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| Item No. | Classification: Open | Date: 6 March 2015 | Decision Taker: Cabinet Member for Regeneration, Planning and Transport |
| Report title: | | Neighbourhood Planning – Designation of a Neighbourhood Area in Rotherhithe and Surrey Docks | |
| Ward(s) or groups affected: | | Rotherhithe and Surrey Docks | |
| From: | | Chief Executive | |

RECOMMENDATIONS

That the Cabinet Member

1. Notes the consultation responses received from the public, Bermondsey and Rotherhithe Community Council and the Planning Committee (at Appendix A) in respect of the application from Rotherhithe and Surrey Docks neighbourhood forum for the designation of its proposed area as a Neighbourhood Area (shown outlined in yellow in Appendix B);
2. Declines to designate the area shown edged red on the map in Appendix B, proposed by the Rotherhithe and Surrey Docks neighbourhood group as a Neighbourhood Area, for the reasons set out in paragraph 26;
3. Agrees to designate the area shown edged in red on the map in Appendix C as the appropriate Neighbourhood Area, for the reasons set out in paragraphs 29-33; and
4. Invites applications for designation as the Neighbourhood Forum for the Neighbourhood Area (“Neighbourhood Area B”) shown edged red on the map at Appendix C.

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 (“2012 Regulations”) came into force. The 2012 Regulations have been amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015 (“the 2015 Regulations”)
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, the local planning authority must have regard to the matters set out in subsection (7). Subsection (5) provides that a local planning authority may designate an organisation or body as a neighbourhood forum if it is satisfied that it was established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned and that its membership is open to individuals who live in the neighbourhood area, individuals who work there and individuals who are elected members of a county council, district council or London borough council whose area falls within the neighbourhood area. The membership of the proposed neighbourhood forum must include a minimum of 21 individuals, each of whom fall within those categories. The organisation or body must also have a written constitution to be capable of designation.
8. When deciding whether to designate an organisation or body which meets those criteria, the local planning authority must have regard to the desirability of designating an organisation or body which has secured, or taken reasonable steps to secure that its membership includes at least one individual falling within the categories set out in subsection (5)(b), whose membership is drawn from different places in the neighbourhood area and from different sections of the community in that area and whose purpose reflects (in general terms) the character of the neighbourhood area.
9. 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 in determining an application for the designation of a Neighbourhood Area. The local planning authority is not obliged to designate the entire area specified in the application, but if it refuses to do so, 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 of more areas designated (or to be designated) as 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.
10. 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.

11. Following the introduction by the Localism Act 2011 of neighbourhood plans and neighbourhood development orders, an amendment to the 2012 Regulations was introduced on 9 February 2015 (“2015 Regulations”). The new 2015 Regulations amend the former 2012 Regulations in respect of three discrete areas, namely the consultation period within which representations to a neighbourhood area application must be received, the introduction of a prescribed period within which a Neighbourhood Area application must be determined by a Local Planning Authority and a requirement for a qualifying body to submit with a proposal for a Neighbourhood Plan, either an Environmental report, prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an Environmental Assessment is not required.
12. The new procedures set out in the new Regulations state that where a local planning authority receive an area application from a relevant body the authority must determine the application by the date prescribed in the following instances:
 - 6A.—(1) Where a local planning authority receive an area application from a relevant body the authority must determine the application by the date prescribed in paragraph (2).
 - (2) The date prescribed in this paragraph is—
 - (a) in a case where the area to which the application relates falls within the areas of two or more local planning authorities, the date 20 weeks from the date immediately following that on which the application is first publicised;
 - (b) in other cases, where the relevant body is a parish council and the area to which the application relates is the whole of the area of the parish council, the date eight weeks from the date immediately following that on which the application is first publicised;
 - (c) in all other cases, the date 13 weeks from the date immediately following that on which the application is first publicised.”
13. The new consultation and determination periods set out in the 2015 Regulations do not apply retrospectively in relation to neighbourhood area applications first publicised by the Local Planning Authority under Regulation 6 of the 2012 Regulations. Therefore, any Neighbourhood Area Applications publicised prior to the 9 February 2015 such as the extant application from the Rotherhithe and Surrey Docks neighbourhood forum is not subject to the new statutory determination period.
14. The Council has determined that applications for the designation of Neighbourhood Forums and Neighbourhood Areas should be considered at the community council or community councils covering the area as part of the consultation process.
15. 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.

16. The area within 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.

The Application

17. In July 2013, the Rotherhithe and Surrey Docks neighbourhood forum submitted an application for the designation of a Neighbourhood Area. The organisation has not yet been designated as a Neighbourhood Forum.
18. The application was advertised in a 6 week consultation exercise between 17 January 2014 and 28 February 2014. The application was reported to Bermondsey and Rotherhithe Community Council on 29 January 2014 and comments were invited. The application was reported to Planning Committee on 25 March 2014 and comments were invited.
19. The boundary of the proposed area encompasses Surrey Docks ward, Rotherhithe ward, and includes small portions of Livesey and South Bermondsey wards.
20. The proposed Neighbourhood Area does not overlap with any existing designated Neighbourhood Area, and at the time of writing, neither does it overlap with any Neighbourhood Areas that have been proposed by other neighbourhood groups.

KEY ISSUES FOR CONSIDERATION

The requirements of Section 61G

21. A local planning authority may only consider an application for the designation of 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 the organisation could be capable of being designated as a Neighbourhood Forum for the area identified in their application, if this area were deemed by the Council to be appropriate for neighbourhood planning.
22. The application for designation is accompanied by a map which identifies the area to which the application relates and a statement explaining why the area is considered to be appropriate to be designated as a Neighbourhood Area. As such, the Council considers that the requirements of Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 have been satisfied.

Revised Canada Water Area Action Plan 2013

23. The Revised Canada Water Area Action Plan 2013 (CWAAP) is a plan to regenerate the area around Canada Water. It sets out a vision for how the area will change over the period leading up to 2026. The plan went to Examination in Public in September 2014 and is due to be adopted around May 2015.
24. The CWAAP is a key tool in identifying and delivering the change that needs to happen in Canada Water. It sets out how and when the changes will be delivered.
25. The focus of development will be a core area around Canada Water (known as the “Core Area” in the CWAAP), although the wider CWAAP action area extends to encompass the entire peninsula, and Southwark Park.

The Area Proposed by Rotherhithe and Surrey Docks

26. Rotherhithe and Surrey Docks neighbourhood forum proposes the designation of a large area which includes the Rotherhithe peninsula, the Canada Water Action Area and parts of residential areas to the west of Southwark Park. This area incorporates a number of distinctly different types of neighbourhood, including; low density residential areas of housing built in the last 30 years around the peninsula, a nature reserve (Russia Dock woodland), a major regeneration area around the Canada Water Area Action Plan Core Area, which will have significant strategic implications for future development, Southwark Park which is Metropolitan Open Land, and the older residential areas to its west, and finally the dockland areas around Greenland and South Docks. The council does not consider this amalgamated area in its entirety to be appropriate for the purposes of neighbourhood planning. The inherent differences in character, building heights, land use and spheres of influence of the specified area indicate that the area in itself does not form a coherent neighbourhood which would be appropriate for neighbourhood planning.
27. If the application for Neighbourhood Area designation is refused because the specified area is not considered appropriate, then the local planning authority must exercise its power of designation so as to secure that some or all of the specified area forms part of one or more designated neighbourhood area. To this end, an area which the councils considers to be appropriate for designation has been identified and is shown outlined in red on the map in Appendix C. Whilst this is different to the area proposed by Rotherhithe and Surrey Docks neighbourhood forum, it contains part of the area identified in the original submission, as required by section 61G(5) of the Localism Act 2011.

Proposed boundary

28. The Council proposes the designation of the area identified in Appendix C, (named temporarily as Area B) as this constitutes a single coherent neighbourhood which is considered to be appropriate for neighbourhood planning.

The boundary:

- The amended boundary enters at Surrey Water, and turns west along Brunel Road.

- The boundary turns south into Swan Road and then follows the footpath through to Needleman Street.
- The boundary excludes the Core Area of the Canada Water Action Area, and follows this boundary to Lower Road.
- The southern-most part of the boundary then follows the Borough boundary with Lewisham, eastwards until it meets the Thames.
- The boundary then follows the shore line back to join itself at Surrey Water.
- This boundary includes Russia Dock Woodland, Greenland Dock and South Dock, and excludes the Haddon Hall and the Bonamy Estates.

The reasons for this boundary being chosen are;

- The character of the area designated as the Core Area in the CWAAP is very different to the surrounding area. The difference in scale, grain and land use between the Core Area and the wider area is very marked. The Core Area includes a range of town centre uses as well as taller and larger flatted developments, whereas the wider area is predominantly residential, with more open space and smaller scale housing including terraced and semi-detached houses and houses with gardens. The Core Area contains the Surrey Quays shopping centre, the Decathlon retail sheds and Surrey Quays Leisure Park. This out of town retail park has around 40,000sqm of shopping space and is served by some 2,000 surface car parking spaces. The Core Area is identified in the CWAAP as being the area most suitable for development and change. The CWAAP proposes the increase in shopping floorspace and cafes and restaurants in the Core Area, to contribute to the vision of creating a vibrant town centre.
- Some of the local ward members expressed an opinion that the area identified in the application was too large.
- The boundary omits St Mary's Rotherhithe Conservation Area, and the residential area to its east, which contains modern residential blocks of three and four storey). Instead, the boundary follows the natural boundary of Surrey Water, and the natural boundary of Brunel Road which separates the taller residential area from the lower-rise houses on the north-west side of the road.
- The boundary then follows the Core Area boundary, which the council considers to have a distinct and separate character.
- The boundary includes the block east of Bush Road, and north of Bestwood Street. This is due to the building heights being consistent with the rest of the neighbourhood area – of two to three storeys. It then crosses Lower Road, and follows the borough boundary with Lewisham until it reaches the River Thames. This route is proposed due to it following a natural boundary.
- The boundary excludes the River Thames and its shore line. This is due to a comment received from the Port of London Authority, which queried the line originally submitted in the application showing the boundary lines projecting into the Thames. This element has been removed so that the revised boundary follows the shore line.
- Included within the boundary for proposed Neighbourhood Area B, are the following features and sites; Russia Dock Woodland, Bacons College, Redriff Primary School, Alfred Salter School, St John's RC school, Peter Hills with St Mary's and St Pauls C of E Primary school, Surrey Water, Greenland Dock, South Dock, St Paul's sports ground, Lavender Pond ecology park, up to eight listed dockland structures, Council owned residential areas around Russia Dock Road and Globe Road.

Character of 'Area B'

29. Area B has been proposed because it is considered to form a coherent neighbourhood in terms of the urban grain, density, scale, and pattern of land use which is appropriate for neighbourhood planning.
30. The character of the places and sites in Canada Water has recently been assessed through the Urban Design Study, November 2013 for the CWAAP 2013.
31. The study has been used to inform the boundaries of the proposed Area B, which is shown at appendix C of this report. The Urban Design Study (Appendix D) discusses the CWAAP vision to transform Canada Water from an out of centre destination into a town centre. It identifies the potential for growth, and lists a number of large sites with opportunities for development. These are:

Surrey Quays Shopping Centre
Decathlon site
Site E
Mulberry Business Park
Harmsworth Quays
Surrey Quays Leisure Park
Quebec Industrial Estate
24-28 Quebec Way
Land on Roberts Close

32. The character of the Core Area varies between several low-rise commercial sheds on the large opportunity sites, and 22 storey residential towers on the Canada Estate, Regina Point and Columbia Point. Part of the Core Area is designated within the urban density zone, and the CWAAP proposes higher densities, which will be more akin to a town centre, or the Central Activity Zone. Conversely, the building heights and residential densities within the proposed Neighbourhood Area B are more suburban in character and feel. Whilst building heights are generally higher around the periphery of the proposed area (around 6 storeys), heights generally diminish towards the centre of the peninsula, with building heights of around 2 to 3 storeys around Russia Dock Woodland. Therefore, Area B is considered to form a coherent neighbourhood which is appropriate for neighbourhood planning. This approach is consistent with the approach the Council has applied when determining other neighbourhood areas in the borough.
33. Neighbourhood Area B has been chosen having regard to the criteria in the NPPG, "considerations when deciding the boundaries of an area", in particular due to its "physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style".

The Neighbourhood Forum

34. Given that the Council proposes to designate as a Neighbourhood Area a different area to that proposed by RSD, it is considered appropriate to invite applications for designation as a Neighbourhood Forum in respect of the designated Neighbourhood Area.

35. This approach will enable applicants to demonstrate that they satisfy the criteria for designation in section 61F(5) in respect of the designated Neighbourhood Area, and will facilitate the Council's consideration of the desirability of designating an organisation or body as the Neighbourhood Forum in respect of Area B, in accordance with the matters set out in section 61F(7).

Name of Neighbourhood Area

36. The area has been given the interim title of "Area B - Neighbourhood Area." A future forum can suggest a name which they consider appropriate.

Designating the Neighbourhood Area as a business area

37. 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 (Section 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. The proposed area is predominantly residential in nature and therefore the council does not consider the application to trigger the designation of a business area.

Equalities

38. 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 (once designated) 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 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

39. 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

40. The recommendation of this report requests that the Cabinet Member for Regeneration, Planning and Transport:-
- (i) Notes the consultation responses received from the public, Bermondsey and Rotherhithe Community Council and the Planning Committee (Appendix A) in respect of the application from Rotherhithe and Surrey Docks neighbourhood forum for the designation of its proposed area as a Neighbourhood Area (shown outlined in yellow in Appendix B);

- (ii) Declines to designate the area shown edged red on the map in Appendix B, proposed by the Rotherhithe and Surrey Docks neighbourhood group as a Neighbourhood Area, for the reasons set out in paragraph 26;
 - (iii) Agrees to designate the area shown edged in red on the map in Appendix C as the appropriate Neighbourhood Area, for the reasons set out in paragraphs 29-33; and
 - (iv) Invites applications for designation as the Neighbourhood Forum for the Neighbourhood Area ("Neighbourhood Area B") shown edged red on the map at Appendix C.
41. The report advises that an application for the designation of the Neighbourhood Area, identified on the map at Appendix B, was submitted by the Rotherhithe and Surrey Docks neighbourhood group in July 2013. Paragraph 18 advises that the Bermondsey and Rotherhithe Community Council and the Planning Committee were consulted upon the application between the 17 January – 8 February 2014 and 29 January 2014 (as set out paragraphs 3-4 of Appendix A).
 42. As advised at paragraphs 7-10 of the Report, Sections 61F and 61G of the Act set out the powers and duties of local planning authorities in relation to the designation of Neighbourhood Forums and Neighbourhood Areas and the conditions that must be satisfied in order for Neighbourhood Forums and Areas to be designated.
 43. The Cabinet Member will note, that the Council may, in determining an application for a Neighbourhood Area, modify designations already made (Section 61G(6)) but it must have regard to the desirability of maintaining existing boundaries of areas already designated as Neighbourhood Areas (section 61G(4)(b)).
 44. The Council has carefully considered whether the Neighbourhood Areas proposed by the Rotherhithe and Surrey Docks neighbourhood group is consistent, coherent and appropriate for neighbourhood planning and is of the view that it is not. The Council does not consider the application for the proposed Neighbourhood Area submitted by the Rotherhithe and Surrey Docks neighbourhood group (outlined in red on the map in Appendix B) to be appropriate for the reasons set out in paragraphs 26-33and of the report.
 45. In R (oao Daws Hill Neighbourhood Forum) v. Wycombe District Council [2013] EWHC 513 (Admin), the High Court (Supperstone J) held the discretion conferred by section 61G(5) was a broad one, to be exercised having regard to the "*specific factual and policy matrix that exists in the individual case at the time the determination is made*" (paragraph 57).
 46. Section 61G of the Act provides that a local planning authority is not obliged to designate the entire area specified in an application for a Neighbourhood Area. However, if a local authority refuses an application reasons for the decision must be given. Further, subsection 61G(5) provides that:

“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.”

47. As advised at paragraphs 29-33 of the report, the Council has carefully considered which area or parts of the areas proposed to be designated as Neighbourhood Areas constitute a single coherent neighbourhood and would be appropriate for the designation as a Neighbourhood Area in terms of the urban grain and scale, and pattern of land use. Following the consideration of this matter, it has identified an appropriate area for designation, being the Area B – Neighbourhood Area, (shown outlined in red on the map in Appendix C).
48. The justification for the Council’s identification and selection of this area is clearly detailed in paragraphs 29-33 of the report. Further, the report sets out the character of the places and sites in Canada Water that forms the basis of the proposed Area B – Neighbourhood Area proposed in the Rotherhithe and Surrey Docks application (see the as recently assessed through the Urban Design Study, November 2013 for the CWAAP 2013 at Appendix D of the Report.
49. The Cabinet Member is advised that although the proposed Area B–Neighbourhood Area is different from the Neighbourhood Area proposed, by the Rotherhithe and Surrey Docks neighbourhood group , it does contain some of the areas identified in the original application and therefore satisfies the requirement of section 61G(5) of the Act.
50. As the Council’s proposed Area B-Neighbourhood Area, represents a new Neighbourhood Area that differs from the Neighbourhood Area proposed by the Rotherhithe and Surrey Docks neighbourhood group the Council invites fresh applications for the designation of a Neighbourhood Forum for the Area B – Neighbourhood Area.
51. Neighbourhood planning is a relatively new legal process, which the Council has a statutory duty to facilitate and administer. The Act, 2015 and 2012 Regulations and the Local Government (Functions and Responsibilities Act) England Regulations 2010 are silent as to the appropriate decision making process. Consequently and given the recent enactment of these provisions, the Southwark Constitution is also silent as to the mode or reservation of such decisions.
52. Broadly speaking key decisions include the designation of Neighbourhood Areas and Neighbourhood Forums, the making of Neighbourhood Development Plans and Neighbourhood Development Orders and the holding

- of referendums. Consideration has been given to the nature of and the appropriate level at which Neighbourhood Planning decisions can be made, whilst ensuring the process is fair and transparent.
53. The 2015 and 2012 Regulations are directed at the Council as Local Planning Authority, although, most decisions are of an administrative nature and to be taken against a specific set of criteria (e.g. as to the characteristics of a qualifying body that may constitute a forum). Therefore, it is considered that most decisions can be taken either by the Cabinet Member for Regeneration, Planning and Transport or the relevant Chief Officer, presently the Director of Planning.
 54. In accordance with *Part 3D: Individual Cabinet Members – Matters Reserved for Decision paras 6,7, 17 and 18 of the Southwark Constitution 2013/14*, the Cabinet Member has authority to agree statutory and other strategies, significant policy issues, broad consultation arrangements and the promotion of effective partnerships, between the Council and other agencies and bodies affecting the community in relation to his area of responsibility. Therefore, the recommendations fall within the decision making remit of the Cabinet Member for Regeneration, Planning and Transport.
 55. The Equality Act 2010 introduced a single public sector equality duty (PSED) which requires the Council to have due regard in our decision making processes to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those who share or may not share protected characteristics.
 56. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED can also apply to marriage and civil partnership.
 57. A full equalities assessment has not been carried out in respect of the recommendation, which simply declines the Neighbourhood Area proposed by the Rotherhithe and Surrey Docks neighbourhood group and Invites applications upon the neighbourhood forum for the New Area B. These decisions are not expected at this stage impact on those with protected characteristics. However, as and when relevant decisions regarding the approval of a Neighbourhood Plan for the New Area B are being taken full consideration should be given to Equalities Impacts.
 58. The Council will support the preparation of a Equalities Analysis and Sustainability Appraisal of any forthcoming Neighbourhood Plan following the designation of a Neighbourhood Forum and Neighbourhood Area to ensure that the Neighbourhood Plan has positive impact on local communities and those with protected characteristic in accordance with its statutory duties.
 59. Neighbourhood planning processes could potentially engage certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
 60. The approval of the recommendation should not cause unlawful interference with human rights. However due consideration should be given in making

individual decisions as to the potential of neighbourhood plans or other proposals could engage the following rights (among others): -

- (1) The right to a fair hearing (Article 6) – giving rise to the need to ensure proper consultation and effective engagement of the public in the process;
- (ii) The right to respect for private and family life (Article 8) –the right to and impacts on amenities or the quality of life of individuals may be impacted by details in plans or proposals;
- (iii) Article 1, Protocol 1 (Protection of Property) – this right prohibits interference with individuals’ right to peaceful enjoyment of existing and future property / homes;
- (iv) Part II Protocol 1 Article 2 Right to Education.

61. a It is considered that the decision not to the designate the proposed Neighbourhood Area and the recommendation to invite applications from potential Neighbourhood Forum for the Council’s proposed Neighbourhood Area, Area B-Neighbourhood Area, would not amount to a breach or interference with any of these rights.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| The Localism Act | http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted | Susannah Pettit 0207 525 5405 |
| The Neighbourhood Planning Regulations | http://www.legislation.gov.uk/uksi/2012/637/contents/made | Susannah Pettit 0207 525 5405 |

APPENDICES

| No. | Title |
|------------|---------------------------------------------------------------------------------|
| Appendix A | Summary of consultation responses |
| Appendix B | Map showing proposed Neighbourhood Area boundary |
| Appendix C | Map of proposed Neighbourhood Area (Area B) |
| Appendix D | Urban Design Study for the Revised Canada Water Area Action Plan (RCWAAP) 2013. |

AUDIT TRAIL

| | | |
|-------------------------------------------------------------------------|-----------------------------------------|--------------------------|
| Lead Officer | Eleanor Kelly, Chief Executive | |
| Report Author | Juliet Seymour, Planning Policy Manager | |
| Version | Final | |
| Dated | 6 March 2015 | |
| 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 | | 6 March 2014 |

APPENDIX A

Summary of Consultation responses

1. The applications were publicised on the Council's website for a period of 6 weeks from 17 January 2014 to 28 February 2014. Ward members were also consulted on the application at Bermondsey and Rotherhithe Community Council on 29 January 2014. The Council's Planning Committee was consulted on the applications on 25 March 2014. The Council also placed an advertisement in Southwark News and wrote to around 200 consultees on the planning policy mailing list, advising them of the applications. We have received comments both for and against the proposed Neighbourhood Area.
2. Comments from the Bermondsey and Rotherhithe Community Council were as follows:
3. There was a discussion on the size of the area and the benefit from the proposals, and some disagreement on those matters and on the amount of consultation that had taken place with groups in the community. Members emphasised that this was the initial stage of the process and that it was vital for consultation and consensus to take place throughout.
4. With regards to the application for the designation of the Rotherhithe and Surrey Docks neighbourhood area the planning committee commented as follows:
 5. • The committee noted that the proposed neighbourhood area was very large which would potentially cause difficulties in developing a coherent view of the community's aims in preparing a neighbourhood plan.
 6. • The committee also acknowledged, however, that the proposal was an expression of the community's wishes.
 7. • Although the proposed area broadly followed ward boundaries, the committee observed that it involved the division of the Bonamy Estate so that part of it was included within the area but part was outside.
8. We received comments from 20 respondents. The majority of comments received object to the Neighbourhood Area proposed by Rotherhithe and Surrey Docks neighbourhood forum.
9. The main comments in support of the application submitted by the Rotherhithe and Surrey Docks neighbourhood forum are summarised below;
 - The mall is in decline and does not meet the needs of residents; the opening times restrictive and not suited to residents who can only shop after normal working hours. The Venice-like canal-type development promised for Lower Road, the mall and Decathlon has not materialised. Instead there is congestion in the street and on the Underground. High-rise buildings exacerbate the issue of access to services and amenities. The proposed development by Kings College is an excellent way forward but there is no programme to improve local services. The distinctive Docklands features of the area are disappearing. There is no visionary plan to link the area to Canary Wharf or Wapping, such as a new bridge. The proposed plan will involve more residents who can offer the council invaluable ideas on the best use of spaces and improvements needed.

- Previous channels for the public to voice opinion have not been entirely satisfactory. I am happy with the proposed boundaries.
- The proposed neighbourhood area is similar to the Rotherhithe Community Council area which worked well. It also mirrors the area of the Canada Water Consultative Forum which has been very active in recent years. With all the various development schemes it is very important that the community has a strong voice, which this will do.
- I consider the area proposed as somewhere to which I relate as a neighbourhood area. I do think that the area needs a neighbourhood plan.
- The people behind the initiative have the talent and commitment to make this effective, therefore I support this application.

10. The main comments objecting to the application are summarised below;

- I object strongly to the application. The applicants were not a “relevant body” under the Localism Act 2011 schedule 9 section 61G at the time of the application. The applicants have not adequately consulted the wider community, community councils, or forums, under the spirit of the Localism Act or the Neighbourhood Planning (General) Regulation 2012. They have also failed to contact the stakeholders within the application area. The application boundary does not take into account buildings, wards and local communities. The proposed area does not take into consideration the current and proposed planning designations and in some places conflicts with them. Some of the area encompassed should be classed a business area. The application from only a small group and is full of rash generalisations.
- The PLA does not object in principle to a neighbourhood area, however it is not clear why the applicant has chosen this particular boundary.
- I don't consider the areas to the south and west of Kings Stairs Gardens / Southwark Park as being part of the peninsula, although the parks themselves are shared spaces between neighbourhoods. The boundaries should run down the west sides of parks, and down the south side of Southwark Park; run down the middle of the parks; or run down the east side of the parks. I don't regard the area to the south west of the main railway viaduct from London Bridge as being part of the peninsula.
- I do not support the area suggested on the map. The area west of Southwark Park and around South Bermondsey station does not belong to Rotherhithe and Surrey Docks. The dividing line on Southwark Park Road makes no sense at all.
- The proposed neighbourhood area does not align with the CWAAP boundary, although 90% of the proposed neighbourhood area is within the CWAAP area. The area outside of the CWAAP area is mostly designated land in the Southwark Plan – Preferred Industrial Location, Gypsies and Travellers sites and Sites of Nature Conservation/ Open space; therefore has limited development potential. However the inclusion of South Bermondsey Station could be beneficial in terms of attracting funding for improvements on and around the station.
- Parkside TRA opposes the application due to the lack of information available about the process and procedures regarding neighbourhood planning in general, and of this application in particular.

11. The Rotherhithe Area Housing meeting on 9 July 2014 was attended by Council officers, and tenants and residents in the area. At this meeting an objection to

the neighbourhood area proposed by Rotherhithe and Surrey Docks neighbourhood forum was lodged vocally by attendees.

12. The Rotherhithe and Surrey Docks neighbourhood forum were informed of the proposed boundary at a meeting with officers, the Cabinet member and ward members on 14 January 2015. The Vice Chair of the forum subsequently expressed the forum's disagreement with the proposed boundary. They understood why the development sites of the Shopping Centre and Harmsworth Quay had been excluded, however due to the fact that they had not seen any progress with developing the Leisure Centre they did not see any justification for excluding it from the neighbourhood boundary. Furthermore, they did not understand the rationale for excluding the Core Area. This they said was because the area includes residents in recently developed sites such as the Canada Estate, Albion Estate, Albion Street, and the Business Centre, who would be excluded from membership of the Neighbourhood Forum. The Vice Chair expressed their stated aim of including all the residents of the area and concern that, given a large proportion of the Core Area includes Council and social housing the new boundary would create a two-tier area. The Forum submitted the area application which they felt would ensure the best social, environmental and economic development to the area. The council is satisfied that proposed Area B is appropriate for neighbourhood planning.

62. A ward Councillor for Surrey Docks made a representation following the meeting on 14 January 2015, stating that the development of the area should be done in a holistic way, and not on a piecemeal basis. The representation expressed the view that to exclude the biggest redevelopment areas is nonsensical and detrimental to the future of the area and that the piecemeal approach that has occurred in the past is the cause of many of the frustrations and intense infrastructure problems for local residents of both Rotherhithe and Surrey Docks wards. The council considers that the CWAAP presents a holistic strategy for the redevelopment of the area. It is due to be adopted in April/May 2015, and includes the Council's intention to make improvements to the infrastructure problems mentioned, as well as other improvements that will result from the large scale planned developments in the area that are already coming forward. In determining the application for a Neighbourhood Area, the council is obliged to consider whether the area applied for is appropriate for planning. It considers that it is not and has therefore identified an area which it does consider to be appropriate, in accordance with the statutory requirement to do so.

Member comments

13. The Planning Committee made general comments on the area, as follows:
 - The Committee noted that the proposed area was very large which would potentially cause difficulties in developing a coherent view of the community's aims in preparing a neighbourhood plan.
 - The Committee also acknowledged, however, that the proposal was an expression of the community's wishes.
 - The Planning Committee also commented that although the proposed area broadly followed ward boundaries, the committee observed that it involved the division of the Bonamy Estate so that part of it was included in the area, but part was outside.

14. The Bermondsey and Rotherhithe Community Council emphasised that this was the initial stage of the process and that it was vital for consultation and consensus to take place throughout.