

**Meeting:** Cabinet/Council      **Date:** 23 February 2023/07 March 2023

**Wards affected:** Mainly Barton with Watcombe, Cockington with Chelston, Ellacombe, St. Marychurch, Tormohun, Wellswood, but also adjoining Preston and Furzeham with Summercombe, St Peters with St Marys. Indirect effect upon all Wards (see report).

**Report Title:** Application to re-designate a Torquay Neighbourhood Forum (TNF)

**When does the decision need to be implemented?** By 14<sup>th</sup> March 2023 (13 weeks from the day after publication of NF application (12<sup>th</sup> December 2022)).

**Cabinet Member Contact Details:** Councillor Mike Morey, Cabinet Member for Infrastructure, Environment and Culture

**Director/Assistant Director Contact Details:** David Edmondson Divisional Director, Planning, Housing and Climate Emergency.

## 1. Purpose of Report

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- 1.1 An application has been submitted to Torbay Council as the Local Planning Authority, to re-designate a Torquay Neighbourhood Forum for the existing Neighbourhood Area, comprising the Wards of Barton with Watcombe, Cockington with Chelston, Ellacombe, St. Marychurch, Tormohun, Wellswood. To clarify, the existing Torquay Neighbourhood Area consists of all parts of the Torquay Wards excepting any area that lies within the sea or which is currently within the Brixham Peninsula Neighbourhood Plan Area or within the administrative boundaries of Brixham Town Council.
- 1.2 If the application is agreed, the Torquay Neighbourhood Forum (TNF) would be re-designated for a period of five years, covering the Torquay Community Partnership Areas listed in the application and Torquay Wards listed above.
- 1.3 A copy of the application and the previously approved Torquay Neighbourhood Area boundary (2012) are included at Appendix 1. To clarify, no application is necessary to redesignate the area, only the forum.

## 2. Reason for Proposal and its benefits

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We want Torbay and its residents to thrive.

*We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.*

*We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.*

- 2.1 The proposals in this report help us to deliver this ambition by giving the residents of Torquay a greater say in planning proposals in their area by re-designating a Neighbourhood Forum body.
- 2.2 Forum designations, in accordance with the Neighbourhood Planning Regulations 2012 (as amended) and section [61F of the Town and Country Planning Act 1990](#); last for a five year period. Both Torquay and Paignton Neighbourhood Forums (designated on 7<sup>th</sup> December 2017) ceased to formally exist in December 2022. Many volunteers have worked tirelessly on the preparation of Neighbourhood Plans across Torbay, which were adopted ('made') in 2019 and now form part of the Development Plan for Torbay. The Forum status does not affect the validity of the Neighbourhood Plans. No Forum application has been received for the Paignton area.
- 2.1 The Torquay Neighbourhood Forum wish to be re-designated as the Neighbourhood Planning body for the Torquay Neighbourhood Area as set out in the main report below, the National Planning Practice Guidance relating to Neighbourhood Forums has changed since the original designation. The proposed Forum Group have indicated that they wish to refresh the existing Torquay Neighbourhood Plan.
- 2.2 The local planning authority should assess the neighbourhood forum application against the conditions for designation and appropriate guidance. For the purposes of any refresh of the Torquay Neighbourhood Plan envisaged, it is noted that the Neighbourhood planning framework does not have the power to set a strategic housing level for the area outside of the Local Plan's strategic framework. This situation will endure until the Local Plan is updated. This could lead to community frustration.

### 3. Recommendation(s) / Proposed Decision.

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- 3.1 Following consideration of all representations received at the close of consultation on 23<sup>rd</sup> January 2023. That the TNF Neighbourhood Forum be designated as the Neighbourhood Planning body ("Qualifying Body") for the Torquay Neighbourhood Area, subject to:
  - i) Evidence that the Forum meets the minimum Forum requirements (section 61F(5) & (7) of the of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004). .
  - ii) Agreement to alter the TNF Constitution Section 12.1 relating to further Constitutional Amendments as set out below:

*Hereinafter, this Constitution may be amended **with approval of the LPA** through a vote of the Steering Group by not less than a two thirds majority vote of the Steering Group members in a quorum meeting or by email vote. Proposed amendments must*

*be agreed at a Steering Group meeting and circulated at least 14 days in advance of the next meeting or not less than 14 days prior to close of email voting. Any amendments by the Forum must be notified **and agreed by** Torbay Council.*

- iii) Agreement to Delete Section 8.5 of the TNF Constitution: *The Local Planning Authority will indemnify Forum members against reasonable legal costs and expenses arising from the content of the Neighbourhood Plan*

3.2. In addition, the following amendments and clarification are requested as follows:  
That the proposed Forum's Constitution be amended as follows;

- i) to ensure that Forum executive and steering group members follow the same Code of Conduct as elected Torbay Council Members - amend Section 8.3 as follows: *All members of the Forum shall act in meetings of the Forum and any Representative Group(s) in the best interests of the Forum and the community of the area and shall follow best practice guidance on governance **following the same Code of Conduct as elected Torbay Council Members.***
- ii) To fulfill Sections 6.4, 7.3 and 7.4 of the Constitution: The Forum provide an undertaking to publish on a website, appropriate and timely manner: meeting agendas, minutes and associated documents (where appropriate) within a reasonable period.  
Minor Factual corrections
- iii) Section 3.6 Liaise and co-operate *with any **Forums or Qualifying Bodies for other areas of Torbay.***
- iv) Section 4.1 *For the avoidance of doubt all members of the Community Partnerships of Torquay are automatically **eligible as** members of the Forum ...* this is to accord with the following statement in Paragraph 4.2 'Membership is voluntary'.  
Clarification sought:
- v) Section 5.3 *Officers of the Forum are to be a Chairperson, Vice Chairperson, Communications Officer and Treasurer to be elected by the steering group of the Forum on an annual basis. **Clarification is sought in the roles identified in terms of the Communications Officer and Secretary. It is noted that a Secretary has not been identified as an 'Officer of the Forum' and will not be voting member of the Forum Steering Group.***

## **Appendices**

Appendix 1: Application including submitted Neighbourhood Forum Area boundary.

Appendix 2: Proposed amendments to TNF Constitution

Appendix 3: Summary of consultation representations received.

Appendix 4: Neighbourhood Development Plan "Road Map".

## **Background Documents**

Consolidated version of the Neighbourhood Planning Regulations 2012 (as amended).

Regulations most relevant sections.

National Planning Policy Framework. Online Planning Practice Guidance. section [61F of the Town and Country Planning Act 1990](#)

# Supporting Information

## 1. Introduction

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- 1.1 Torbay has placed great emphasis on Neighbourhood Planning and has bay wide Neighbourhood Plan coverage. Neighbourhood Plans, along with the Torbay Local Plan form the legal starting point for determining planning applications. Neighbourhood Plans are prepared by Neighbourhood Forums and a great deal of voluntary work goes into their preparation. The Torquay Neighbourhood Plan was “made” by Torbay Council in June 2019, following referendum in May 2019 and remains in force regardless of the Forum’s status.
- 1.2 The neighbourhood planning body (The “Qualifying Body”) has a life of five years. The Torquay Neighbourhood Forum (TNF) was designated (approved) by Torbay Council in 2012, and again in December 2017 but its status expired in December 2022. Torbay Council has received an application to re-designate the Torquay Neighbourhood Forum, the subject of this Report.
- 1.3 The Neighbourhood Area subject to the Torquay Forum application is as previously designated and does not ‘expire’ in the same way. The Torquay Neighbourhood Area currently comprises the Wards of Barton with Watcombe, Cockington with Chelston, Ellacombe, St. Marychurch, Tormohun, Wellswood. To clarify, the proposed Torquay Neighbourhood Area consists of all parts of the Torquay Wards excepting any area that lies within the sea or which is currently within the Brixham Peninsula Neighbourhood Plan Area or within the administrative boundaries of Brixham Town Council. The Torquay Neighbourhood Area is therefore not the direct subject of this Report.
- 1.4 Paignton Neighbourhood Forum (PNF) was the neighbourhood planning body (The “Qualifying Body”) for the Paignton Neighbourhood Plan Area, which was also approved by Torbay Council in 2012, and again in December 2017; its status also expired in December 2022. The Paignton Neighbourhood Plan was also “made” by Torbay Council in June 2019, following referendum in May 2019 and remains in force regardless of the PN Forum’s status. No application has been received from a body in Paignton to be designated at the time of writing.
- 1.5 The Broadsands, Churston and Galampton Neighbourhood Area (BCGNA) and Forum (BCGNF) were designated in November 2021, with the consequent creation of the Brixham Neighbourhood Area, for the ‘parished’ wards, in which Brixham Town Council automatically becomes the ‘Qualifying Body’. The adopted Brixham Peninsula Neighbourhood Plan (BPNP) adopted in 2019, comprising both these areas, remains in force ( [Brixham Peninsula Neighbourhood Plan - Torbay Council](#)).
- 1.6 When considering the application by the Forum for re-designation as a neighbourhood planning body, the LPA needs to assess if the organisation or body can demonstrate that it

is capable of meeting the conditions for designation (see [section 61F\(5\) of the of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#) (summarised in 1.7 below).

- 1.7 The National Planning Policy Guidance (Paragraph: 016 Reference ID: 41-016-20140306 Revision date: 06 03 2014) states: *.. A group or organisation must apply to the local planning authority to be designated as a neighbourhood forum (a forum application). Those making a forum application must show how they have sought to comply with the conditions for neighbourhood forum designation. These are set out in [section 61F\(5\) of the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. To be designated a neighbourhood forum must have a membership that includes a minimum of 21 individuals who either:*
- *live in the neighbourhood area*
  - *work there; and/or*
  - *are elected members for a local authority that includes all or part of the neighbourhood area*

Para 17 explains that a prospective neighbourhood forum is not *required* to have a member from each membership category in order to be designated but should have an open membership policy. Therefore the LPA *must* consider whether the prospective neighbourhood forum has secured or taken reasonable steps to attempt to secure membership from each category and from different places and sections of the community in that area (see [section 61F\(7\)\(a\)\(i\) and \(ii\) of the of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#)).

- 1.8 In considering the TNF application, it is worth noting that the associated Torquay Neighbourhood Area, originally designated in 2012, does have implications for the scope and identity of the proposed Torquay Forum and the scale of the consequent Neighbourhood Plans covered. Paragraph 033 (Revision date: 06 03 2014) of the NPPG sets out a number of criteria to assist setting Neighbourhood Areas and states: *Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.* The proposed Torquay Neighbourhood Forum will represent a population of approximately 64,000 plus residents; eleven times the quantum of the suggested starting point. There is a steer from the Government guidance that smaller, more local, Neighbourhood Forums, Areas and Plans are envisaged. This is examined further in the section 1.17 to 1.20 below.

- 1.9 It is noted that, if designated as a neighbourhood planning body, the Torquay Neighbourhood Forum has a statutory duty to be notified of planning applications; Torbay Council has an 'informal agreement' to make Torbay Forums a consultee on planning applications. There will be cross boundary issues where it is appropriate to seek the views of more than on Neighbourhood Planning body e.g., for applications close to an area's border.

- 1.10 The prospective Torquay Neighbourhood Forum has also indicated that it will seek to refresh the adopted Torquay Neighbourhood Plan (2019). Whilst a recent Government Ministerial Statement and consultation draft NPPF indicates shift in the weight applied to the Standard Method for calculating housing need and the requirement to sustain a five year housing land supply; a key and understandable concern of Forum Members is to achieve a five year housing land supply, and therefore regain local control over planning decisions. This will not be easily achievable, for reasons set out below.
- 1.11 Officers have assessed the neighbourhood forum application against the statutory conditions for designation and evaluated the consultation responses received.

### **Consultation**

- 1.12 Torbay Council has published and consulted on the proposed Forum in accordance with the legal requirements under the Neighbourhood Planning Regulations. Consultation began on Monday 12<sup>th</sup> December 2022 and closed at 23:59 on Monday 23<sup>rd</sup> January 2023. The Torquay Neighbourhood Forum consultation received 25 online representations, of which the majority expressed support for the creation of the Forum, whilst a third didn't know or where not in favour. Five email responses were received. Responses included comments about the content of the Torquay Neighbourhood Plan rather than the proposed Forum.
- 1.13 There have, however, been a small number of concerns raised to the proposed Forum. These related to the issue of lack of awareness of what is happening, the scope and scale of representation in the Forum and the need for open access by the community.
- 1.14 The issues in 1.13 are dealt with below. Officers consider that they are not a reason for refusing Forum status, but there is a case to request amendments to the draft constitution to address objectors' concerns. The Forum applicants are requested to demonstrate a more open and transparent approach by making further amendments to their constitution.

### **Neighbourhood Plans and Housing Supply**

- 1.15 Government planning guidance is that LPAs should avoid prejudging the content of neighbourhood plans when considering Forum (and Area) applications. Having been "made" in June 2019, all of the existing Neighbourhood Planning bodies are looking to update their Neighbourhood Plans. The prospective 'TNF' has expressed a wish to take an updated Neighbourhood Plan forward. Any substantial refresh of the Torquay Neighbourhood Plan has to be written, undertake two rounds of consultation, independent examination and (if necessary) modification prior to referendum. The preparation of a refreshed Neighbourhood Plan will take months and up to years to achieve. A diagram showing the stages of preparing a neighbourhood plan is included at Appendix 4 for information.
- 1.16 The National Planning Policy Framework (NPPF) indicates that Neighbourhood plans are not the strategic plan for the area and cannot set a housing requirement. That is set out in



the existing adopted Torbay Local Plan 2012-2030 (or the emerging Local Plan update to 2040). Nor can they propose less development than is set out in the Local Plan or undermine strategic priorities (NPPF paragraph 29). Housing numbers must be set at the Local Plan level, and are beyond the scope of this report.

### **Neighbourhood Forum (and Area) identity and scope.**

- 1.17 It is worth considering if a Forum covering an extensive population (64,000 plus residents) is appropriate. For Torbay, the three original NP areas have already been subject to change. The Brixham Peninsula Neighbourhood Plan Area was the subject of a division in November 2021- separating the Brixham Town Council Wards (approx. population of 15,000) and creating a new Broadsands, Churston and Galmpton Neighbourhood Area (approx. population of 3,000). The Paignton Neighbourhood Forum (PNF) Area covers a population of approximately 45,000 residents. The Paignton neighbourhood body (originally designated in 2012 and again in 2017) has found it difficult to sustain an active Forum. As above, the PNF designation has now expired, and no Forum application has been received to re-designate.
- 1.18 It is recognised that the workload for a small group of all active Neighbourhood Forum members over a number of years, could over-burden volunteers. The National Planning Policy Guidance Paragraph 033 (also set out in 1.8 above) indicates that Forums should be 'local' in nature, with electoral ward boundaries being a useful starting point (covering a population of 5,500 residents) and suggests considerations such as *'the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities'* when setting Neighbourhood Area boundaries. The need to have a minimum of 21 members is also based on this localised expectation. There is an argument that a representative body for a larger scale area should itself be of larger number and this should be considered as part of this application.
- 1.19 It is understood the proposed Torquay Forum will be open to all Ward Members and Torquay Community Partnerships as follows: Torre and Upton; Torquay Town Centre; Shipway; Wellswood; St. Marychurch and District; Ellacombe; Cockington, Chelston and Livermead; Watcombe, Willows and Higher Barton; and Hele and Lower Barton. However, the proposed re-designated TNF would have representation for over 64,000 residents. Members may wish to consider whether the proposed Forum is an appropriate, and sustainable body or whether alternatives should be considered, such as Forums at a Ward or Community Partnerships level. Brixham Neighbourhood Area covers the two wards of Furzeham with Summercombe and St Peter's with St Mary's and the new BCG Area covers less than the Churston with Galmpton Ward.
- 1.20 Although there has been no consultation response (directly) suggesting the above scenario by residents, a couple of responses did indicate a lack of knowledge about the Forum and if they represent the general views of residents of Torquay. Members may also wish to ensure neighbourhood planning body volunteers are able to comfortably sustain workloads over months and years, when making Forum Designations. A smaller Neighbourhood Plan Area and Forums are clearly suggested as a better 'operational level' and may allow small groups to have a more manageable scope of work. They may also

help to address some of the concerns raised (see 1.22 below) by being more approachable at a smaller scale. However, this option would represent a significant change in NP boundaries in this area, on this basis, this option is open to consideration but not currently recommended by officers.

### **Consultation responses on the Forum Application.**

1.21 The TNF consultation was promoted on the Torbay Council website and social media with 350 plus emails sent out to Local Plan database contacts. The consultation was announced at the Agents' Forum in December 2022. Reminders were sent out before the close of the consultation. A total of 25 responses to the on-line survey have been received, 21 responders live or work in Torquay and 7 of those are active or former Community Partnership or TNF members; 75% of responders were over the age of 55. A majority of replies, 68% (17), expressed support for the creation of the Forum and 34% didn't know (5) or were not in favour (3). Twelve fuller text comments were made under question nine, broadly supportive comments were received, comments include of support for the hard work of the Forum and ongoing input into planning on behalf of the TNP, however, there were some concerns raised, examined below. Five email responses were received neutral (2), supportive (1) and, representations (2) that relate more to the content of the Torquay Neighbourhood Plan rather than the proposed Forum. The Engagement HQ summary of online activity and a summary of email responses are set out in more detail in Appendix 3.

1.22 A small number of representations express a lack of confidence in the Forum and raise a concern as to a lack of awareness/transparency. Some representations have raised the following concerns:

- *"I don't know who the Forum is and that it should be more open to the people of Torquay."*
- *"Previous members of the Forum have not responded when asked to engage with employment providers in the Forum area."*
- *"I do not believe Torquay NPF represents the general views of residents of Torquay"*

Officer recommendations include changes to the TNF constitution and seek to secure wider public access and publication of forthcoming NF meeting agendas and publishing minutes on their website in a timely manner.

1.23 It is noted, that there is an active Torquay Neighbourhood Forum Facebook Page [Torquay Neighbourhood Plan - Home | Facebook](#), however, the Torquay Neighbourhood Plan website <https://torquayneighbourhoodplan.org.uk/> appears to require updating (Section 6.4 of the Constitution states that *"update and maintain the Forum website"* is the responsibility of the Forum Communications Officer). Section 7.3 states: *At least 7 days notification must be given to its members for a Forum or Group meeting. The details of the time and place of meetings will be made widely available including on the Forum's website.* The Constitution submitted to the LPA, does not accord with the Constitution dated 2012 on the TNF website and there are no published Torquay Neighbourhood Plan/Forum minutes since September 2022. This is not a 'direct' consideration under the legislation, however this



would seek to mitigate comments from some representations made and be more in accord with the Council's Community Engagement and Empowerment Strategy, supporting the Forum to be as accessible and transparent as the community expects.

- 1.24 To be consistent with other recent Forum designations, it is suggested that the TN Forum constitution is amended, such that post-holders or those representing the Forum at meetings etc. agree to the same Code of Conduct governing Council Members and officers and ensuring there is a sufficient quorum attendance and open access to attend meetings or see minutes. Agreeing to the code of conduct would also ensure that Forum representatives took equalities matters fully into account. In addition, it is recommended that the Forum's Constitution undertakes to publish minutes of public meetings online within a reasonable period. The Government has prescribed neighbourhood forums' roles and powers. The Neighbourhood Plan, when published, will be subject to independent examination, referendum and consideration by Torbay Council as the Local Planning Authority. Accordingly, it is considered proportionate to request that the Forum considers these suggestions, rather than seeking to require them. Appendix 2 sets out the suggested changes.
- 1.25 Officers emphasise that the above is suggested as a response to the representations received and for consistency and are not intended to impugn the good faith, or strenuous efforts for the community, of those involved in Neighbourhood Planning or promoting the Forum.

## 2. Options under consideration

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- 2.1 In summary, Officers have considered there is an option for the LPA to refuse to agree to the re-designation of the Forum, in the light of Government Guidance which indicates that Forums should be 'local' with electoral ward level (5,500 residents), being a possible starting point, this may also provide a more sustainable group size and manageable workload. This is relevant consideration of the recent demise of the Paignton Neighbourhood Forum and the division of the original BPNF, into the Brixham Town Council and the approval of the BCG Forum. However, Torbay Council has committed to empowering the community through Neighbourhood Planning and there is a strongly supported wish for the Torquay community to form a Forum. Therefore the LPA only seeks reassurance that the proposed TNF are confident that the body is capable of both sustaining their desired activities through volunteers and have appropriate community networks to ensure access. Refusal of the designation is not recommended at this time.

## 3. Financial Opportunities and Implications

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- 3.1 Funding from Locality may be available directly to the forum to support preparation of any refreshed Neighbourhood Plan. The costs of preparing a neighbourhood plan including council support and the required referendum on the plan will have a financial impact, although some of this cost maybe be offset from central government funding. Once the value and timing of these costs can be estimated the council will need to identify the

funding.

- 3.2 The LPA has a duty to provide support to the Forum. The previous period of extensive planning work with the Neighbourhood Forums coincided with a period where less development plan work was underway. Spatial Planning is not resourced to support neighbourhood planning to that same extent alongside the Local Plan update, and taking resources from one will necessarily impact upon the other. The support provided by the LPA to the forums can vary and previously this included regular attendance at forum meetings and advice on the development of planning policies, but with all areas updating their plans the minimum requirements will be to respond to forum consultations, arrange the LPA consultation, prepare committee/council reports, organisation of examinations including procurement of examiners as appropriate and managing any modifications process that follows, and arranging referendums.
- 3.3 Any substantially refreshed Neighbourhood Plans are subject to independent examination and referendum. There is expense involved with appointing an Examiner. There is the cost of a referendum on a plan proposal, if the referendum is not carried out in conjunction with an existing election it will cost much more. However, the additional costs of Neighbourhood Plan examination etc., are not reasons to refuse the creation of an Area or Forum and to some extent the authority can claim grant funding for the costs.
- 3.4 The CIL Regulations (2010 as amended) indicate that a neighbourhood portion of Community Infrastructure Levy be spent in the area in which development takes place. Outside of the parished area of Brixham, Torbay Council retains the 25% neighbourhood proportion and determines how this should be spent accounting for national Government guidance. It is noted that the Cabinet (13 December 2022) has resolved that the Neighbourhood Proportion of CIL monies collected will, be subject to the following process: That, the Divisional Director of Planning, Housing and Climate Emergency be given delegated authority to determine submissions from community groups, in consultation with a newly established CIL Spend Panel, which are endorsed by the Neighbourhood Forums or an agreed alternative. The membership of the Panel to include the Leader of the Council, the Cabinet Member for Finance, the Cabinet Member for Infrastructure, Environment and Culture and representatives of the Neighbourhood Forums, (or if not available from the Neighbourhood Forums) representatives from the Local Community Partnerships and the Torbay Community Development Trust. If the current application for designation was refused, then, (as per PNF expired status) Local Community Partnership representatives would need to be selected in replacement of TNF representatives.

## 4. Legal Implications

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- 4.1 Neighbourhood Areas and Forums are governed by the Localism Act 2011 and Neighbourhood Planning Regulations (2012 as amended) and the Regulations set out below. The process of advertising and considering forum application is set out in Regulations 6 and 9, and considered in more detail above.

- 4.2 A local planning authority must take a decision on an application to designate a neighbourhood forum within 13 weeks the day after publication, provided there is no other neighbourhood forum application already under consideration for all or part of the area. These time periods are prescribed in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
- 4.3 It is noted that, [under Section 61F\(9\) of the TCPA](#) - 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 the conditions by reference to which it was designated, or 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.
- 4.4 A key role of the Forum will be to carry out an update of the Torquay Neighbourhood Plan. Neighbourhood Planning legislation governs the preparation and examination of neighbourhood plans and the various steps required in that process. Appendix 4 sets out this roadmap.

## 5. Engagement and Consultation

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- 5.1 A local planning authority must publicise a neighbourhood forum application in accordance with regulation 11 of The Neighbourhood Planning (General) Regulations 2012.
- 5.2 As noted, the Council consultation on the proposed area and Forum status ran between 12<sup>th</sup> December 2022 to 23<sup>rd</sup> January 2023, in accordance with the requirements of Sections 61F and G of the Town and Country Planning Act 1990 (as amended) and Regulations 5 to 11 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 5.3 The council sent out a general newsflash and press release. The council also sent out messages and reminders on its social media platforms and over 350 emails to contacts on the Local Plan data base. A summary of online representations received formally by the Council is set out at Appendix 3.

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 No direct impact. The LPA may commission individual or joint research to support neighbourhood planning, but this is a separate matter from the current proposal.
- 6.2 The Council will be required to procure an examiner for the Neighbourhood Plan. For this area alone it would not be at the same scale as the previous round of examinations and an appropriate process will be determined in due course ahead of the submission of a plan from the forum.

## 7. Tackling Climate Change

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- 7.1 The application for a Neighbourhood Forum status does not directly affect the Climate Emergency. However, the Forum through its work can promote a range of sustainability objectives. For example policies in the existing Neighbourhood Plan promote the reuse of urban brownfield sites and encourage sustainable design and construction.

## 8. Associated Risks

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- 8.1 The main risks are outlined in the main report. The key risk is of community disillusionment about the powers of neighbourhood plan, and the time it takes to prepare them, alongside the long term time commitments from volunteer members of the community, over months and years to deliver refreshed Neighbourhood Plans. This is discussed above.
- 8.2 Officers have considered the representations raised to the Forum designation, and possible remedies in terms of amending the Constitution and requesting a higher level of accessibility (including publication of Forum meetings/minutes etc) and consideration of the extent and scope of the proposed Forum. For the reasons set out in the main report, Officers consider that the Forum is acceptable, if the constitutional amendments and associated measures requested can reasonably address concerns.

## 9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

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- 9.1 The LPA notes that the Community Partnerships include the promotion of the economic, social, health and environmental well-being of the Community within each Partnership area and that in section 1:1 it states *The express purpose of the Torquay Neighbourhood Forum will be to promote or improve the social, economic and environmental well-being of Torquay (...through those objectives and those in section 3).*
- 9.2 The impact of the Forum depends upon the policies it pursues in practice, particularly in relation to the preparation of a Neighbourhood Plan. These cannot be pre-judged at this stage. Requesting the Forum members to be subject to Torbay Council Member Code of Conduct would require them to have regard to equalities duties.

## 10. Cumulative Council Impact

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- 10.1 As outlined above. These would include legal, procurement and governance services.

## 11. Cumulative Community Impacts

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- 11.1 As outlined above.