reflected a discrete and unified district in West Cheltenham taking account of local partnership, ward and parish boundaries. The northern boundary was defined as the River Chelt, ruling out the northern most part of the current Hesters Way Partnership's area of benefit after consultation with the Big Local who expressed an intention to develop their own plan in the near future. The east of the area followed the Gloucester Road which is on the boundary of the St Peters ward and to the south the boundary of the St Marks and Springbank wards. The western edge of Cheltenham was taken as the western boundary. Once agreed we can supply an ordnance survey map of the area.

6. Membership of proposed Neighbourhood Forum

The attached spreadsheet includes the names and addresses the forum members

7. Map of proposed Neighbourhood Forum

A map of the Neighbourhood Forum area is attached

8. Declaration

I/We hereby apply to designate a neighbourhood forum as described on this form and the accompanying information.

Name(s): Andy Hayes
Name(s): Jenny Perkin

Date: 18/07/16
Date: 18/07/16

WEST CHELTENHAM NEIGHBOURHOOD DEVELOPMENT FORUM CONSTITUTION

1. Background

The Forum has been established to draw up and maintain a Neighbourhood Development Plan for West Cheltenham, using the powers in the Localism Act 2011.

2. Area covered by the Forum

The Area covered by the Forum is the council wards of Springbank, Hesters Way St Marks and parts of St Peters defined by the attached map.

Future general meetings of the Forum may, by majority vote, alter the boundaries of the area.

3. Aims & purposes of the Forum

The Forum shall:

- Draw up a **plan for the future development** of the area.
- Further the **social, economic, health, educational and environmental well-being** of West Cheltenham.
- **Allocate sites for business, retail and housing development** including affordable housing.
- Plan for **public realm improvements** and **consider and recommend improvements** for the street environment in the area.
- Express aspirations for **transport, traffic and parking**.
- Ensure developments **mitigate against the effects of climate change**.
- Seek to **protect existing buildings/areas of note** and worth.
- Aim to **support local businesses, associations, organisations and employers**.
- Consider and **recommend improvements for the street environment** in the area.
- Seek to **protect and improve community resources** and facilities such as libraries, community centres and public facilities.
- Consider how to **protect green spaces** and bring environmental benefits to the area.
- **Involve as many residents**, local workers and local businesses in the process as possible.
- **Attract wide support** for the plan across the area, taking in a range of views.
- **Campaign to have the plan adopted** by relevant bodies and by referendum.
- Work to **maintain and update the plan** as necessary.
- Plan to **improve community safety**.

The Forum shall aim to be as inclusive as possible and shall not discriminate on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The Forum will be open to local councillors and other politicians who represent the area, but shall not be a party political body.

4. Membership

- Membership will be open to anyone who lives or works or has a business in the area defined in Article 2. Associate membership may be given to any interested local resident living or working outside the area.
- Individuals will become members of the Forum once they have given their contact details (Including where possible an email address) to the Secretary or other officer.

- An up to date record of the membership shall be kept by the Secretary. It is the obligation of members to notify the secretary in writing of changes of circumstance that affect their membership rights.
- Members may resign from the Forum at any time in writing to the Secretary or verbally at a meeting.
- There shall be no group membership of the Forum. However, residents' associations and other local groups shall be encouraged to support and assist the work of the Forum.

5. Officers

- Members of the Forum shall elect by simple majority officers to carry out the business of the Forum. In order to stand for election as an officer, a candidate will need to be a member of the Forum. He/she will also need to be proposed and seconded by two other members of the Forum. Associate members of the Forum shall not be eligible for election.
- The officers of the Forum shall be:
 - A Chair - who shall chair the meetings.
 - A Vice-Chair– who shall provide support and assistance to the Chair.
 - A Secretary - who shall be responsible for the taking of minutes; keeping a record of members; and distribution of internal paperwork and emails.
 - A Treasurer - who shall be responsible for the Forum's bank accounts.
 - A Marketing and Communications officer – who shall be responsible for external paper/electronic circulars and a website.
- Any vacancies for these posts shall be filled by an election at a subsequent general meeting, provided at least 14 days' notice is given of the meeting and the election.
- Any officer who does not attend two consecutive meetings without apology will be deemed to have resigned effective from the second meeting.

6. General Meetings

- The Forum will hold general meetings open to all members.
- The Secretary shall ensure that notice of the date of all general meetings is given to all members (by email where possible) not less than 14 days before the meeting.
- The minutes of all general meetings shall be available (by email where possible) to all members and associate members, as well as those who have attended recent meetings. Minutes of each meeting shall be approved by the following meeting.
- The quorum for all general meetings shall be 11 members including Chair/Vice-Chair and one other officer.
- In the event of a general meeting failing to achieve a quorum, business may be discussed and proposals put to the next meeting for ratification. In the event of two consecutive ordinary meetings being inquorate, the second meeting may call a Special General Meeting. Such a Special General Meeting will be deemed to be quorate.

- A general meeting may decide, by majority vote, to establish a steering committee to lead the day-to-day running of the Forum. A general meeting may also, by majority vote, decide to establish sub-committees and working groups to work on specific areas to be covered by the Plan. All committees and working groups shall report on their work to general meetings.

7. Special General Meetings

- The Chair, the Vice-Chair or the Secretary may at any time call a Special General Meeting of the Forum, either for the purpose of altering the Constitution, or for considering any matters which the officers may decide should be specially referred to members.
- A Special General Meeting may also be called at the written request to the Secretary of not less than 5 members, who must give reasons for their request. Any matters notified to the Secretary 14 days before the Special General Meeting shall be discussed at the meeting.
- The Secretary shall give at least 14 days' notice to members of a Special General Meeting called in the circumstances set out in Article 6(v) above.

8. Voting

- Voting at all meetings shall be by a show of hands of members, unless otherwise resolved. Each member present shall have one vote. Votes are not transferable. Associate members shall not have a vote, unless otherwise resolved.
- A simple majority of votes shall prevail, except where otherwise provided in these rules. In the event of a tied vote, the Chair shall have a second or casting vote.
- Any member or associate member with a conflict of interest on an issue being discussed at a meeting shall declare it. A conflict of interest is any situation in which a member or associate member's personal interests, or duties which they owe to another body, and those of the Forum arise simultaneously or appear to clash.
- Proxy voting is not accepted.

9. Financial Records & Funding

- The Treasurer shall open a bank account in the name of the Forum. The account shall have at least three signatories. Any payments over £500 need to be agreed by the Forum, authorised by two signatories and countersigned by a third signatory. All other payments need to be authorized by at least two of the signatories, and counter-signed by a third.
- The Treasurer shall keep proper financial records and produce annual accounts, which will be presented at appropriate meetings.
- The Forum shall seek to raise money from individuals and local groups. This shall pay for the running costs of the Forum, such as administration, printing and room hire.
- Where appropriate, the Forum may apply for grants and donations from public authorities, charities and other organisations.
- The Forum may also seek funds and sponsorship from local businesses. However, in order to avoid any conflict of interest, all donations/gifts of more than £100 will need to be approved by a majority vote at a general meeting of the Forum.

- All money raised by the Forum shall be spent for the purposes laid out in the Aims of the Forum (Article 3).

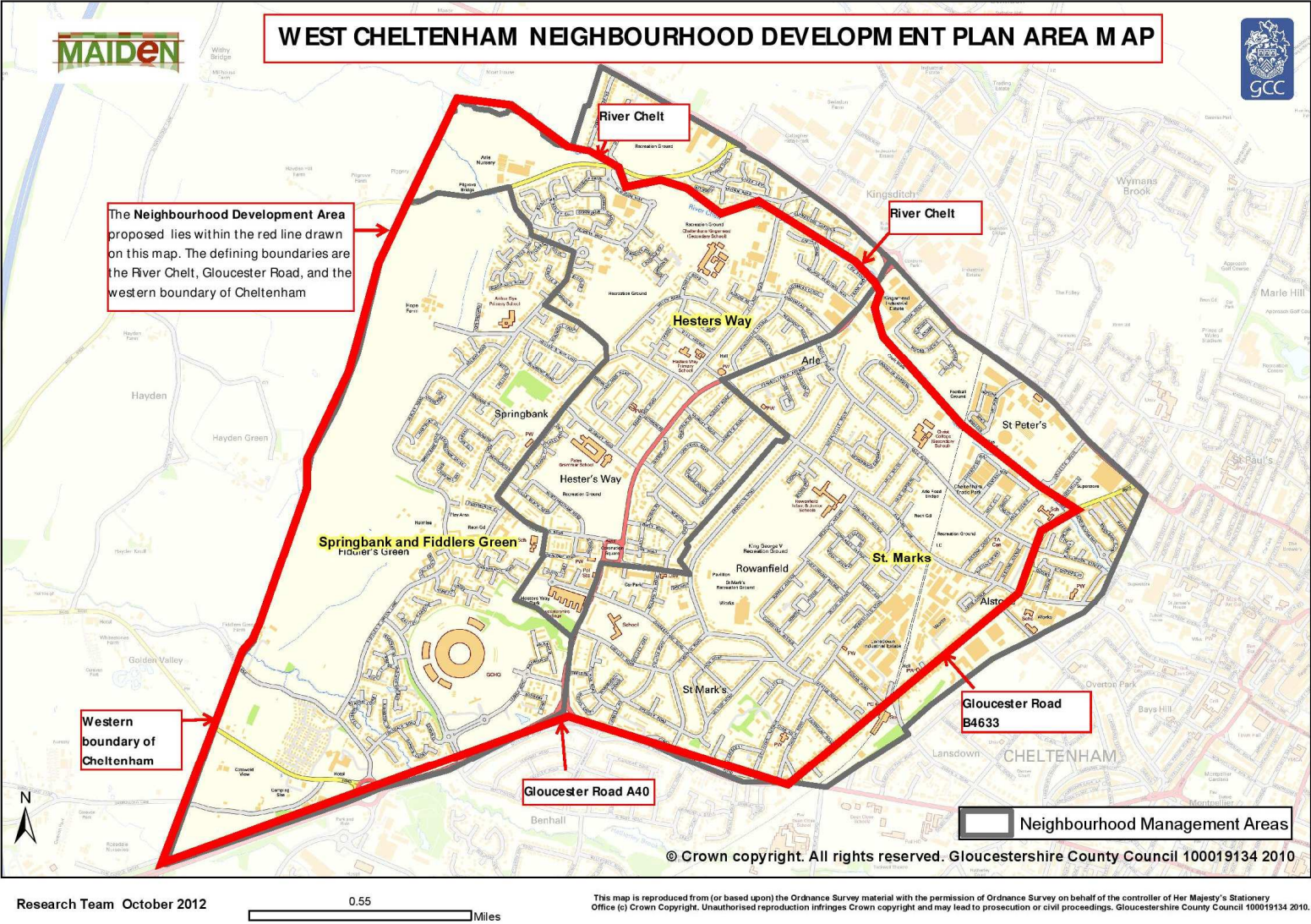
10. Changes to the Constitution

- The Constitution may be altered at a Special General Meeting.
- Any proposed changes must be given to the Secretary at least 21 days before the meeting. Any proposed changes must be circulated to all members at least 14 days before a Special General Meeting where they will be discussed. Any proposed changes must be circulated on paper to all members present at the meeting where they are being discussed.
- Changes to the Constitution must be agreed by at least two-thirds of members present.

11. Dissolution

- If a meeting by simple majority decides that it is necessary or appropriate to close down the Forum, a Special General Meeting shall be called by the Secretary to consider whether or not to do so.
- The Forum may only be dissolved at a Special General Meeting called for that purpose. All members must be notified of such a meeting at least 21 days before it takes place.
- Upon dissolution, funds and possessions held by the Forum will be disposed of according to
 - (a) the wishes of the meeting and
 - (b) in so far as not disposed of under (a), for any of the aims and purposes set out in Article 3.

(This Constitution was adopted as the Constitution of the West Cheltenham Neighbourhood Development Forum at a meeting held on 8th June 2016).



Neighbourhood Planning Protocol

1.0 Introduction

The Localism Act and the Neighbourhood Planning (General) Regulations 2012 (as amended) offers a new opportunity for local communities to lead and prepare statutory plans for their localities and to prepare Orders giving planning permission for specific development. This opportunity requires communities to take on new roles and responsibilities for preparing statutory planning documents.

To support communities the Council has produced a Protocol for Neighbourhood Planning in Cheltenham. This is intended to:

- Provide general overview and advice to interested local community groups on the Neighbourhood Planning process;
- Provide guidance on how the Council will support and process neighbourhood plans and orders; and
- Provide a coordinated approach within the Council in relation to Neighbourhood Planning.

The Protocol will be kept under review.

2.0 What is Neighbourhood Planning?

Neighbourhood Planning offers three planning tools.

Neighbourhood Development Plans

These Plans allow communities to establish general planning policies for the development and use of land within a defined neighbourhood area and so influence the type, design, location and mix of new development. These plans must be in conformity with adopted district level plans and national planning policy and guidance. They should also support the strategic development needs set out in the Local Plan, plan positively to support local development and **should not promote less development** than set out in the Local Plan or undermine its strategic policies.¹²

Neighbourhood Development Orders

This is a community led “order” that grants planning permission in relation to a Neighbourhood Area for development specified in the Order. An order cannot relate to ‘excluded’ development (for example transport or road works) and does not grant building regulations approval.

¹ National Planning Policy Framework, Paragraph 16 and 184

² National Planning Practice Guidance [Paragraph: 044 Reference ID: 41-044-20140306](#)

Community Right to Build Orders

This is a particular type of Neighbourhood Development Order that grants planning permission for small-scale, site-specific, community-led developments. Building Regulations approval is still required.

The Neighbourhood Planning process is based on community led proposals being subject to an independent examination. Subject to the Examiner recommending approval a local referendum will then determine whether the plan or order should be used to help decide planning applications in the neighbourhood area. The local referendum will be open to residents on the electoral register within the designated neighbourhood area. If the Plan or Order is supported by over 50% of the turnout, the local authority must adopt the plan and include it within its suite of development plans³; or in the case of orders, “make” the Order so removing the need for separate planning permission.

Neighbourhood planning proposals must be:

- In line with local and national planning policies;
- In line with other laws (e.g. European obligations⁴); and
- In accordance with the local planning authority plans for growth.

Cheltenham’s plans for growth are included in the emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; all statutory planning documents for the area including Neighbourhood Development Plans must be consistent with this strategic plan.

There is no requirement for communities to undertake neighbourhood planning. For groups interested in using these planning tools there are a number of publications from organisations funded by government to assist communities in neighbourhood planning. These details are available in the Council’s Neighbourhood Planning webpage.

It is important for local communities to know what neighbourhood planning can and cannot do. A quick summary is provided below:

A Neighbourhood Plan can...	A Neighbourhood Plan cannot...
✓ Decide where and what type of development should happen in the neighbourhood;	✗ Conflict with the strategic parts of the development plan (Joint Core Strategy and Cheltenham Plan) or supersede its policies;
✓ Promote more development than is set	

³ Planning law requires that applications for planning permission must be determined in accordance with development plans (this includes local plans and neighbourhood plans), unless material considerations indicate otherwise (National Planning Policy Framework, paragraph 2).

⁴ National Planning Practice Guidance [Paragraph: 078 Reference ID: 41-078-20140306](#)

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| <p>out in the Joint Core Strategy and Cheltenham Plan; and</p> <p>✓ Include policies that take precedence over policies in the adopted Local Plan (and in time the non-strategic parts of the Cheltenham Plan), provided the Neighbourhood Plan policies do not conflict with the Joint Core Strategy.</p> | <p>✗ Be used to prevent development that has been identified in the Council's adopted development plan; and</p> <p>✗ Be prepared by a body other than a parish council or a neighbourhood forum.</p> |
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3.0 The Council's role as the local planning authority

Cheltenham Borough Council is the local planning authority and it is required to:

- Accept, publicise and determine applications for the designation of Neighbourhood Forums and Neighbourhood Areas;
- Publish a map of all its designated Neighbourhood Areas;
- Publicise at key stages a Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order;
- Provide technical support for the Plan or Order;
- At submission check that a submitted Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order meets the basic requirements;
- Arrange and fund an independent examination and publish the Examiner's decision;
- Decide whether to submit for referendum and the referendum boundary (taking into account the recommendation of the Examiner) and arrange and fund a referendum in accordance with the Neighbourhood Planning (Referendum) Regulations 2012 (as amended); and
- Bring the Plan or Order into force i.e. adopt the Plan and include it as part of the Council's statutory development plan⁵ or make the Order, subject to a positive referendum result.

4.0 The Role of the Community

Principally the community's role is plan maker or order promoter and their responsibilities include:

- Forming a group. The neighbourhood planning process recognises town and parish councils as 'relevant bodies'⁶ capable of carrying out neighbourhood planning. In non-parished areas Neighbourhood Forum can be formed, these are subject to strict regulations;
- Making an application to the Council for designation as the Neighbourhood Forum (This does not apply to parish councils wishing to designate their full parished area);

⁵ The 'statutory development plan' can consist of more than one plan

⁶ Section 61G of the 1990 Town and Country Planning Act

- Making application for the Neighbourhood Area;
- Preparing the draft Plan or Order in accordance with the Localism Act, the regulations and national planning policy and guidance and the Council's statutory development plan;
- Resource the drafting of plan and undertake public consultation in accordance with the Regulations; and
- Submit the draft Plan or Order, which has been prepared in accordance with the Regulations, to Cheltenham Borough Council.

5.0 Establishing a Neighbourhood Forum

For non-parished areas within Cheltenham the Regulations require that Neighbourhood Development Plans and Orders are prepared by designated Neighbourhood Forums for a defined Neighbourhood Area. It is anticipated that a new Neighbourhood Planning Forum is constituted specifically to use the Neighbourhood Planning tools. Regulations require neighbourhood forums:

- To have a written constitution;
- To be established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned;
- Ensure its membership is open to, individuals who live and/or work in the neighbourhood area;
- Its membership includes a minimum of 21 individuals each of whom live or work in the area; membership should include an elected ward member for the area;

The Council will use these regulations to help review applications seeking to establish a Neighbourhood Forum. The Council will require neighbourhood forums to provide evidence it has attempted to engage local stakeholders including existing community and residents groups, local businesses and local ward members. Local Member support for the Forum will be helpful in this process.

In making the application for a Neighbourhood Area the reasoning for the boundary needs to be given.

Cheltenham Borough Council will accept applications for designation of a Neighbourhood Forum and a Neighbourhood Area at the same time, however in accordance with the Regulations **there cannot be more than one designated group for a Neighbourhood Area**. Where two applications for designation of Neighbourhood Planning Forums for the same Neighbourhood Area are received, the applications will be determined by the Council's Cabinet.

The designation is valid for five years from the date it was made and ceases after that. This does not affect the validity of a Plan or Order brought into force within the five year period. The Council may also withdraw a designation before this time if the designated group no longer meets or does not follow conditions attached to the designation.

6.0 Preparing a Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order

In preparing the Plan or Order the Parish Council and/or designated Neighbourhood Forum should have regard to the following:

- The Plan or Order should set out policies in relation to the development and use of land within the neighbourhood area;
- The Plan should have regard to the National Planning Policy Framework and national Planning Practice Guidance;
- Proposals must be in general conformity with the strategic policies contained within the Joint Core Strategy⁷, the Cheltenham Plan and other key policy documents;
- Proposals must be compatible with EU obligations and the Human Rights Act;
- Neighbourhood Planning is intended as a tool for communities to promote and unlock development; and
- The specific requirements of the Localism Act Neighbourhood Planning (General) Regulations 2012 (as amended).

7.0 Resources

There is no requirement or expectation by Government for local authorities to fund communities to undertake Neighbourhood Planning. Cheltenham Borough Council does not have a budget to fund Neighbourhood Planning and it will not write the plan or order for the local community. Any funding the Government provides to the Council to support Neighbourhood Planning will be kept by the Council to support the cost of the required independent examination and referendum.

Government funding has been provided to a number of organisations to support community groups in Neighbourhood Planning. Where possible the Council provides signposting to Government funding these organisations via its Neighbourhood Planning webpage.

Council officer support will be prioritised for areas where there are opportunities for new development in support of the Joint Core Strategy and Cheltenham Plan aims and objectives.

The amount of support the Council is able to provide will be relative to the time the Parish Council or Neighbourhood Forum wish to achieve adoption; early engagement is vitally important in this regard. It allows the council to safeguard time and resources for a neighbourhood plan or order into its corporate project management systems.

The Council will use existing planning systems that record planning enquiries, responses and applications.

⁷ All policies in the Joint Core Strategy are strategic

The Council will offer the following support to groups approved to progress Neighbourhood Development Plans and Orders:

- A lead officer from Planning will act as the Council's main point of contact;
- The Council will provide technical advice on the Neighbourhood Planning processes and planning issues;
- Provide available baseline data and make contacts with other parts of the Council as necessary;
- Provide advice on what supporting information will be required;
- Provide feedback on draft reports, etc. within an agreed timeframe; and
- Advise on consultation requirements.

8.0 The Council's Neighbourhood Planning Protocol

The following principles set out how the Council will manage the neighbourhood planning process at each stage. Supporting this protocol is a process checklist which is located in Appendix A.

Publicising Neighbourhood Areas and Neighbourhood Forums

- a) Applications will be publicised on the Council's Neighbourhood Planning webpage;
- b) **Cabinet Member for Plan Preparation, the Planning and Liaison Member working group and local ward members** for the areas concerned are to be notified;
- c) Any known major stakeholders/landowners notified; and
- d) Democracy and Elections Office notified.

Designating Neighbourhood Areas and Neighbourhood Forums

- a) Decision on applications for designation on Neighbourhood Areas/ Neighbourhood Planning Forum will be made by the **Cabinet**;
- b) Where there are competing applications for designation of a Forum/Neighbourhood Area the views of the **Cabinet and local ward members** for the areas concerned will be sought in making the decision;
- c) Decisions to de-designate existing Neighbourhood Planning Forums to be made by **Cabinet**; and
- d) Key Officers in the Council notified of decisions including Elections Office.

Pre-submission consultation and publicity

- a) The parish council, relevant organisation or neighbourhood forum is required to consult the Borough Council (along with other relevant consultation bodies), the Council will provide comments to this consultation in its capacity as the local planning authority; and
- b) Officers will provide comments and consideration of the plan/order will also be made via the **Planning and Liaison Member Working Group**.
- c) The council strongly encourages Parish Councils and Neighbourhood Forums to request the Planning Inspectorate to peer review pre-submission plans. This is not a free service and Parish Councils and Neighbourhood Forums will have to fund this.

Submission of Neighbourhood Development Plan

- a) The Council will validate Neighbourhood Plans against national planning policy, local planning policy and will flag up any issues in relation to other legislation e.g. Habitat Regulations in order to make sure it is ready to go to Independent Examination; and
- b) **Council** will determine whether the submitted Neighbourhood Plans and Orders should move to examination;

Independent Examination, Referendum and Adoption

- a) Independent Examiner agreed by the Parish Council/Forum and appointed by the Council;
- b) Report of the Examiner published, approves or rejects the Plan or Order for referendum;

- c) Subject to a positive examination the **Council** will determine whether the plan should progress to a referendum by publishing a decision statement;
- d) The council will run the referendum on behalf of the parish council/forum;
- e) Decisions to adopt a Neighbourhood Development Plan and a Neighbourhood Development Order are made by **Cabinet**;
- f) Decisions to modify or revoke existing Neighbourhood Development Plans/Orders to be made by **Council**; and
- g) Key Officers in the Council notified of decisions including Elections Office.

Parish Councils and Designated Neighbourhood Forums will be expected to:

- Form a steering group with terms of reference and representative stakeholder engagement;
- Set out a programme to undertake the Plan including date of submission to Cheltenham Borough Council. This should be discussed with the relevant officers to help the council safeguard time and resources⁸;
- Seek support from organisations funded by the Government to support Neighbourhood Planning;
- Seek opportunities for widespread stakeholder engagement;
- Create and maintain a website for the Plan or Order;
- Maintain contact with the Council at key stages in drafting the Plan and advise of changes to programme;
- Engage local governance structures such as the positive participation partnership and neighbourhood co-ordination groups;
- Adhere to the Neighbourhood Planning Regulations;
- If appropriate undertake a Sustainability Appraisal and a Habitats Assessment of the Plan to assess its viability*;
- If appropriate undertake a Transport Impact Assessment*;
- Demonstrate consultation on the draft plan through consultation plan and consultation record;
- To advise the Council if at any stage a decision is taken not to continue with the Plan and designation to be withdrawn; and
- Finally, maintain the principle of Neighbourhood Planning as a tool to promote growth.

* The Council supported by Government and non-Government organisations will provide advice where possible.

⁸ Progress on the Plan and Order can only be achieved in a timely manner with early engagement with the council

SIMPLIFIED NEIGHBOURHOOD PLANNING PROCESS

STAGE ONE:

The council
designates:

Application submitted by community group and/or Parish
Council to Cheltenham Borough Council.

Applications publicised in line with regulations (4 to 6 weeks).

Cheltenham Borough Council agrees or rejects application and

STAGE TWO:

Community prepares
draft Neighbourhood
Plan or Order with

Community Group (Parish Council or Neighbourhood Forum)
prepares draft Neighbourhood Development Plan or Order with
Background documents, studies and assessments as required to
support the Plan.

STAGE THREE:

Independent
Examination

Cheltenham Borough Council validates (at Full Council) that the
submitted draft Neighbourhood Development Plan or Order
meets procedural requirements

Independent Examiner agreed by the Forum and appointed by
Cheltenham Borough Council.

STAGE FOUR:

Local Referendum

Referendum must be open to those on the electoral
register within the Plan Boundary. A wider Referendum
area may be used if deemed necessary by Cheltenham
Borough Council taking into account the

STAGE FIVE:

Adoption

If more than 50% of the votes support the Plan or Order,
it is adopted or made by Cheltenham Borough Council via
its Cabinet. Adopted Neighbourhood Development Plans
form part of the Councils statutory Development Plan,

APPENDIX A: Neighbourhood Planning Process Checklist

This checklist has been produced with reference to the Neighbourhood Planning (General) Regulations 2012 and should only be used as a guide, please refer to the regulations to ensure your plan is compliant.

This is a process checklist for those wishing to undertake neighbourhood planning to help ensure that the Regulations are met. The checklist focuses on those elements of the Regulations that need to be met.

1. Defining the Neighbourhood Area (Regulation 5)

The first step in the process is the designation of a Neighbourhood Area. The Neighbourhood Area will define the area covered by the proposed Neighbourhood Development Plan. Neighbourhood Areas cannot overlap and the local planning authority must have regard to the desirability of maintaining the boundaries of other Neighbourhood Areas that have already been designated. There is no minimum or maximum size for a Neighbourhood Area. It may be the area administered by the Parish Council or an area proposed by a Neighbourhood Forum. In the following paragraphs of this checklist references shall be made to Neighbourhood Forum on the basis that this shall include, where appropriate, the Parish Council. Applications for the designation of a Neighbourhood Area must be made to the Council and it must include the following information:

- An ordnance survey map of the area · A statement explaining why this area is considered appropriate
- A statement that the organisation or body making the application is a 'relevant body' (i.e. The body or organisation making the application is or is capable of being designated as a Neighbourhood Forum).

The Council will publicise the application (Regulation 6), determine, and publish the decision (Regulation 7) in accordance with the Regulations.

2. Designating the Neighbourhood Forum (Regulation 8)

The next step is to make an application for the designation of the Neighbourhood Forum.

The application must include:

- The name of the proposed neighbourhood forum
- A copy of the written constitution of the proposed neighbourhood forum
- The name of neighbourhood area and a map identifying the area
- The contact details of at least one member of the proposed neighbourhood forum (these details will be made public);
- A statement that the organisation or body making the application is a 'relevant body' (To be a relevant body the Forum must be set up to promote or improve the social, economic and environmental well-being of the neighbourhood area; and must have

at least 21 members, with membership open to all those who live, work or are local authority elected members for that area⁹)

The Council will publicise the application (Regulation 9), determine and publish the decision (Regulation 10) in accordance with the Regulations.

3. Neighbourhood Development Plan

The Neighbourhood Forum is then able to start work on the neighbourhood development plan. A neighbourhood development plan is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any specified part of the neighbourhood area. Support is available from the Council.

Pre-submission consultation and publicity (Regulation 14)

Before submitting a Neighbourhood Plan to the Council the Neighbourhood Forum must publicise in an appropriate manner in the neighbourhood area:

- details of the proposals in a draft neighbourhood development plan
- details of where and when proposals for the neighbourhood development plan can be seen
- details of how to make representations
- the deadline for receipt of representations (minimum 6 week period)

The Neighbourhood Forum must also consult relevant consultation bodies that may be affected by neighbourhood development plan (a list of the relevant consultation bodies is attached as Appendix 1) and send a copy of proposals for the neighbourhood development plan to the Council.

Submission of Neighbourhood Development Plan (Regulation 15)

When a Neighbourhood Forum submits a Neighbourhood Development Plan to the Council it must include the following:

- a map or statement identifying the proposed neighbourhood plan area
- a consultation statement (which includes details of those persons and bodies consulted about the plan, explains how they were consulted, summarises the main issues raised by consultees and describes how issues have been considered and where relevant addressed in the proposed Neighbourhood Development Plan)
- the proposed Neighbourhood Development Plan; and
- a statement explaining how the proposed neighbourhood development plan meets the relevant legislation otherwise known as the Basic Conditions Statement.

The Council will, if satisfied that the above requirements have been met in accordance with the Regulations, then validate, publish the plan (Regulation 16), appoint an examiner,

⁹ Neighbourhood Forums should represent the character of the area, involving a range of people and groups. Ideally these should include local Councillors and local businesses, as well as resident groups, community organisations, faith groups, and groups representing

submit the plan for examination (Regulation 17), publish the examiner's report (Regulation 18), publish the decision (Regulation 19), conduct a referendum, and publicise the Neighbourhood Development Plan (Regulation 20) in accordance with the Regulations. The Plan then becomes part of the Statutory Development Plan.