



Executive Director/Director Non-Key Executive Decision Report

Author/Lead Officer of Report:

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Report to: Interim Head of Planning

Date of Decision: 16/10/19

Subject: To approve the renewal of the designation of Dore Neighbourhood Forum

Which Cabinet Member Portfolio does this relate to? Transport and Development

Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

Has an Equality Impact Assessment (EIA) been undertaken? Yes No

If YES, what EIA reference number has it been given? 611

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."

Purpose of Report:

This report seeks approval for the renewal of the designation of the Dore Village Society as Dore Neighbourhood Forum (**DNF**) for a further five years in accordance with section 61G of the Town & Country Planning Act 1990, to enable DNF to continue with the preparation of a Neighbourhood Development Plan.

Recommendations:

The Interim Head of Planning is recommended to:

1. Designate, with immediate effect from 16 October 2019, the Dore Neighbourhood Forum as set out in the application (see Background Paper 1) as the only neighbourhood forum for the Dore neighbourhood area for five years in accordance with section 61F of the Town and Country Planning Act 1990.
2. Publicise the Dore Neighbourhood Forum designation in accordance with Regulations 7 and 10 respectively of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Background Paper 1.

Application to designate Dore Neighbourhood Forum for a further five years (PDF)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Sarah Uttley
		Legal: Katy McPhie
		Equalities: Annemarie Johnston
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	Lead Officer Name: <i>Debbie Merrill</i>	Job Title: <i>Principal Planning Officer</i>
	Date: <i>9/10/19</i>	

1. PROPOSAL

- 1.1 Support for producing a neighbourhood plan for the Dore area was initiated through the Dore Village Society, a well-established community group set up in the area over 50 years ago. Dore Village Society adapted its role as a registered charity to enable it to apply to the local authority to have their proposed neighbourhood area and neighbourhood forum designated for this purpose. Dore Village Society comprises residents, businesses, and elected members in the Dore area of Sheffield.
- 1.2 The Dore Neighbourhood Area was designated on 16th October 2014. The Dore Village Society was also originally designated as the neighbourhood forum for the Dore Neighbourhood Area on 16th October 2014. Neighbourhood forum designations expire after five years¹. Neighbourhood area designations do not expire.
- 1.3 The Dore Neighbourhood Area boundary lies within both Sheffield City Council ('the City Council') and the Peak District National Park Authority ('PDNPA') area. This means the designation (and subsequent renewals) of a neighbourhood forum has to be made by both authorities.
- 1.4 Dore Neighbourhood Forum has submitted a valid application to both the City Council and the PDNPA to renew their designation as the Neighbourhood Forum for Dore Neighbourhood Area for a further five years. Renewal of the Dore Neighbourhood Forum designation means that no other body can be designated for the Dore Neighbourhood Area until the designation expires or is withdrawn.
- 1.5 The Council is required to validate and publicise applications for neighbourhood forums, and formally designate forums where the application meets certain legal requirements. The process is set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011 and applied to neighbourhood plans by virtue of section 38A of the Planning and Compulsory Purchase Act 2004) and accompanying Neighbourhood Planning (General) Regulations 2012 (as amended) (hereafter "the **Regulations**").²
- 1.6 The City Council consulted on the Dore Neighbourhood Forum renewal application from 5th June 2019 to 17th July 2019 as part of a joint consultation with the PDNPA.
- 1.7 This report recommends that the City Council designates the Dore Neighbourhood Forum for a further five years.

¹ [Town and Country Planning Act 1990](#) Paragraph 61F (8) (a)

² See Chapter 3 of Part 6 of the Localism Act 2011, sections 61E to 61I and Schedule 4B of the Town and Country Planning Act 1990 and regulations 5-11 of the [Neighbourhood Planning \(General\) Regulations 2012](#)

1.8

The application:

The application to renew the designation of the Dore Neighbourhood Forum is set out in Background Paper 1. It is valid in terms of the information submitted and includes:

- (a) The name of the proposed neighbourhood forum. See Background paper 1. 'Dore Application' paragraph 1.
- (b) A copy of the written constitution of the proposed neighbourhood forum. See Background paper 1. 'Dore Application' paragraph 2 and the copy of the Dore Village Society Constitution attached to the application.
- (c) The name of the neighbourhood area to which the application relates and a map which identifies the area. See Background paper 1. 'Dore Application' paragraphs 3, and 4, and the map of Dore Neighbourhood Area attached to the application.
- (d) The contact details of at least one member of the proposed neighbourhood forum to be made public in the event of designation as required by regulation 10 of the Neighbourhood Planning (General) Regulations 2012. See Background paper 1. 'Dore Application' paragraph 7.
- (e) A statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F (5) of the Town and Country Planning Act 1990. See Background paper 1. 'Dore Application' paragraph 5 and the further evidence statement entitled 'second appendix' attached to the application.

1.9

The designation process:

1.9.1

The application process to renew a neighbourhood forum designation is the same as the original designation process. The Regulations³ require the Council to publicise the applications for a period of 6 weeks to allow representations to be made before determining the applications⁴. Section 3 'Consultation' below describes the consultation that has been carried out.

1.9.2

The Regulations also prescribe the dates by which a determination on each application should be made, in this case by the date which is 20 weeks following the day on which the applications are first publicised⁵. This means in order to comply with the Regulations and to make the renewal on expiry of the original designation, the decision must be made on 16th October 2019 by both Sheffield City Council and PDNPA (see also section 4.3 Legal Implications).

³ [Neighbourhood Planning \(General\) Regulations 2012](#)

⁴ Regulation 9

⁵ Regulation 9A (2)(b) provides that where the neighbourhood area falls within the areas of two or more planning authorities then the time period for determination is 20 weeks.

Criteria for forum application:

A local planning authority must consider the following questions when considering an application for designation of a neighbourhood forum regardless of whether it is a first designation or a renewal:

- (a) *Does the area consist of or include the whole or any part of the area of a parish council?* (Section 61F(4) of the 1990 Act)

Answer: No.

- (b) *Is it 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?* (Section 61F(95)(a) of the 1990 Act)

Answer: Yes. See Background paper 1. 'Dore Application' paragraph 5 and the Dore Village Society Constitution attached to the application, paragraph 2.

- (c) *Is membership open to individuals who live in the neighbourhood area concerned, and or work there, and or are elected members of the City Council?* (Section 61F(5)(b) of the 1990 Act)

Answer: Yes. See Background paper 1. 'Dore Application' paragraph 5 and the further information statement entitled 'second appendix' attached to the application, paragraphs 1, and 5.

- (d) *Does membership include a minimum of 21 individuals each of whom either live in the neighbourhood area concerned, work there, or are an elected member of the City Council?* (Section 61F(5)(c) of the 1990 Act)

Answer: Yes. See Background paper 1. 'Dore Application' paragraph 5 and the further information statement entitled 'second appendix' attached to the application paragraph 6.

- (e) *Does it have a written constitution?* (Section 61F(5)(d) of the 1990 Act)

Answer: Yes. See Background paper 1. 'Dore Application' copy of Dore Village Society Constitution Attached to the application.

- (f) *Has it secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual who lives in the area, at least one individual who works in the area and one elected member in the area?* (Section 61F(7)(a)(i) of the 1990 Act)

Answer: Yes. See Background paper 1. 'Dore Application' further information statement attached to the application entitled 'second appendix', paragraph 6.

- (g) *Is membership drawn from different places in the neighbourhood area concerned and from different sections of the community in that area?* (Section 61F(7)(a)(ii) of the 1990 Act)

Answer: Yes. See Background paper 1. 'Dore Application' further information statement attached to the application entitled 'second appendix', paragraph 5.

(h) *Does the purpose reflect (in general terms) the character of that area?* (Section 61F(7)(a)iii of the 1990 Act)

Answer: Yes. See Background paper 1. 'Dore Application' paragraph 5 and the Dore Village Society Constitution attached to the application, paragraph 2.

(i) *Is there another proposed or designated neighbourhood forum for the proposed neighbourhood area?* (Section 61F(7)(b) of the 1990 Act)

Answer: No.

(j) *Has the organisation or body made an application to be designated?* (Section 61F(7) (c) of the 1990 Act)

Answer: Yes.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 Neighbourhood planning contributes directly to delivering the outcomes of Corporate Plan priority:
- Thriving neighbourhoods and communities – this outcome relates to the activities and assets that make local neighbourhoods attractive, inclusive, safe, accessible, and vibrant so that Sheffield people feel happy and content and proud of where they live.
- 2.2 The renewed designation of Dore Neighbourhood Forum will allow it to continue its work on preparing a neighbourhood plan, which would be intended to positively contribute to enabling sustainable development.
- 2.3 A neighbourhood plan for the Dore Neighbourhood Area allows the local community to promote development within their area while having a greater say in the way that development takes place.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The Regulations⁶ require the application to be publicised on the Council website and in any manner that will bring the applications to the attention of people who live, work, or carry on business in the area.
- 3.2 The application was publicised on the Council's website on 5 June 2019 and comments on the Dore Neighbourhood Forum application

⁶ [The Neighbourhood Planning \(General\) Regulations 2012](#) – Regulations 6 and 9.

were invited for a six week period (as required by the Regulations) from the 5 June 2019 to 17 July 2019.

3.3 An Equality Impact Assessment (EIA reference no. 611) was completed in respect of this consultation on 4 June 2018. In addition to publication on the Council's website ([Neighbourhood planning](#)), the following steps were taken to publicise the application in line with the Regulations and the EIA action plan:

- The application was available to view at:
 - First Point, Howden House, Union Street
 - Central Library, Surrey Street
 - Totley Community Resource & Information Centre, Baslow Road
 - Citizen Space: [Sheffield City Council - Citizen Space](#)
 - The Peak District National Park Authority website: [Neighbourhood planning: Peak District National Park](#)
- Notices were displayed within the Neighbourhood Area.
- Letters were sent to local contacts drawn mainly from the Sheffield Local Plan consultee database
- Councillors for the Dore & Totley Ward and Councillors for the Ward bordering the proposed neighbourhood area (Fulwood) were notified.
- The Cabinet Member for Transport and Development, the Chair of the Planning and Highways Committee, and the Chair of the South West Local Area Partnership were all notified.
- The applications were publicised on social media (Twitter and Facebook) during June and July.

3.4 One representation of support was received by the City Council from Cllr. Martin Smith by the 17th July 2019 deadline. There were no objections to the application.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

4.1.1 To comply with the Town & Country Planning Act 1990, Section 61F (5) the City Council must be satisfied that the application for designation of a neighbourhood forum meets certain conditions relating to accessibility of membership and representation of the local area. Evidence of openness, representativeness and intent are provided within Background paper 1. 'Dore Application'.
See:

- paragraph 5 of the Dore application; and
- paragraphs 2 and 3 of the Dore Village Society Constitution attached to the application; and
- the further information statement attached to the application entitled 'second appendix', paragraphs 1, 5, and 6.

- 4.1.2 In addition to these legislative requirements the Council also has a statutory Public Sector Equality Duty under section 149 of the Equality Act 2010 to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and other prohibited conduct;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a protected characteristic and persons who do not share it.

This Equality Duty applies to the designation of a neighbourhood forum.

- 4.1.3 An Equality Impact Assessment has been completed (no. 611). Overall there are no significant differential, positive or negative, equalities impacts from renewing the designation of a neighbourhood forum for Dore for a further 5 years. The designation decision will be published on the Council's website and via the networking and communication channels already established by Dore Village Society. Potential barriers to accessing participation and consultation opportunities throughout the neighbourhood plan process have been considered for all impact groups. In particular the forum is open to all people who live, work or carry out business within the neighbourhood plan area equally, regardless of age, sex, race, faith, disability or sexuality. Dore Village Society publicise the benefits of membership alongside updates on the neighbourhood plan progress on a regular basis in their quarterly newsletter and via social media channels giving people a choice of how and how much to become involved.

4.2 Financial and Commercial Implications

- 4.2.1 The Government's current financial support to local planning authorities for neighbourhood planning allows local planning authorities to recoup some of the cost they incur during the neighbourhood planning process⁷. The designation of a neighbourhood forum will allow a claim for £5,000 towards the costs of supporting and administering the designation of the neighbourhood forum. Renewal of designations also entitles the Council to claim. Sheffield has not yet met the limit of 5 forum designations set by Government and so the Council will be entitled to claim costs.
- 4.2.2 Any additional costs that cannot be recouped from the Government's current financial support are met from the existing service budgets.

⁷ [Planning guidance: letters to chief planning officers - GOV.UK](#)

4.2.3 In October 2018, Cabinet approved proposals for the distribution of the Community Infrastructure Levy (CIL) neighbourhood portion, including that 10% be retained to support the development of neighbourhood plans⁸, forming part of a separate neighbourhood planning budget to be managed by the Planning Service.

4.3 Legal Implications

4.3.1 Section 61F(5) of the 1990 Act permits a local planning authority to designate an organisation or body as a neighbourhood forum if the authority is satisfied that it meets the necessary conditions as prescribed in that section such as:

- it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area;
- its membership is open to individuals who live, work and area elected members of the Council and includes a minimum of 21 of such individuals; and
- it has a written constitution.

4.3.2 Dore Village Society has complied with Regulation 8 of the Regulations which prescribes what a forum application must contain (see paragraph 1.8 above). The Council has complied with Regulation 9 which requires the Council to publicise a forum application (see section 3 above) and Regulation 9A (1) and (2) (b) require the decision on the application to be made within 20 weeks of publication of the application.

4.3.3 If the neighbourhood forum designation is renewed, the Council then needs to comply with Regulation 10 by publicising details of the designation, including a copy of the written constitution of the forum, the name of the neighbourhood area to which the forum designation relates, and contact details for at least one member of the forum.

4.3.4 Section 61F(8)(a) of the 1990 Act states that a designation of a neighbourhood forum ceases to have effect five years from the day on which it is made. This doesn't affect the validity of any proposal for a neighbourhood plan made before the end of that period.

4.4 Other Implications

4.4.1 There are no other implications relevant to this decision.

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 Dore Village society is the only organisation which has applied to be

⁸ [Cabinet Report 17th October 2018 Community Infrastructure Levy Neighbourhood Portion \(Local CIL\)](#) Paragraph 1.14

the neighbourhood forum for the Dore neighbourhood area. Only one forum can be designated for any neighbourhood area. Consequently no alternative option has been proposed or considered. If the Council is satisfied that the application complies with the Regulations then it may renew the designation of the neighbourhood forum.

6. REASONS FOR RECOMMENDATIONS

- 6.1 A local planning authority may designate an organisation (or indeed renew its designation) as a neighbourhood forum if the authority is satisfied that it meets certain conditions. The forum application complies with the relevant criteria as summarised in paragraph 1.10 and 4.3.1 to 4.3.3 above and so the Council may renew the designation of the neighbourhood forum and publicise it accordingly.

BACKGROUND PAPERS

Background Paper 1. - The Dore Neighbourhood Forum renewal application

To open the appendix click on the icon below.

