

Item No.	Classification: Open	Date: 20 August 2014	Decision Taker: Cabinet Member for Regeneration, Planning and Transport
Report title:		Neighbourhood Planning – Designation of a Neighbourhood Area in Bermondsey	
Ward(s) or groups affected:		Cathedrals, Chaucer, Riverside, Grange	
From:		Chief Executive	

RECOMMENDATION

That the Cabinet Member:

1. Notes the consultation responses received from the public, Borough, Bankside and Walworth Community Council, Bermondsey and Rotherhithe Community Council, and the Planning Committee in respect of the application from the Bermondsey Neighbourhood Forum to be designated as a Neighbourhood Forum and for the designation of its proposed area as a Neighbourhood Area (shown outlined in blue in Appendix B);
2. Notes the consultation responses received from the public, Borough, Bankside and Walworth Community Council, Bermondsey and Rotherhithe Community Council, and the Planning Committee in respect of the application from Bermondsey Village Action Group to be designated as a Neighbourhood Forum and for the designation of its proposed area as a Neighbourhood Area (shown outlined in purple in Appendix B);
3. Declines to designate the area shown edged blue on the map in Appendix B, proposed by the Bermondsey Neighbourhood Forum as a Neighbourhood Area, for the reasons set out in paragraphs 23;
4. Declines to designate the area shown edged purple on the map in Appendix B, proposed by Bermondsey Village Action Group as a Neighbourhood Area, for the reasons set out in paragraphs 24;
5. Agrees to designate the area shown edged in blue on the map in Appendix C (referred to in this report as Area A) as the appropriate Neighbourhood Area, for the reasons set out in paragraphs 26, 27, 28, 29 and 30; and
6. Declines to designate the Bermondsey Neighbourhood Forum as a Neighbourhood Forum, for the reasons set out in paragraph 25;
7. Declines to designate the Bermondsey Village Action Group as a Neighbourhood Forum, for the reasons set out in paragraph 25;
8. Invites applications for designation as the Neighbourhood Forum for Area A shown edged blue on the map in Appendix C.

BACKGROUND INFORMATION

9. 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 came into force.
10. 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

11. 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.
12. 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.
13. 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.

14. 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.
15. 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. The Council considers that such consultation is likely to bring the application to the attention of people who live, work and carry on business in the area.
16. 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.
17. 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.

The Applications

18. In September and December 2012, the Bermondsey Village Action Group (BVAG) and the Bermondsey Neighbourhood Forum (BNF) submitted separate applications for the designation of Neighbourhood Areas, and to be designated as Neighbourhood Forums in respect of those areas. Neither of these organisations has yet been designated as a Neighbourhood Forum. The boundaries of the two proposed areas overlap as shown in Appendix B.
19. The proposed Neighbourhood Areas also overlap 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. The Bankside Neighbourhood 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 extent of the overlap in relation to each proposed area and the existing area is shown in Appendix D.
20. The Council can only designate one organisation or body as a Neighbourhood Forum in respect of each Neighbourhood Area (section 61F(7)(b)). Areas

designated as Neighbourhood Areas must not overlap with each other (section 61G(7)). 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 the existing boundaries of areas already designated as Neighbourhood Areas (section 61G(4)(b)).

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 both BNF and BVAG could be capable of being designated as Neighbourhood Forums for the areas identified in their applications, if those areas were deemed by the Council to be appropriate for neighbourhood planning.
22. The applications for designation are accompanied by a map which identifies the areas to which the applications relate and a statement explaining why those areas are considered to be appropriate to be designated as a Neighbourhood Area. The applications are also accompanied by a statement from both BNF and BVAG explaining that they constitute 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 both applications.

The Areas Proposed by BNF and BVAG

23. Bermondsey Neighbourhood Forum proposes the designation of an area from the River Thames, as far south as the Bricklayers Arms roundabout. This area incorporates two distinct types of neighbourhood; a predominantly corporate business area to the north of Snowfields with taller building heights and large scale infrastructure, and a lower rise, lower density, predominantly residential area to the south. The Council does not consider this area in its entirety to be appropriate for the purposes of neighbourhood planning. The inherent differences in character, building heights, land use and density of the northern and southern parts of the specified area indicate that the area does not form a coherent neighbourhood which would be appropriate for neighbourhood planning.
24. Bermondsey Village Action Group proposes the designation of a smaller area, including Guy's Hospital, London Bridge Station including very few residents. This area comprises mainly strategic sites, the planning and development of which would have implications well beyond the neighbourhood area proposed by BVAG. For a neighbourhood forum (potentially comprising as few as 21 persons) to control the London Bridge and Guy's Hospital sites, and to formulate a neighbourhood plan which could potentially have impacts much further afield than the proposed neighbourhood boundary, is not considered to be appropriate. The area identified consists of two clearly different built forms of development, with residential uses located largely in the east, and the strategic sites mainly in the west. The area does not read as a coherent neighbourhood. For these reasons, the Council does not consider this area to be appropriate for the purposes of neighbourhood planning.

25. If the applications for Neighbourhood Area designation are refused because the specified areas are 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 areas designated as a neighbourhood area. To this end, officers have identified an appropriate area for designation being Area A, identified edged blue on the map in Appendix C. Whilst this is different to those areas proposed by BVAG and BNF, it contains some of the areas identified in the original submissions, as required by section 61G(5) of the Localism Act 2011.

Proposed boundaries

26. The Council proposes the designation of Area A, identified in Appendix C, as this constitutes a single coherent neighbourhood which is considered to be appropriate for neighbourhood planning.

The Northern boundary:

- This boundary amends the areas identified in both of the submitted applications.
- The boundary follows the southern side of Snowfields and Crucifix Lane incorporating the buildings on the southern side of the junction between Crucifix Lane and Bermondsey Street
- The boundary excludes the railway arches along the north of Crucifix Lane
- The boundary excludes Guy's Hospital site

The reasons for the northern boundary being chosen are;

- Some of the local ward members question whether the area north of the railway should be included as it has recently been redeveloped and has a different character to Area A.
- Area A is predominantly residential, whilst the area north of the railway is predominantly commercial, strategic and an employment generator. The built form reflects this difference in terms of scale, building types and urban layout. The urban structure in the area north of the railway consists of large plots as a result of large institutions, commercial developments and major transport infrastructure including London Bridge stations and viaducts. The scale of built form is significantly greater around London Bridge in comparison to Area A and broadly transitions at Snowfields. London Bridge is a primary transport interchange with significantly higher levels of pedestrian footfall and public transport provision than the quieter Area A. The sphere of influence of this site extends well beyond the area represented by BNF and BVAG.
- The Business Improvement District covers most of the area north of Area A. Team London Bridge are an independent, business led project board who were elected to represent and help support businesses and employees to improve the area since November 2005. 32,000 people work within the BID area and 406 business premises are located there. Any Neighbourhood Area for this section would need to be business led, unlike Area A which is predominantly residential.
- The railway arches along Druid Street and Crucifix lane are removed from Area A in order to ensure that there is a consistent approach to all of the arches.

- Guy's and St Thomas' NHS Foundation Trust, Guy's and St Thomas' Charity and King's College London are a strategic health provider on a self contained site. Any development on this site will be determined in this context. This site has a different character and function to that of Area A. The area to the north of Snowsfields is different in character to the area to the south. Snowsfields itself acts as a natural boundary, being one of the main thoroughfares cutting through the area, therefore, the area to the north of Snowsfields is not included in Area A. Given the large residential population in the southern part of the proposed area between Snowsfields and Bricklayers Arms, it would not be appropriate to designate this as a business led neighbourhood plan area. Newcomen Street, Snowsfields and Crucifix Lane form a clear boundary between these areas and the almost exclusively residential area to the south.

The Western boundary:

27. This boundary has been amended from the areas identified in both of the submitted applications to remove the areas lying within the existing Bankside Neighbourhood Area that was designated by the Council on 3 May 2013. The Council is required to have regard to the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas, and does not consider there to be sufficient justification to outweigh the desirability of maintaining the Bankside Neighbourhood Area boundaries.

The Eastern boundary:

28. This boundary has been amended from the areas identified in both of the submitted applications and is now set one block back from the Tower Bridge Road. Tower Bridge Road is a distinct location, with a historic and cohesive nature. The road is also part of the Transport for London Road Network.
29. The community councils suggested further consideration of Tower Bridge Road. There are no consultation responses supporting the inclusion of Tower Bridge Road. The Tower Bridge Alliance are a group of businesses working together to improve the local area. They object to Tower Bridge Road being included in a wider neighbourhood plan. They question whether Tower Bridge Road requires a neighbourhood plan and suggest that if there were to be a neighbourhood plan, they would like to lead on planning for this area. Officers agree that Tower Bridge Road possesses its own character, and would be more appropriately incorporated into a separate plan that would include both sides of the road.

The Southern boundary:

30. This boundary remains largely the same as the proposed Neighbourhood Area boundary submitted by Bermondsey Neighbourhood Forum and is consistent with the predominantly residential character area identified in the Borough, Bankside and London Bridge Characterisation Study Addendum for Trinity and Tabard. The boundary has been slightly amended to remove the two schools (St Saviours and St Olave's School and the Globe Academy) from the proposed Neighbourhood Area as no significant development is likely to take place on these sites and no response in support of either area was received from the schools during the consultation period.

Character of 'Area A'

31. Area A has been proposed by officers because it is considered to form a coherent neighbourhood in terms of the urban grain and scale, and pattern of land use.
32. The character of the Bankside, Borough, London Bridge and Bermondsey areas has recently been assessed through the Bankside, Borough and London Bridge Characterisation Study (June 2013) and Bankside, Borough and London Bridge Characterisation Study Addendum (Trinity & Tabard) (January 2014) (appendices E and F). Both studies were prepared for the Council by independent planning consultants, URS. The areas have a similar character as set out below.
33. The studies have been used to inform the boundaries of the proposed Area A, which is shown at appendix C of this report. Area A is based on the Bermondsey area, and the Trinity and Tabard area. Whilst both of these areas are described separately in the characterisation study and its addendum, similar descriptions can be applied to both. In relation to Bermondsey, the Characterisation Study (Appendix E) recognises that "Land use is predominantly residential, interspersed with commercial and industrial uses." (p.109, Characterisation Study, 2013). The Trinity and Tabard character area addendum (Appendix F) is described as "... predominantly residential, typically laid out as private houses with gardens or as local authority housing estates set within public green space. There are small pockets of light industrial uses principally in the east, close to Long Lane and in the south adjacent to New Kent Road." (p.7, Characterisation Addendum, 2014)
34. The built form of Area A is characterised by small areas of private housing amid larger residential housing estates. Overall, building heights are much lower than the neighbouring areas of Tooley Street, London Bridge and Guy's Hospital to the north. The scale of development within Area A is moderately consistent at around 11-20m in height, as illustrated in the Figure 101 of the Characterisation Study and Figure 7 of the Characterisation Addendum. Therefore, Area A is considered to form a coherent neighbourhood which is appropriate for neighbourhood planning.

The Neighbourhood Forum

35. Given the proposal to designate a significantly different neighbourhood area from that applied for by the BNF and BVAG, this report recommends the refusal of both neighbourhood forum applications. This would allow fresh applications to be invited for a neighbourhood forum designation in respect of Area A, and would allow groups/organisations to demonstrate that their general purpose reflects the character of Area A.
36. It is apparent from section 61F that the local planning authority retains a discretion as to whether to designate an organisation or body as a Neighbourhood Forum. Given that the Council proposes to designate as a Neighbourhood Area a different area to those proposed by BNF and BVAG, it is considered appropriate to invite applications for designation as a Neighbourhood Forum in respect of the designated Neighbourhood Area.
37. 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 A, in accordance with the matters set out in section 61F(7).

Name of Neighbourhood Area

38. The area has been given the interim title of "Area A - Neighbourhood Area." This is because there are several responses questioning the appropriateness of calling the Neighbourhood Development Area Bermondsey. A future forum can suggest a name which they consider appropriate.

Designating the Neighbourhood Area as a business area

39. 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

40. 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

41. 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

42. The recommendation of this report requests that the Cabinet Member of the Council:-
43. Notes the consultation responses received from the public, Borough, Bankside and Walworth Community Council, Bermondsey and Rotherhithe Community Council, and the Planning Committee in respect of the application from the Bermondsey Neighbourhood Forum to be designated as a Neighbourhood

Forum and for the designation of its proposed area as a Neighbourhood Area Appendix A (shown outlined in blue in Appendix B);

44. Notes the consultation responses received from the public, Borough, Bankside and Walworth Community Council, Bermondsey and Rotherhithe Community Council, and the Planning Committee in respect of the application from Bermondsey Village Action Group to be designated as a Neighbourhood Forum and for the designation of its proposed area as a Neighbourhood Area Appendix A (shown outlined in purple in Appendix B);
45. Declines to designate the area shown outlined in blue on the map in Appendix B and proposed by the Bermondsey Neighbourhood Forum as a Neighbourhood Area;
46. Declines to designate the area shown outlined in purple on the map in Appendix B proposed by Bermondsey Village Action Group as a Neighbourhood Area;
47. Agrees to designate the area shown outlined in blue on the map in Appendix C (referred to in this report as Area A – Neighbourhood Area) as the appropriate Neighbourhood Area;
48. Declines to designate the Bermondsey Neighbourhood Forum as the appropriate Neighbourhood Forum for the Neighbourhood Area proposed in Appendix B (shown outlined in blue);
49. Declines to designate the Bermondsey Village Action Group as the appropriate Neighbourhood Forum for the Neighbourhood Area proposed in Appendix B (shown outlined in purple); and
50. Invites applications for designation as the Neighbourhood Forum for Area A shown edged blue on the map in Appendix C.
51. The report advises that separate applications were submitted to the Council for the designation of Neighbourhood Forum status and the designation of the Neighbourhood Areas, identified on the map at Appendix B, by the Bermondsey Neighbourhood Forum and Bermondsey Village Action Group on September and December 2012.
52. As advised at paragraphs 11 and 13 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.
53. The Cabinet Member will note, that Section 61F(7)(b) of the Act provides that the Council can only designate one organisation or body as a Neighbourhood Forum in respect of each Neighbourhood Area. Areas designated as Neighbourhood Areas must not overlap with each other. 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)).
54. Paragraph 19 of the report provides that the proposed Neighbourhood Areas overlap with the Bankside Neighbourhood and Business Area, being a

Neighbourhood Area which was designated by the Council on 3 May 2013. The Bankside Neighbourhood Forum was further designated as the Neighbourhood Forum in relation to the Bankside Neighbourhood Area on the 6 June 2013.

55. The Council has carefully considered whether the Neighbourhood Areas proposed by Bermondsey Neighbourhood Forum and Bermondsey Village Action Group are consistent, coherent and appropriate for neighbourhood planning and is of the view that they are not. The Council does not consider the applications for the proposed Neighbourhood Areas submitted by the Bermondsey Neighbourhood Forum or the Bermondsey Village Action Group (outlined in blue and purple on the map in Appendix B) to be appropriate for the reasons set out in paragraphs 23 and 24 of the report. Further, both of the proposed areas overlap with boundary the existing Bankside Neighbourhood Area as advised above.
56. 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). The Court also held that a mismatch between the Neighbourhood Forum and the Neighbourhood Area which it seeks to control may be relevant in determining whether it is appropriate to designate a specified area as a Neighbourhood Area.
57. 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.”
58. As advised at paragraph 25 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 A – Neighbourhood Area, (shown outlined in blue on the map in Appendix C).
59. The justification for the Council’s identification and selection of this area is clearly detailed in paragraphs 26-34 of the report. Further, the report sets out the character of the Bankside, Borough, London Bridge area that forms the basis of the proposed Area A – Neighbourhood Area and the Neighbourhood Areas proposed in the Bermondsey Neighbourhood Forum and Bermondsey Village Action Group applications (see the Bankside, Borough, London Bridge Characterisation Study (June 2013) and the Bankside, Borough and London Bridge Characterisation Study Addendum (Trinity and Tabard) (January 2014) at Appendices E and F of the Report.

60. The Cabinet Member is advised that although the proposed Area A – Neighbourhood Area is different from the Neighbourhood Areas proposed, by Bermondsey Neighbourhood Forum and Bermondsey Village Action Group, it does contain some of the areas identified in the original applications and therefore satisfies the requirement of section 61G(5) of the Act.
61. As the Council's proposed Neighbourhood Area, Area A-Neighbourhood Area, represents a new Neighbourhood Area that differs from the Neighbourhood Areas proposed by the Bermondsey Neighbourhood Forum and Bermondsey Village Action Group. The recommendation, therefore, seeks the refusal of the Bermondsey Neighbourhood Forum and Bermondsey Village Action Group applications for designation as Neighbourhood Forums. The Cabinet Member is advised that support for this approach has been recently endorsed by Lord Justice Sullivan in the recent Court of Appeal decision of Daws Hill Neighbourhood Forum v. Wycombe DC, Secretary of State for CLG and Taylor Wimpey plc [2014] EWCA Civ 228 and the Council therefore invites fresh applications for the designation of a Neighbourhood Forum for the Area A – Neighbourhood Area.
62. 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.
63. As advised in paragraph 40 of the report, 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.
64. 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). It is considered that the decision not to designate the proposed Neighbourhood Areas or Neighbourhood Forums and the recommendation to invite applications from potential Neighbourhood Forums for the Council's proposed Neighbourhood Area, Area A-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 BVAG and BNF proposed Neighbourhood Area boundaries
Appendix C	Map of proposed Neighbourhood Area (Area A)
Appendix D	Map showing adopted Neighbourhood Area and overlap with proposed Neighbourhood Areas.
Appendix E	The Bankside, Borough and London Bridge Characterisation Study (2013) http://www.southwark.gov.uk/download/downloads/id/9770/bblb_characterisation_study_2013
Appendix F	The Bankside, Borough and London Bridge Characterisation Study Addendum (2014)

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Juliet Seymour, Planning Policy Manager	
Version	Final	
Dated	6 August 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		20 August 2014

Summary of Consultation responses

1. The applications were publicised on the Council's website for a period of 5 weeks from 30 January to 5 March 2013. The Council's Planning Committee was consulted on the applications on 29 January 2013. Ward members were also consulted on the application at Bermondsey and Rotherhithe Community Council on Wednesday 30 January 2013 and at Borough, Bankside and Walworth Community Council on Wednesday 2 October 2013. The Council also placed an advertisement in Southwark News and wrote to around 1200 consultees on the planning policy mailing list, advising them of the applications. We have received comments from 41 respondents and a petition with 18 signatories. We have received comments both for and against both of the proposed the Neighbourhood Area's.
2. The Council carried out a further stage of consultation on the applications from 7 February to 21 March 2014 because there was a typographical error in the original consultation letter. At this stage, the applications were publicised on the Council's website for a period of 6 weeks from 7 February to 21 March 2014. The Council also put an advertisement in Southwark News and wrote to all those on the planning policy mailing list, advising them of the consultation.
3. We received comments from 31 respondents. The majority of comments received are in support of the Neighbourhood Area proposed by Bermondsey Neighbourhood Forum.

Bermondsey Neighbourhood Forum

4. The main comments in support of the applications submitted by the Bermondsey Neighbourhood Forum are summarised below;
 - The proposals works to more logical edges within the townscape, and it is more representative of the different community groups that have chosen to live or work here.
 - The approach seems to be more collaborative and constructive.
 - The area includes sub areas much more in need of help than the smaller northern area which will receive investment anyway.
 - The boundary is large enough to bring opportunities for improvement which will benefit significant numbers of residents as well as those who work, spend leisure time or just walk through the area.
 - The area has been carefully considered and justified.
 - The area includes the Thames and many more open spaces which allows for an integrated approach to spatial planning.
 - The area keeps all of the estates of Leathermarket JMB together.
 - The boundary is more appropriate because it forms a reasonable spread of retail, residential and business types, and has a more substantial footprint.
 - The area is the correct one as it reflects the bigger picture and a neighbourhood with a rich heritage, known for its history, the antiques market, and now the vibrant mixture of businesses and homes that have developed and hopefully will continue to develop.
 - The plan will be more inclusive for a greater number of people. It will include and encourage people from the estates as well as more people in private accommodation.

- The boundary better covers the areas in which the implications from any new development focused at London Bridge are likely to be felt and hence it is appropriate that any neighbourhood boundary should take in both the focus for major development activity and the wider area in which the development will extend its influence.
- The area extends further south and is far broader in its coverage. Neighbourhood planning will be most successful where a holistic approach is taken.
- This part of the borough should be covered by one Neighbourhood Plan, rather than a number of separate plans. The latter approach could result in a disjointed set of policy documents and guidance making it difficult to apply a consistent approach to development management in the area.
- The Bermondsey Village Action Group's geographical zone ends halfway down Bermondsey Street.

5. The main comments objecting to the applications are summarised below;

- The area cuts across too many Wards and does not lend itself to the concept of "neighbourhood"; it slices through the Riverside Ward where there has been a history of active forums between the east and west areas of Tower Bridge Road.
- The area south of Great Dover Street should be removed from the proposed area. This would make the area more logical, and avoid the problem of the community south of the road falling into two schemes should one emerge for this southern area.
- The area is counterintuitive to neighbourhood planning and elongates the boundary from Hays Galleria/More London down to New Kent Road therefore incorporating the already developed areas alongside the Thames to the area down below Grange Road, which are in need of thoughtful localised improvements.
- The area is too large to be manageable.
- The area is too large and varied to create a real sense of belonging, it risks failing to create any sense of place, and failing to make residents and businesses identify and feel connected to their neighbourhood.
- The area appears to cover too vast an area (as it sprawls from the river down to the New Kent Road), to truly represent the area. It does not relate to the concept of a 'natural neighbourhood'.
- The Bermondsey Neighbourhood Forum leadership lacks hearty input. The forum will continue to be unproductive as it has been in the past and that the boundary is too excessive to be effectual.

Bermondsey Village Action Group

6. The main comments in support of the applications submitted by the Bermondsey Village Action Group are summarised below;

- The character of the areas and the amount of work involved in including as many residents as possible in creating the community plans and gaining involvement in the referenda necessitates there being two areas – with Bermondsey Village Action Group taking the northern part and Bermondsey Neighbourhood Forum the southern part.
- Bermondsey Village Action Group, which has been running for a long time should be allocated the designated area.

- Bermondsey Village Action Group take the time and effort to send out regular updates on developments in the area where Bermondsey Neighbourhood Forum have not contacted enough people regarding their application.
- The area to the north of Tooley Street and up to the river is well enough developed and is suitably demarcated enough by the line of that street so as to be considered an entirely different neighbourhood.
- Bermondsey Village Action Group has always remained active and inclusive over the years. The group has been in the forefront of campaigns aimed to preserve the local architectural heritage by staging peaceful protests, collecting petitions, running exhibitions in addition to holding regular meetings with its followers.

7. The main comments objecting to the applications are summarised below;

- The area does not represent the neighbourhood as it does not include most of the key community areas, such as Tabard North, the Leathermarket JMB, Bermondsey Street and Long Lane
- The aspirations of Bermondsey Village Action Group that have been published do not conform with the statutory development plan.
- The St Thomas Street Area proposed by Bermondsey Village Action Group is too tightly drawn to represent the Bermondsey neighbourhood or to be able to spread the benefits of investment in the London Bridge area to the rest of Bermondsey.
- Bermondsey Village Action Group, is a single-issue campaign group concerned with height restrictions to possible future developments around London Bridge Station and the extension of the Bermondsey Street Conservation Area to include the car-park site on St. Thomas Street.
- Bermondsey Village Action Group appears from its website to be more of an action group defending the character and heritage of the area.
- It is not easy to see how representative Bermondsey Village Action Group is of local people, communities, businesses and others in the area.
- Bermondsey Village Action Group proposals appear to be founded on the principle of preventing growth, and too heavily focuses on one single street
- Bermondsey Village Action Group application is too narrow, their focus seems to be to prevent the construction of tall buildings along St. Thomas Street.

Member comments

8. The Planning Committee made general comments on the 29 January 2013 based on boundaries and areas rather than on the specific application. The Planning Committee commented that boundaries should go around estates either including or not including entire estates and natural boundaries such as railway lines, rivers and roads should be taken into account. The Planning Committee also commented that careful consideration should be given to roads (shops should be included on both sides of the road) the lengths of roads, cut offs, usage of the roads and amenities along them.
9. The Bermondsey and Rotherhithe Community Council commented on the 30 January 2013 that;
- In terms of the western boundary of each of the proposed Neighbourhood Areas, this should run up to Borough High Street but not include it. Instead

it should border the eastern boundary of the Bankside Neighbourhood Forum plan, which should include the eastern side of Borough High Street.

- That consideration be given to extending the eastern boundary of each of the proposals to include Tower Bridge Road, on both sides, with any necessary “kinks” to prevent the artificial splits in council estates that would follow by just having a rigid straight line.
 - The northern boundary, consideration of a third option, of simply adopting the railway line as the northern boundary, should be given.
 - The southern boundary, there was a straight choice to be made, between the benefit of having a relatively small “St Thomas Street-centric plan”, and the benefit of having a larger “West Bermondsey plan”. The community council believes that if the larger area is to be adopted, the area should be called “West Bermondsey”.
10. The Borough, Bankside and Walworth Community Council commented on the 2 October 2013 that;
- The western boundary of both areas must reflect the boundaries of the existing Bankside neighbourhood plan. Both sides of Borough High Street should be part of the Bankside neighbourhood plan only, for reasons of consistency and to ensure future development is addressed in a cohesive way.
 - If Tower Bridge Road is to be included, both sides of the road should also be included in the area for reasons of consistency and to ensure future development is addressed in a cohesive way.
 - The two organisations should work together to come up with a joint plan.
11. Shad Thames Residents Association (STRA) commented that the BNF boundary cuts across too many Wards and does not lend itself to the concept of a neighbourhood. The Bermondsey Neighbourhood Area covers an extremely large area with major differences across the Wards, i.e. high-end businesses in the area adjacent to the River, the natural boundaries of the railway line which cuts in to the quaint Victorian village atmosphere created by Bermondsey Street and the lower end of Tower Bridge Road, again with its constituency of community housing and local shops. More importantly it slices through the Riverside Ward where there has been a history of active forums between the east and west areas of Tower Bridge Road. STRA acknowledged that the London Plan and Core Strategy have designated Bankside, Borough and London Bridge as an opportunity area. However, they do not consider the Bermondsey Neighbourhood Forum to be truly representative of the upper northern section.
12. The Lawson Estate Tenants and Residents Association supports the proposal for the larger area proposed by BNF. The Lawson TRA want to ensure that the Lawson Estate is included within the boundaries of a Neighbourhood Forum area. Lawson TRA suggest that Tower Bridge Road and New Kent Road are natural boundaries that would allow for some of the important issues like traffic to be dealt with.
13. Tabard Gardens North Tenant & Residents Association (T&RA) objected to the application submitted by BNF. Tabard Gardens North TRA consider BNF to be unrepresentative and suggest that BNF are not acting in accordance with their constitution. Tabard Gardens North TRA query whether BNF have formally adopted a written constitution and would like to see further evidence that the Forum has the required minimum membership of 21 individuals. Tabard Gardens

North TRA consider that it would be highly inappropriate for the Tabard Gardens Estate to be included under the Bermondsey Neighbourhood Forum.