

Neighbourhood Planning in South Tyneside

Designating Neighbourhood Forums and Neighbourhood Areas

How do we apply to the Council to formally designate our Neighbourhood Planning Forum and Area?

As there are no parish councils in South Tyneside through which neighbourhood planning activities could be run, any community (or business) group wishing to do formal neighbourhood planning activities in the borough must be legally designated by the council as a Neighbourhood Forum (or Community Right to Build organisation) and also have the neighbourhood planning area that they wish to plan for formally approved. You can choose whether to submit your applications for your Neighbourhood Forum and Neighbourhood Area in tandem together or one before the other – please send them to the Planning group e-mail or contact address at the bottom of this leaflet.

Neighbourhood Area – What do I need to submit?

The Government's [The Neighbourhood Planning \(General\) Regulations 2012](#) (Part 2, Regulations 5-7) requires you to submit to the council the following:

- a map identifying the area of coverage of the proposed neighbourhood area;
- a statement explaining why you consider this area to be appropriate to be designated as a neighbourhood area;
- a statement that your organisation or body making the application is a 'relevant body' for carrying out neighbourhood planning (ie. a proposed or designated Neighbourhood Forum) under Section 61G(2) of [The Town & Country Planning Act 1990](#) (introduced by [Schedule 9 of the Localism Act 2011](#)) – see Annex A overleaf.

Neighbourhood Forum – What do I need to submit?

The Government's [The Neighbourhood Planning \(General\) Regulations 2012](#) (Part 3, Regulations 8-12) requires you to submit to the council the following:

- name of the proposed neighbourhood forum;
- a copy of the written constitution of the proposed neighbourhood forum;
- name and a map of the proposed neighbourhood area of coverage to which the application relates;
- contact details for the proposed neighbourhood forum;
- a statement confirming how the proposed neighbourhood forum meets the conditions in section 61F(5) of [The Town & Country Planning Act 1990](#) (introduced by [Schedule 9 of the Localism Act 2011](#)) – see Annex A overleaf.

How will our Neighbourhood Forum and Neighbourhood Area applications be considered and decided?

In each case, the council will then consider the application internally to check that it satisfies the legal requirements and that the proposed area of coverage is appropriate and sensible in spatial planning terms – we would expect this process should take no longer than about two months. We are then legally required to publish the application(s) for a minimum of 6 weeks, both on our website [Neighbourhood Planning](#) pages and in such other manner considered likely to bring the application(s) to the attention of those living, working and carrying on business in the area concerned. The public will need to make any representations to the application(s) by the specified closing date.

The application(s) will then need to be formally approved and designated (or refused if appropriate to do so, with reasons) by the Council within 13 weeks of the start of the 6 week consultation period. Once designated, you may then formally commence your neighbourhood planning activities, and we will similarly publish the relevant details:

- Neighbourhood Area – area's name and map of coverage, and name of the community group who applied.
- Neighbourhood Forum – name and contact details, a copy of the forum's written constitution, and the name of the neighbourhood area to which the designation relates.

Note that if designation is made then no other Neighbourhood Forum organisation may be designated for that neighbourhood area (or part thereof) until that designation expires (generally after 5 years) or is withdrawn.



South Tyneside Council

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61F Authorisation to act in relation to neighbourhood areas

- (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—
- (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),
 - (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,
 - (c) its membership includes a minimum of 21 [unrelated] 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,
 - (d) it has a written constitution, and
 - (e) such other conditions as may be prescribed [eg. there are additional requirements for Community Right to Build Order organisations under Part 4 Regulation 13 of [The Neighbourhood Planning \(General\) Regulations 2012](#) – see below].

61G Meaning of “neighbourhood area”

- (2) A “relevant body” means—
- (a) a parish council, or
 - (b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).

[The Neighbourhood Planning \(General\) Regulations 2012](#) – Prescribed conditions for Community Right to Build Organisations

13.—(1) For the purposes of paragraph 3(1)(b) of Schedule 4C to the 1990 Act, the following additional conditions are prescribed for any community organisation which is not a parish council—

- (a) individuals who live or work in the particular area for which the community organisation is established (“the particular area”) must be entitled to become voting members of the community organisation (whether or not others can also become voting members); and
 - (b) the constitution of the community organisation must—
 - (i) provide that taken together the individuals who live in the particular area—
 - (aa) hold the majority of the voting rights; and
 - (bb) have the majority on the board of directors or governing body, of the community organisation;
 - (ii) include a statement—
 - (aa) that the community organisation will carry on its activities for the benefit of the community in the particular area or a section of it; and
 - (bb) indicating how it is proposed the community organisation’s activities will benefit the community in the particular area (or a section of it);
 - (iii) provide that any assets of the community organisation may not be disposed of, improved or developed except in a manner which the community organisation consider benefits the community in the particular area or a section of it; and
 - (iv) provide that any profits from its activities may only be used to benefit the community in the particular area or a section of it (the payment of profits directly to members or directors is not to be considered a benefit to the community in the particular area or a section of it);
 - (v) provide that in the event of the winding up of the community organisation or in any other circumstances where the community organisation ceases to exist, its assets must be transferred to another body corporate which has similar objectives; and
 - (vi) provide that the organisation has at least 10 members, living in different dwellings to each other, who live in the particular area.
- (2) For the purposes of this regulation, “dwelling” has the meaning given in section 3 of the [Local Government Finance Act 1992](#).