

# **Report on application to re-designate Old Market Community Association as the Neighbourhood (Planning) Forum for the Old Market Neighbourhood Planning Area**

## **Background**

Old Market became a designated neighbourhood planning area on 31<sup>st</sup> January 2013 and Old Market Community Association the designated forum for that area on 1<sup>st</sup> May 2013. The Forum was designated for 5 years and designation lapsed in May 2018.

The Forum have delivered a neighbourhood development plan for the area which was 'made' by the Council on 15<sup>th</sup> March 2016. The neighbourhood development plan is used with the Local Plan to decide planning applications in Old Market.

An application was made on 6<sup>th</sup> November 2018 to re-designate Old Market Community Association as the Neighbourhood (Planning) Forum for the Old Market Neighbourhood Planning Area. The application was accepted by the Council and publicised in accordance with regulations.

## **Consultation response and key issues raised**

Consultation on the application for re-designation of Old Market Community Association as the Neighbourhood (Planning) Forum for the Old Market Neighbourhood Planning Area commenced on 7<sup>th</sup> December 2018 and finished on 8<sup>th</sup> February 2019. The council publicised the consultation through its website and through direct communication with Local Plan database contacts. Application documents were also made available at City Hall.

Six (6) representations were received, including one (1) representee supporting the application, two (2) representees making no comment on the application and three (3) representees whose comments were not relevant to the application.

Representations were received from one (1) ward councillor, three (3) consultation bodies and two (2) other organisations.

The list of representees including a summary of their comments is set out at Appendix A.

## **Determination of re-designation application**

The designation or re-designation of a Neighbourhood (Planning) Forum requires compliance with relevant requirements of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012 (as amended). Regulations require a determination on the application to be made within 13 weeks starting the day following first publicity of the application. The determination deadline for this application would be Friday 8<sup>th</sup> March 2019.

In summary, the Act allows a local planning authority to designate an organisation as a neighbourhood forum if the authority is satisfied that the following conditions have been met:

- The organisation has been established to promote or improve the social, economic and environmental well-being of the area concerned;
- The organisation's membership is open to individuals who live or work in the area or are elected members for the area or part of the area;
- The organisation's membership includes a minimum of 21 individuals who live or work in

- the area, or are elected members for the area or part of the area;
- The organisation has a written constitution.

In determining whether the above conditions have been met the Act also requires that a local planning authority have regard to the following issues:

- Whether the organisation has secured or taken reasonable steps to attempt to secure that its membership includes at least one individual that lives in the area, works in the area and is an elected member for the area or part of the area;
- Whether the organisation has members that come from different places in the neighbourhood area and from different sections of the community in that area;
- Whether the organisation's purpose reflects (in general terms) the character of that area.

**Following consideration of the application content and representations received officers are satisfied that the Old Market Community Association meets the above conditions and are therefore seeking to re-designate the group.**

The officer assessment against the relevant legislative requirements (which includes the full conditions under the Planning Acts and Regulations that need to be satisfied for designation) is set out at Appendix B.

**Appendices:**

Appendix A: Summary of representations

Appendix B: Legislative requirements compliance check

## Appendix A: Summary of representations

Respondent	Summary of Response
The Coal Authority (Melanie Lindsley)	No comment
Cllr. Margaret Hickman (Lawrence Hill ward)	<i>Supports application for re-designation.</i>
Highways England (Chrysteale Garnier)	No comment
National Grid (Wood – Hannah Lorna Bevins)	No relevant comments.
Natural England (Sharon Jenkins)	No relevant comments.
RSPB (Helene Jessop)	No relevant comments.

## Appendix B: Legislative requirements compliance check

### The Neighbourhood Planning (General) Regulations 2012 – Part 3 (as amended)

<http://www.legislation.gov.uk/uksi/2012/637/regulation/8/made>

Requirement	Has the requirement been met?
<b>Application for designation of a neighbourhood forum</b>	
<b>8. Where an organisation or body submits a neighbourhood forum application to the local planning authority it must include—</b>	
(a) the name of the proposed neighbourhood forum;	The name of the forum is the 'Old Market Community Association'.  Section 8(a) has been complied with.
(b) a copy of the written constitution of the proposed neighbourhood forum;	The Articles of Association of the Old Market Community Association have been provided with the application.  Section 8(b) has been complied with.
(c) the name of the neighbourhood area to which the application relates and a map which identifies the area;	The boundary of the neighbourhood area is established. A map has been provided with the application.  Section 8(c) has been complied with.
(d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and	The contact details of the forum secretary are:  Paul Bradburn (Chairman Old Market Community Association) Old Market Community Association 14 Redcross Street Bristol BS2 0BA  <a href="mailto:p.bradburnis@gmail.com">p.bradburnis@gmail.com</a>  The details have been publicised  Section 8(d) has been complied with.
(e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.	The application includes a statement explaining the organisation's purpose and details of its constitution and membership which demonstrate that the group meets the conditions contained in section 61F(5).  Section 8(d) has been complied with.

## Localism Act 2011 - Schedule 9 - Part 1

(Inserted into the Town and Country Planning Act 1990)

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/paragraph/2/enacted>

Requirement	Has the requirement been met? Other relevant comments
<b>61F Authorisation to act in relation to neighbourhood areas</b>	
<b>(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</b>	
(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),	<p>The application letter states that the group's is seeking to improve the social, economic and environmental well-being of the area and will do this through its 'made' neighbourhood development plan.</p> <p>The Articles of Association set out the organisation's purpose or 'objects' that relate to its charitable status. These demonstrate and are consistent with the purpose of promoting or improving the social, economic and environmental well-being of an area.</p> <p>No evidence has been provided through the consultation process that the group has not been established for the express purpose of promoting or improving the social, economic and environmental well-being of the area as required by section 61F(5)(a) having regard to section 61F(7)(a).</p>
(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,	<p>The application letter states that the current membership includes people who live and work in the area and elected members of the Council. The list of members is provided.</p> <p>The Articles of Association state that membership is open to individuals and organisations that live, work or socialise in the Old Market Quarter.</p> <p>No evidence has been provided through the consultation process that the group has not ensured that its membership is open to prescribed individuals as set out by section 61F(5)(b) having regard to section 61F(7)(a).</p>
(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,	<p>The application provides a membership list and map indicating that at least 21 members live, work or are elected members for the area.</p> <p>No evidence has been provided through the consultation process that the membership does not comply with the requirements of section 61F(5)(c) having regard to section 61F(7)(a).</p>

(d)	it has a written constitution, and	The application includes Article of Association.
(e)	such other conditions as may be prescribed.	No other conditions have been prescribed.
(7)	<b>A local planning authority—</b>	
(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),	<p>(see relevant condition(s) above).</p> <p>The membership list and map submitted with the application shows this to be the case.</p> <p>No evidence has been provided through the consultation process that the group has not 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).</p>
	(ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and	<p>(see relevant condition(s) above).</p> <p>The membership list and map submitted with the application indicates a reasonable geographical spread for the membership.</p> <p>No evidence has been provided through the consultation process that the group has not drawn its membership from different sections of the community.</p>
	(iii) whose purpose reflects (in general terms) the character of that area,	<p>(see relevant condition above).</p> <p>The 'made' neighbourhood development plan brought forward by the group seeks to address the needs and issues of the neighbourhood area. These are identified in the application letter. The purpose of the group is fulfilled through the neighbourhood plan.</p>
(b)	may designate only one organisation or body as a neighbourhood forum for each neighbourhood area,	No other organisation is designated or has applied for designation in the 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	An application has been duly made by the Chairman of the organisation.
(d)	must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the application.	N/A