

Item No. 8.	Classification: Open	Date: 29 January	Meeting Name: Planning Committee
Report title:		Neighbourhood Planning – Application for a neighbourhood development area and also for qualifying body status by Bermondsey Neighbourhood Forum	
Ward(s) or groups affected:		Cathedrals, Chaucer, Riverside, Grange	
From:		Chief Executive	

RECOMMENDATIONS

That the Planning Committee:

1. Comment on the proposal for Bermondsey Neighbourhood Development Area as set out as decision 1 in paragraph 17 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. The powers came into force on 1 April 2012 with the publication of associated neighbourhood planning regulations. This provides local communities through parish councils or neighbourhood forums to be able to shape and encourage delivery of new development.
3. The Act introduces procedures for making neighbourhood plans and neighbourhood development orders. 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. We would expect neighbourhood development orders to be part of neighbourhood plans. The new processes require decisions to be made by the council at various stages to approve an area for the preparation of a neighbourhood plan, to recognise neighbourhood forums and various other matters and this report recommends procedures for making these decisions to be adopted by the council. The Act and the associated regulations say that neighbourhood plans (and neighbourhood development orders) may be prepared by 'qualifying bodies' which would be a parish council where they exist and in other areas would be a neighbourhood forum set up for this purpose.
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. Early on in the passage of the Localism Bill through parliament, the government invited local authorities to apply to be neighbourhood planning 'vanguards' – later renamed 'front runners' – who would be asked to work with emerging neighbourhood forums and demonstrate some of the principles on which neighbourhood plans would be prepared. Southwark proposed two front runner projects: to work with a newly formed neighbourhood forum in the Bermondsey area and with the long established Bankside Residents Forum in the Bankside area. These were approved in March 2011 and the council has continued to work with these forums. There have also been early discussions about a forum at the Elephant and Castle.
6. If proposals come forward for overlapping areas the council will need to arbitrate, and decide which boundary makes most sense in planning terms.
7. The local planning authority has to provide 'technical advice and support' to communities preparing neighbourhood development plans but it's up to the council to decide what this should be. It could include gathering evidence, helping with facilitation or advice on consultation. It can, but doesn't have to include financial support. This will depend on resource availability, community requirement, evidence available, whether a sustainability appraisal is required and the volume of neighbourhood planning activity that comes forward.
8. Once the plan is submitted the council has to check to make sure that consultation procedures have been followed. If they have then the council needs to arrange and pay for an independent examination. This would be similar to the process of examination in public but, the government says, should often be carried out through written representations.
9. The ambition of the neighbourhood plan needs to be in general conformity with the strategic needs and priorities of the wider local area. To enable this to happen, the council must make sure that their strategic policies are up to date. Therefore this independent check will look at how the plans/orders fit against the local plans, London Plan, national policies, and any adjoining neighbourhood plans.
10. If it passes the check, the council needs to arrange (and pay for) a referendum on the plans or order. The referendum can go beyond the neighbourhood area if its impacts will be felt more widely.
11. 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. The council should therefore state some clear guidelines and criteria for recognising neighbourhood forums and supporting neighbourhood plans. It may be possible in some cases for a neighbourhood plan to be adopted by the council by converting it into local development document under the local development framework regulations or into a local development order. This may obviate the need for a referendum.

Southwark Council's role

12. While Southwark Council has a long track record of working with local communities to establish strong local support for plans and proposals, the Act establishes new features in that neighbourhood forums are intended to lead the process of preparing each neighbourhood plan with the support of the local authority. Neighbourhood plans can provide an additional level of detail and express the community's wishes in relation to development sites including identifying potential development that has not been identified through the normal planning process. The plans may also be the subject of a local referendum.

KEY ISSUES FOR CONSIDERATION

Decision making

13. The council has agreed clear criteria for decision making as set out in the tables in this report. The proposal for Bermondsey Neighbourhood Area by Bermondsey Neighbourhood Forum overlaps with a proposal by Bermondsey Village Action Group set out in a separate report. The proposal for a Neighbourhood Area will be considered once the area has been agreed. As if there is a change to the boundary then any Forum proposal would require re-consultation.
14. As well as consulting the planning committee, the proposals for the area and the forum will be considered at the Bankside, Borough and Walworth community council on 6 February 2013 and also the Bermondsey and Rotherhithe community council on 30 January 2013. The decision maker will take into account the response of the members when making decisions so this is an important part of the adoption process.
15. The western boundary is with the proposal for a Neighbourhood Area in Bankside by the Bankside Neighbourhood Forum. The northern boundary is with Westminster and the City, so the neighbouring boroughs will be contacted as part of the consultation. Southwark has a duty to co-operate with these boroughs and therefore their views are important as part of the adoption process.
16. The Mayor will also be consulted along with the council's mailing lists.

APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM

17. The decisions that need to be made at this stage are set out below at Table A.

Decision 1 Forum application Application for designation of a Neighbourhood Area
Process Where a neighbourhood forum submits an application to the local Planning authority. It must include: <ul style="list-style-type: none">• A map identifying the area See appendix A

<ul style="list-style-type: none"> • 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? The determination of this question is the purpose of the consultation • Should the area be a business area? Yes • Would a business referendum be required? Yes

Financial implications

18. 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

19. It is recommended that planning committee comment on Decision 1 in Table A (paragraph 17) of the Report, relating to the applications for the designation of a Neighbourhood Area NA.
20. In September 2012 the applicant 'Bermondsey Neighbourhood Forum' submitted an application to the council for the designation of the land identified on the plan titled 'Bermondsey Neighbourhood Plan Area Boundary' (Appendix A) as an NA and for the designation of NF status (Appendix B and C).

21. 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.
22. 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).
23. 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 NF must accord 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.
24. Pursuant to the Southwark Constitution 2012/13 the Leader's role is to provide leadership in setting the council's strategic directions, and key priorities, in performance management and community engagement (*Part 3B, Cabinet Portfolios, Constitution*). The recommendation therefore falls within the Leader's individual decision making remit.
25. In accordance with the report presented to the Leader of the Council, Councillor Peter John, on 24 September 2012, the Leader is able to approve the decision making processes for neighbourhood planning, headed Decision 1 in Table A (paragraph 17) of the Report.

Strategic Director of Finance and Corporate Services

26. This report recommends that the Leader agrees the proposed decision making processes for neighbourhood planning.
27. 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	Application form
Appendix C	Constitution

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive		
Report Author	Juliet Seymour, Planning Policy Manager		
Version	Final		
Dated	18 January 2013		
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 Support Services			18 January 2013