

Item No.	Classification: Open	Date: 2 April 2014	Decision Taker: Cabinet Member for Regeneration and Corporate Strategy
Report title:	Neighbourhood Planning – Designation of the South Bank and Waterloo Neighbourhood Area and Designation of the South Bank and Waterloo Neighbours as a Neighbourhood Forum		
Ward(s) or groups affected:	Cathedrals		
From:	Chief Executive		

RECOMMENDATIONS

That the Cabinet Member for Regeneration and Corporate Strategy:

1. Notes the consultation responses received from the public, Borough, Bankside, and Walworth community council and the planning committee in respect of the application from the Southbank and Waterloo Neighbourhood Forum (now called South Bank and Waterloo Neighbours (SOWN)) to be designated as a Neighbourhood Forum for the Southbank and Waterloo Neighbourhood Development Area and Business Area and for the designation of the Southbank and Waterloo Neighbourhood Development Area and Business Area (Appendix A);
2. Declines to designate the **northern section** of the South Bank and Waterloo Neighbourhood Development Area and Business Area as submitted in the Neighbourhood Area application from the South Bank and Waterloo Neighbours (shown outlined in Appendix B);
3. Agrees to designate the **southern section** of the South Bank and Waterloo Neighbourhood Development Area and Business Area as submitted in the Neighbourhood Area application from the South Bank and Waterloo Neighbours (shown outlined in] Appendix B); and
4. Agrees to designate the South Bank and Waterloo Neighbours (as the appropriate Neighbourhood Forum for the **southern section** of the South Bank and Waterloo Development Area and Business Area (Appendix B).

BACKGROUND INFORMATION

5. The Localism Act 2011 (by amending the Town and Country Planning Act 1990) (“the Act”) introduced new provisions which empower parish councils and designated Neighbourhood Forums to initiate the process for making Neighbourhood Development Orders and Neighbourhood Development Plans in relation to designated Neighbourhood Areas. The powers came into force on 6 April 2012 when the Neighbourhood Planning (General) Regulations 2012 (“the regulations”) came into force.

6. A Neighbourhood 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 specified in the Order or for a class of development specified in the Order. Both Neighbourhood Plans and Neighbourhood Development Orders must be in general conformity with the strategic policies in the development plan for the relevant area.

Neighbourhood Plan preparation stages

7. Section 61F of the 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, it must have regard to the matters set out in subsection (7). Subsections (5) and (7) are considered further below.
8. Section 61G of the 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 when determining an application for the designation of a specified area as a Neighbourhood Area. The local planning authority is not obliged to designate the entire area specified in the application if it does not consider it appropriate to do so, but if it refuses to designate the entire area for this reason, it must give its reasons for that decision and must use its powers to secure that some or all of the specified area forms part of one or more designated Neighbourhood Areas. 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 Plan/Order.
9. Once a Neighbourhood Area and Neighbourhood Forum have been designated, the Neighbourhood Forum may submit a proposal to the local planning authority for the making of a Neighbourhood Plan or Neighbourhood Development Order, which will 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.
10. 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. 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.
11. SOWN (previously called the South Bank and Waterloo Neighbourhood Forum as referred to in their application) submitted an application for the designation of a Neighbourhood Area: the South Bank and Waterloo Neighbourhood Development Area and Business Area on 30 April 2013, which is shown on the map accompanying the application (Appendix C).
12. This proposed Neighbourhood Area overlaps with a Neighbourhood Area which has already been designated and in respect of which a Neighbourhood Forum

(the Bankside Neighbourhood Forum) has already been designated (appendix D). The Bankside Neighbourhood Development Area and Business Area was designated by the council on 3 May 2013. The Bankside Neighbourhood Forum was designated in relation to that Neighbourhood Area on 6 June 2013. The council can only designate one organisation or body as a Neighbourhood Forum in respect of each Neighbourhood Area (s.61F(7)(b)). Areas designated as Neighbourhood Areas must not overlap with each other (s.61G(7)). The council may, in determining an application for a Neighbourhood Area, modify designations already made (s.61G(6)), but it must have regard to the desirability of maintaining the existing boundaries of areas already designated as Neighbourhood Areas (s.61G(4)(b)).

13. Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 requires local planning authorities, as soon as possible after receiving a Neighbourhood Area application, to publish details of the application and of how to make representations in respect of the application, 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 6 weeks (from the date on which the application was first publicised) must be allowed for the receipt of representations in relation to the application.
14. The council has determined that applications for Neighbourhood Forums and Neighbourhood Areas should be considered at the community council or community councils covering the area. The council considers that such consultation is likely to bring the application to the attention of people who live, work and carry out business in the area.
15. A Neighbourhood Area may cover more than one borough. The application for designation as a Neighbourhood Area relates to land within the boroughs of both Southwark and Lambeth. Both boroughs must designate the Neighbourhood Area and Forum separately.

KEY ISSUES FOR CONSIDERATION

The requirements of section 61G

16. A local planning authority may only consider an application for designation as a Neighbourhood Area if the application has been made by an organisation or body which is, or is capable of being, designated as a Neighbourhood Forum in respect of the area specified in the application. The council considers that SOWN is capable of being designated as a Neighbourhood Forum in that it satisfies the requirements of section 61F(5) of the 1990 Act.
17. The application for designation was accompanied by a map which identifies the area to which the application relates and a statement explaining why that area is considered to be appropriate to be designated as a Neighbourhood Area. The application is also accompanied by a statement from SOWN explaining that it constitutes a 'relevant body' (i.e. one that is or is capable of being designated as a Neighbourhood Forum). As such, the council considers that the requirements of Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 have been satisfied in relation to this application.

Involving Local Authorities

18. SOWN submitted applications for the designation of a Neighbourhood Area and Forum to both Southwark and Lambeth planning departments. Lambeth's cabinet designated the South Bank and Waterloo Neighbourhood Area that is located within Lambeth (shown on the map in Appendix B) and SOWN as the Neighbourhood Forum in respect of this area on 10 February 2014.

Consultation

19. The applications were publicised on Southwark's website for a period of 6 weeks from 18 October to 29 November 2013. An advertisement was placed in Southwark News and the council wrote to all those on the planning policy mailing list as well as to statutory consultees informing them of the consultations.
20. The applications were presented at Southwark Council's planning committee on Tuesday 5 November 2013. The planning committee commented that;
 - *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.*
 - *The proposed South Bank and Waterloo Neighbourhood Area cuts down the middle of Blackfriars Road. The Supplementary Planning Document has a cohesive view for the whole of the road, and having a forum dealing solely with one side of it will be inappropriate.*
 - *The proposed South Bank and Waterloo Neighbourhood Area covers land in both Southwark and Lambeth. It is not considered advisable to have a cross-boundary area.*
21. The applications were also presented at the Borough, Bankside and Walworth community council on the Saturday 1 February 2014. The community council commented that;
 - *There is residents' support for both forums.*
 - *Close cooperation between both groups is needed and desirable.*
 - *While borough boundaries may be arbitrary, it would be easier, if forums had to deal with only one authority, as their plans will need to be in conformity with policies and strategies of the planning authorities they sit under.*
 - *An argument can be made for letting residents decide in the referenda whether they feel part of the areas proposed.*
 - *Changing the boundary would put the Bankside Neighbourhood Forum back in the process which is not desirable. Therefore, the northern end of Blackfriars Road should be part of Bankside area, the southern end should be part South Bank and Waterloo area.*
 - *Given that quite some time has elapsed, a decision should be taken speedily.*
22. Southwark Council received comments from 99 respondents and a further 11 responses were sent to Lambeth Council directly. The majority of comments received were in support of the proposed SOWN Area and Forum.

23. The main comments in support of the SOWN Area and Forum applications are summarised below;

- The application is regarded as the appropriate boundary setting out the area generally accepted as South Bank and Waterloo
- The area has been covered by numerous local organisations, business and community, in many years of neighbourhood-based working and collaboration
- The area respects the traditional boundary of the community at Blackfriars Road
- St John's with St Andrew's Churches cover both Lambeth and Southwark councils
- The Bankside plan will add to existing complexities around area management, particularly along The Cut
- Waterloo Quarter is one of only two cross-borough Business Improvement Districts in the country and has a particular remit to work on a cross-borough basis to address inconsistencies in terms of planning and area management. The SOWN Area will avoid reinforcing existing divisions
- South Bank & Waterloo Neighbours is a broad-based and representative body with 200 residents, businesses and community groups, drawn from across the area
- The constitution and structure of the neighbourhood forum provides a broad and democratic reflection of the mixed make-up of the neighbourhood.
- The scale of interest and numbers attracted to SOWN is a solid basis for the broadest possible input into a plan by all interested members of the community.

24. The main comments objecting to the SOWN Area and Forum applications are summarised below;

- There is no history of the area to the east of the borough boundary being planned by anything other than Southwark Council.
- Drawing a boundary line down the middle of any road demonstrates an administrative and shallow approach to an area. Blackfriars Road requires a consistent and coherent approach if development is to be properly steered and initiatives are to be properly coordinated
- The proposal ignores the historic parish structure of Bankside
- There is a very long history of its residents shaping and changing the very nature of this ancient neighbourhood
- The presence of an existing Forum, the Borough Characterisation work and the Blackfriars Road 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

25. Local ward councillors comments are summarised as follows:

- Object to the proposal that the SOWN Area should extend into Southwark and amend the existing Bankside Neighbourhood Area.
- Consider that Bankside Neighbourhood Forum has already moved forward with the preparation of a Neighbourhood Plan with this area included and they would not wish to see this hard work undone.

- Consider that whilst it is possible within the legislation for a Neighbourhood Area to cross borough boundaries it is administratively easier if it remains within one borough and has only one set of council policies to conform with.
- Consider that there is a lesser awareness of Neighbourhood Planning in the southern area.
- Note that there is some support for the SOWN Area.
- Consider that it is not ideal for Blackfriars Road to fall under two different Neighbourhood Areas, however it was accepted that the Waterloo Quarter Business Improvement District already operates across the borough boundary in this location.

South Bank and Waterloo Neighbours (SOWN) proposed area

26. SOWN propose a very large area for designation as a Neighbourhood Area (appendix C), from the River as far south as St George's Circus. This area has been considered by both Lambeth and Southwark Councils as it spans across the borough boundaries. The Southwark section is from Blackfriars Road to the borough boundary.
27. The council considers the character of the northern section of the proposed Neighbourhood Area to differ from that of the southern section. The northern and southern sections are shown on the map in Appendix B. The northern section falls from the River to LeSoCo College on the Cut and the southern section is south of LeSoCo from Boundary Row to St George's Circus.
28. This distinction in the character of the northern and southern sections of the proposed Neighbourhood Area is described in the Borough, Bankside and London Bridge Characterisation Study (2013), which divided the borough into nine character areas, including 'Blackfriars Road North' and 'Blackfriars Road South'. The boundaries of those two character areas do not exactly reflect the northern and southern sections of the proposed Neighbourhood Area, but they do suggest that the northern section of Blackfriars Road has a distinct character to that of the southern section.
29. The northern section is already covered by the Bankside Neighbourhood Development Area and Business Area. The southern section is currently not covered by a Neighbourhood Area.

Character of the northern section

30. The northern section covers a mix of uses along the River, the large scale development at the north end of Blackfriars Road and predominantly residential blocks between Blackfriars Road and the borough boundary. It also includes LeSoCo, Southwark tube station and Paris Gardens. The Cut provides an important link with Lambeth and Waterloo with considerable activity due to many small businesses and Waterloo Quarter Business Improvement District. This section is within the Central Activities Zone, the Borough, Bankside and London Bridge Opportunity Area and is a Strategic Cultural Area. The River and Blackfriars Road consists of mostly business and tourism activities.
31. There is considerable development activity with modern, tall towers and new buildings with large footprints being proposed, agreed and built. Blackfriars Road has already experienced significant investment by both the public and private sectors and is within the SE1 office market, one of London's prime business

districts. This has been confirmed through the recent completion of office schemes such as Palestra and One Valentine Place. Approximately 51,000 sqm of office space is currently under construction and 60,000 sqm is in the pipeline. This includes large mixed use schemes at 231-241 Blackfriars Road, 20 Blackfriars Road, South Bank Tower and Sea Containers House. There have been many changes over the past few years, including major development such as the refurbishment of Blackfriars Station with a new entrance on the south side of the river, four new hotels and over 300 new homes. More change is planned, with much development already under construction or with proposals for development going through the planning process. Some of the largest schemes are: 1 Blackfriars which includes a 170 metre tower, a new hotel at Sea Containers House, the conversion of South Bank Tower from commercial use to residential use, 20 Blackfriars which includes a commercial tower and a residential tower, and Sampson and Ludgate Houses which include over 480 new homes, offices and a new public square

32. The Bankside, Borough and London Bridge Characterisation study and the Blackfriars Road SPD Urban Design Study set out further detail on the character of Blackfriars North. This area extends from the Thames riverfront and South Bank southwards to the railway viaducts, just below Scoresby Street. Blackfriars Road forms the primary route through this character area. The area is defined by the River Thames to the north and railway viaducts to the south and east; Lambeth lies to the west.
33. The size and arrangement of blocks generally adheres to the historic street pattern particularly to the west of Blackfriars Road. However, in places the finer grain of the past has given way to taller buildings occupying larger footprints. The civic scale and character of Blackfriars Road and prominence of the riverfront location is reinforced by the scale, massing and height of buildings fronting Blackfriars Road, Stamford Street and Southwark Street, and along the riverfront. Heights range from taller height towards the riverfront and north end of Blackfriars Road to a lower stepping down along Blackfriars Road from the height of 240 Blackfriars Road (89m) to lower heights towards the viaduct at the centre of Blackfriars Road (typically around 30m). Taller building heights at the riverfront include Sea Containers House, Rennie Court, Sampson and Ludgate House, providing a generally consistent height (around 40m to 50m). Taller heights are set back from the riverfront with South Bank Tower (109m) and Oxo Tower (67m) establishing an existing context for significantly taller buildings with a number of consented proposals for buildings of similar height or taller, emerging as a cluster.
34. In the west, blocks are arranged in a loose grid pattern with a mixture of large former industrial perimeter blocks at Hatfields and Paris Garden and more open, set back arrangements such as at King's Reach Tower, Rennie House and Sea Containers House. To the east of Blackfriars Road and south of Burrell Street, much of the blocks were merged in the post-war period, creating a coarser layout.
35. Commercial land uses are prevalent along Blackfriars Road with areas of residential development to the south-east and west and mixed-use development in the north and west, fronting the river. Buildings are interspersed with pockets of open space, the largest being Christ Church Garden. The character of this area continues to evolve through the on-going redevelopment of several sites, particularly adjacent to Blackfriars Road, including the construction of further tall buildings.

Character of the Southern Section

36. SOWN propose a large area covering part of Lambeth and part of Southwark. The southern section within Southwark is not currently designated as a Neighbourhood Area. It lies within the Central Activities Zone and the Borough, Bankside and London Bridge Opportunity Area.
37. The Bankside, Borough and London Bridge Characterisation study and the Blackfriars Road SPD Urban Design Study set out further detail on the character of Blackfriars South. This character area is broadly defined by brick railway viaducts to the north and east, with Lambeth to the west and the Elephant and Castle opportunity area to the south. Blackfriars Road runs through the centre from the conservation area of St. George's Circus in the south to the railway viaduct. In contrast to the main artery, there are quieter side streets, containing residential, commercial and light-industrial areas to the east and west. The area to either side of Blackfriars Road is characterised by smaller plots.
38. The loose grid structure remains as a remnant of the earlier field pattern and this generally dictates the size and arrangement of blocks with varying density. Extensive post-war redevelopment has resulted in a varied and often contrasting mixture of built form and style. The majority of the existing buildings date from the late 19th and early 20th centuries, mainly comprising terraces of small houses. Along Blackfriars Road, redevelopment has maintained Georgian building proportions. Exceptions include Hill House, Vaughn House and Erlang House where building plots have been consolidated, creating large buildings with setbacks and no active frontages. At the southern end of Blackfriars Road, buildings are generally arranged to front St. George's Circus with concave fronts which follow the line of the circus.
39. Building heights are between 5m and 36m, lower than in the neighbouring Blackfriars Road North character area. Active frontages along Blackfriars Road are limited to bars, restaurants and shops, such as those between Webber Street and Valentine Place, The Cut and Union Street. Southwark tube station, the node at where these roads meet is emphasised by the modern and prominent Palestra building which is taller than those it surrounds, standing at 56m. Heights heading south towards St George's Circus are generally consistent (typically 20 to 30m), though the scale of heights varies between the east and west side.
40. To the east and west of Blackfriars Road, blocks range in size and shape. Long, narrow blocks have been retained, particularly where older workshop and warehouse buildings front directly onto the street, creating distinct edges. This more tightly contained development occasionally features taller buildings such as at Boundary Row. Housing blocks tend to be large and open, with buildings generally between 11m and 20m in height.
41. Blackfriars South is predominantly residential land with pockets of other uses including offices, light-industry and education. Creative industries are a feature, particularly around Boundary Row, Surrey Row and Webber Street. Mixed-use development is limited to offices and dwellings above shops, bars and restaurants.
42. The character area contains parts of four conservation areas; King's Bench, Valentine Place, St. George's Circus and a small part of West Square and all the Conservation Areas contain listed buildings or buildings of local interest.

Recommendation: Neighbourhood Area

43. The northern section of the proposed Neighbourhood Area, in so far as it lies within Southwark's boundary, has already been designated as a Neighbourhood Area (Bankside Neighbourhood Area), with the designated Forum as Bankside Neighbourhood Forum. SOWN seek the modification of the Bankside Neighbourhood Area boundary so that the entire area included in its application is designated as the SOWN Area. Section 61G of the Regulations requires local planning authorities, in considering applications for the designation of neighbourhood areas, to have regard to the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.
44. The council does not consider it appropriate to modify the existing boundary of the Bankside Neighbourhood Area. Having had regard to the desirability of maintaining the existing Neighbourhood Area boundaries, the council does not consider there to be sufficient justification based on the character, consultation responses or the neighbourhood context for varying the existing boundary such as to outweigh the desirability of maintaining the existing Bankside Neighbourhood Area boundary.
45. The council recognises that the character of the southern section of the proposed Neighbourhood Area is not homogeneous with the Lambeth section of the SOWN Area. Furthermore the southern section could form part of a neighbourhood plan for a number of surrounding areas. However, the consultation responses show that the main businesses and groups are reflected and they support the designation of SOWN. The responses from residents are also in favour of designation of this area as part of the SOWN Area. The council has considered the application and considers there to be sufficient justification based on the character, consultation responses and, neighbourhood context to designate this area to be part of the SOWN Area and the council considers it to be an appropriate area for neighbourhood planning.

Designating the neighbourhood area as a business area

46. When a local planning authority designates an area as a Neighbourhood Area pursuant to section 61G, it must consider whether to designate that area as a business area (s.61H). The local planning authority can only designate an area as a business area if they consider that the area is wholly or predominantly business in nature. Any decision as to whether to designate the area specified in the application as a business area needs to be taken following the time period for making representations in respect of the application as a neighbourhood area, so that any such representations can be taken into account.

Northern section

47. There is no area to consider as the recommendation is to refuse the northern section of the Area for the reasons set out in paragraphs 43-45.

Southern section

48. This should be designated as a business and residential area, due to the wider context in Lambeth. Lambeth Council have agreed the Lambeth section as a business and residential area as this is predominantly business in nature. The Southwark Neighbourhood Development Area is predominantly residential. However, as this will be joined with the Lambeth Area, Southwark Council has decided to designate this southern section as a business and residential area. However if there are differing outcomes between the business and resident referendums, the council will give greater consideration to the results of the resident's referendum.

Designation of the South Bank and Waterloo Neighbourhood Forum

Recommendation: Neighbourhood Forum – North Area

49. The recommendation is to refuse the Neighbourhood Area and therefore there is no need to consider the Neighbourhood Forum in respect of the northern section.

Recommendation: Neighbourhood Forum – South Area

50. Section 61F(5) of the 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 a London borough council any of 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 a London borough council any of whose area falls in the Neighbourhood Area concerned;
 - d) It has a written constitution
51. 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
 - e) A statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act
52. 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.

53. 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,
54. 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)).
55. The council considers that these conditions are satisfied in relation to this application for the southern area. The council has the power to designate the Neighbourhood Forum, should it consider it appropriate to do so. The council is satisfied that it is appropriate to designate SOWN as the Neighbourhood Forum, in respect of the southern section of the Neighbourhood Area, shown in appendix B.
56. The contact details of one member of the forum must be made public. This is John Langley, 020 7202 6900, sowneighbours@southbanklondon.com
57. There is no neighbourhood forum already for this area.
58. The length of the designation is 5 years.

Qualifying body status

59. The SOWN constitution is set out in Appendix E.
60. There is a statement in Appendix C explaining how SOWN meets the conditions contained in the 1990 Act.
61. SOWN have considered the resource implications of producing a Neighbourhood Plan. It has a considerable number of volunteers and comprises local organisations, businesses and residents who reflect the local community. The local knowledge and consultation will be gathered using the groups who are active in the neighbourhood as set out in Appendix C.

Reflecting the local community

62. The Neighbourhood Forum needs to be comprised of a minimum of 21 members. The group must make every possible effort to include a resident, a business and a ward member. SOWN currently consists of a minimum of 21 members made up of at least 7 residents, 7 businesses, and 7 community interest groups including 1 ward member. Membership must be open to everyone who lives, works or represents the electorate within the Neighbourhood Area. The contact

details have been provided to the council and the minimum of 21 members have either been present at the forum meetings or have been contacted and verified that they are on the forum. Membership is open to everyone who lives, works or represents the electorate within the Neighbourhood Area.

63. The South Bank and Waterloo Neighbourhood Plan will be voted on by both businesses and residents, and the Forum includes business membership, the Association of Waterloo Groups, Waterloo Community Coalition, Coin Street Community Builders, Waterloo Action Centre, South Bank Employers' Group, Waterloo Quarter Business Improvement District and is open to any business that resides in the Neighbourhood Area. This was to ensure that they are able to capture all the issues of relevance to local businesses.
64. The forum has submitted a statement setting out how membership has been built up and how this reflects the community as set out in appendix C and appendix E.
65. The recommendation is that the group is capable of being designated as a Neighbourhood Forum for the southern section, and that it is appropriate to be so designated.

Equalities

66. The purpose of Neighbourhood Planning is to enable local communities to help ensure that development meets the needs of the local area. We will work with the Neighbourhood Forum to prepare a Neighbourhood Plan that helps to deliver the council's Fairer Future promises, ensuring that community impacts are taken into account. We will support the Neighbourhood forum to prepare an equalities analysis of the Neighbourhood Plan and where appropriate a sustainability appraisal to make sure that the Neighbourhood Plan has a positive impact on different groups, especially those with protected characteristics and that it has a positive impact on the local community.

Financial implications

67. There may be some financial implications for the council, however, these are uncertain at present. Each Neighbourhood Plan will require a referendum which may require the expenditure of considerable funds. A ward election would cost around £25,000 per referendum. These costs could be similar to a ward election. Incurring costs in relation to referendums on Neighbourhood Plans/Orders is inevitable. At this stage, however, it is not possible to predict if, when or how such referendums will take place.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

68. The recommendation of report requests that the cabinet member for regeneration and corporate strategy:
 - a. Notes the consultation responses received from the public, Borough, Bankside, and Walworth community council and the planning committee in respect of the application from the Southbank and Waterloo Neighbourhood Forum (now called South Bank and Waterloo Neighbours (SOWN)) to be designated as a Neighbourhood Forum for the Southbank and Waterloo Neighbourhood Development Area and Business Area and for the

- designation of the Southbank and Waterloo Neighbourhood Planning Area and Business Area (Appendix A);
- b. Declines to designate the **northern section** of the South Bank and Waterloo Neighbourhood Development Area and Business Area as submitted in the Neighbourhood Area application from the South Bank and Waterloo Neighbours (shown outlined in Appendix B);
 - c. Agrees to designate the **southern section** of the South Bank and Waterloo Neighbourhood Development Area and Business Area as submitted in the Neighbourhood Area application from the South Bank and Waterloo Neighbours (shown outlined in] Appendix B); and
 - d. Agrees to designate the South Bank and Waterloo Neighbours (as the appropriate Neighbourhood Forum for the **southern section** of the South Bank and Waterloo Neighbourhood Development Area and Business Area (Appendix B).
69. Paragraphs 7-15 of the report set out the various Neighbourhood Plan preparation stages. On the 30 April 2013, the applicant, SOWN, submitted applications to the council for the designation of the land identified on the boundary plan accompanied with the application as a Neighbourhood Planning Area, Neighbourhood Planning Business Area and for Neighbourhood Forum status.
 70. Paragraph 12 of the report advises that part of the proposed Neighbourhood Area overlaps with an existing Neighbourhood Area, with Bankside Neighbourhood Forum, designated by the council on the 3 May and 6 June 2013 respectively.
 71. 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 and Neighbourhood Development Orders. The function of a Neighbourhood Forum is to act as the vehicle for promoting Neighbourhood Development Plans in respect of a particular, geographically defined Neighbourhood Area.
 72. The legislative provisions concerning Neighbourhood Planning are set out in the Localism Act 2011 and the Town and Country Planning Act 1990 ('the Act') Neighbourhood Planning (General) Regulations 2012 No.537 ("the Regulations") and by the Neighbourhood Planning (Referendum) Regulations 2012 No.2031.
 73. Regulations 8-12 (Part 3) of the Regulations set out the requirements that must be satisfied by the applicant body/organisation in making an application for designation as a Neighbourhood Forum as set out in paragraphs 16 and 17 of the report. Paragraph 17 of the report confirms that the application submitted to the council by the SOWN for designation as a Neighbourhood Forum satisfied the qualifying criteria set out in the Regulations and Sub-section 61F(5) of the Act.
 74. Regulations 6 and 8 require local authorities, as soon as possible after receiving any application for a Neighbourhood Forum or Neighbourhood Area to consult upon the applications for a period of 6 weeks. During the consultation period comments are sought from the public, Planning Committee and the respective community councils.
 75. In accordance with the report presented to the Leader of the Council, Councillor Peter John, on 24 September 2012, it is agreed that the Cabinet Member for

Regeneration and Corporate Strategy will determine applications for proposed bodies/organisations to be designated as Neighbourhood Forums in accordance with the statutory provisions. This can only take place following the closure of the 6 week statutory consultation period.

76. As set out in paragraphs 19-25 of the report, the planning committee and the Borough, Bankside and Walworth community council were consulted in respect of the proposals on the 5 November 2013 and 1 February 2014, in accordance with the usual consultative functions of planning committee and/or community council's in respect of policy/plan related documents. These comments are fully considered at paragraphs 20-21 of the report.
77. Sub-section 61G(7) of the Act provides that designated Neighbourhood Areas must not overlap. Section 61(G)(6) provides that the council may modify designations already made, but Sub-section 61(G)(4)(b) provides that a local authority must have regard to the desirability of maintaining the existing boundaries of areas already designated as Neighbourhood Areas.
78. For the reasons set out in paragraph 43-45 of the report, Officers do not consider that it would be appropriate to designate the North section of the proposed South Bank and Waterloo Neighbourhood Area (shown on the map attached to Appendix B). The main justification for this decision is due to the existing Bankside Neighbourhood Area which overlaps with the proposed boundary of the current application.
79. The Cabinet Member is advised that pursuant to subsection 61G(5) of the Act
"If –
 - a) a valid application is made to the authority,
 - b) some or all of the specified area has not been designated as a neighbourhood area, and
 - c) the authority refuse the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area, the authority must exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas."
80. Officers have carefully reviewed the extent of the Southbank and Waterloo Neighbourhood Development Area and Business Area and consider that the Southern section of the proposed Neighbourhood Area (shown on the map at Appendix B) is appropriate to be designated as the Southbank and Waterloo Neighbourhood Area and that SOWN qualifies to be designated as the Neighbourhood Forum for this modified area pursuant to the statutory criteria set out above, and that such designation is appropriate.
81. Paragraph 7 (*Part 3 (D)*) of the Southwark Constitution 2012/13 provides that it is the role and function of the cabinet member to agree to significant policy issues in relation to their area of responsibility. Furthermore, paragraph 16 of this part delegates to the cabinet member for regeneration and Corporate Strategy, responsibility for the approval of responses to consultation documents from bodies relating to significant changes affecting her portfolio area. The recommendation therefore falls within the cabinet member's decision making remit.

82. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the council, must in the exercise of their functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not.
83. The Human Rights Act 1998 imposed a duty on the council as a public authority to apply the European Convention on Human Rights; as a result the council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property). It is not considered that the decisions as to whether to designate these Neighbourhood Areas or Neighbourhood Forums would amount to a breach of any of these rights.

Strategic Director of Finance and Corporate Services (CED/MD/13/55)

84. This report recommends the designation of the southern section of the South Bank and Waterloo Neighbourhood Area and the designation the South Bank and Waterloo Neighbours as the Neighbourhood Forum in respect of this area. The strategic director of finance and corporate services notes the financial implications in paragraph 67 and recognises that the costs can be funded from existing budgets or centrally held reserves.

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	South Bank and Waterloo consultation responses
Appendix B	South Bank and Waterloo Northern and Southern Sections
Appendix C	SOWN Area and Forum application
Appendix D	South Bank and Waterloo Neighbourhood and Bankside Neighbourhood Development Areas
Appendix E	SOWN Constitution

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Juliet Seymour, Planning Policy Manager	
Version	Final	
Dated	1 April 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	No	No
Date final report sent to Constitutional Team	2 April 2014	