

Item No. 17.2	Classification: Open	Date: 1 February 2014	Decision Taker: Bankside, Borough and Walworth Community Council
Report title:		Neighbourhood Planning – Application for a Neighbourhood Forum by South Bank and Waterloo Neighbourhood Forum (SBWNF)	
Ward(s) or groups affected:		Cathedrals	
From:		Chief Executive	

RECOMMENDATION

1. That the community council comment upon the application from the South Bank and Waterloo Neighbourhood Forum for qualifying body status as a Neighbourhood Forum for the South Bank and Waterloo Neighbourhood Development Area and Business Area with reference to the criteria set out in the council's Neighbourhood Planning Decision Making Report dated 13 September 2012 (Appendices A-C of the report) and in accordance with Regulation 9 of the Neighbourhood Planning Regulations 2012 No.637.

BACKGROUND INFORMATION

2. The Localism Act 2011 (by amending the Town and Country Planning Act 1990) ("the 1990 Act") introduced new provisions which empower parish councils and designated Neighbourhood Forums to initiate a process for making Neighbourhood Development Plans and Neighbourhood Development Orders in relation to designated Neighbourhood Areas. The powers came into force on 6 April 2012 when the Neighbourhood Planning (General) Regulations 2012 came into force.
3. A neighbourhood development plan is a plan which sets out policies in relation to the development and use of land in the whole or part of a neighbourhood Area. It may contain a range of policies or proposals for land use development that will carry weight in the determination of planning applications. Neighbourhood development orders grant planning permission in relation to a particular neighbourhood area for development (or for a class of development) specified in the order. Both neighbourhood development plans and neighbourhood development orders must be in general conformity with the strategic policies in the development plan for the relevant area.

Neighbourhood Planning Preparation Stages

4. Section 61F of the 1990 Act provides that a local planning authority may designate an organisation or body as a neighbourhood forum if the conditions in subsection (5) are satisfied. In deciding whether to designate an organisation/body the local planning authority must have regard to the matters set out in subsection (7). Subsections (5) and (7) are considered at paragraphs 11,14 and 15 below.

5. Section 61G of the 1990 Act sets out the powers and duties of local planning authorities in relation to the designation of Neighbourhood Areas. Sub-section (4) sets out a number of considerations which the local planning authority must have regard to in determining an application for the designation of a specified area as a Neighbourhood Area. If a body or organisation is designated as a Neighbourhood Forum for a particular Neighbourhood Area, it is authorised to act in relation to that area for the purposes of promoting a neighbourhood development plan/order.
6. Once a neighbourhood forum and neighbourhood area have been designated, the neighbourhood forum may submit a proposal to the local planning authority for the making of a neighbourhood development plan or neighbourhood development order which will then be submitted to independent examination. If following that examination the council is satisfied that the draft plan/order meets the requisite conditions, the council must hold (and pay for) a referendum on the making of the plan/order.
7. The area in which the referendum takes place must, as a minimum, be the neighbourhood area to which the proposed plan/order relates. The independent examiner considering the proposal must also consider whether the area for any referendum should extend beyond the neighbourhood area to which the draft plan/order relates.
8. If more than 50% of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.
9. The council can only designate one organisation or body as a neighbourhood forum in respect of each neighbourhood area (Section 61F (7)(b)).
10. Regulation 9 of the Neighbourhood Planning (General) Regulations 2012 requires local planning authorities, as soon as possible after receiving an application for a Neighbourhood Forum application, to publish details of the application and of how to make representations in respect of the applications on its website and in such other manner as they consider is likely to bring the application to the attention of people who live, work and carry on business in the area to which the application relates. A period of at least six weeks (from the date on which the application was first publicised) must be allowed for the receipt of representations in relation to the application.

Consultation

11. Consultation on the South Bank and Waterloo application for a Neighbourhood Forum was carried out from 18 October 2013 and 29 November 2013. The South Bank and Waterloo Neighbourhood Forum consulted with a wide range of organisations, local groups and residents. On behalf of the forum, London Borough of Southwark wrote to around 1,000 consultees on our database. In all, the application for the area and forum was available for comments over a period of 6 weeks.
12. The application to designate the NF in South Bank and Waterloo was available to view at:
 - The council's website:
www.southwark.gov.uk/info/200413/neighbourhood_planning
 - At John Harvard Library - 211 Borough High Street, SE1 1JA
(Monday - Friday 9am to 7pm, Saturday 9am to 5pm)

- Documents were available on request at the Council's offices at 160 Tooley Street, SE1 2QH (*Monday – Friday, 9am-5pm*)
13. The application was also presented to the planning committee on 5 November 2013. The Planning Committee made the following comments;
 - a. The Bankside neighbourhood forum was agreed in June 2013, the boundaries of which overlap with the proposed South Bank and Waterloo neighbourhood forum. It is felt that this will prove ineffective for decision-making. The committee also expressed concerns that the new proposal will undermine the existing forum.
 - b. The proposed South Bank and Waterloo neighbourhood forum cuts down the middle of Blackfriars Road. The area action plan has a cohesive view for the whole of the road, and having a forum dealing solely with one side of it will be inappropriate.
 - c. The proposed South Bank and Waterloo neighbourhood forum covers land in both Southwark and Lambeth. It is not considered advisable to have a cross-boundary area.
 14. The Council received comments from 104 respondents and a further 11 responses were sent to Lambeth Council directly. The majority of comments received were in support of the South Bank and Waterloo Neighbourhood Area.
 15. Only one neighbourhood forum can be designated in respect of a single Neighbourhood Area. Southwark already has an agreed neighbourhood area and neighbourhood forum for Bankside, which would overlap with the proposed South Bank and Waterloo Neighbourhood Area boundary.
 16. The Neighbourhood Planning Regulations do not permit different neighbourhood areas to overlap. Therefore, the council will determine which neighbourhood area(s) are most appropriate for neighbourhood planning following the closure of the consultation period and the consideration of the responses received.

South Bank and Waterloo Neighbourhood Forum

17. The main comments in support of the application are summarised below;
 - a. South Bank & Waterloo Neighbours is a broad-based and representative body with 200 residents, businesses and community groups, drawn from across the area
 - b. The constitution and structure of the neighbourhood forum provides a broad and democratic reflection of the mixed make-up of the neighbourhood.
 - c. The scale of interest and numbers attracted to South Bank & Waterloo Neighbours is a solid basis for the broadest possible input into a plan by all interested members of the community.
18. The main comments objecting to the application are summarised below;
 - a. The existence of an existing Forum, the Borough Characterisation work and Draft Blackfriars SPD undertaken by Southwark, and the need for Neighbourhood Plans to be consistent with Local Plan policies would suggest that the existing Bankside Forum should be considered to have priority

KEY ISSUES FOR CONSIDERATION

19. Section 61F (5) of the 1990 Act provides that local authorities may designate an organisation or body as a Neighbourhood Forum if the following conditions are satisfied:
 - a) It is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of the area;
 - b) Its membership is open to individuals who live or work in the Neighbourhood Area or are elected members of the London borough council whose area falls in the Neighbourhood Area concerned;
 - c) Its membership includes a minimum of 21 individuals, each of whom live or work in the Neighbourhood Area or are elected members of the London borough council whose area falls in the Neighbourhood Area concerned; and
 - d) It has a written constitution.
20. The council considers that these conditions are satisfied in relation to this application, such that it has the power to designate the Neighbourhood Forum, should it consider it appropriate to do so.
21. Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 contains a number of requirements in respect of the application, which the Council considers have been satisfied in the present case. The application must include:
 - a) The name of the proposed neighbourhood forum;
 - b) A copy of the written constitution of the proposed neighbourhood forum;
 - c) The name of the neighbourhood area to which the application relates and a map which identifies the area;
 - d) The contact details of at least one member of the proposed neighbourhood forum; and
 - e) A statement which explains how the proposed neighbourhood forum meets the conditions contained in Section 61F (5) of the 1990 Act.
22. Section 61F (5) does not require a local planning authority to designate an organisation as a neighbourhood forum in the event that the conditions in subsection (5) are satisfied. It simply provides that if those conditions are satisfied, the local planning authority 'may' designate such an organisation as a Neighbourhood Forum.
23. Section 61F (7) provides that in determining whether to designate an organisation/body under subsection (5), the local planning authority must have regard to the desirability of designating an organisation or body:
 - i) Which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of subparagraphs (i) to (iii) of subsection (5)(b) (i.e. a person who lives in the area, a person who works in the area and a person who has been elected in respect of the area);
 - ii) Whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area; and
 - iii) Whose purpose reflects (in general terms) the character of that area.

24. Where the local planning authority refuses to designate an organisation as a Neighbourhood Forum, it must give reasons for its decision (Section 61F (7) (d)).

Decision making

25. The Neighbourhood Planning Decision Making Report of 13 September 2013 sets out the Council's agreed criteria for decision making. The proposed South Bank and Waterloo Neighbourhood Development Forum needs to be considered against these criteria. An extract of the report is set out in Table A below.

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 <i>See Appendix A</i> • A statement explaining why this area is considered appropriate to be designated <i>See Appendix B</i> • 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) <i>See Appendix C</i>
<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? Yes • How do the boundaries relate to current and proposed planning designations? <i>The proposed South Bank and Waterloo Neighbourhood area is predominantly in the London Borough of Lambeth however, the eastern boundary runs along Blackfriars Road in Southwark down to St George's Circus in the south. This area is within the Bankside, Borough and London Bridge Opportunity Area and the Central Activities Zone. It also falls within the Strategic Cultural area and covers part of the Thames Policy Area.</i>

- 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

26. On the 30 April 2013, the South Bank and Waterloo Neighbourhood Forum submitted an application for a Neighbourhood Development and Business Area which is considered in a separate report. This application overlaps with the boundary of a neighbourhood area which has already been designated as a Neighbourhood Area. The Bankside Neighbourhood Area and Business Area was designated as a neighbourhood area by the council on 3 May 2013 and the Bankside Neighbourhood Forum confirmed as the appropriate Neighbourhood Forum for this area on 6 June 2013.
27. The council can only designate one organisation or body as a neighbourhood forum in respect of each neighbourhood area. As mentioned above areas designated as Neighbourhood Areas must not overlap with each other.
28. The community council is by this report being asked to comment the South Bank and Waterloo Neighbourhood Forum application for designation as a Neighbourhood Forum for the South Bank and Waterloo Development Area and Business Area.
29. A separate report has been prepared in relation to the application for a proposed South Bank and Waterloo Development Area and Business Area.

Financial implications

30. There are no immediate new financial implications arising from this report. Each neighbourhood plan may require a referendum, which is estimated to cost approximately £25,000 per referendum. This estimate is based on the known cost of a ward election and assumes a similar level of funding would be required.
31. If required a referendum would be an unavoidable cost to the council and would be funded from existing revenue budgets, where possible. If revenue funding is not available the costs would be met from the financial risk reserve.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of legal services

32. The recommendation of the report requests that the Bankside, Borough and Walworth Community Council comment upon the application by the South Bank and Waterloo Neighbourhood Forum to become the Neighbourhood Forum for the South Bank and Waterloo Neighbourhood Development Area and Business Area in accordance with the criteria set out in the council's neighbourhood

planning decision making report dated 13 September 2012 and in accordance with Regulation 9 of the Neighbourhood Planning Regulations 2012.

33. 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 neighbourhood forum or neighbourhood area. The recommendation is also consistent with the usual consultative functions of community councils in respect of policy/plan related documents.
34. On 28 April 2013 the applicant, the South Bank and Waterloo Neighbourhood Forum, submitted an application to the council for qualifying body status as a Neighbourhood Forum for the land identified on the plan annexed to this report and titled 'Neighbourhood Area'.
35. As stated in this report, Neighbourhood Planning is intended to empower local communities and local groups to draw up neighbourhood development plans and neighbourhood development orders. The function of a neighbourhood forum is to act as the vehicle for progressing such plans in respect of a particular geographically defined neighbourhood area.
36. 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 1990 Act).
37. Regulations 5 to 12 (Part 3) set out the requirements that must be satisfied by the applicant body/organisation in making an application for designation of a Neighbourhood Area or Neighbourhood Forum. The documents submitted to the Council in support of the application satisfy the initial qualifying criteria for the acceptance of the application for consultation. Following this stage, there is a statutory requirement for applications for Neighbourhood Forums to be publicised for a period of at least 6 weeks (Regulation 9). It is only after the publicity period that the Local Planning Authority will be in a position to consider the representations received and determine the application.
38. In order to progress the neighbourhood planning process the comments of the respective community councils are sought in respect of the proposed neighbourhood forum. These comments, alongside those received from the public as part of the statutory consultation process, will then be fully considered by cabinet or the relevant cabinet member to assist in making a final determination upon the application, following the closure of the statutory consultation period.
39. Paragraphs 13 and 14 of the report set out the statutory qualifying criteria which a Neighbourhood Forum must satisfy. Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 contains a number of requirements in respect of the application, which the Council considers have been satisfied in the present case.
40. 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*'.
41. Neighbourhood 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 Neighbourhood Area and/or Neighbourhood Forum may be made and it is considered that this function is analogous with community councils' usual consultative functions in respect of policy /plan related documents and therefore falls within the role and functions delegated to it.

42. The recommendation sought in this report therefore falls within the Bankside, Borough and Walworth Community Council's decision-making remit.

Strategic director of finance and corporate services

43. This report seeks planning committee comment on an application from the South Bank and Waterloo Neighbourhood Forum. The financial implications are shown in paragraphs 30 and 31.
44. The strategic director of finance and corporate services notes the potential costs, which cannot be fully established at this stage. In the event that costs arise and cannot be contained within revenue budgets then the financial risk reserve is a suitable funding source. Subject to approval, it contains sufficient capacity and can be used for revenue costs of this nature.
45. 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	Kate Johnson 0207 525 5345
The Neighbourhood Planning Regulations	http://www.legislation.gov.uk/uksi/2012/637/contents/made	Kate Johnson 0207 525 5345

APPENDICES

No.	Title
Appendix A	Map of the proposed area (please see Appendix A, agenda item 17.1)
Appendix B	Area statement (please see Appendix B, agenda item 17.1)
Appendix C	Constitution (please see Appendix C, agenda item 17.1)

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Juliet Seymour, Planning Policy Manager	
Version	Final	
Dated	22 January 2014	
Key Decision?	No	
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
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