

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	DEPUTY LEADER JOINTLY WITH STRATEGIC DIRECTOR FOR ECONOMY
Report of: Date of Decision:	Assistant Director, Development 18th January 2017
SUBJECT:	Beeches, Booths and Barr (3B's) Neighbourhood Area and Neighbourhood Forum Designations
Key Decision: No	Relevant Forward Plan Ref:
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member:	Councillor Ian Ward, Deputy Leader
Relevant O&S Chairman:	Councillor Zafar Iqbal, Economy, Skills and Transport
Wards affected:	Perry Barr

1. Purpose of report:
<p>1.1 This report seeks approval for the designation of the Beeches, Booths and Barr (3B's) Neighbourhood Area (identified in Appendix 1) and the 3B's Neighbourhood Planning Forum as the relevant body to prepare a Neighbourhood Plan (NP). The Forum has submitted applications to the Council (see Appendix 2) seeking the designation of the Neighbourhood Area and Neighbourhood Forum, which, when approved will enable the group to progress with the preparation of a NP.</p>

2. Decision(s) recommended:
<p>That the Deputy Leader jointly with the Strategic Director for Economy:</p>
<p>2.1 Designates the Beeches, Booths and Barr (3B's) Neighbourhood Area as shown on the map in Appendix 1.</p>
<p>2.2 Designates the 3B's Neighbourhood Planning Forum as the relevant body to prepare a Neighbourhood Plan (NP) for the identified Neighbourhood Area, subject to the amendment set out in section 4.4.</p>

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3. Consultation
<p>3.1 <u>Internal</u></p> <p>3.1.1 Consultation has been carried out with the Ward Councillors for Perry Barr, along with the MP for Perry Barr and the District Chairman. Briefings were also undertaken with Council services on the applications, including Housing, Resilience Drainage and Flood Risk, Sports and Leisure, Birmingham Property Services, Strategic Transportation and Partnerships and Planning Strategy. Comments received are generally supportive and no objections have been submitted on the extent of the proposed Neighbourhood Area and 3B's Neighbourhood Forum as the body to prepare the NP.</p> <p>3.1.2 The main consideration raised has been from the Sport and Leisure service in relation to the City's potential Commonwealth Games bid and the inclusion of the Alexander Stadium within the proposed Neighbourhood Area. This is assessed in section 5 of the report.</p> <p>3.2 <u>External</u></p> <p>3.2.1 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Council publicised the application for a 6 week period from Monday 24th October - Monday 5th December 2016. This provided people with an opportunity to comment on the proposed Neighbourhood Area and Forum. Consultation was carried out using a variety of methods, including a briefing at Perry Barr Ward Committee, articles in local publications (Perry Hall Community Association Newsletter and Great Barr Observer), site notices throughout the proposed Neighbourhood Area, a dedicated NP webpage on the Council website and details added to BeHeard (the Council's consultation portal). As part of the consultation, relevant statutory consultees were also informed about the application, as well as a number of key landowners within the proposed Neighbourhood Area.</p> <p>3.2.2 Nine consultation comments were received, including comments from statutory consultees, local residents and the Council for British Archaeology (summarised in Appendix 3). The comments submitted are generally supportive and no objections have been received on the proposed Neighbourhood Area and Neighbourhood Forum.</p>
4. Compliance Issues:
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>4.1.1 Neighbourhood Planning is a way for communities to decide the future of the places where they live and work, by identifying where new shops, houses and employment sites could be built. The NP will need to accord with adopted Council policies, including the Birmingham Development Plan (BDP), which will ensure that proposals have a positive social, economic and environmental impact. When prepared, the NP will contribute to key strategic objectives in the Council Business Plan and Budget 2016+ including 'A Strong Economy' and 'Thriving Local Communities'. The NP will be drafted by the local community, thereby reflecting local aspirations, and will explore potential development opportunities, which when brought forward will contribute towards a strong and inclusive economy.</p>

4.2 Financial Implications

(Will decisions be carried out within existing finance and Resources?)

- 4.2.1 Neighbourhood planning is part of the Government's reform to help local communities play a role in shaping the areas in which they live and work, and the Department for Communities and Local Government (DCLG) offers financial support for Councils dealing with NP. In 2016/17, Councils can claim £5,000 when designating a Neighbourhood Area and a further £5,000 when designating a Neighbourhood Forum. This funding is limited to the first five Neighbourhood Area and Neighbourhood Forum designations within the city.
- 4.2.2 The 3B's Neighbourhood Area and Neighbourhood Forum will be the third designation in Birmingham. It is intended that the funding secured (totalling £10,000) will be used to cover the costs of the examination of the NP when submitted to the Council. As it stands, a further £20,000 can be claimed by the City Council from DCLG when key milestones are achieved (designation of Neighbourhood Area / Forum and successful examination of NP). This allocation will be used to fund the referendum process, including the cost of polling stations in the Neighbourhood Area. There are no ongoing budgetary implications to the Council from the adoption of a NP.
- 4.2.3 The Council has an adopted protocol in place for Neighbourhood Planning, which outlines the key roles and responsibilities for both the Council and Neighbourhood Forums. The Council is committed to providing the necessary support to meet these requirements and will provide appropriate technical support to assist with the preparation of NPs. For the 3B's NP, this support will be met from existing staff resources in Planning and Regeneration. In addition, DCLG has made funding available to provide support and grants (up to £9,000) to designated Neighbourhood Forums, which is being coordinated by Locality (a national organisation supporting communities), and will assist with the plan preparation process.

4.3 Legal Implications

- 4.3.1 The powers to designate a Neighbourhood Area and a 'relevant body' (in this case a Neighbourhood Forum) are contained within Sections 61F and 61G of the Town and Country Planning Act 1990. These are supplemented through the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 4.3.2 In accordance with the Regulations, the Council must consider and determine applications within 13 weeks from the first day of publicising. Therefore the decision to designate the 3B's Neighbourhood Area and Neighbourhood Forum must be made by Tuesday 24th January 2017.

4.4 Public Sector Equality Duty

- 4.4.1 An Equality Analysis Initial Assessment has been undertaken (Appendix 4) on the designation of the 3B's Neighbourhood Area and Neighbourhood Forum. The Forum's membership is open to those who live, work and / or are elected members within the Neighbourhood Area, and as such, the group can consist of a diverse range of individuals, who will input into the plan preparation process. The submitted information for the Forum suggested limiting membership to those over the age of 14, which raises equality considerations. However, the Chair of the Forum has no issues with this requirement being removed from the constitution, and this approach is supported City Council. On this basis, the designations do not raise any issues at this stage on the Council's equality duties. The Neighbourhood Forum will be made aware of the equality issues that the City Council will need to ensure are addressed as part of preparing the NP.

5. Relevant background/chronology of key events:

- 5.1 Neighbourhood planning was introduced under the Localism Act 2011 as a new opportunity for local communities to come together and guide the future development and regeneration of their areas through NPs. These plans can deal with a range of social, economic and environmental issues, such as housing, employment and transport. The process for preparing a NP consists of a number of key stages including the formal designation of the Neighbourhood Area and Forum, consulting on the draft proposals, independent examination, referendum and adoption. When adopted, NPs form part of the statutory development plan and will shape future development within an area. The Balsall Heath NP was adopted by the Council in November 2015 and a NP is being prepared for the Jewellery Quarter.
- 5.2 In September 2016, the Beeches, Booths and Barr (3B's) Neighbourhood Planning Forum submitted an application to the Council to enable the group to progress the preparation of a NP (Appendix 2). The application seeks designation of the Forum as the relevant body to prepare the NP and contains the proposed Neighbourhood Area, which highlights the geographical boundary that the plan will cover. The Neighbourhood Area (Appendix 1) includes the A34 (Walsall Road) which runs through the centre of the Area, with Queslett Road to the north, the railway line and Old Walsall Road to the west. Regina Drive and River Tame to the south, and the M6 and Aldridge Road to the east, including Alexander Stadium and Perry Park.

Assessment of the Neighbourhood Area Application

- 5.3 The Town and Country Planning Act 1990 and Neighbourhood Planning (General) Regulations 2012 (as amended) set out the criteria for determining Neighbourhood Area applications. The following requirements must be assessed when considering the application:
- The application must include the relevant information, including a map and statement.
 - The Neighbourhood Area must not overlap with other designated Neighbourhood Areas.
 - The Local Planning Authority (LPA) must have regard to the desirability of maintaining existing Neighbourhood Area boundaries, and consider whether the area should also be designated as a business area.

Comments submitted by respondents

- 5.4 The Sport and Leisure service submitted comments on the inclusion of the Alexander Stadium within the proposed Neighbourhood Area. They are supportive of the emerging NP, however would not want the NP to adversely impact on potential development on the site which could be economically beneficial to both Perry Barr and the City. In addition, if the City is successful with its bid and hosts the Commonwealth Games, the Stadium will play an important role in the event, and should be considered when determining the Area application.

Appraisal

- 5.5 The application contains the key elements of the Regulations, and there are currently no other Neighbourhood Areas designated in Perry Barr which would impact on the 3B's designation. As the proposed Neighbourhood Area is predominantly residential in nature, with concentrated areas of commercial and business activity, it should not be designated as a business area. However, the Forum will engage the business community throughout the plan preparation process.
- 5.6 In relation to the comments raised by the Sport and Leisure service, National Planning Practice Guidance (NPPG) states that the LPA must use its powers of designation to ensure that some or all of the area applied for forms part of the Neighbourhood Area, however, it can refuse to designate the area applied for if it considers the area is not appropriate (reasons must be provided). NPPG also states that when designating a Neighbourhood Area, the LPA should avoid pre-judging what a Forum may subsequently decide to put in its draft NP.
- 5.7 In relation to the Alexander Stadium, existing policies in the BDP will support enabling development at the Stadium, which potentially cover any developments associated with the planned outsourcing of its operation and its role in the Commonwealth Games. It is therefore considered appropriate that the proposed Neighbourhood Area can include the Stadium. The Sport and Leisure service is committed to engaging with the Forum as plans for the Stadium come forward. At this stage the Forum have not raised any concerns with development on the Stadium site.

Conclusion

- 5.8 The application meets the legal requirements for the Neighbourhood Area to be designated as proposed. It is not considered that the area should be designated as a business area.

Assessment of the Neighbourhood Forum Application

- 5.9 The Town and Country Planning Act 1990 and Neighbourhood Planning (General) Regulations 2012 (as amended) set out the criteria for determining Neighbourhood Forum applications. The following requirements must be assessed when considering the application:
- It must include the relevant information, including name of the Forum, contact details and written constitution.
 - The Forum must meet the following conditions:
 - It is established for the express purpose of promoting or improving the social, economic and environmental well-being of the area;
 - Its membership is open to individuals who live, work or are Elected Members in the Neighbourhood Area; and
 - Its membership includes a minimum of 21 individuals, each of whom live, work or are Elected Members in the Neighbourhood Area.
 - The LPA must have regard to the desirability of designating the Forum, including the extent of its membership, which should be drawn from different places within the Area.
 - The LPA can only designate one Forum for each Neighbourhood Area.

Comments submitted by respondents

- 5.10 No specific comments have been received on the Neighbourhood Forum as the relevant body to prepare a NP for the area.

Appraisal

- 5.11 The application contains the necessary information and it is clear that the Forum is seeking to promote the social, economic and environmental well-being of the Area. The written constitution includes details of membership, operation of meetings and consists of a minimum of 21 people. The current level of membership meets the legal requirements and no other applications have been received by the Council for a Neighbourhood Forum for this area.

Conclusion

- 5.12 The application meets the legal requirements for the Neighbourhood Forum to be designated, subject to the Neighbourhood Area also being designated.

6. Evaluation of alternative option(s):

- 6.1 Refuse to designate the Neighbourhood Area and Neighbourhood Forum applications. As the applications meet the legal requirements for designation, the Council is not in a position to refuse the applications.
- 6.2 Amend the Neighbourhood Area boundary to exclude the Alexander Stadium site and adjacent land. Given the legal requirements and national guidance on designating areas and existing policies in the BDP, there is not the justification in this case to amend the boundary of the proposed Neighbourhood Area.

7. Reasons for Decision(s):

- 7.1 When the Neighbourhood Area and Neighbourhood Forum designations are made, the 3B's Forum can progress with the preparation of a NP for the area identified.

Signatures

Date

Councillor Ian Ward,
Deputy Leader

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Waheed Nazir,
Strategic Director for Economy

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List of Background Documents used to compile this Report:
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Town and Country Planning Act 1990 (as amended) The Neighbourhood Planning (General) Regulations 2012 (as amended) National Planning Policy Framework and Guidance Balsall Heath Neighbourhood Development Plan – Adoption : Cabinet dated 8 th December 2015

List of Appendices accompanying this Report (if any):
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| <ol style="list-style-type: none">1. Designated 3B's Neighbourhood Area2. 3B's Neighbourhood Area and Neighbourhood Forum application3. Consultation comments on the application4. Equalities Assessment for the designation of the 3B's Neighbourhood Area and Forum |
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