

# Cheltenham Borough Council

## Cabinet – 23<sup>rd</sup> May 2023

### Application for designation of a Neighbourhood Forum by the Hesters Way Neighbourhood Development Forum

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**Accountable member:**

Councillor Martin Horwood, Cabinet Member for Customer & Regulatory Services

**Accountable officer:**

Tracey Birkinshaw, Director of Community & Economic Development

**Ward(s) affected:**

Benhall and The Reddings, Hesters Way, Springbank

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**Key Decision:** No

**Executive summary:**

Cheltenham Borough Council has a statutory duty to advise or assist communities in the preparation of Neighbourhood Development Plans (NDP). Cabinet approved the designation of a Neighbourhood Area (the Hesters Way Neighbourhood Development Forum Area) and the designation of Hesters Way Neighbourhood Development Forum on 5<sup>th</sup> December 2017. The designation of the Neighbourhood Area still stands, but as per Section 61F(8) of the Town and Country Planning Act 1990, the designation with regard to the neighbourhood forum expired on 5<sup>th</sup> December 2022.

A new application to designate Hesters Way Neighbourhood Development Forum as the neighbourhood forum has been received. The application has been assessed against requirements set out in the legislation and is considered to meet the requirements to enable designation of the neighbourhood forum. Approval of this application enables the Hesters Way Neighbourhood Development Forum to act in relation to the neighbourhood area. Consultation on the neighbourhood forum application ran for 6 weeks from March to April. One supportive representation was received.

**Recommendations:**

1. To approve the designation of the Hesters Way Neighbourhood Development Forum as neighbourhood forum for the Hesters Way Neighbourhood Development Forum Area.
2. The Director of Community & Economic Development formally write to Hesters Way Neighbourhood Development Forum to recommend that they consider reviewing the designated

## **Neighbourhood Area to fully assess the impacts of the future boundary changes, including engagement with Benhall & The Reddings and Springbank ward councillors.**

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### **1. Implications**

#### **1.1 Financial, Property and Asset implications**

Additional financial contributions are available from DLUHC 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 DLUHC to cover the expenditure within the set limits. At present, a local authority may submit claims for consideration by DLUHC, made up of £20,000 from when they issue a decision statement detailing their intention to send the plan to referendum; £5,000 for the first five neighbourhood areas designated and £5,000 for the first five neighbourhood forums designated.

There will be resource implications for Officers due to the requirement to provide some assistance and advice to 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.

Appropriate claims to DLUHC will need to be made to ensure the additional cost burden to the Council is mitigated.

**Signed off by:** Andrew Taylor, Principal Commercial Accountant, [andrew.taylor@cheltenham.gov.uk](mailto:andrew.taylor@cheltenham.gov.uk)

#### **1.2 Legal implications**

Section 61F of Town and Country Planning Act 1990 (applied to neighbourhood planning by s38C of the Planning and Compulsory Purchase Act 1990), provides for the designation by the Council of an organisation or body as a neighbourhood forum for a designated neighbourhood area provided the Council is satisfied the organisation or body meets certain conditions (as set out at Appendix 2). The section also provides that a neighbourhood forum designation ceases to have effect at the end of the period of 5 years beginning with the day on which it is made.

As per the Neighbourhood Planning (General) Regulations 2012 (as amended), the Council publicised the Forum application as soon as possible after receiving it, specifically on 1<sup>st</sup> March 2023 for six weeks. The Council must determine the application by the date which is the last day of the period of 13 weeks beginning with the day immediately following the date on which the application has been first publicised, which gives a deadline of 31<sup>st</sup> May 2023.

If approved, the Forum's designation allows them to act on behalf of the Hesters Way Development Forum Area regarding the formation of a Neighbourhood Plan. A Neighbourhood Plan, if adopted, would form part of the Borough's Development Plan in the consideration of planning applications in the Hesters Way Development Forum Area.

**Signed off by:** Cheryl Lester, Chief Planning Lawyer, One Legal: [legalservices@onelegal.org.uk](mailto:legalservices@onelegal.org.uk)

#### **1.3 Environmental and climate change implications**

All council projects should be in support of the net zero 2030 target and the aims of the Climate Pathway. 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.

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.

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.

**Signed off by:** Laura Tapping, Climate Emergency Programme Officer,  
[laura.tapping@cheltenham.gov.uk](mailto:laura.tapping@cheltenham.gov.uk)

## 1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Making Cheltenham the Cyber Capital of the UK
- Working with residents, communities and businesses to help make Cheltenham #netzero by 2030
- Increasing the number of affordable homes through our £180m housing investment plan
- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

## 1.5 Equality, Diversity and Inclusion Implications

The forum will be made accessible to a diverse range of residents in the local area. As per the Neighbourhood Planning Regulations (General) 2012 (as amended), a Forum must be able to demonstrate a membership of at least 21 individuals who live, work or have a business in the area. Membership is open to anyone who meets those same criteria.

## 1.6 Performance management – monitoring and review

The main consideration for the Council is to ensure it carries out its duty to determine the application within thirteen weeks of the application first being publicised. This will have been achieved if a determination is made by 31 May 2023.

As per Section 61F(8) of the Town and Country Planning Act 1990, the designation with regard to the Forum expires five years after its approval. Should Cabinet agree to approve the designation of the Forum, it will expire on 23<sup>rd</sup> May 2028. It will be for the members of the Forum to arrange for its renewal but the Council will support them in this process.

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## 2 Background

2.1 On 5 December 2017, the council's Cabinet approved the designation of a neighbourhood area and neighbourhood forum comprising the Hesters Way ward.

2.2 Since designation in December 2017 the Hesters Way Neighbourhood Development Forum (the Forum) have engaged with residents, local employees and volunteers to gather evidence to support a plan for the improvement of the Hesters Way Ward.

- 2.3 The Hesters Way Neighbourhood Plan (2020-2031) has evolved from its early drafts into a document that provides a background to the area and expresses the vision and aspirations of the community. The plan addresses key issues such as housing and health, business and employment, environment and parks, transport, and parking with the aim to ensure sustainable development for the future.
- 2.4 The plan has considered improvements for the existing residential area whilst also taking account of the Golden Valley/Cyber Hub developments in the west of the ward. It is noted that the Forum have stated that the integration of new and existing communities and the mutual benefits that can be achieved have been the highest priority.
- 2.5 As per Section 61F(8) of the Town and Country Planning Act 1990, the designation with regard to the Forum expired on 5th December 2022, five years after its initial designation. The Forum must renew its status to continue its work on the neighbourhood plan.
- 2.6 It is worth noting that the prospective Forum will need to consider the impact of future proposed boundary changes (also see Appendix 6). Currently, the adopted Neighbourhood Area covers the existing Hesters Way ward area. In 2024, the Boundary Commission is proposing to change the boundaries of a number of Cheltenham wards. Benhall & The Reddings will grow to include Fiddler's Green. Hesters Way will grow north into Springbank. In light of this, a further recommendation has been added into this report as reasoned at paragraph 3.5 of this report.

### **3 Reasons for recommendations**

- 3.1 Cheltenham Borough Council has a statutory duty to advise or assist communities in the preparation of neighbourhood plans.
- 3.2 Officers have considered the application for the Forum's renewed designation and determine it to be consistent with the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 3.3 The priorities of the Council are aligned with the Forum. The approval of its designation would enable the Forum to continue their work producing an important Development Plan document. This should help the local community to better engage with the development that takes place in its area. With the nearby Golden Valley development continuing, a neighbourhood plan should help the Hesters Way area to benefit from potential future growth and prosperity.
- 3.4 Priorities like affordable housing provision are also met here as the local community would have the opportunity to decide how that is provided in their area.
- 3.5 Recommendation 2 has been included in order to future-proof the Hesters Way Neighbourhood Forum and its Area. The current Neighbourhood Area boundary matches the current Hesters Way ward boundary. The Boundary Commission is proposing to alter the Hesters Way's boundary as well as neighbouring Benhall & The Reddings and Springbank wards' boundaries in 2024. If the intention of the Forum is to have their Neighbourhood Area match their ward boundary, then the Forum could, at a later date, seek to update the Neighbourhood Area boundary to match the proposed 2024 ward boundary.
- 3.6 It is the opinion of officers that this should not impact this Cabinet decision of whether to approve the designation of the Neighbourhood Forum but has been included as a recommendation in order to aid the Neighbourhood Forum's members regarding a potential future consideration.

### **4 Alternative options considered**

- 4.1 The neighbourhood forum application process is provided for by statute and sign off is to be by Cabinet as per the Council's Neighbourhood Planning Protocol, adopted on 14th December 2015. If

the Council refuses to designate a neighbourhood forum, it must give reasons and publish a statement setting out those reasons. It is recommended that the designation be approved as it is considered that there are no reasons not to approve the designation.

## **5 Consultation and feedback**

5.1 Public consultation was held for six weeks up to 12<sup>th</sup> April 2023. One representation was received. It was from a ward councillor who supported the designation of the Hesters Way Neighbourhood Development Forum.

## **6 Key risks**

6.1 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.

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### **Report author:**

Alexander Bethell, Planning Policy Officer, [alexander.bethell@cheltenham.gov.uk](mailto:alexander.bethell@cheltenham.gov.uk)

### **Appendices:**

- i. Risk Assessment
- ii. Extracts from legislation
- iii. Forum application form
- iv. Forum constitution
- v. Consultation representations
- vi. Proposed ward boundary changes

### **Background information:**

All background information regarding the application will be made available on the Council's website.

## Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Con Miti acti
	<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>	Tracey Birkinshaw	2	2	4	Accept	Non