

Item No. 8.	Classification: Open	Date: 8 December 2012	Decision Taker: Bankside, Borough and Walworth community council
Report title:		Neighbourhood Planning – Application for a neighbourhood development area and also for qualifying body status by Bankside Neighbourhood Forum	
Ward(s) or groups affected:		Cathedrals, Chaucer, Riverside	
From:		Chief Executive	

RECOMMENDATIONS

That the community council:

1. Comment on the proposal for Bankside Neighbourhood Development Area and also Bankside Neighbourhood Forum against the criteria as set out in paragraph 9 of the report.

BACKGROUND INFORMATION

2. The Localism Act 2011 introduced new processes for communities to get involved in the planning of their areas through the preparation of neighbourhood plans and neighbourhood development orders. This provides local communities through parish councils or neighbourhood forums to be able to shape and encourage delivery of new development.
3. A neighbourhood plan may contain a range of policies or proposals for land use development that will be used as part of determining decisions on planning applications. It can also grant planning permission through neighbourhood development orders for a particular, defined type of development in an area or a specific site.
4. The local authority must agree to a neighbourhood forum being a 'qualifying body' for the purposes of the Act and must agree the area for which a neighbourhood plan or development order is to be prepared. There are specific requirements set out in the Act and the neighbourhood planning regulations for neighbourhood forums to be designated as qualifying bodies and for the local authority to set other conditions.
5. It is possible that the council will receive applications for recognition of neighbourhood forums from many areas. While some neighbourhood forums may be considered not truly representative, others may be proposing an area where it is not appropriate to prepare a neighbourhood plan at that time. There may also be cases where the aims of the community proposing a neighbourhood plan might be best achieved by some other means.

KEY ISSUES FOR CONSIDERATION

Decision making

6. The Council has agreed clear criteria for decision making.
7. The proposal for Bankside Neighbourhood Area by Bankside Neighbourhood Forum meets the criteria. The Area boundaries meet the criteria set out in the report and there are no overlaps with proposals by other forums as set out in table A.
8. The proposal for Bankside Neighbourhood Forum meets the criteria necessary for qualifying body status and there are no competing proposals at present as set out in table A.
9. The community council are being asked to comment on the appropriateness of the boundary and also the appropriateness of the group that has applied for qualifying body status.

TABLE A

<p>Decision 1 Forum application Application for designation of a Neighbourhood Area</p>
<p>Process</p> <p>Where a neighbourhood forum submits an application to the local Planning authority. It must include:</p> <ul style="list-style-type: none"> • A map identifying the area See appendix A • A statement explaining why this area is considered appropriate to be designated See appendix B • A statement that the organisation or qualifying body is relevant for the purposes of the 1990 Act (as applied by section 38A of the 2004 Act) See appendix C
<p>Criteria for decision making</p> <ul style="list-style-type: none"> • Has the map been submitted identifying the area? Yes • Has the statement explaining why this area is considered appropriate to be designated been submitted? Yes • Has the statement that the organisation or body is relevant for the purposes of the 1990 Act been submitted? Yes • Is there already a neighbourhood plan covering this area?

No

- How do the boundaries relate to current and proposed planning designations?

The boundary is along the borough boundary to the north and west. The eastern boundary is along a main road Borough High street and the southern boundary has been determined by the level of development likely to take place. This area is within the Bankside, Borough and London Bridge Opportunity Area and the Central Activities Zone. It also covers part of the Thames Policy Area.

- Is the proposed area appropriate?

Yes

- Should the area be a business area?

Yes

- Would a business referendum be required?

Yes

Decision 2

Forum application

Application for designation of a Neighbourhood Forum

Application

Where an organisation or body submits an application to the local planning authority it must include

- The name of the proposed forum

Bankside Neighbourhood Forum

- A copy of the written constitution of the proposed Forum

See appendix D

- The name of the neighbourhood area to which the application relates and a map identifying the area

See appendix A

- The contact details of one member of the forum to be made public

Tim Wood, tim@forgearchitects.co.uk, 02073787782

- A statement to explain how the forum meets the conditions contained in the 1990 act (as applied by section 38A of the 2004 Act)

See appendix C

Criteria for decision making

- Has the name of the proposed forum been submitted?

Bankside Neighbourhood Forum

- Has the timescale of the plan been specified?

5 years

- Has a copy of the written constitution of the proposed forum been submitted?

Yes

- Has the name of the neighbourhood area to which the application relates and a map identifying the area been submitted?

Yes

- Have the contact details of one member of the forum to be made public been submitted?

Yes

- Is there a statement to explain how the forum meets the conditions contained in the 1990 Act. These should include whether it is established for the purpose of promoting or improving the social, economic and environmental wellbeing of the

neighbourhood area. Whether its membership is open to individuals who live, work, and/or are elected to the area?

Yes

- Does membership include a minimum of 21 individuals who live or work in the area or are an elected member?

Yes

- Does it have a written constitution?

Yes

- Is membership drawn from different places in the neighbourhood and from different sections of the community?

Yes

- Does the purpose reflect the character of the area?

Yes

- Is there already a neighbourhood forum for that area?

No

- What is the length of the designation as a designation ends after 5 years?

5 years

Financial implications

10. There may be financial implications however these are uncertain at present. Each neighbourhood plan may require a referendum which would spend considerable funds. A ward election would cost around £25,000 per referendum. These costs could be similar to a ward election. They are unavoidable and there is no budget for them. Furthermore, at this stage it is not possible to predict if, when or how this/these referendum/s could take place.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

11. On the 26 September 2012 the applicant 'Bankside Neighbourhood Forum' submitted an application to the Council for the designation of the land identified on the plan titled 'Bankside Neighbourhood Plan Area Boundary' (Appendix A) as an NA and for the designation of NF status (Appendix B and C).
12. As stated in the Report, neighbourhood planning is intended to provide communities with a greater influence over the development of their local area by enabling them to draw up Neighbourhood Development Plans NDP's and Neighbourhood Development Orders NDO's. The function of a NF is to act as the vehicle for progressing NDP's in respect of a particular, geographically defined, NA.
13. The legislative provisions concerning Neighbourhood Planning are set out in the Neighbourhood Planning (General) Regulations 2012 No.537 ("the Regulations"), Neighbourhood Planning (Referendum) Regulations 2012 No.2031, the Localism Act 2011 and the Town and Country Planning Act 1990 (TCPA).
14. Regulations 5 and 8 set out the requirements that must be satisfied by the applicant body/organisation in making an application for designation of a NA and NF as set out under Decisions 1 and 2 of Table A (paragraph 17). The

documents submitted to the Council in support of the application satisfy the qualifying criteria. Further, the NF fully accords with the requirements of Section 61F(5) TCPA1990, which provides that the applicant body or organisation must be a community group or organisation established with the express purpose of promoting the social, economic and environmental well-being of a particular area.

Strategic Director of Finance and Corporate Services (SDFCS) (NR/FCS/22/8/12)

15. The SDFCS notes the financial implications contained within the report. Officer time to effect the recommendation will be contained within the existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Localism Act	http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted	planpolall@southwark.gov.uk
The Neighbourhood Planning Regulations	http://www.legislation.gov.uk/uksi/2012/637/contents/made	planpolall@southwark.gov.uk

APPENDICES

No.	Title
Appendix A	Map of the proposed area
Appendix B	Area Statement
Appendix C	Qualifying body Statement
Appendix D	Constitution

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Juliet Seymour, Planning Policy Manager	
Version	Final	
Dated	27 November 2012	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team	27/11/2012	