



Joint Statement

1. Introduction

1.1 Each Forum has been asked by the Council to provide a two page statement on why our Neighbourhood Area and Forum Applications should be renewed.

1.2 This statement is submitted jointly by our 3 Forums to demonstrate how the community is working together and trying to reduce the resource burden on the Council. Full details of our Area and Forum applications have been published on the Council's website at:

www.torbay.gov.uk/council/policies/planning-policies/neighbourhood-plans/neighbourhood-forum-renewal/

2. Why the renewals are justified

2.1 Our Area and Forum applications require separate decisions, noting also that a Forum application cannot be determined in advance of an Area application where made.

The Area renewals

2.2 Our Neighbourhood Areas were first defined in 2012 and later included in the Torbay Local Plan submitted to the Secretary of State in 2014. We note that Area designations do not automatically expire after 5 years. However, it remains valid to review and confirm, or not, if each Neighbourhood Area remains appropriate⁽¹⁾.

2.3 There has been no change to any relevant consideration on this matter and having designated the areas twice before it would be extremely difficult to depart from the precedent clearly set without very strong reasons to do so. Furthermore, to refuse renewal of each Area would also undermine the now adopted Local Plan.

The Forum renewals

2.4 Successive governments have encouraged our communities to take up 'localism' and opportunities given by the Localism Act of 2011. None more so than becoming directly involved in producing our own distinctive neighbourhood plans which reflect the needs and aspirations of our communities⁽²⁾. All three of our Forums in Torbay are 'Front Runners' nationally. Each has received grant support and other help from central government. Support for Forum designation continues to be encouraged and stands currently at more than 2,000 nationally and continues to be fast growing in number.

2.5 In line with central government encouragement, there is a clear presumption that Local Planning Authorities are expected to approve Neighbourhood Forum applications where they meet the **legal tests** set out in the legislation. Refusal is open to legal challenge.

2.6 All three of our Forum applications continue to meet the legal tests, in particular⁽³⁾:

- each has a written Constitution that states it exists for the express purpose of promoting or improving the social, economic and environmental well being of the neighbourhood area;
- all three Forums have a membership individually that greatly exceeds the minimum requirement, has taken steps to ensure this includes membership drawn from different places in the neighbourhood area and that reflects the character of the area.

2.7 Despite extensive difficulties encountered over a long period, against all the odds, all three of our Forums have successfully prepared and submitted Neighbourhood Plans for independent assessment in one of the most challenging situations in the entire country.

2.8 Paignton's was the first to be submitted in August 2017, followed shortly after by the Neighbourhood Plans for Brixham and Torquay, all within weeks of statutory consultation periods having been completed by each Forum as required. All three Neighbourhood Plans are recognised nationally as being in the 'complex' category by virtue of their size and issues involved.

2.9 Timely and constructive discussion by all three of our Forums has taken place with Council officers to appoint the independent assessors. However, the Council delay has meant that the process of Assessor appointment and examination prior to Referendum is unable to be completed before the Forum 'approved body' status expires on 7 December 2017.

2.10 The renewal applications are the first of their kind in the country under these circumstances. If refused, they would unjustifiably deny each Forum from taking its defined lawful part in completing the remaining stages of the process. In addition to denying the right to agree the choice of Assessors and taking part, as of right, in the anticipated Hearing stage, it would deny our Forums the right to withdraw any of our Plans if agreement cannot be reached on modifications that may arise. The negative effect on the community of refusing to renew the Forum designations would be significant and capable of being viewed as undemocratic, perverse and unreasonable.

2.11 Whilst the Council has to date raised objection to some parts of the Neighbourhood Plan proposals, the process of independent assessment has yet to be completed. Government advice is clearly directed at not making assumptions about the outcome of the Neighbourhood Plan that will emerge⁽⁴⁾. Put simply, the redesignation process and Neighbourhood Plan determination are separate matters. The renewal decisions must not be driven by any Council objection to the submitted plans that may continue to exist.

3. The contribution since 2012

3.1 From the outset our Forums took to heart that covering the whole of Torbay was innovative and challenging. Each Forum has embraced this enthusiastically. A very considerable amount of volunteer time has been provided from a large number of the community. Each Forum has contributed positively under the most difficult of circumstances, in a very cost effective way and in organisational arrangements expressly determined by community wishes implemented democratically in each area.

3.2 In order of size, the following aspects are relevant:

Torquay

3.3 As the largest area and resident population, the Forum uses the nine established Community Partnerships as its foundation. The Steering Group includes representatives from other stakeholders in the town including businesses, Tourism, each of the three main party political groupings, housing developers, Trades Unions and environmentalist groups. This allowed the developing Plan to consider a consensus on a broad range of policies to meet housing needs, enhance the economy; and improve the quality of life of residents and the visitor experience. The Community Partnerships provided a ready conduit for developing community aspirations and community based consultations as the Plan developed; while wider public consultation events both formal and informal supported this process.

3.4 The Forum fully supports economic growth in Torquay, it has allocated housing development sites based on those identified within the Local Plan. Two sites were rejected but six sites were added to provide housing numbers in excess of that required within the Local Plan for Torquay. Employment space is protected and additional areas allocated to meet the requirements for jobs growth set out in the Local Plan. Policies were also developed to give detail to the strategic policies within the Local Plan, including: making sure highly valued community green spaces are protected; the maximum number of affordable homes is provided from major developments, Brownfield development is prioritized, sustainable communities are created and both the natural and built environment are protected. Overall, aspirations and policies were developed for the key areas of: Housing Jobs, Tourism, Transport, Health and Wellbeing, Sports, Culture, and the Environment.

3.5 The Forum also supported each Community Partnership to produce a community statement that forms part of the Plan. It expresses aspirations for their local area and a list of projects that they seek to implement with Community Infrastructure Levy funding as part of improvements to their quality of life.

Paignton

3.6 Community involvement has been extensive, inclusive and transparent, as evidenced by the membership information contained in the submitted Paignton Neighbourhood Plan and supporting documents. These show direct membership of the Forum has grown in all parts of the community area. Along the way, this has included distributing proposals to all 24,000 household and business premises throughout Paignton. A step even the Council has never achieved.

3.7 Paignton has the largest number of sites in Torbay with planning consent for growth. The Neighbourhood Plan includes an extensive assessment that found no need to identify further land in the area to accord with the Local Plan and rolling 5 year requirement. Any remaining concern the Council might have will be for the Independent Assessor to consider. It is not a matter relevant to the Forum renewal decision. The Council gave an undertaking to the Local Plan Inspector, now in the Local Plan, that if the Council is not satisfied with the assessment of sites, the Council has committed to bring forward its own site allocations Development Plan Document as the next step (LP Policy SS1). An appropriate safeguard is already therefore in place.

Brixham

3.8 Brixham Town Council, under the legislation, has the automatic right to be the approved body for preparing neighbourhood plans in its parish area. Given the very close associations between the area of Brixham Town and the surrounding village areas of Churston, Galmpton and Broadsands, at an early stage these areas chose to work together. This resulted in the establishment of the Brixham Peninsula Neighbourhood Forum as an independent

subcommittee of the Council which drew in members from across the wider area and also neatly fitted with the identification of the wider Brixham Peninsula area as per the Local Plan.

3.9 These combined working arrangements have been highly successful at engaging the community. Despite being the smallest in terms of geographic area and resident numbers, the consultation statement demonstrates how the Brixham Plan drew the highest number of respondents of any of the 3 plans across Torbay, the significant majority of these being highly supportive.

3.10 The internationally protected Greater Horseshoe Bat species and the internationally protected maternity roost site at Berry Head have been added issues of particular difficulty. The Forum and the Neighbourhood Plan have addressed these comprehensively with specialist survey evidence which has informed specialist habitat regulations advice and allowed site allocations to be made in the certainty that protected species will not be effected. Whilst highly cautious about the relationship between jobs and homes and very aware of the infrastructure pressures particularly from the road network at one end of the bay, throughout the Forum and the Plan has been pro-growth. Allocated housing sites and identified employment sites are both above the expectations of the Local Plan.

4. Future Forum involvement

4.1 When first established, Councilors wished to see the Forums develop close involvement of each community in development matters affecting each area in order to ensure sustainable development. More recently, the Council has debated how best to extend this into asset management, again in an innovative way.

4.2 The network of extensive community volunteer involvement and skill sets established by each Forum have produced Neighbourhood Plans that should be seen as the first stage in securing sustainable development at community level, not the last stage.

4.3 Each Forum has also taken an active and constructive involvement in helping to shape the Community Infrastructure Levy and other key decisions made by the Council that affect various locations of importance to each community. Where a difference of view has on occasions arisen, this should be recognised as a healthy democratic situation to foster, not one to be suppressed.

4.4 On a practical point, the Local Plan is required to undergo its first major Review in 2020/21. Renewal of the 'approved body' status to our Forums will help this to be achieved more cost effectively to the Council than if the Forum renewals are refused. The renewals are sought to complete the process of our submitted Neighbourhood Plans and to enable us to refresh or replace them, as appropriate, over the next designation period. There is no bar to this in the legislation. On the contrary, it accords fully with the continuing intent of the Localism Act and will make positive use of the skills and scale of community involvement successfully and democratically established by each Forum.

5. Summary

5.1 In summary:

- the boundary of each Neighbourhood Area previously designated remains appropriate for redesignation under Regulation 5⁽⁵⁾;
- the Forum renewal applications accord with the legal tests required to be applied and refusal could be viewed as undemocratic, perverse and unreasonable having regard to all the circumstances that exist;

- renewal of the Forum designations will be of assistance to the Council in strengthening the link between the Council and community in each of the three Neighbourhood Areas on matters that directly affect securing sustainable development in Torbay.

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Chair of Paignton
Neighbourhood Forum

Jackie Stockman

Chair of Brixham
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November 2017

References:

- (1) *Town & Country Planning Act 1990 Section 61G introduced by Sch 9 Part 1 Localism Act 2011*
- (2) *National Planning Policy Framework (NPPF) paragraph 1 published by central government March 2012*
- (3) *Town & Country Planning Act 1990 Section 61F(7) introduced by Sch 9 Part 1 Localism Act 2011*
- (4) *National Planning Policy Guidance (PPG) Section ID:41 by central government last updated August 2017*
- (5) *Town & Country Planning Neighbourhood Planning Regulations 2012 as amended*