

**Cabinet Member Delegated Decision 11 February 2019**

**Report title:** Application to re-designate the South Bank and Waterloo Neighbourhood Forum

**Wards:** Bishop's

**Report Authorised by:** Sandra Roebuck, Interim Strategic Director Neighbourhoods and Growth

**Portfolio:** Councillor Matthew Bennett, Cabinet Member Planning, Investment and New Homes

**Contact for enquiries:**

Dominique Barnett, Principal Planning Policy Officer, Neighbourhoods and Growth

[dbarnett@lambeth.gov.uk](mailto:dbarnett@lambeth.gov.uk) 020 7926 6991

**Report summary**

In November 2018, an application was received from South Bank and Waterloo Neighbourhood Forum for re-designation as the neighbourhood forum for the South Bank and Waterloo neighbourhood area. The neighbourhood forum was originally designated by Lambeth on 10 February 2014 and the designation expires after five years on 10 February 2019. The designated neighbourhood area to which the neighbourhood forum application relates crosses the borough boundary with the London Borough of Southwark.

The application was publicised by Lambeth for a period of seven weeks from 23 November 2018 to 11 January 2019 and by Southwark for a period of seven weeks from 20 December 2018 to 7 February 2019 in accordance with the Neighbourhood Planning (General) Regulations 2012.

A decision whether to re-designate the neighbourhood forum is now required by Lambeth. This decision must be made within 20 weeks of the start date of the publication period.

**Finance summary**

There are no direct financial implications of the decision whether to re-designate a neighbourhood forum.

**Recommendations**

- 1) To approve the application for the re-designation of South Bank and Waterloo Neighbourhood Forum as the neighbourhood forum for the South Bank and Waterloo neighbourhood area, included at Appendix 1.
- 2) That the Cabinet Member delegates to officers the publication of the decision and the preparation of any associated documents required arising from recommendation (1) in accordance with the statutory requirements.

## 1. Context

- 1.1. The Localism Act 2011 introduced the opportunity for local communities to produce Neighbourhood Development Plans (NDPs), Neighbourhood Development Orders and Community Right to Build Orders. NDPs allow communities to shape development and growth in their local areas and form part of the statutory development plan for the local planning authority area, once made.
- 1.2. The first stage of preparing a NDP is the designation of a neighbourhood forum and a neighbourhood area. The process for designating a neighbourhood forum is set out in the Town and Country Planning Act 1990 (which was amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012. Neighbourhood plans can be led by parish or town councils, neighbourhood forums or community organisations. Where there are no parish or town councils, a group or organisation can apply to the local planning authority to be designated as a neighbourhood forum. A neighbourhood forum designation expires after five years.
- 1.3. Under the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012, once a local planning authority receives an application for a neighbourhood forum designation, they are required to publicise it and invite comments for a minimum period of six weeks. Applications for designation of a neighbourhood forum that cross a borough boundary must be made separately to each local planning authority affected and must be determined by each authority within 20 weeks from when the application is first publicised. The legislation includes no specific provisions relating to applications for the re-designation of neighbourhood forums. In those circumstances it is necessary to follow the same process as for the original forum designation.
- 1.4. South Bank and Waterloo Neighbourhood Forum (which is generally referred to, including in this report, as 'SoWN') was designated as a neighbourhood forum by Lambeth on 10 February 2014 alongside the designation of the South Bank and Waterloo neighbourhood area. The neighbourhood forum designation expires on 10 February 2019. The neighbourhood area was designated as a business area under Section 61H of the Town and Country Planning Act 1990. A business area can be designated where an area is wholly or predominantly business in nature and individuals in businesses take the lead in neighbourhood planning. The boundary of the neighbourhood area straddles the borough of Lambeth and Southwark. Southwark designated the neighbourhood forum and neighbourhood area on 18 April 2014 and the neighbourhood forum designation expires in Southwark on 18 April 2019.
- 1.5. SoWN has submitted a draft NDP to Lambeth and Southwark. The draft plan is currently awaiting examination.
- 1.6. The current application is concerned only with the renewal of the neighbourhood forum designation.
- 1.7. An application to re-designate the South Bank and Waterloo neighbourhood forum was submitted to Lambeth and Southwark on 12 November 2018. The application was considered by officers in both authorities to be valid. It is included at Appendix 1.
- 1.8. In accordance with the relevant regulations the application was publicised by Lambeth and comments were invited by Lambeth for a period of seven weeks between 23 November 2018 and 11 January 2019. An additional week was added to the statutory consultation period to take account of the Christmas and New Year bank holidays.

- 1.9. This report considers the SoWN neighbourhood forum re-designation application against the statutory requirements and the representations on the application received by Lambeth during the publication period.

## 2. Proposal and Reasons

- 2.1. The requirements for considering neighbourhood forum applications are set in the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012. The requirements for a neighbourhood forum application are set out below, followed by an assessment of the SoWN application against these requirements and consideration of comments made in the consultation responses.

### *Requirements for a neighbourhood forum application*

- 2.2. The Neighbourhood Planning (General) Regulations 2012 require that an application to designate a neighbourhood forum must include:

- a) The name of the proposed neighbourhood forum;
- b) A copy of the written constitution of the proposed neighbourhood forum;
- c) The name of the neighbourhood area to which the application relates and map which identifies the area;
- d) The contact details of at least one member of the proposed neighbourhood forum to be made public; and
- e) A statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F (5) of the Town and Country Planning Act 1990.

- 2.3. The conditions contained in section 61F(5) of the Town and Country Planning Act 1990 are that:

- a) The neighbourhood forum is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned;
- b) Its membership is open to:
  - i) Individuals who live in the neighbourhood area concerned,
  - ii) Individuals who work there, and
  - iii) Individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned;
- c) Its membership includes a minimum of 21 individuals each of whom
  - i) Lives in the neighbourhood area concerned,
  - ii) Works there, or
  - iii) Is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned; and
- d) It has a written constitution.

- 2.4. When considering the designation of a neighbourhood forum, the authority must have regard to the desirability of designating an organisation or body:

- a) Which has secured, or taken reasonable steps to attempt to secure, that its membership includes at least one individual falling within the categories set out above;
- b) Whose membership drawn from different places in the neighbourhood area concerned and from different sections of the community in that area; and

- c) Which has a purpose which reflects (in general terms) the character of the neighbourhood area.
- 2.5. A local planning authority must take a decision on an application to designate a neighbourhood forum within 20 weeks where the application crosses administrative boundaries. Although it is necessary for applications to be submitted to each authority, there is only one neighbourhood forum organisation. The membership criteria, as contained in the legislation, need to be applied to the forum as a whole.
- 2.6. Only one organisation or body can be designated as a neighbourhood forum for each neighbourhood area. The neighbourhood forum designation is valid for five years from the date that it is made.

*Consideration of the South Bank and Waterloo Neighbourhood Forum re-designation application against statutory requirements*

- 2.7. An assessment has been made of the application to re-designate the South Bank and Waterloo Neighbourhood Forum against the requirements of the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012. This assessment is set out in Table 1, Appendix 2 and concludes that the application meets these requirements in full.
- 2.8. In summary, the SoWN application has demonstrated that its membership is drawn from different places in the designated neighbourhood area and from different sections of the community. It has demonstrated that its membership is open to those who live or work in the area and there is at least one member of each of the different categories of membership.
- 2.9. The character of the neighbourhood area in Lambeth is a mix of commercial and residential land uses and includes Waterloo station. It also home to a number of cultural institutions and tourist attractions. SoWN's written constitution states that the objective of the neighbourhood forum is to produce a neighbourhood plan and to "promote and improve the social, economic and environmental well-being of those who live work conduct business study in or visit the South Bank and Waterloo Neighbourhood without distinction of sex, gender, sexual orientation, nationality, age, disability, race or of political, religious or other opinions, by associating together the said inhabitants and the statutory authorities, voluntary and other organisations in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure-time occupation with the object of improving the conditions of life for the said inhabitants". SoWN's objective of promoting and improving the social, economic and environmental well-being of those who live, work, conduct business, study or visit the South Bank and Waterloo neighbourhood reflects the area's commercial and residential character and the fact that the neighbourhood area has a number of cultural institutions and tourist attractions.

*Consideration of consultation responses on the South Bank and Waterloo Neighbourhood Forum re-designation application*

- 2.10. A total of 23 representations were received by Lambeth during the consultation. Of these, 18 are in support of the application to re-designate the neighbourhood forum and the remaining 5 responses contain no comments about the substance of the application. There were no objections to the re-designation application. The Port of London Authority, Transport for London and Highways England offered no comments on the application and Historic England (Historic Places) stated they are content for the re-designation to be determined by the Council as they see fit, on the advice of their own specialist staff. Natural England provided advice on how neighbourhood plans should consider the natural environment.

- 2.11. A full schedule of the representations received and responses to the points made is included in Appendix 3.

*Recommendation in respect of the re-designation of the neighbourhood forum*

- 2.12. In light of the matters as summarised above and the assessment as set out in more detail in Table 1, Appendix 2, and having given consideration to the responses received during the consultation as set out in Appendix 3, it is recommended to re-designate South Bank and Waterloo Neighbourhood Forum as the neighbourhood forum for the South Bank and Waterloo neighbourhood area.

*Consideration of the re-designation application by Southwark*

- 2.13. Southwark will separately consider the application and any representations received by that authority. The designation in Southwark does not expire until 18 April 2019 and no decision by Southwark is expected before the date of expiry of the designation in Lambeth.

### **3. Finance**

- 3.1. The application to re-designate a neighbourhood forum has no direct financial implications for the Council.

### **4. Legal and Democracy**

- 4.1. The requirements for designation of neighbourhood forums are set out in the Town and Country Planning Act 1990 and in the Neighbourhood Planning (General) Regulations 2012. The legislation does not provide a specific process for re-designation of a neighbourhood forum after the expiration of the initial designation. In those circumstances, it is necessary to follow the same process that applies in the case of an application for initial designation. The 2012 Regulations were amended in 2016 to introduce prescribed timescales for the determination of neighbourhood forum applications. In the present case, the application must be determined within the period of 20 weeks from when the application was first publicised.
- 4.2. Lambeth and Southwark will need to consider separately whether the neighbourhood forum should be re-designated. In practice, in cases involving cross-border applications, authorities are likely to wish to liaise with one another and ensure that they are aware of the steps that the other authority is proposing to take.
- 4.3. This proposed key decision was entered in the Forward Plan on 14 December 2018 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is made by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days, the call-in period, must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

### **5. Consultation and co-production**

- 5.1. The Neighbourhood Planning (General) Regulations 2012 require that a neighbourhood forum application is published by the local planning authority as soon as possible for comment. This must

include making available on line and in such manner as is likely to bring the application to the attention of people who live, work or carry on business in the area concerned, a copy of the application, details of how to make representations and the date by which those representations must be received, which must be within no less than 6 weeks.

5.2. In accordance with the regulations, the re-designation application was published on the Council's website for a 7 week period from 23 November 2018 to 11 January 2019. An additional week was added to the statutory 6 week requirement to take account of the Christmas and New Year bank holiday period. The following consultation methods were used:

- Publication on the neighbourhood planning and consultation webpages
- A notification email to all those on the planning policy consultation database
- A Love Lambeth blogpost
- Promotion on the Council's social media channels
- Hard copies of the application at Waterloo Library and the Civic Centre.

5.3. The response to the consultation is summarised in section 2 above and set out in full in the schedule in Appendix 3.

## **6. Risk management**

6.1. There are no specific risk management considerations that arise. The procedure that is being followed is laid down in legislation.

## **7. Equalities impact assessment**

7.1. An Equalities Impact Assessment (EIA) is provided in Appendix 4 and concludes that the impact of the re-designation of the neighbourhood forum is neutral.

## **8. Community safety**

None.

## **9. Organisational implications**

### **9.1 Environmental**

None.

### **9.2 Staffing and accommodation**

None.

### **9.3 Procurement**

None.

### **9.4 Health**

None.

## 10. Timetable for implementation

- 10.1. The Neighbourhood Planning (General) Regulations 2012 require that as soon as possible after designating a neighbourhood forum, the local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area: the name of the neighbourhood forum; a copy of the written constitution of the neighbourhood forum; the name of the neighbourhood area to which the designation relates; and contact details for at least one member of the neighbourhood forum.
- 10.2. If an application for neighbourhood forum designation is refused, the Council must publish a document setting out the decision and a statement of reasons for the decision as soon as possible after the decision is made.
- 10.3. Subject to the outcome of recommendation 1 of this report, officers propose to arrange to publicise the decision in accordance with the Regulations as soon as possible after it is made.

<b>Audit trail</b>				
<b>Consultation</b>				
<b>Name/Position</b>	<b>Lambeth directorate/ division or partner</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in para:</b>
Sandra Roebuck	Interim Strategic Director Neighbourhoods and Growth	22.01.2019	23.01.2019	
Rob Bristow	Assistant Director Planning, Transport and Development	22.01.2019	23.01.2019	
Susan Boucher	Legal Services	15.01.2019	18.01.2019	Throughout
Maria Burton	Democratic Services	15.01.2019	18.01.2019	4
Andrew Ramsden	Corporate Resources	08.01.2019	17.01.2019	
Cllr Matthew Bennett	Cabinet Member Planning, Investment and New Homes	29.01.2019	01.02.2019	

<b>Report history</b>	
<b>Original discussion with Cabinet Member</b>	19 November 2018
<b>Part II Exempt from Disclosure/confidential accompanying report?</b>	No
<b>Key decision report</b>	Yes
<b>Date first appeared on forward plan</b>	14 December 2018
<b>Key decision reasons</b>	3. Community Impact
<b>Background information</b>	<a href="#">Neighbourhood Planning (General) Regulations 2012</a>
<b>Appendices</b>	Appendix 1 - Application to re-designate the South Bank and Waterloo neighbourhood forum November 2018

Appendix 2 – Assessment of the application against statutory requirements

Appendix 3 - Schedule of responses to consultation on the re-designation application

Appendix 4 – Equalities Impact Assessment

**APPROVAL BY CABINET MEMBER IN ACCORDANCE WITH SCHEME OF DELEGATION**

**I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

Dominique Barnett, Principal Planning Policy Officer, Neighbourhoods and Growth

**I approve the above recommendations:**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

Councillor Matthew Bennett, Cabinet Member for Planning, Investment and New Homes

**Any declarations of interest (or exemptions granted): None**

**Any conflicts of interest: None**

**Any dispensations: None**