

**Cabinet Member Delegated Decision 03 July 2019**

**Report title:** South Bank and Waterloo Neighbours Draft Neighbourhood Plan – Decision following receipt of the Examiner’s report

**Wards:** Bishop’s

**Report Authorised by:** Emma Peters, Interim Strategic Director Sustainable Growth & Opportunity

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

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**Report summary**

The draft South Bank and Waterloo Neighbourhood Development Plan (NDP) has been prepared by the South Bank and Waterloo Neighbours (SoWN) neighbourhood forum. The SoWN neighbourhood area straddles the boundary of Lambeth and Southwark and is a designated business area.

The draft NDP was submitted to Lambeth and Southwark in August 2018. On 18 October 2018 Lambeth made the decision that the draft NDP could be formally published and submitted to examination under Regulations 16 and 17 of the Neighbourhood Planning (General) Regulations 2012. The draft NDP was formally published between 8 November and 20 December 2018 and a total of 27 representations were made and submitted to the Examiner.

In agreement with SoWN, Christopher Lockhart-Mummery QC was appointed by Lambeth and Southwark to undertake the examination of the draft NDP. Following the re-designation of the neighbourhood forum on 19 February 2019, the examination formally commenced on 26 February 2019. The Examiner’s report was received on 28 May 2019 and recommends that the draft NDP should be submitted to referendum, subject to the modifications recommended in the Examiner’s report. It also recommends that any referendum area should not extend beyond the neighbourhood area.

The Council is now required to consider each of the Examiner’s recommendations and decide what action to take in respect of each of them and also needs to decide whether the draft NDP, subject to modifications as proposed in this report, should proceed to referendum. As the neighbourhood area is a designated business area, two referendums would be required: one for residents and one for businesses.

**Finance summary**

The projected cost of the South Bank and Waterloo neighbourhood development plan examination and referendums is £40,000 and will be funded from a £30,000 grant and £10,000 from existing general fund budgets.

## Recommendations

- (1) To note the Examiner's report on the draft South Bank and Waterloo neighbourhood development plan and the Examiner's recommendations and his proposed modifications.
- (2) To agree the response to each of the Examiner's recommendations and his reasons for those recommendations, as set out in Table 1 of Appendix 3.
- (3) To agree the proposed modifications to the draft South Bank and Waterloo neighbourhood development plan set out in Tables 1 and 2 of Appendix 3.
- (4) To agree that, subject in each instance set out in this recommendation at (i) to (iv) to the modifications set out in Tables 1 and 2 of Appendix 3 (including any further amendments to those Tables arising from recommendation (6)), the draft South Bank and Waterloo neighbourhood development plan: (i) meets the basic conditions as provided for in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990; (ii) complies with the relevant provisions of sections 38A and 38B of the Planning and Compulsory Purchase Act 2004; (iii) is compatible with the European Convention on Human Rights; and (iv) should be sent to two referendums (residential and business).
- (5) To agree that the area for referendum (residential and business) be the designated South Bank and Waterloo neighbourhood area.
- (6) To grant delegated authority to the Assistant Director Planning, Transport and Development to publish a decision statement in accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 including taking such steps as are necessary in order to be able to finalise the detailed wording of the modifications set out in Tables 1 and 2 of Appendix 3.
- (7) To grant delegated authority to the Assistant Director Planning, Transport and Development the carrying out of all necessary arrangements for and in connection with the holding of two referendums (residential and business) on the making of the draft South Bank and Waterloo neighbourhood development plan including taking such steps as are necessary for the conduct of cross-border referendums.

## **1. Context**

- 1.1. The context for neighbourhood planning generally is set out in the Cabinet Member Decision report about whether the South Bank and Waterloo Neighbours draft neighbourhood development plan could proceed to formal publication and examination (see report [here](#)).
- 1.2. The South Bank and Waterloo Neighbours neighbourhood forum (SoWN) was re-designated as the neighbourhood forum for the neighbourhood area on 19 February 2019. The neighbourhood area, which was designated as such on 10 February 2014, straddles the borough boundary with Southwark, although the greater part of the neighbourhood area falls within Lambeth. The neighbourhood area was designated as a business area under section 61H of the Town and Country Planning Act 1990, reflecting the nature of the area and who was likely to take the lead in neighbourhood planning.
- 1.3. The draft NDP was submitted to Lambeth and Southwark in August 2018 (see Appendix 1). On 18 October 2018 Lambeth made the decision that draft NDP could be formally published and submitted to examination under Regulations 16 and 17 of the Neighbourhood Planning (General) Regulations 2012. The draft NDP was formally published between 8 November and 20 December 2018 and a total of 27 representations were made and submitted to the Examiner.
- 1.4. In agreement with SoWN, Christopher Lockhart-Mummery QC was appointed by Lambeth and Southwark to undertake the examination of the draft NDP. Following the re-designation of the neighbourhood forum on 19 February 2019, the examination formally commenced on 26 February 2019.
- 1.5. The Examiner's report was received on 28 May 2019 (see Appendix 2).
- 1.6. The Council is now required to consider each of the Examiner's recommendations, and the reasons for those recommendations, and decide what action to take in response. The Council also needs to decide whether the draft NDP should proceed to referendum. If it does so decide, because the neighbourhood area is a designated business area, two referendums will be required: one for residents and one for businesses. Southwark as the local planning authority for the remainder of the neighbourhood area will carry out its own decision-making process and officers will liaise with one another in respect of the decisions of the two authorities.

## **2. Proposal and Reasons**

*Statutory framework for the holding of an examination and referendum relating to a draft neighbourhood development plan*

- 2.1. The statutory requirements to be with complied with for the examination of a draft NDP are set out in the Town and Country Planning Act ('the 1990 Act'), the Planning and Compulsory Purchase Act 2004 ('the 2004 Act') and the Neighbourhood Planning Regulations 2012. Section 38A(3) of the 2004 Act states that Schedule 4B to the 1990 Act, which makes provision about the process for the making of neighbourhood development orders, is to apply in relation to neighbourhood development plans (subject to the modifications set out in section 38C(5) of the 2004 Act).
- 2.2. Examinations of draft NDPs generally take place on paper and it is for the Examiner to decide whether a hearing is necessary. Under paragraph 8 of Schedule 4B to the 1990 Act (as modified by the 2004 Act), the Examiner must consider the following:

- a) Whether the draft NDP meets the basic conditions, which are specified in paragraph 8(2);
- b) Whether the draft NDP complies with sections 38A and 38B of the 2004 Act;
- c) Whether the area for any referendum should extend beyond the neighbourhood area to which the draft NDP relates; and
- d) Such other matters as may be prescribed.

2.3. The basic conditions that a draft NDP must meet are:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP;
- b) The making of the NDP contributes to the achievement of sustainable development;
- c) The making of the NDP is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- d) The making of the NDP does not breach, and is otherwise compatible with, EU obligations; and
- e) Prescribed conditions are met in relation to the NDP and prescribed matters have been complied with in connection with the proposal for the NDP. These 'prescribed conditions' and 'prescribed matters' are set out in secondary legislation, and in relation to an NDP are concerned with provisions for habitat assessment.

2.4. The Examiner must make a report on the draft NDP which contains one of the following recommendations:

- a) That the draft NDP is submitted to a referendum; or
- b) That modifications specified in the report are made to the draft NDP and the draft NDP as modified is submitted to a referendum; or
- c) That the proposal for the NDP is refused.

2.5. The only modifications that the Examiner can recommend are:

- a) Modifications the Examiner considers need to be made to secure that the draft NDP meets the basic conditions;
- b) Modifications that the Examiner considers need to be made to secure that the draft NDP is compatible with the Convention rights (references to the 'Convention rights' refer to how that term is used in the Human Rights Act 1998, that is, it is a reference to the rights contained in the European Convention on Human Rights (ECHR), which is a European provision);
- c) Modifications that the Examiner considers need to be made to secure that the draft NDP complies with the provision made by or under sections 38A and 38B of the 2004 Act; and
- d) Modifications for the purpose of correcting errors.

2.6. Following the receipt of the Examiner's report, the local planning authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. Under regulation 17A of the Neighbourhood Planning (General) Regulations 2012 the basic timescale in which the local planning authority is required to decide what action to take in response to each recommendation is 5 weeks from the date of receipt of the Examiner's report.

2.7. Under paragraph 12(4) of Schedule 4B to the 1990 Act, if the local planning authority is satisfied that:

- a) the draft NDP meets the basic conditions, is compatible with the Convention rights and complies with the provision made by or under sections 38A and 38B of the 2004 Act; or

- b) that the draft NDP would meet those conditions, be compatible with those rights and comply with that provision if modifications were to be made to the draft NDP (whether or not recommended by the Examiner), a referendum must be held on the making by the authority of the NDP. Where modifications are proposed, the draft plan on which any referendum is held will be the draft NDP subject to the modifications that the local planning authority considers appropriate (paragraph 12(5) of Schedule 4B to the 1990 Act) (and the proposed modifications are set out in this report at Appendix 3).
- 2.8. The power of the local planning authority to propose modifications is limited by the legislation. The only modifications that the local planning authority can make are:
- a) Modifications considered necessary to ensure the NDP meets the basic conditions;
  - b) Modifications considered necessary to ensure the NDP is compatible with the Convention rights;
  - c) Modifications considered necessary to ensure the NDP complies with provision made by or under sections 38A and 38B of the 2004 Act; and
  - d) Modifications for the purposes of correcting errors.
- 2.9. As the SoWN neighbourhood area is a designated business area, there would need to be two referendums in accordance with paragraphs 12(4) and 15 of Schedule 4B to the 1990 Act: one for residents in the referendum area and one for businesses in the referendum area.
- 2.10. The area in which the referendums is to take place must, as a minimum, be the neighbourhood area to which the proposed NDP relates. If the local planning authority considers it appropriate to do so, they may extend the referendum area to include other areas (whether or not those areas fall wholly or partly outside the authority's area). If the local planning authority decides to extend the referendum area, they must publish a map of that area.

*Examination of the draft South Bank and Waterloo neighbourhood development plan*

- 2.11. Under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012, the following documents were submitted to the Examiner on 26 February 2019:
- a) The draft NDP;
  - b) The consultation statement;
  - c) The basic conditions statement;
  - d) The Strategic Environmental Assessment screening report;
  - e) The Habitats Regulations Assessment screening report; and
  - f) The representations received during the publication of the draft NDP.
- 2.12. The Examiner asked the local planning authorities and SoWN for further information about specific points. On 10 April 2019, the Examiner advised that the examination would take place without the need for a hearing or explanatory meeting.
- 2.13. The Examiner provided his report in draft format for the purposes of fact-checking by the local planning authorities and by SoWN. The Examiner's report was received by the Council on 28 May 2019. It was published on the Council's website on 31 May 2019.
- 2.14. The Examiner's report recommends that the draft NDP should be submitted to referendum, subject to the modifications recommended in the report. It also recommends that the referendum area should not extend beyond the neighbourhood area.

2.15. The following recommendations have been made by the Examiner:

- The NDP should set out that the neighbourhood area is a designated business area.
- The NDP should make clear that its policies should be read alongside Local Plan policies.
- The map of the neighbourhood area should be amended to show the Opportunity Area and the Central Activities Zone.
- References to the number of residents in the neighbourhood area should be amended.
- Policy P1 (open space) should be amended to remove reference to only applying to publically-accessible open space.
- Policy P2 (open space) should be amended to make clear that major developments that intensify pressure, to a material degree, on existing publically open space should contribute to improvement to open space in a manner or extent relevant to the development.
- Policy P3 (green roofs) should be amended to ensure that green flat roofs are supported, subject to the character of the surrounding built form and that they should be accessible, subject to safety and amenity considerations. The requirement for developers to retrofit roofs if they can't meet those requirements should be deleted.
- Policy P4 (amenity space and trees) should be amended to set out that the proposed amenity standards for all major developments are encouraged rather than required to ensure the policy is less prescriptive. The policy should be amended to make clear that the loss of amenity in surrounding open space should be mitigated on a case by case basis, rather than through the proposed formula. The tree policy should be amended.
- Policy P5 (air quality) should be amended to make reference to cycling and should make clear that the development of Waterloo station should demonstrate that measures capable of being regulated by development management to reduce emissions from diesel vehicles have been investigated.
- Policy P7 and Policy P8 (affordable housing) and their supporting text should be deleted as the approach to affordable housing in the neighbourhood area is not consistent with national and Local Plan policies.
- Policy P9 (affordable housing) should be amended to make clear that off-site affordable housing will only be supported in exceptional circumstances.
- Policy P10 (hotels) should be amended to make clear that the objectives for hotel developments are supported rather than a requirement to make the policy less prescriptive.
- Policy P11 (anti-graffiti coatings) should be amended to clarify where buildings will be expected to be treated with a permanent anti-graffiti coating.
- Supporting text to Policy P12 (retail units) should be deleted to remove reference to affordable retail units which is not supported by evidence.
- Policy P13 (mix of uses in Lower Marsh/The Cut) should be amended to make clear the thresholds for A1/A3 apply to Lower Marsh only.

- Policy P14 (offices and workspace) should be amended to remove reference to only supporting office or workspace in 'appropriate parts of the area' to be consistent with Local Plan policies.
- Supporting text to Policy P16 (community uses) should be amended to make clear that any proposals seeking the redevelopment of identified sites should include the full provision of the community use on the same site.
- Policy P17 (Leake Street) should be amended to support cultural uses on adjoining units to Leake Street and under Waterloo Station.
- Policy P19 (maintenance and management of surrounding area) should be amended to make clear that the approach to securing money for management and maintenance are subject to the requirements of regulations 122 and 123 of the CIL Regulations.
- Policy P20 (use of NCIL) and supporting text should be deleted because it is not a policy for the development and use of land and would constrain the discretion of each local planning authority on how it should spend its CIL.
- The tables summarising the local issues and policies should be amended to reflect modifications to policies and supporting text.

2.16. The Examiner made no comment or recommendation in relation to policies P6, P15 and P18.

*Consideration of the Examiner's recommendations on the draft South Bank and Waterloo neighbourhood development plan*

2.17. Officers have considered each of the Examiner's recommendations and set out a proposed response to each of the recommendations. This is contained in Table 1, Appendix 3. Officers accept the reasoning provided by the Examiner for each of his proposed modifications. In officers' assessment the Examiner's recommendations should be carried forward to the version of the draft NDP that is put to referendum.

2.18. Officers are seeking a delegation in order to be able to finalise the detailed wording of the proposed modifications set out in Table 1, in order to ensure that they can finalise the detailed wording of the modifications in case any minor corrections are required.

*Further modifications proposed by Lambeth*

2.19. One minor amendment is proposed to the introductory sections of the draft NDP to correct an error. This is set out in Table 2, Appendix 3.

*Does the draft NDP meet the basic conditions?*

2.20. Officers consider that the draft NDP, with the modifications set out in Appendix 3 meets the basic conditions. This assessment is set out in Appendix 4.

*Does the draft NDP comply with the Convention rights?*

2.21. Noting in particular the provisions of Article 8 of the ECHR concerning rights to private/home life, and the terms of the policies proposed in the draft NDP in particular in relation to housing, officers consider that the draft NDP, with the modifications set out in Appendix 3, is compatible with the Convention rights.

*Does the draft NDP comply with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004?*

- 2.22. The legislation does not spell out what exactly is meant by 'provisions made by or under' sections 38A and 38B of the 2004 Act, with the result that the local planning authorities need to identify what they consider the applicable requirements are at any particular stage in the neighbourhood planning process.
- 2.23. Certain 'provisions made by or under' sections 38A and 38B of the 2004 Act relate to whether the proposal is a 'repeat proposal' (such proposals may 'fail' at the formal submission stage), whether the package of draft documents formally submitted to the local planning authority is complete and whether pre-submission consultation has been correctly carried out by the neighbourhood forum. Compliance with those requirements in this case was assessed at the earlier formal submission stage and has not been re-assessed now, as those requirements related specifically to an earlier stage in the process. The Examiner has identified the specific provisions under sections 38A and 38B of the 2004 Act that the draft NDP needs to comply with at the examination stage. Officers have assessed whether the draft NDP complies with the relevant requirements of sections 38A and 38B of the 2004 Act. This assessment is set out in Appendix 5 and concludes the draft NDP, subject to the modifications set out in Appendix 3, meets these requirements.

*Should the referendum area be extended beyond the neighbourhood area?*

- 2.24. Officers agree with the Examiner's recommendation that the area for the referendums should not extend beyond the neighbourhood area. Taking account of the content of the draft NDP, nothing has emerged during the examination process or in the neighbourhood planning process in Lambeth more generally that points towards there being any justification for the referendums to be conducted over a wider area.

*Conclusion arising from the examination process*

- 2.25. Officers recommend that all of the Examiner's recommendations to modify the draft NDP are accepted. It is considered that the draft NDP meets the basic conditions, complies with the provisions of sections 38A and 38B of the 2004 Act and complies with the Convention rights.
- 2.26. On this basis it is recommended that the draft NDP, with the modifications set out in Appendix 3, proceeds to two referendums: one for residents and one for residents. It is recommended that the area for the referendums is the designated neighbourhood area.
- 2.27. Officers are seeking a delegation to enable them to prepare and publish a decision statement about the matters that are covered by the recommendations in this report. This formal decision statement is required by Regulation 18 of the Neighbourhood Planning (General) Regulations 2012.

*Arrangements for the conduct on the referendums*

- 2.28. If officers' recommendation that the draft NDP should proceed to referendum is agreed, arrangements will then need to be made for the conduct of the necessary referendums. There are separate regulations that govern the timing and conduct of neighbourhood planning referendums (the Neighbourhood Planning (Referendums) Regulations 2012).
- 2.29. In cross-border cases, or where a business referendum is required in addition to a residential referendum, the basic timescale for the holding of the referendums is 84 days excluding weekend days

and public holidays once the decision to hold the referendums is published. This timescale can be dis-applied by agreement with the neighbourhood forum. Officers will need to work to any applicable timescale in making the arrangements for the holding of the referendums. It is anticipated that the referendums would need to be held by late October 2019.

- 2.30. Where, as in the case of the SoWN draft NDP, a separate business referendum is also required, there are a number of steps that must be gone through in order to construct the relevant voter registration list before any business voting can take place.
- 2.31. Officers are seeking a delegation to enable them to make all necessary arrangements for the holding of the referendums.
- 2.32. The outcome of each referendum will be reported in due course.

#### *Status of draft neighbourhood development plans pre-referendum*

- 2.33. The Neighbourhood Planning Act 2017 amended section 70 of the 1990 Act to require local planning authorities to have regard to a post-examination draft NDP, so far as material to the application, when dealing with planning applications. A draft NDP is a 'post-examination draft NDP' if the local planning authority has decided that the draft plan should proceed to referendum.
- 2.34. If officers' recommendations are agreed the SoWN draft NDP will need to be treated as a post-examination draft NDP.

### **3. Finance**

- 3.1. The projected cost of the South Bank and Waterloo neighbourhood development plan examination and referendums is £40,000.
- 3.2. £30,000 of the costs will be funded through a Ministry of Housing, Communities and Local Government grant and £10,000 will be funded by existing general fund budgets of the Planning and Electoral Services.
- 3.3. The South Bank and Waterloo neighbourhood area is cross-border with the London Borough of Southwark. As the lead authority, Lambeth will, with the agreement of the London Borough of Southwark, make the claim for the £30,000 on behalf of both local authorities.

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

- 4.1. Paragraphs 2.1 to 2.10 set out the statutory framework for the matters that may be considered by the Examiner of a draft neighbourhood development plan, and the actions that need to be taken by the local planning authority on receipt of the Examiner's report.
- 4.2. Paragraphs 2.17 to 2.26 set out officers' assessment of the matters that the local planning authority is required to consider at this stage and the considerations that the authority is required to address when deciding whether a draft plan should proceed to the referendum stage.
- 4.3. As noted in paragraph 2.8, the scope for the local planning authority to seek to modify a draft plan on receipt of the Examiner's report is as defined in the relevant legislation. Similarly, the local planning

authority is required by the terms of the legislation to send a draft plan to referendum if certain criteria, as explained in paragraph 2.7, are considered to be met.

- 4.4. This proposed key decision was entered in the Forward Plan on 12 March 2019 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 approved 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 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. There has been an opportunity for public comments to be made on the draft NDP. The draft NDP was formally published between 8 November and 20 December 2018 and a total of 27 representations were made and submitted to the Examiner for his consideration.
- 5.2. Officers are liaising with their colleagues in Southwark regarding the progress of the draft NDP in that borough.

## **6. Risk management**

- 6.1. The scope of the decision that needs to be taken at this stage in the neighbourhood planning process is prescribed by the relevant legislation. That legislation sets out what matters must be considered by the decision-maker and what steps must be taken by the Council.
- 6.2. It is considered that management of risk is able to be satisfactorily achieved by complying with the requirements of the legislation.

## **7. Equalities impact assessment**

- 7.1. The Equalities Impact Assessment is at Appendix 6. It is considered that the draft NDP, with the modifications set out in Appendix 3, will not have an adverse impact on groups with protected characteristics but rather a positive impact, particularly on the health and wellbeing of multiple user groups, those with a lower socio-economic status and some younger and older people. The modifications set out in Appendix 3 mitigate the negative impacts arising from P7, P8 and P20.

## **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**

### *Decision statement*

10.1 In accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012, as soon as possible after the decision on whether to send the draft NDP to referendum is made, the local planning authority must publish:

- a) The decision and their reasons for it (the decision statement);
- b) Details of where and when the decision statement may be inspected; and
- c) The Examiner's report.

10.2 The decision statement must be published on the local planning authority's website and in such other manner as they consider is likely to bring the decision statement to the attention of people who live, work or carry on business in the neighbourhood area.

### *Referendum*

10.3 The timescale for the holding of the referendums is referred to in paragraph 2.28.

<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>
Emma Peters	Interim Strategic Director Sustainable Growth and Opportunity	12/06/2019	12/06/2019	
Sandra Roebuck	Director Planning Growth and Employment	12/06/2019	12/06/2019	
Rob Bristow	Assistant Director Planning, Transport and Development	12/06/2019	12/06/2019	
Catherine Carpenter	Head of Policy & Placeshaping	21/05/2019	24/05/2019	1.3, 2.17 and section 6.
Susan Boucher	Legal Services	07/06/2019	12/06/2019	Throughout
Sam Bailey	Democratic Services	10/06/2019	12/06/2019	Recommendations
Matthew Gaynor	Corporate Resources	13/06/2019	13/06/2019	3.2

Cllr Matthew Bennett	Cabinet Member Planning, Investment and New Homes	13/06/2019		
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<b>Report history</b>	
<b>Original discussion with Cabinet Member</b>	11 March 2019
<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>	12 March 2019
<b>Key decision reasons</b>	3. Community Impact
<b>Background information</b>	<a href="#">South Bank and Waterloo Neighbours Draft Neighbourhood Plan Submission decision</a>
<b>Appendices</b>	<p>Appendix 1 – Draft South Bank and Waterloo Neighbourhood Plan</p> <p>Appendix 2 – Examiner’s report</p> <p>Appendix 3 – Proposed decision on examiner’s recommendations</p> <p>Appendix 4 – Consideration of draft NDP against basic conditions</p> <p>Appendix 5 – Consideration of draft NDP with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004</p> <p>Appendix 6 – Equalities Impact Assessment</p>

**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, Sustainable Growth and Opportunity

**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**