

Name of meeting: Cabinet

Date: 14th November 2023

Title of report: Withdrawal of Netherton and South Crosland Neighbourhood Plan Forum Designation

Purpose of report: To seek Cabinet approval for the withdrawal of the Netherton & South Crosland Neighbourhood Plan Forum Designation for the purposes of producing a Neighbourhood Development Plan.

<p>Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area compromising two or more electoral wards. Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p>	<p>Yes</p> <p>The withdrawal of the Neighbourhood Plan Forum designation affects one or more electoral wards (Crosland Moor and Netherton Ward).</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></p>	<p>Key Decision – Yes</p> <p>Private Report/Private Appendix – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Yes</p>
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>David Shepherd (Strategic Director – Growth and Regeneration, 31/10/2023)</p> <p>Isabel Brittain (Service Director – Finance, 27/10/2023)</p> <p>Julie Muscroft (Service Director – Legal, Governance and Commissioning, 01/11/2023)</p>
<p>Cabinet member portfolio</p>	<p>Cllr Graham Turner – 24th October 2023</p>

Electoral wards affected: Crosland Moor and Netherton Ward

Ward councillors consulted:

The following ward councillors have been consulted/briefed on this item:

- Portfolio Holder briefing: Cllr Turner (24th October 2023)
- Cllr Kaushik, Cllr Lawson & Cllr Safdar were briefed via email (28th September 2023)

Public or private: Public

Has GDPR been considered? Yes, no personal information is recorded in this report.

1. Summary

- 1.1 The purpose of the report is to seek Cabinet approval for the withdrawal of the Netherton and South Crosland Neighbourhood Plan Forum designation on the basis of non-compliance with statutory requirements in relation to the publicity of the forum and that the forum is no longer meeting to progress a neighbourhood plan.

2. Information Required to Take a Decision

- 2.1 There are two options set out in statutory regulations for the withdrawal of a neighbourhood plan forum designation:

Option 1: voluntary withdrawal of the designation –The Neighbourhood Planning (General) Regulations 2012, Regulation 12 states that *“where a neighbourhood forum gives notice to a local planning authority that it no longer wishes to be designated as the neighbourhood forum for a neighbourhood area, the local planning authority must withdraw the designation of the neighbourhood forum.”*

The chair of the Netherton and South Crosland Neighbourhood Forum informed the council in writing on 22nd September 2023 that the forum was not progressing with the neighbourhood plan and that the forum no longer met. Ward members were consulted and confirmed that they were not aware of any forum activity or an alternative group who wished to take on this role.

The forum designation could be removed on this basis. However, it was considered that there was a potential risk as no evidence has been provided by the Chair to demonstrate that the decision was formally voted on by the forum.

Option 2: withdrawal of the designation by the local authority – the Town and Country Planning Act 1990, Section 61F(9) states that: *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.

Netherton & South Crosland Neighbourhood Forum and Neighbourhood Area was designated by Cabinet at its meeting on 16th November 2021 subject to compliance with statutory requirements set out in section 61F(5) TCPA 1990 and Regulation 8 of the Neighbourhood Planning (General) Regulations 2012.

Regulation 8(d) states that *“contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10”*. Regulation 3 defines “contact details” as *“the name, address and telephone number of the person concerned”*.

Prior to the Cabinet meeting in November 2021, the chairperson requested that their contact details (address and telephone number) were redacted from the report due to personal reasons. As an interim measure, the council's contact details were set out in the Cabinet report with the assumption that alternative contact details for the forum would be provided to comply with statutory requirements. This did not occur; therefore, the Council was unable to proceed with Regulation 10 to publicise the neighbourhood forum. Therefore, the designation is in non-compliance with Regulation 8(d) of the Neighbourhood Planning (General) Regulations 2012.

Officers continued to seek contact details to enable compliance with statutory requirements and have offered to support the Forum with the development of the Plan. However, officers have been unable to resolve the issue with the forum. As with option 1, officers do not have a formal decision from the forum. However, non-compliance with statutory requirements and the Chair of Neighbourhood Plan Forum position, indicates that the issue is not likely to be resolved. In the light of this officers recommend to Cabinet that the neighbourhood forum designation is removed following the guidance set out in option 2.

- 2.2 There is a neighbourhood area designation associated with Netherpton and South Crosland. However, there appears to be no statutory basis to withdraw this under the Town and Country Planning Act 1990, the Neighbourhood Planning (General) Regulations 2012 or national planning policy guidance. Officers will seek further guidance from Locality (the national network to support local community organisations on neighbourhood planning) on this as both the removal of the forum designation and neighbourhood area would allow any future groups interested in progressing a neighbourhood plan to justify a new area based on the issues at that time.

3. Implications for the Council

Working with People

- 3.1 The council has a duty to provide support to those bodies preparing neighbourhood development plans and actively worked with the forum chair to understand the scope and requirement of a neighbourhood plan. This support was provided while trying to progress the publicity of the Neighbourhood Development Plan Forum and Neighbourhood Development Plan Area designations. Following a decision to work on a Community Action Plan, the council has provided support through joint working with the council's Active Citizens and Places Team.

Working with Partners

- 3.2 As above.

Place Based Working

- 3.3 Officers from the council's Planning Policy team attended community meetings to discuss neighbourhood planning and a community action plan. Additionally, the council's Active Citizens and Place team undertook a Place Standards engagement, 'Our Voice', which would have supported the Forum in the early evidence gathering stage of the neighbourhood plan process. This engagement is now being used to support the production of a Community Action Plan. This Community Action Plan outlines issues/concerns defined by the local community which are outside the remit of planning and therefore, a neighbourhood plan is not needed to progress actions.

Climate Change and Air Quality

- 3.4 The Council's Active Citizens and Place officers are liaising with the community on a Community Action Plan, which includes actions on exploring options with schools around their active travel plans, identifying and promoting cycling routes and recycling bins.

Improving outcomes for children

- 3.5 The Council's Active Citizens and Place officers are liaising with the community on a Community Action Plan, which includes actions on improvements to play areas and parks community gardening and looking at stay and play sessions in Netherton Community Centre.

3.6 Other

Integrated Impact Assessment (IIA)

An IIA took place when the Forum and Neighbourhood Area was first designated, and one is not needed for the withdrawal of the Forum designation, therefore, there are no implications in relation to an IIA.

Legal

Withdrawal of the forum designation will be implemented in accordance with section 61F(9) TCPA 1990.

Financial

There are no financial implications.

Human Resources

The process for withdrawal will be dealt with through existing staff resources.

Communications

There is a statutory requirement that the Council publicises the withdrawal of the Neighbourhood Forum designation.

4 Consultation

- 4.1 Subject to cabinet resolution to withdraw the forum designation, the council must publish a withdrawal statement as soon as possible, in accordance with the Neighbourhood Planning (General) Regulations 2012, regulation 12(2).

5 Engagement

- 5.1 The council has actively engaged with the Neighbourhood Plan Forum throughout the designation period, to progress the Neighbourhood Development Plan.
- 5.2 Ward members for Netherton and Crosland were consulted on the council's intention to withdraw the Neighbourhood Forum and updated once the chairperson formally told us that they no longer wished to progress a neighbourhood plan.

6 Next steps and timelines

- 6.1 Subject to Cabinet endorsement of the withdrawal of the Netherton & South Crosland Neighbourhood Plan Forum designation, under Neighbourhood Planning (General)

Regulations 2012, regulation 12, the council must publish a withdrawal statement on the council's website as soon as possible.

7 **Officer recommendations and reasons**

Officer Recommendation:

It is recommended that Cabinet:

- 1) Approve the **Withdrawal of the designation of the Netherton and South Crosland neighbourhood Forum** in accordance with the Town and Country Planning Act 1990, section 61F(9).

Reason: Non-compliance with the Neighbourhood Plan (General) Regulations 2012, Regulation 8 by not providing contact details that could be placed in the public domain to complete the publicity of the forum designation.

- 2) Authorise the publication of a withdrawal statement.

Reason: To comply with Neighbourhood Planning (General) Regulation 2012, regulation 12(2).

8. **Cabinet Portfolio Holder's recommendations**

Agree with officer recommendation.

9. **Contact officer**

Jacob Parker-Henry
Planning Policy Officer

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10. **Background Papers and History of Decisions**

Previous Reports:

[Microsoft Word - 2021_11_16 Netherton and South Crosland Neighbourhood Forum and Area applications.docx \(kirklees.gov.uk\)](#)

Previous Decisions:

- Cabinet Approval of Neighbourhood Plan Forum Designation and Neighbourhood Plan Area – 16th November 2021

11. **Service Director Responsible**

David Shepherd – Strategic Director for Growth & Regeneration