

Item No. 11.2	Classification: Open	Date: 30 January 2013	Decision Taker: Bermondsey and Rotherhithe Community Council
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:		Riverside, Grange	
From:		Chief Executive	

RECOMMENDATION

1. That the community council comment on the proposal for Bermondsey Neighbourhood Development Area 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 Bermondsey Neighbourhood Area by Bermondsey Neighbourhood Forum needs to be considered against the criteria. The Area boundaries overlap with proposals by another forum.
8. There are competing proposals at present for the boundary of the Neighbourhood Plan Area as set out in the Bermondsey Village Action Group report. Therefore only the area is being considered at this stage. Once the area has been agreed the Council will then consider applications for a qualifying body.
9. The community council are being asked to comment on the appropriateness of the area and the boundary.

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 western 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? This is being determined by this consultation.

- Should the area be a business area?
Yes
- Would a business referendum be required?
Yes

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. It is recommended that the Bankside, Borough and Walworth Community Council and Bermondsey and Rotherhithe Community Council comment upon the application for the proposed designation of a Bermondsey Neighbourhood Area ("NA"), by the Bermondsey Neighbourhood Forum, (Appendices A-C) in accordance with the criteria headed decision 1, set out in the table at paragraph 17 of the Report.
12. In accordance with the report presented to the Leader of the Council, Councillor Peter John, on 24 September 2012, Community Council's must be consulted both upon applications to designate a NA and for qualifying body status as a Neighbourhood Forum. The recommendation is also consistent with the usual consultative functions of Community Council's in respect of policy /plan related documents.
13. 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' as an NA (Appendices A-C) of the Report.
14. 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.
15. 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).
16. 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 as set out in the table at paragraph 17. The documents submitted to the Council in

support of the application satisfy the qualifying criteria. Although, the Council reserves the decision as to whether the applicant should be designated as a NF, subject to a decision on area boundaries it appears at this stage to satisfy the requirements of a “relevant body” as set out in Section 61G of the TCPA1990. This provides that the application must be made by an organisation or body which is, or is capable of being, designated as a NF. There is a statutory requirement that applications for NA’s, and in due course NF’s should be publicised for a period of 6 weeks (Regulations 6 and 8 of the Regulations).

17. Paragraph 4 (Part 3H:Community Councils) of the Southwark Constitution 2012/13 provides that it is the role and function of Community Councils ‘to be a focal point for discussion and consultation on matters that affects the area’.
18. Neighborhood planning is a new legal process, which the Council has a statutory duty to facilitate and administer. The Constitution is therefore silent as to the express reservation of consultative decisions in respect of decisions concerning this area. Consideration has been given to the appropriate level at which comments upon any proposals to designate a NA may be made and it is considered that is this function is analogous with Community Council’s usual consultative functions in respect of policy /plan related documents and therefore falls within the role and functions delegated to it.
19. The recommendation therefore falls within the Bankside, Borough and Walworth and Bermondsey and Rotherhithe Community Council’s decision making remit.

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

20. The Strategic Director of Finance and Corporate Services 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	planningpolicy@southwark.gov.uk
The Neighbourhood Planning Regulations	http://www.legislation.gov.uk/uksi/2012/637/contents/made	planningpolicy@southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Juliet Seymour, Planning Policy Manager	
Version	Final	
Dated	21 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 Team		21 January 2013