

<b>Item No.</b> N/a	<b>Classification:</b> Open	<b>Date:</b> 22 October 2020	<b>Decision Taker:</b> Cabinet Member for Climate Emergency, Planning and Transport
<b>Report title:</b>		Neighbourhood Planning – The designation renewal of the Old Bermondsey Neighbourhood Forum (OBNF)	
<b>Ward(s) or groups affected:</b>		Chaucer and London Bridge & West Bermondsey	
<b>From:</b>		Chief Executive	

## RECOMMENDATIONS

1. That the cabinet member for climate emergency, planning and transport notes that the consultation on the Old Bermondsey Neighbourhood Forum (OBNF) designation renewal closed on 17 September 2020, and 146 representations have been received.
2. That the cabinet member for climate emergency, planning and transport agrees to designate the Old Bermondsey Neighbourhood Forum as the Neighbourhood forum the neighbourhood area known as Area A.

## 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 OBNF(known at the time as OBVNF – Old Bermondsey Village Neighbourhood Forum) was first designated as a Neighbourhood Forum for the designated Neighbourhood Area known as Area A (designated on 20 October 2014 and shown on the map in Appendix F) on 13 August 2015. The Forum applied to renew its Neighbourhood Forum status before it expired in August 2020.
6. The Neighbourhood area known as Area A was established following the proceedings in 2012. When the Council received two applications to designate overlapping Neighbourhood Areas in Bermondsey: one of which was from the Bermondsey Village Action Group (“the BVAG”) in respect to a proposed Saint Thomas Street Plan, and the other from Bermondsey Neighbourhood Forum (“the BNF”). The Council did not designate either of the areas proposed by the groups but instead, in October 2014 it designated a different Neighbourhood Area, which included parts of both of the areas proposed by the two different groups. The Neighbourhood Area designated by the Council was known as Area A. The Council declined to designate either of the two organisations as Neighbourhood Forums in respect of Area A. Instead, the Council invited applications from organisations or groups that wanted to be designated as the Neighbourhood Forum in respect of Area A.
7. In November 2014, BVAG indicated to the Council that it wished its original 2012 application for designation as Neighbourhood Forum (which had proposed a different Neighbourhood area to that which was designated by the Council in October 2014) to stand in respect of the newly designated Area A. The group relied on the same application form, constitution, list of members, and objectives as those submitted in respect of the Saint Thomas Street area application. The Council considered that further information was required in order to satisfy itself that the criteria for the designation of a Neighbourhood Forum were satisfied in respect of the wider Area A.
8. In the course of 29 January 2015 – 11 February 2015, the Council provided feedback and advice on BVAG’s application for designation over Area A. The questions raised were about whether the forum was a true reflection of the area as a whole, and how the forums are chaired.
9. In February 2015, an application for Neighbourhood Forum designation was received by the OBVNF – Old Bermondsey Village Neighbourhood Forum. To all intents and purposes, this group was the BVAG group, operating under a new name. The chair of the group and most of its members remained the same as those involved in BVAG. The Council considered that further information was necessary in order to satisfy itself that the criteria for designating the OBVNF as the Neighbourhood Forum in respect of Area A were satisfied. The Council wrote to the group on 10 March 2015 asking for more information.
10. Following meetings and discussions regarding the concerns the Council raised in response to OBVNF’s application for Neighbourhood

designation. A mediation subsequently took place on 15 June 2015, and the parties reached agreement on the terms set out in the Mediation Agreement (Appendix J).

\*Note: For further details on the initial designation of the OBNF (known at the time as OBVNF – Old Bermondsey Village Neighbourhood Forum), please refer to IDM Report dated 18 June 2015: *Neighbourhood Planning – Further Report on Application for designation as a neighbourhood forum by Old Bermondsey Village Neighbourhood Forum*.

### **Neighbourhood Forum and Plan preparation stages**

11. 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’.
12. 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.
13. 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 for 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.
14. 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.
15. 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.
16. In accordance with Regulation 9 of The Neighbourhood Planning (General) Regulations 2012, the application for the OBNF’s forum renewal has been consulted on for a period of 6 weeks between: 6 August to 17 September 2020.
17. 146 representations have been received by Southwark, the results will be analysed under the ‘Consultation’ section of the report.

18. If the OBNF'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. This includes the making of a Neighbourhood Plan or Neighbourhood Development Order.
19. Since its forum designation in August 2015, the OBNF produced a Draft Neighbourhood Plan 2015 – 2016, to which it received 65 responses and feedback from the Council. The Draft has since been updated: Draft Neighbourhood Plan 2019 – 2020, it has been attached as part of the appendix for the application of designation renewal (appendix H). The latest Draft Neighbourhood Plan has yet to be officially submitted to the Council for consultation, examination and implementation.
20. Regulation 9 of the Neighbourhood Planning (General) Regulations 2012 requires local planning authorities to publish the application and any supporting material (found in Appendix A to I) 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 6 weeks, in order to allow for the receipt of representations.
21. In accordance with Regulation 9A, the Council must determine OBNF's forum renewal application within 13 weeks of the application first being publicised in accordance with Regulation 9.

## **KEY ISSUES FOR CONSIDERATION**

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

22. The OBNF have submitted the following supporting documents to accompany the application:
  - The name of the proposed Neighbourhood Forum (Appendix A, D, E)
  - A copy of the initial application for designation as a Neighbourhood Forum in 20 February 2015. (Appendix B)
  - A copy of the initial written constitution of the proposed neighbourhood forum from 2015. (Appendix C)
  - A copy of the tracked changes for the updated constitution. (Appendix D)
  - The updated constitution to accommodate name proposed (Appendix E)
  - The name of the neighbourhood area to which the application relates and a map which identifies the area; (Appendix F)
  - The contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; (Appendix G & Appendix A)

- Draft Neighbourhood Plan 2019-2020 (Appendix H)
- A Renewal Statement (Appendix I)

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**

23. Section 61F(5) of the 1990 Act sets out certain requirements that must be satisfied in order for an organisation or body to be designated as a neighbourhood forum. The organisation must be:
- a) Established for the express purpose of promoting or improving the social, economic and environmental well-being of the proposed neighbourhood area;
  - b) Membership of the organisation must be open to:
    - i) Individuals who live in the proposed neighbourhood area;
    - ii) Individuals who work there; and
    - iii) Elected members of the London borough Council for the area;
  - c) Membership must include as a minimum 21 individuals each of whom:
    - i) Lives in the proposed neighbourhood area;
    - ii) Works there; or
    - iii) Is an elected member of the relevant Council body for the area;
  - d) It must have a written constitution; and
  - e) Such other conditions as may be prescribed.
24. Even if all of those conditions are satisfied, a local planning authority is not obliged to designate the organisation or body as a neighbourhood forum. Under subsection (7) of section 61F in the 1990 Act, 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 OBNF (Appendix I), it states that the current membership of OBNF includes more than 900 members. This is judged through the online subscription of their newsletter and through

monitoring, it is stated that their active readership is 200-350 people. It also states that OBNF has taken the wide variety of the business interests found in their Neighbourhood Area into account, with their work to extend council and developer's consultation programmes to their members and the wider local community. Furthermore, the Forum has continued to develop their neighbourhood plan taking into account changes to national, London-wide and local planning policy. Their current neighbourhood draft plan (Appendix H) is highlighted to have been successfully consulted upon despite the on-going COVID-19 pandemic, garnering feedback from a range of key stakeholders including: residents, local businesses, local churches, a youth club, transport experts and local historians, TRAs, Councillors and workspace providers. The group has stated that there are plans for a further consultation on their pre-submission draft.

26. The OBNF have previously been designated as the Neighbourhood Forum for Area A, and having reviewed OBNF's latest application against the legislative requirements, the Council still considers the OBNF to satisfy the requirements set out under section 61F(5) and (7) of the 1990 Act.
27. The Council finds the application, as well as supporting materials the OBNF 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 the OBNF's forum renewal has been publicised in the following ways for a period of 6 weeks from 6 August – 17 September 2020:
  - Publicising a Press notice in the Southwark News
  - Sending out emails to subscribers in the Planning Policy mailing list, in addition to statutory consultees.
  - Updating relevant webpage on the Council's website
29. During this period, 146 representations have been received: 130 stated support, whilst 5 stated an objection. Of the 130 that stated support, 11 were deemed invalid due to duplication. And of the 5 objections, 1 objection was deemed invalid due the consultee misunderstanding the consultation. These are summarised in the tables overleaf (for a table of the responses in full, please see Appendix K).

The tables highlight the consultation representations with the invalid representations excluded.

<b>Individuals</b>	<b>Supports renewal</b>	<b>Objects renewal</b>
Who live/work in the area that the OBNF operates	92	3
Who are either unsure or do not live/work in the area that the OBNF operates	27	1
Total	119	4

<b>Statutory/political consultees, organisations and other</b>	<b>Supports renewal</b>	<b>Objects renewal</b>
Statutory/political consultees	7	0
Organisations and groups	4	0
Total	11	0

30. Most representations received expressed that they are either content with the application, or have no comment. The comments supporting the area designation touch upon themes such as the importance of the local character, and the neighbourhood forum acting as a good source of information for matters involving the area. The comments received also detailed the importance of the neighbourhood forum as a resource that represents the local community and its interests, particularly the steering of new developments in the area.
31. Of the 4 representations against designation renewal, 2 individuals have cited Russell Gray the OBNF's Coordinator as a deciding factor. The 2 comments highlight that Russel Gray alienates the community, conducts himself in an unpleasant manner and lacks the expertise to act as coordinator of the OBNF. They also state the OBNF is not representative of the community. The other 2 comments also highlight there is too much focus on heritage at the detriment of the local economy and its development, expressing scepticism based on the question whether members of the forum hold a commercial interest in the area.
32. The statutory/political consultees, organisations and groups representations received do not include any objections, or any comments specifically related to the designation renewal. One political consultee, Cllr Humaira Ali commented that along with designation renewal, the Council should provide a planning officer as a point of contact for the forum to draw upon knowledge of policies.

## **Conclusion**

33. The Council received 130 valid representations in support and 4 valid objections during the consultation period. As such, the Council's recommendation is to approve the OBNF's application for designation renewal..
34. The Council further recommends the OBNF to consider more engagement with the residents from the Chaucer ward, whom we found not to have participated in the consultation for the designation renewal. This may have been due to the Chaucer ward resident's not feeling connected to the forum.

### **Financial implications**

35. There is no financial implication for the Council at this stage regarding Forum Renewal.
36. However, should the Neighbourhood Plan for OBNF proceed to the referendum stage, it will incur inevitable cost to the Council. This cost could be similar to a ward election, which is usually around £25,000 per referendum. 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 OBNF starts the referendum process.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Law and Democracy**

37. The recommendation asks that the cabinet member for climate emergency, planning & transport note that the consultation on the OBNF's application to be re-designated as a neighbourhood forum closed on 17 September 2020 and 146 representations were received.
38. It is further recommended that the Cabinet Member agrees to designate the OBNF as the Neighbourhood forum for Area A.
39. Consultation in respect of the OBNF application (as detailed at paragraph 28 of this report) has been carried out in accordance with Regulation 9 of the Neighbourhood Planning (General) Regulations 2012 ("the 2012 Regulations").
40. 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 23 - 27, the OBNF application has been assessed against these statutory criteria and has been found to be compliant. It should be noted that pursuant to Regulation 9A of the 2012 Regulations, the Council must determine the application within 13 weeks from the date that the application is first publicised.



41. 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.
42. Officers will need to note that Regulation 10 of the 2012 Regulations requires the Council to publish on their website their decision on the OBNF application as soon as possible after a decision has been taken.
43. 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.
44. 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).
45. Paragraph 7 (Part 3 (D)) of the Southwark Constitution 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 2020 elections is Cabinet Member for Climate Emergency, Planning & Transport) responsibility for agreeing broad consultation arrangements, in relation to their areas of responsibility.
46. Decision 2 of (Table A), paragraph 16, of the Council's Neighbourhood Planning Decision Making report dated 6 March 2015 clearly states that the decision to agree an application for designation of a neighbourhood forum for 6 weeks consultation and consideration of the consultation responses thereafter can be taken by Individual Cabinet Member decision. It is therefore considered that the recommendation sought in this report falls within the Cabinet Member's decision-making remit.

### **Strategic Director of Finance and Governance**

47. This report is requesting the Cabinet Member for Climate Emergency, Planning & Transport to note that the consultation on the Old Bermondsey

Neighbourhood Forum (OBNF) designation renewal closed 17 September 2020 and 146 representations were received.

48. This report is also requesting the Cabinet Member for Climate Emergency, Planning & Transport to agree to designate the Old Bermondsey Neighbourhood Forum as the Neighbourhood forum the neighbourhood area known as Area A.
49. 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 OBNF proceed to the referendum stage, it will be subject to future IDM report, including identifying resources for any new commitments.
50. Staffing and any other costs connected with this report are to be contained within existing departmental revenue budgets.

### Equalities Impact Assessment

51. The Council has considered an Equalities Impact Assessment will not be needed for this occasion. As the OBNF 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	<a href="http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted">http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted</a>	<a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>
The Neighbourhood Planning Regulations	<a href="http://www.legislation.gov.uk/uksi/2012/637/contents/made">http://www.legislation.gov.uk/uksi/2012/637/contents/made</a>	<a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>

### APPENDICES

No.	Title
Appendix A	OBNF Re-designation Application 2020
Appendix B	Designation Application 2015
Appendix C	Constitution 2015
Appendix D	Constitution (Tracked Changes)
Appendix E	Constitution
Appendix F	Designated Neighbourhood Area Map
Appendix G	List of Members
Appendix H	Draft Neighbourhood Plan 2019 - 2020
Appendix I	Renewal Statement

Appendix J	Mediation for Designation 2015
Appendix K	Consultation Responses

## AUDIT TRAIL

<b>Lead Officer</b>	Juliet Seymour, Planning Policy Manager	
<b>Report Author</b>	Quyên Phan, Graduate Planner	
<b>Version</b>	Final	
<b>Dated</b>	21 October 2020	
<b>Key Decision?</b>	No	
<b><i>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</i></b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		21 October 2020