

Item No.	Classification: Open	Date: 19 February 2019	Decision Maker: Cabinet Member for Growth, Development and Planning
Report title:		Neighbourhood Planning: Renewal of the designation of the South Bank and Waterloo Neighbourhood (SoWN) Forum	
Ward(s) or groups affected:		Borough and Bankside; St. George's	
From:		Strategic Director of Place and Wellbeing	

RECOMMENDATIONS

That the cabinet member for growth, development and planning:

1. Notes that the consultation on the South Bank and Waterloo Neighbourhood Forum re-designation closed on 7 February 2019, and four representations have been received.
2. Agrees to designate the South Bank and Waterloo Neighbourhood as the Neighbourhood forum for the South Bank and Waterloo Neighbourhood Area.

BACKGROUND INFORMATION

3. 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 ('NFs') 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 came into force.
4. 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.
5. The 'Neighbourhood Forum' designation ceases to have effect at the end of the period of five years, after when it is first made as stated in 61F(8) of the Town and Country Planning Act 1990.
6. South Bank and Waterloo Neighbourhood Forum is the current neighbourhood forum for the neighbourhood area, which shares its boundary with the London Boroughs of Lambeth and Southwark. Its forum status is due to expire in February and April 2019, respectively.

7. SoWN submitted its draft neighbourhood plan to both local authorities in June 2018. The draft neighbourhood plan was publicised for consultation between 8 November 2018 to 20 December 2018. SoWN intends to submit the neighbourhood plan for examination in summer 2019, the dates are yet to be determined.
8. SoWN applied to renew its forum status to both local authorities ahead of its forum expiration, to ensure the draft neighbourhood plan proceeds to examination without encumbrance.

Neighbourhood Plan preparation stages

9. Under regulation (8) of The Neighbourhood Planning (General) Regulations 2012, it states that where an organisation or body submits a neighbourhood forum application, it must include a series of supporting documents accompanying the application. It also needs to demonstrate that the application complies with requirements set out in 61F(5) of the 1990 Act. These will be elaborated in further detail under the section 'Key Issues for Consideration'.
10. 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.
11. Once a Neighbourhood Forum has been designated, it 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.
12. 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 may also consider whether the area for any referendum should extend beyond the Neighbourhood Area to which the draft plan/order relates.
13. 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.
14. The application for SoWN's forum renewal has been consulted on for a period of seven weeks between 20 December 2018 to 7 February 2019, in accordance with regulation 9) of The Neighbourhood Planning (General) Regulations 2012. One additional week has been added, to account for the public holiday during Christmas period.
15. Four representations have been received by Southwark, the results will be analysed under the 'Consultation' section of the report.
16. If SoWN's forum status has been re-designated, it will continue to have the power to lead the neighbourhood planning process in the corresponding neighbourhood area, which includes making of a neighbourhood plan or neighbourhood development order. SoWN has chosen to produce a neighbourhood plan, and is aiming to submit it for examination in summer 2019.

17. 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.
18. 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 may also consider whether the area for any referendum should extend beyond the Neighbourhood Area to which the draft plan/order relates.
19. 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.
20. To avoid the situation of forum dissolution in the midst of its neighbourhood plan examination, SoWN has now submitted the application to renew its Neighbourhood Forum status to both LB Lambeth and Southwark. LB Lambeth consultation concluded on 11 January 2019.
21. Regulation 9 of the Neighbourhood Planning (General) Regulations 2012 requires local planning authorities to publish the application and any supporting material (found in the appendices) as soon as possible after receiving a Neighbourhood Forum application, which the local planning authority do not decline to consider under regulation 11. It is required to be publicised on the local authority's website and in any other manner as they consider is likely to bring the application to the attention of people who live, work or carry on business in the area for a minimum of six weeks, in order to allow for the receipt of representations.
22. Following Regulation 9 and working jointly with LB Lambeth, consultation has now concluded and the decision can be made to designate the Forum.

KEY ISSUES FOR CONSIDERATION

The requirements of regulation 8 of The Neighbourhood Planning (General) Regulations 2012

23. SoWN has submitted the following supporting documents to accompany the application, including:
 - The name of the proposed Neighbourhood Forum (Appendix A)
 - A copy of the written constitution of the proposed neighbourhood forum (Appendix B)
 - The name of the neighbourhood area to which the application relates and a map which identifies the area; (Appendix C)
 - The contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; (Appendix D & Appendix A)
 - A renewal statement (Appendix E).

As such, the council considers that the requirements of Regulation 8 of the Neighbourhood Planning (General) Regulations 2012 have been satisfied in relation to this application.

The requirements of section 61F subsections (5) & (7) of Town and Country Planning Act 1990

24. Under subsection (7) of section 61F in the 1990 Act, it states a local planning authority must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, have regard to the desirability of designating an organisation or body, which has secured (or taken reasonable steps to attempt to secure) its membership to include, at least one individual who lives in the neighbourhood area concerned, or works there, or is an elected member. The membership should be drawn from different places in the neighbourhood area concerned, and from different sections of the community in that area, and whose purpose reflects in general terms the character of that area.
25. In the renewal statement submitted by SoWN (Appendix E), it states that the current membership of SoWN includes more than 400 members who live or work in the neighbourhood, as well as a ward councillor. They have conducted research to understand the demographic makeup of the neighbourhood area, and believe that the current members are drawn from across the area, across the socio-economic spectrum, and a range of ethnicities, ages, faith groups etc. It also states that SoWN has take the wide variety of the business interests found in their neighbourhood area into account. They are also running ongoing events to engage with the local community, and to widen membership on SoWN openly and continuously.
26. SoWN have previously been designated as the Neighbourhood Forum for the South Bank and Waterloo Area, the council still consider SoWN to satisfy the requirements set out under section 61F(5) and (7) of the 1990 Act.
27. Southwark finds the application, as well as supporting materials SoWN submitted for its forum renewal to be of satisfactory quality, and compliant with requirements set out in 61F(5) of the 1990 Act.

Consultation

28. The consultation for SoWN's forum renewal has been publicised in the following ways for a period of seven weeks:
 - Press notice in the Southwark News
 - Emails to subscribers in the planning policy mailing list, in addition to statutory consultees
 - Southwark's website
 - Southwark's consultation hub.
29. Four representations have been received during this period. These are summarised into the table below.

Respondent	Representation
Historic England	We are content for the re-designation of the South Bank and Waterloo Neighbours Neighbourhood Forum to be determined by the Council as they see fit, on the advice of their own specialist staff.

Transport for London	No Comment
Diocese of Southwark	The Diocese of Southwark shares the concern that we should work across ward, borough and other administrative boundaries to produce a coherent overall approach to one of the most popular destinations in urban Europe. The many development projects that have happened in the last few years and the change of the local resident population and the development of overnight accommodation for visitors as well as the need to provide an adequate welcome and top quality experience for the many day visitors and workers is an opportunity for all concerned. Church leaders and representatives have worked over many years to cooperate, and improve the South Bank and Waterloo area and plan to continue to do so.
Individual	In support of the forum renewal.

30. Most representations received expressed that they are either content with the application, or have no comment.
31. However, the representation from Diocese of Southwark expressed the concern about joint working on planning matters across ward, boroughs and area to produce a coherent and holistic approach. They have not explicitly expressed an objection against the application.
32. LB Lambeth and Southwark have been working jointly with SoWN throughout its plan-making stage to ensure the Neighbourhood Plan produced is consistent with Local Plan policies in both boroughs, as it is compulsory for the Neighbourhood Plan submitted to be 'in general conformity with the strategic policies contained in the development plan for the area of the authority'. This will be one of the basic conditions the Independent Planning Inspector will test for at examination, before the Neighbourhood Plan can proceed to referendum. Therefore the concern raised by Diocese of Southwark should not be an issue.

Financial implications

33. There are no financial implications for the council at this stage regarding forum renewal.
34. However, should the Neighbourhood Plan for SoWN proceed to the referendum stage, it will incur an inevitable cost to the council. This cost could be similar to a ward election, which is usually around £25,000 per referendum. It is likely to be shared between LB Lambeth and Southwark, since SoWN is a joint operation between the two boroughs. More information regarding the cost of referendum will be revealed once the draft neighbourhood plan has been submitted to the Independent Planning Inspector. A separate IDM report will be drafted before SoWN starts its referendum process.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

35. The recommendation requests that the cabinet member for growth, development and planning note that the consultation on SoWN's application to be re-designated as a neighbourhood forum closed on 7 February 2019 and four representations were received.
36. It is further recommended that the cabinet member agrees to designate SoWN as the Neighbourhood forum for the South Bank and Waterloo Neighbourhood Area.
37. Consultation in respect of SoWN's application (as detailed at paragraph 16 of this report) has been carried out in accordance with Regulation 9 of the Neighbourhood Planning (General) Regulations 2012.
38. The council may designate an organisation or body as a neighbourhood forum if satisfied it meets the conditions set out in section 61F(5) of the 1990 Act and it must also have regard to the requirements set out in section 61F(7) of the 1990 Act. As detailed in paragraphs 17 – 20, SoWN's application has been assessed against these statutory criteria and has been found to be compliant.
39. The designation will have effect for a period of five (5) years, unless either the organisation gives notice to the council that it no longer wishes to be designated as the neighbourhood forum for that area or if the council decides to withdraw it because the organisation no longer meets the conditions for approval. During these five (5) years, no other organisation or body may be designated as a neighbourhood forum for the area.
40. Officers will need to note that Regulation 10 of the Neighbourhood Planning (General) Regulations 2012 requires the council to publish their decision on SoWN's forum application as soon as possible after a decision has been taken.
41. 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.
42. In addition, 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).

43. 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. Paragraph 17 of this part delegates to the cabinet member for regeneration and new homes (new title since 2018 elections is cabinet member for growth, development and planning) responsibility for agreeing broad consultation arrangements, in relation to their areas of responsibility.
44. Further, decision 2 in the table at paragraph 16, of the “Neighbourhood Planning – Council Decision Making Report” clearly states that the decision to designate a neighbourhood planning forum can be taken at individual cabinet member decision level. It is therefore considered that the recommendations sought in this report fall within the cabinet member’s decision-making remit.

Strategic Director of Finance and Governance (PW18/017)

45. This report is requesting the cabinet member for growth, development and planning to note that the consultation on the South Bank and Waterloo Neighbourhood Forum re-designation closed on 7 February 2019, and four representations have been received.
46. This report is also requesting the cabinet member for growth, development and planning to agree to designate the South Bank and Waterloo Neighbourhood as the Neighbourhood forum for the South Bank and Waterloo Neighbourhood Area.
47. The strategic director of finance and governance notes that there are no new immediate financial implications arising from this report. Should the Neighbourhood Plan for SoWN proceed to the referendum stage, it will be subject to future IDM report, including identifying resources for any new commitments.
48. Staffing and any other costs connected with this report are to be contained within existing departmental revenue budgets.

Equalities Impact Assessment

49. The council consider an equalities impact assessment will not be needed for this occasion. As SoWN has complied with subsection (7) of section 61F in the 1990 Act, elaborated under ‘Key Issues for Consideration’.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Localism Act		planningpolicy@southwark.gov.uk
Link: http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted		
The Neighbourhood Planning Regulations		planningpolicy@southwark.gov.uk
Link: http://www.legislation.gov.uk/uksi/2012/637/contents/made		

APPENDICES

No.	Title
Appendix A	Neighbourhood Forum re-application to Southwark
Appendix B	Constitution CIO
Appendix C	Designated SoWN area April 2014
Appendix D	Steering group membership October 2018
Appendix E	2018 renewal statement

AUDIT TRAIL

Lead Officer	Juliet Seymour, Planning Policy Manager	
Report Author	Liang Wu, Graduate Planner	
Version	Final	
Dated	7 Feb 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	19 February 2019	