

CABINET

Tuesday, 5 April 2016 at 5.30 p.m.

C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

SUPPLEMENTAL AGENDA

The meeting is open to the public to attend.

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see the main agenda.

		PAGE NUMBER(S)	WARD(S) AFFECTED
5 .3	Determination of the Isle of Dogs Neighbourhood Planning Area Application	545 - 580	Blackwall & Cubitt Town; Canary Wharf; Island Gardens; Poplar
5 .4	Determination of the Isle of Dogs Neighbourhood Planning Forum Application	581 - 610	Blackwall & Cubitt Town; Canary Wharf; Island Gardens; Poplar
5 .5	Determination of Spitalfields Neighbourhood Planning Area Application	611 - 644	Spitalfields & Banglatown; Weavers
5 .6	Determination of Spitalfields Neighbourhood Planning Forum Application	645 - 672	Spitalfields & Banglatown; Weavers

Agenda Item 5.3

<p>Cabinet Decision</p> <p>5th April 2016</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Aman Dalvi, Corporate Director Development & Renewal</p>	<p>Classification: Unrestricted</p>
<p>Neighbourhood Planning: Determination of Isle of Dogs Neighbourhood Planning Area.</p>	

Lead Member	Councillor Rachel Blake, Cabinet Member for Strategic Development
Originating Officer(s)	Adele Maher, Strategic Planning Manager
Wards affected	Canary Wharf, Poplar, Island Gardens, Blackwall & Cubitt Town.
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

Reasons for Urgency
 The publication of this report is less than five clear days in advance of the meeting. The completion of the report required external legal advice which was unexpectedly delayed. Due to these special circumstances pursuant to Rule 6.1(b) of the Access to Information Procedure Rules the Mayor identified this report as an item for urgent decision that should not be delayed in order to positively support local communities prepare Neighbourhood Development Plans without further delay.

Executive Summary

Neighbourhood planning was introduced by the Localism Act 2011 and allows communities to help shape their local area by preparing a Neighbourhood Development Plans (NDP), or Neighbourhood Development Orders (NDOs), provided they meet a number of basic conditions, including being in general conformity with the strategic policies of a development plan prepared and adopted by the local planning authority (LPA). In parished areas neighbourhood planning processes are led by parish or town councils; in other areas neighbourhood planning forums must apply to the LPA to be designated as the lead (qualifying body).

As LPA, the Council is required to determine applications for Neighbourhood Area designation in accordance with the Town and County Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012.

The Council has received two Neighbourhood Planning applications that relate to Isle of Dogs: Isle of Dogs Neighbourhood Planning Forum Application and Isle of Dogs Neighbourhood Planning Area Application.

This report relates to Isle of Dogs Neighbourhood Planning Area application only.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the designation of some of the Isle of Dogs Neighbourhood Planning Area as defined in the plan attached at Appendix 1.

1 REASONS FOR THE DECISIONS

- 1.1 The Council has received an application to establish a Neighbourhood Planning Area in the Isle of Dogs
- 1.2 The Council is required to determine applications for the area designations in accordance with the Town and County Planning Act 1990 (as amended) ("TCPA 1990") and the Neighbourhood Planning (General) Regulations 2012 ("the 2012 Regulations").
- 1.3 The Government's Planning Practice Guidance ("PPG") on Neighbourhood Planning (Ref ID: 41) provides guidance on the determination of such applications. It also states that the role of the Local Planning Authority ("LPA") is to take decisions at key stages in the Neighbourhood Planning process.
- 1.4 Officers have undertaken an assessment of the proposed Isle of Dogs Neighbourhood Planning Area application against relevant provisions of the TCPA 1990, the 2012 Regulations and the guidance detailed in the PPG. As a result, officers are satisfied that the Isle of Dogs Area application, with minor amendments, accords with relevant legislative requirements. The application is therefore recommended for approval and a decision should be taken in accordance with the LPA's statutory duties.

2 ALTERNATIVE OPTIONS

- 2.1 In the first instance, officers carefully considered whether it would be appropriate to designate the area specified in the submitted application ('specified area'). Having regard to relevant legislative provisions and the guidance in paragraph 33 of the PPG, the proposed area was not considered appropriate. As such alternative options were sought for the area in accordance with the TCPA 1990.
- 2.2 By virtue of section 61G of the TCPA 1990, the authority must exercise their power of designation where a valid application has been made 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 where:
 - i) some or all of the specified area has not been designated as a neighbourhood planning area; or
 - ii) the authority refuses the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area.

- 2.3 The authority may also modify designations already made and ensure that neighbourhood areas do not overlap.
- 2.4 In accordance with section 61H of the TCPA 1990, the authority has an additional option. Section 61H provides that the power of a LPA to designate a neighbourhood area, as a business area, is exercisable by the authority only if, having regard to such matters as may be prescribed, they consider that the area is wholly or predominantly business in nature.
- 2.5 Options available to the authority are therefore to: 1) designate all of the area specified in the application; 2) designate some of the area specified; 3) modify existing designations; and 4) designate the area as a business area. These have been considered by the authority.

3 DETAILS OF REPORT

- 3.1 This report provides an overview of the assessment of the Isle of Dogs Neighbourhood Planning Area application.
- 3.2 The content of this report is as follows:
- Section 4: provides an introduction to Neighbourhood Planning;
 - Section 5: outlines the relevant legislative framework and guidance; and
 - Section 6: provides a background to the Isle of Dogs area application and details of the LPA's assessment.

4 INTRODUCTION TO NEIGHBOURHOOD PLANNING: A COMMUNITY LED PROCESS

- 4.1 The Localism Act 2011 amended the TCPA 1990 to make provision for neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.
- 4.2 The legislative provisions concerning neighbourhood planning within the TCPA 1990 are supplemented by the Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015) and the Neighbourhood Planning (Referendum) Regulations 2012 ("the 2012 Regulations").
- 4.3 PPG issued by the Secretary of State for Communities and Local Government provides detailed advice relating to the neighbourhood planning system introduced by the Localism Act 2011, addressing the key stages of decision-making including the designation of neighbourhood areas.

- 4.4 Neighbourhood planning provides communities with the ability to prepare a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Orders (NDO), in areas designated by the LPA on application as a neighbourhood area. Neighbourhood planning powers may only be exercised by bodies authorised by the legislation. In a neighbourhood area where there is a parish council, only a parish council may make proposals for a NDP or NDO. In neighbourhood areas without a parish council, only a body designated by the LPA as a neighbourhood forum may bring forward proposals for that neighbourhood area.
- 4.5 NDPs set out policies in relation to the development and use of land in all or part of a defined neighbourhood area and may include site allocations, or development principles, for allocated sites. They may also include character appraisals and seek to establish community facilities and/or identify areas for public realm improvements. NDOs allow for planning permission to be granted in the circumstances specified and exempt certain types of development, or development in certain areas, or on particular sites, from the usual requirement to apply to the LPA for a grant of planning permission.
- 4.6 Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's 'Local Plan': Core Strategy (2010) and Managing Development Document (MDD) (2013).
- 4.7 A NDP that has been 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory 'Development Plan' (comprising the Local Plan and London Plan) and, as such, will be accorded full weight when determining planning applications in the neighbourhood area. NDPs will form a new spatial layer to the Council's planning policy and guidance.
- 4.8 NDP policies will be developed by a neighbourhood forum through consultation with stakeholders in their relevant neighbourhood area and through engagement with Council Officers. Proposed NDP policies must be supported by an up-to-date evidence base to ensure that they are reasonable, sound and justified. Before the NDP is 'made' it must be subject to pre-submission publicity and consultation, submitted to the LPA for a legal compliance check, publicised for consultation, submitted for independent examination, found by the independent examiner to meet the basic conditions specified in the legislation, and passed at a referendum.

Community Infrastructure Levy

- 4.9 The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2013 ("the CIL Regulations") were supplemented by the Community Infrastructure Levy Guidance Note, published by DCLG on 26 April 2013. The 2013 guidance was replaced by the Government's PPG on 6 March 2014.
- 4.10 The CIL Regulations, as explained by the PPG, make provision for how CIL receipts may be used in relation to neighbourhood planning in those areas which have Parish Councils and those which do not. Tower Hamlets currently

does not have any Parish Councils and, as such, the Council retains the revenue generated by CIL.

- 4.11 The Community Infrastructure Levy PPG (Ref ID: 25) states (at paragraph 072) that:

"... In England, communities that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order), and secure the consent of local people in a referendum, will benefit from 25 per cent of the levy revenues arising from the development that takes place in their area. This amount will not be subject to an annual limit. ..."

- 4.12 Therefore, where a NDP or NDO has been adopted, the Council is required to consult with the local community as to how this 25 per cent proportion of CIL receipts will be spent.

Overview of Neighbourhood Planning at LBTH

- 4.13 The determination of applications to designate neighbourhood areas and neighbourhood forums are decisions exercised by the Mayor of Tower Hamlets.

- 4.14 Such applications are required by the Council to be submitted using the Council's neighbourhood planning application.

- 4.15 The Council has published guidance to assist prospective neighbourhood forums to understand what is involved in becoming a forum and designating an area and the criteria the Council use to make decisions.

- 4.16 This guidance advises prospective forums to liaise with officers prior to applications being submitted. This allows those proposing to make neighbourhood planning obligations to meet relevant legislative requirements.

- 4.17 The Council is required to publicise applications for the designation or neighbourhood areas and forums for a period of six weeks. In addition to that basic legislative requirement, Officers are guided by best practice and also consult with the following:

- Community Ward Forums
- Government agencies
- Associated Ward Councillors

5 NEIGHBOURHOOD PLANNING AREAS: RELEVANT LEGISLATION AND GUIDANCE

- 5.1 This section outlines the relevant legislative framework and guidance as they relate to the designation of neighbourhood areas. in the following sequence: 1) making an application 2) consulting on an application and 3) designating an area.

- 5.2 The Council has a statutory duty to determine applications to establish neighbourhood areas in accordance with the relevant legislation: sections 61G(5) and 61H(3) of the TCPA 1990. The Council must also have regard to the guidance in the PPG on neighbourhood planning as it relates to the designation of neighbourhood areas.

Making an application

- 5.3 In accordance with Regulation 5 of 2012 Regulations where a relevant body submits an area application to the local planning authority it must include:
- (a) A map which identifies the area to which the area application relates
 - (b) A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - (c) A statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the TCPA 1990.
- 5.4 A local planning authority (LPA) may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.
- 5.5 Upon receipt of an application, it is validated in accordance with the above.

Consulting on an application

- 5.6 In accordance with regulation 6 of the 2012 Regulations, the LPA must publish the following on its website and in such a manner as to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:
- (a) a copy of the area application;
 - (b) details of how to make representations; and
 - (c) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first published.

Designating an area

- 5.7 In accordance with section 61G of the TCPA 1990, a LPA must exercise its power *"so as to secure some or all of the specified area forms part of one of more areas designated as neighbourhood area"*. In so doing, the LPA (in non-parished areas such as Tower Hamlets) must have regard to:
- (1) The desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas (section 61G(4)(b));

- (2) Refusing the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area (section 61G(5)(c));
 - (3) Exercising 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 a neighbourhood area (section 61G(5)(c));
 - (4) Modification of designations already made (section 61G(6)); and
 - (5) Ensuring that neighbourhood areas do not overlap (section 61G(7)).
- 5.8 In accordance with section 61H of the TCPA 1990, whenever a local planning authority exercise their power under section 61G to designate an area as a neighbourhood area, they must consider whether they should designate the area concerned as a business area.
- 5.9 Section 61H(c) specifies the criteria for determining if an area should be designated as a business area. It states that:
- "The power of a local planning authority to designate a neighbourhood area as a business area is exercisable by the authority only if, having regard to such matters as may be prescribed, they consider that the area is wholly of predominately business in nature."*
- 5.10 The PPG states at paragraph 035 that *"the local planning authority should aim to designate the area applied for"*.
- 5.11 Section 61O of the TCPA 1990 requires a LPA to take account of the guidance in paragraph 033 of the PPG, which lists considerations that may be relevant to determining the boundaries of a neighbourhood area. Paragraph 033 of the PPG also provides guidance on considerations when deciding the boundaries of areas. It states that *"electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area"*.
- 5.12 Other considerations outlined in the PPG relate to:
- (a) village or settlement boundaries, which could reflect areas of planned expansion;
 - (b) the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities;
 - (c) the area where formal or informal networks of community based groups operate;
 - (d) the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style;
 - (e) whether the area forms all or part of a coherent estate either for businesses or residents;

- (f) whether the area is wholly or predominantly a business area;
- (g) whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway;
- (h) the natural setting or features in an area; and
- (i) size of the population (living and working) in the area.

(Please note that LBTH have inserted the lettering above whereas the PPG uses bullet points)

5.13 The area application for the Isle of Dogs is assessed against the above legislative and regulatory criteria. The assessment also takes into account the PPG guidance and public consultation responses where relevant to decision making. Relevance is determined in line with the legislative and regulatory criteria and PPG guidance. The following section of this report assesses the application against the above considerations.

6 NEIGHBOURHOOD PLANNING AREAS: ISLE OF DOGS APPLICATION,

- 6.1 This section provides a background to the Isle of Dogs Neighbourhood Area application, public consultation and details of the assessment. The format of this section outlines how the Isle of Dogs Neighbourhood Area application was processed and assessed in relation to the criteria that an LPA must have regard to as it relates to: (1) making an application; (2) consulting on an application; and (3) designating an area.
- 6.2 The designation of an area is assessed against the criteria taken from sections 61G(1-5), 61H and paragraph 033 and 035 of the PPG.

Making an application

Application submission and validation

- 6.3 An application was received from the proposed Isle of Dogs Neighbourhood Planning Forum on 1 December 2014. The application was to designate the Isle of Dogs Neighbourhood Planning Area and the Isle of Dogs Neighbourhood Planning Forum. In respect of the area application, it contained:
 - A map which identifies the area to which the area application relates;
 - A statement explaining why this area is considered appropriate to be designated as a neighbourhood area in the application form; and
 - A statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the TCPA 1990 in the application form.
- 6.4 The applications for designation of an area and forum were submitted at the same time and validated concurrently. Throughout the validated process it

was accepted that the proposed forum was capable of being designated as a forum by the LPA.

- 6.5 No other area applications have been received by the Council for this area.
- 6.6 The application submission was validated in accordance with regulation 5 of the 2012 Regulations.

Consultation on application

Public consultation process

- 6.7 In accordance with regulation 6 of the 2012 Regulations, public consultation on the area (and the forum) application was carried out for six weeks between 5th January and 16th February 2015.
- 6.8 The application was advertised in East End Life and all application documents were made publically available on the Council's Website, in the Council Town Hall and in relevant Idea Stores or libraries.
- 6.9 The advertisement in the East End Life, and other publicity material provided details of how to make representations; and the date by which those representations must be received, being not less than 6 weeks from the date on which the application was first published.

Summary of Representations received:

- 6.10 All representations received during the consultation period have been taken into account in the determination of this application. The representations have been taken into account to the extent that the representations address considerations which are relevant to the Council's decision having particular regard to the statutory requirements for designation specified in sections 61G and 61H of the TCPA 1990 and paragraph 033 of the Government's PPG.
- 6.11 Representations were made both in support of and in objection to the proposed area. The nature and number of representations is as follows:
- 4 individually submitted objections
 - 2 individually submitted support statements
 - 7 individually submitted neutral statements
 - 6 individually submitted concerned statements
 - 16 individually submitted no comment statements
- 6.12 Two statements of support relating to the area were made with no reasons for this support identified.
- 6.13 Matters raised in objection of the proposed area stated that it is inappropriate to include strategic sites.

- 6.14 Further detail on the public consultation representations can be read in Appendix 2: Public Consultation Summaries.
- 6.15 The consideration of these representations formed part of the assessment process by the LPA, and the representations were considered against the conditions for designation specified in sections 61F and 61G of the TCPA 1990 (as amended) and the guidance within Section 4 (above), in particular paragraph 033 of the PPG.
- 6.16 Judgements as to the weight to be attached to any duly made representation must take account of the conditions for designation specified in sections 61F and 61G of the TCPA 1990 and the purpose of the designation with the overall context of the statutory neighbourhood planning regime. Section 61O of the TCPA 1990 requires LPA's to take account of the guidance in paragraph 033, which lists considerations that may be relevant to determining the boundaries of a neighbourhood area, is likely to influence the Council's judgement on weight.

Post public consultation submissions

- 6.17 The proposed forum for the Isle of Dogs submitted further documentation after the completion of the public consultation entitled 'Options Appraisal related to the area boundaries' and 'Consultation Strategy'. The documentation did not seek to alter the proposed area boundary or the application statement explaining why the proposed area meets with the conditions contained in the TCPA 1990.
- 6.18 The Council considered that the further documentation received provided a helpful clarification on the application received but does not materially change the applications made by the Isle of Dogs Neighbourhood Planning Forum. Accordingly, officers do not consider further public consultation on the forum's further documentation to be necessary and the Council's decision making process on this area application takes no account of the 'Options Appraisal related to the area boundaries' and 'Consultation Strategy' submitted by the forum.

Determining an Application: Designating an Area

- 6.19 The following section of this report provides:
- (1) a summary understanding of the submitted boundary and area;
 - (2) an assessment of the forum's application against relevant legislation (sections 61G and 61H of the TCPA 1990), the 2012 Regulations and guidance within the PPG; and
 - (3) an assessment of the alternative area identified by the Council against relevant legislation (sections 61G and 61H of the TCPA 1990), the 2012 Regulations and guidance within the PPG.

(1) Proposed Area – Summary of submitted boundaries and area

6.20 The area comprises the wards of Island Gardens, Canary Wharf, Blackwall and Cubitt Town and the eastern part of Poplar ward.

6.21 The specified area aligns with five places identified in the Core Strategy. These are Leamouth; Blackwall; Canary Wharf; Millwall and Cubitt Town.

Northern Boundary

6.22 This northern boundary is formed by the West India Dock Road (A12). This is a Transport for London (TFL) managed highway. This road provides a hard physical boundary. This hard boundary is punctured by the high level Grade II listed railway viaduct.

Eastern, Southern and Western Boundary

6.23 The eastern, southern and western boundaries align with the Tower Hamlets Borough boundary and follow along the River Thames.

Exclusion Area: Canary Wharf Business Area

6.24 The proposed area includes a large 'exclusion zone'. The 'exclusion zone' represents a large section of the Canary Wharf Estate and is proposed for removal from the area.

6.25 The area application explains that the Canary Wharf Group engaged with the prospective Forum on this matter and suggested the removal of their Estate from the area. Areas of the Canary Wharf Estate not in the Forum's proposed exclusion Zone include Wood Wharf, Crossrail station, the area to the west of Westferry Circus and North Quay Place.

6.26 The Canary Wharf Estate closely aligns with a Council's Preferred Office Location (POL) and the Canary Wharf Major Town Centre but does not coincide exactly. Both the POL and Canary Wharf Major Town Centre Areas cover a larger area than the proposed exclusion zone; the Canary Wharf Major Town Centre Area includes Wood Wharf to the east and Aberdeen Square and North Garden to the West.

(2) Assessment of the application – designating an area

6.27 This section of the report considers the area application and public consultation responses against the relevant legislative criteria and guidance outlined above.

In accordance with 61G(4)(b), is it desirable to maintain the existing boundaries of areas already designated as neighbourhood areas?

6.28 The proposed area interacts with a designated neighbourhood area, Limehouse Neighbourhood Area, along the western boundary. The Limehouse area was designated on the 1 December 2015. The Limehouse

area designation was considered with regard to the Isle of Dogs area application and found to be appropriate, so no change is required.

In accordance with 61G(5)(c) should the application be refused because it is considered that the specified area is not an appropriate area to be designated as a neighbourhood area?

- 6.29 The following paragraphs respond to the above question in addressing the appropriateness of the area to be designated by reference to the considerations listed within paragraph 033 of the PPG (as identified in paragraph 5.12 above) and other matters that have arisen during public consultation.

(a) Village or settlement boundaries

- 6.30 The proposed boundaries of the area application do not align with village, settlement boundaries or ward boundaries. In a dense urban context, the use of village or settlement boundaries is inappropriate. The boundaries correspond with the boundaries of three wards and approximately one half of another ward.

(b) Catchment area

- 6.31 The area is served by one large open space (Mudchute Park), multiple day nurseries, pre-school groups and primary schools. The area also has a number of pharmacies, dentists and surgeries. In terms of retail provision, the proposed area has a District Centre and the residents and users of the proposed area are also served by the Canary Wharf Major Centre which is largely located in the exclusion zone. The area is also served by a number of DLR stations, Crossrail and the London Underground. The area is also host to a number of neighbourhood retail centres.

- 6.32 It is acknowledged that the retail offer in a major centre and a district centre is different. However the presence of both on either side of South Dock indicates that the communities on each side of South Dock will be served by different local services within these centres such as pharmacies. The majority of the Canary Wharf Major Centre is not in the specified area but the scope of this Centre extends to communities well beyond the application area. The specified area map predates Crossrail. However, officers have inferred from the boundary lines that Crossrail is intended to be included in the proposed area. As such this area is served by multiple modes of rail services.

- 6.33 The above indicates that the area consists of a number of catchment areas and that the scale of these catchment areas extends beyond neighbourhood and local level and as such the appropriateness of the specified area is questioned on these grounds.

(c) Community based groups

- 6.34 Community groups that operate across the length and breadth of the area are not known to the LPA. There are a number of well-established community groups which operate within this area. However, the majority of area-based

community groups function within smaller neighbourhoods within the wider specified area.

- 6.35 As indicated in relation to criterion (a), the specified boundaries for the area would create a new boundary and as such it follows that there are no known existing community based groups that represent the area other than the prospective forum.

(d) Physical appearance or characteristics

- 6.36 As stated above, the specified area aligns with five places identified in the Core Strategy. These are: Leamouth; Blackwall; Canary Wharf; Millwall and Cubitt Town. The place of Leamouth vision seeks to create a modern waterside mixed use place; the Blackwall vision seeks to create a mixed use area transformed by housing growth; the Canary Wharf vision sees the area retaining its global role as a financial district as well as adopting a stronger local function; the Millwall vision seeks to bring the community together through its waterways and the Cubitt Town vision seeks a residential waterside place set around a thriving mixed use town centre at Crossharbour.
- 6.37 The specified area is host to business, leisure and assembly, retail land uses with residential uses dominating, particularly to the south of the area. Local spatial designations include a small section of the Poplar High Street Neighbourhood Area, the Blackwall Local Office Location, the Barkentine Estate Neighbourhood Centre, the Westferry Neighbourhood Centre and the Manchester Road Neighbourhood Centre. Strategic spatial designations include part of the Canary Wharf Major Centre, part of the Canary Wharf Preferred Office Location (POL) and the Crossharbour District Centre. The employment designations are located north of South Dock as are the strategic designations with the exception of Crossharbour District Centre.
- 6.38 The specified area varies in character across the length and breadth of the area. It has clearly defined office areas and some industrial areas but is largely residential in character. Residential typologies vary in density and age from 19th Century terraces to a 75 storey tower providing residential units and serviced apartments.
- 6.39 The architecture of the specified area largely dates from post WWI with the docks being pre-WWI although there are a number of listed buildings and conservation areas within the specified area. The docks and river add a sense of openness to the character of the area. The height, mass, scale and bulk of buildings and open spaces varies from north to south with the south having a more open character as architectural design is not centred around high density residential and mixed use arrangements.

(e) Coherent estate either for businesses or residents

- 6.40 The specified area includes some of the Canary Wharf Estate to the north, east and west of the exclusion zone. The centre of the Estate is located in the specified exclusion zone. The application document outlines that the proposed creation of an exclusion zone is a result of conversations held by

Forum members and the Canary Wharf Group and an understanding of the different land uses associated with land in the Canary Wharf Group, as well as different objectives and aspirations. The LPA consider the principle of the exclusion zone acceptable for the reasons outlined by the proposed forum, however, the precise boundaries of the proposed exclusion zone require further consideration (see Section 7 (below)).

- 6.41 The specified area includes a number of housing estates. All housing estates are included in the alternative area in their entirety and as such the coherence of the alternative area is maximised for business and residents
- 6.42 The inclusion of site allocations was questioned and objected to in representations made during public consultation. Please note this matter is considered subsequently under the heading “Other matters”, which is at paragraphs 6.52 to 6.58 of this report.

(f) Wholly or predominantly a business area

- 6.43 The specified area is predominately residential in land use and character and as such the area is not considered wholly or predominately business in nature.

(g) Infrastructure or physical features as a natural boundary –

- 6.44 The docks, rivers and A-roads in this location form the strong physical and natural boundaries in this area. The River Thames and River Lea contain the area to the south and east; to the north the specified area is contained by the A12 and A13; and to the west the area relates to the roads that align with ward boundaries. The docks are significant physical features across the area. South Dock forms a significant barrier to movement between the north and south of the island and Millharbour Dock restricts east – west movement along a considerable portion of the southern section of the Island. The exclusion zone is partially defined by the docks with commercial activity taking place north of South Dock and in the POL and Major District spatial designations.
- 6.45 The northern boundaries of the specified area are readily identifiable but the degree to which they are appropriate must take account of all considerations within this report.

(h) the natural setting or features in an area

The River Thames and River Lea are key features of the specified area. The river impact upon the character and identity of the area and provide natural boundaries. The rivers provide natural boundaries and these have been used to identify an area. This features inform an understanding of the character of the area. This in turn can lead to consideration of appropriateness amongst other criteria but is not sufficient in itself to lead to a conclusion on appropriateness.

(i) Size of the population (living and working) in the area

- 6.46 The proposed area does not align with ward boundaries and, as such, it is difficult to calculate the population living and working in the area. The 2011 Census population for the wards related to the alternative area are used:
- Island Gardens: 14,200
 - Blackwall and Cubitt Town: 13,531
 - Canary Wharf: 12,500
 - Poplar: 6,957
- 6.47 The residential population is estimated to be in excess of 42,000 (taking into account that only approximately half of the ward of Poplar is within the specified area and this part includes a significant amount of office space). The residential population is known to be growing. It has not been possible to obtain information about the working population in this area but it is reasonably suggested that the working population is considerably less, given the exclusion of the Canary Wharf Estate, since Poplar is predominately residential.
- 6.48 The degree to which it is appropriate to have a Neighbourhood Planning area for such a large area with such a large population was raised by representations during public consultation period.
- 6.49 Representations raised concerns and objections as summarised below:
- The proposed area is too wide and has very different physical, social, economic and environmental characteristics
 - The population of the proposed area is equivalent to a small market town
- 6.50 It is noted that the population size of neighbourhood areas designated to date ranges significantly. It is known that there are a number of designated and prospective forums with a population greater than 25,000. It is also noted that paragraph 033 of the PPG states that electoral 'ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents'.
- 6.51 Given the above, the size of the living and working population in the specified area can be said to be relatively large and that the population of the area significantly exceeds that of a ward. This is not, in itself, considered to be inappropriate but it should be considered alongside other matters raised in this assessment

Other matters: inclusion or exclusion of site allocations

- 6.52 Representations raised concerns and objections as summarised below.

- 6.53 Please note the reasons given relate to individual sites as well as the total of site allocations.
- Crossharbour Town Centre (Site Allocation 19) has been the subject of much consideration, scrutiny and consultation over the years and the significance of the site extends beyond the Isle of Dogs area and for these reasons should be excluded from the proposed Area.
 - The existence of an up to date Local Plan which outlines the planning framework for the Isle of Dogs, means it is unnecessary and inappropriate to include the strategic sites
 - The exclusion of strategic development sites has been the subject of *Daws Hill Neighbourhood Forum v Wycombe District Council Appeal* case whereby it was ruled that exclusion of the sites was acceptable due to their strategic nature, interest that extends beyond the immediate area, difficult timing as plans and applications were advanced and due to their being other opportunities for community to input into the planning of these sites.
- 6.54 There are seven site allocations in the specified area:
- 13: Leamouth Peninsula,
 - 15: Billingsgate Market, site allocation
 - 16: Wood Wharf, site allocation
 - 17: Millennium Quarter. site allocation
 - 18: Westferry Printworks, site allocation
 - 19: Crossharbour Town Centre
 - 20: Marsh Wall
- 6.55 Representations on site allocations were made by landowners with an interest in all the above referred seven site allocations, or their representatives. Representations made related to: the recognition of their interests in the area and for this to be reflected in membership and voting arrangements, as well as objection to the inclusion of the site allocations / strategic sites in the Area.
- 6.56 The assessment of the appropriateness of including site allocations in the specified area has considered the impact of inclusion and exclusion on existing communities, future communities, the need to integrate site allocation with the existing urban fabric, the strategic nature of these sites, the complexity of issues emerging from the site allocations particularly in light of the *Daws Hill Neighbourhood Forum v Wycombe District Council Appeal* case and the degree to which the development potential of each site is being progressed through the planning application system.
- 6.57 In light of the above considerations the Council considered it appropriate to include site allocations.

Conclusion on appropriateness

- 6.58 In conclusion, for the reasons explained, on balance, it is considered that the specified area is not an appropriate area to be designated as a neighbourhood area and, as such, it does not accord with section 61G(5) of the 1990 Act. Having assessed the proposed neighbourhood area specified in the application against the considerations listed in paragraph 035 of the PPG (as detailed above), it is considered that the specified area is not an appropriate neighbourhood area as it does not relate to a known or cohesive boundary and the character of the area is disparate, with the area south of South Dock being predominately residential in character and the area north of North Dock being predominately mixed-use. This distinction is reflected in the scale and design of the built environment as well as transport connectivity.

Conclusion

- 6.59 Given the above conclusion - that the specified area does not accord with section 61G(5) of the TCPA 1990, the LPA considers that the application to designate the neighbourhood area specified should be refused but that the merits of designating an alternative area should be considered as part of this determination of this application. This approach accords with section 61G(5) of the TCPA 1990 which requires the LPA to exercise its powers *"to secure some or all of the specified area forms part of one of more areas designated as neighbourhood area"*.

(3) Alternative area

- 6.60 The Council has identified an alternative area, which aligns with some of the area specified in the application, to be designated as a neighbourhood area in accordance with section 61G(4)(b).
- 6.61 Officers consider that the alternative area identified accords with relevant legislation and the guidance within paragraph 033 of the PPG. A map identifying the alternative area is attached as Appendix 1: Isle of Dogs Area Map.
- 6.62 The appropriateness of designating the alternative area has been assessed by Officers by reference to the same the considerations applied to the area specified in the application (at paragraphs 6.27 to 6.59 above). The results of that assessment are summarised in the following paragraphs.

In accordance with 61G(4)(b), is it desirable to maintain the existing boundaries of areas already designated as neighbourhood areas?

- 6.63 The alternative area does not interact with any designated neighbourhood area and as such it is not necessary to alter the boundaries of areas already designated.

In accordance with 61G(5)(c) should the application be refused because it is considered that the specified area is not an appropriate area to be designated as a neighbourhood area?

6.64 The following paragraphs answer the above question addressing the appropriateness of the area to be designated by reference to the considerations listed within paragraph 033 of the PPG (as identified in paragraph 5.12 above)

(a) Village or settlement boundaries

6.65 The alternative area boundaries do not align with village, settlement boundaries or ward boundaries. The alternative boundaries roughly align with the Core Strategy places of Cubitt Town and Millwall, however the alternative area also includes Marsh Wall and South Dock.

(b) Catchment area

6.66 The alternative area is served by one large open space (Mudchute Park), smaller open spaces and a number of nurseries, pre-school groups and primary schools. The area also has pharmacies, dentists and surgeries and neighbourhood centres. In terms of retail provision, the proposed area has a District Centre and a number of neighbourhood centres. The area is also served by four DLR stations.

6.67 The presence of multiple retail centres, transport hubs and other services indicates that the alternative area consists of a number of neighbourhood catchment levels and wider local catchment. In a complex urban area, with overlapping catchment areas this is to be expected. The use of catchment areas is not a leading consideration and as such it has not significantly informed the degree to which the LPA consider an area appropriate or not.

(c) Community based groups

6.68 As indicated by reference to consideration (a), the specified boundaries are creating a new boundary and as such it follows that there are no known existing community based groups that wish to progress a Neighbourhood Plan at this time other than the prospective forum.

(d) Physical appearance or characteristics

6.69 The alternative area is characterised by its waterside setting (both dockside and riverside) and the residential qualities of the area as identified in the relevant Core Strategy Places.

6.70 The physical appearance of the South Quay Area is transforming and the scale, density and heights of the residential led towers are different to the scale of development found in Island Gardens. The integration of the tower typology with the housing estates and 2/3 storey houses is becoming a feature of the area.

(e) Coherent estate either for businesses or residents

6.71 The alternative area includes a number of housing estates. All housing estates are included in the alternative area in their entirety and as such the coherence of the alternative area is maximised for business and residents.

6.72 The matter of site allocations is discussed in other matters, paragraph 6.52 to 6.58.

(f) Wholly or predominantly a business area –

6.73 Please see paragraph 6.83 (below).

(g) Infrastructure or physical features as a natural boundary –

6.74 The northern boundary is formed by South Dock and the River Thames to the east, south and west. The boundaries are clearly delineated and defined by physical features and natural boundaries.

(i) Size of the population (living and working) in the area –

The residential population

6.75 The 2011 census population for the wards related to the alternative area are:

- Island Gardens: 14,200
- Blackwall and Cubitt Town: 13,531
- Canary Wharf: 12,500

6.76 Given that the alternative area dissects the ward of Canary Wharf and Blackwall and Cubitt Town approximately in half, the residential populations of the area will be less than the total of these wards. It has not been possible to obtain information about the working population in this area.

6.77 It is noted that the population size of neighbourhood areas designated to date ranges significantly. It is known that there are a number of designated and prospective forums with a population greater than 25,000. It is also noted that paragraph 033 of the PPG states that electoral 'ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents'.

6.78 Given the above, the size of the living and working population can be said to be relatively large and that the population of the area significantly exceeds that of a ward. This is not in itself considered to be inappropriate but it should be considered alongside other matters raised in this assessment

In accordance with section 61G(6), are the LPA proposing modifications of designations already made?

- 6.79 The LPA, having given consideration to modifying the Limehouse Neighbourhood Area, is not proposing modifications as the boundaries of the Limehouse area are coherent and deemed appropriate.

In accordance with section 61G(7), have the LPA ensured that neighbourhood areas do not overlap?

- 6.80 The alternative area does not overlap with any other neighbourhood areas.

In accordance with section 61H, having regards to such matters as may be prescribed; do the LPA consider that the area is wholly or predominately business in nature?

- 6.81 The alternative area is predominately residential in land use and character and as such the area is not considered wholly or predominately business in nature.

Other matters: inclusion or exclusion of site allocations

- 6.82 As identified above, representations raised concerns and objections to the inclusion of site allocations. Please see paragraph 6.52 to 6.58 above for details of objections, assessment and conclusions.

- 6.83 For the same reasons as identified at paragraphs 6.52 to 6.58 above, it is deemed, on balance, appropriate to include site allocations where there is an existing community located within the area and where the principles and character of the site allocation have been sufficiently advanced through Development Management.

Conclusion on alternative area

- 6.84 In designating the alternative area (identified in Appendix 1), the LPA are exercising their power of designation so as to secure that some of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas in accordance with Section 61(G)(5) of the TCPA 1990. The alternative area accords with sections 61(G)(4), (6), (7) and 61(H).

7 COMMENTS OF THE CHIEF FINANCE OFFICER

- 7.1 This report asks the Mayor in Cabinet to consider an application to designate an area of the Isle of Dogs (as shown in the plan in Appendix 1) as a Neighbourhood Planning Area in accordance with the statutory requirements of the Localism Act 2011.
- 7.2 If designated as a Neighbourhood Planning Area, applications to establish a Neighbourhood Planning Forum within the area will be considered. This is the subject of a further report on this agenda.

- 7.3 The Council has a duty to provide support and advice to Area Forums which will incur additional administration costs, and these must be contained within existing budgets. Local planning authorities are however able to claim £5,000 for each of up to 20 area designations (i.e. a maximum of £100,000) in 2016/17, and also claim for up to 5 forum designations (£25,000 each) during the financial year. Therefore, there is the potential for the Council to recover some costs, although the Borough will be in competition with other Authorities to secure these limited resources from the £7.5 million of resources that are available nationally.
- 7.4 An element of any Community Infrastructure Levy (CIL) that is generated within a Neighbourhood Planning Area can be allocated specifically to support development within that same area, depending on the status of the Neighbourhood Planning Forum. The appropriate conditions are set out in paragraphs 4.9 to 4.12 of this report. The level of these resources could be substantial and will need to be taken into consideration when determining the allocation of other funding streams across the borough.
- 7.5 In certain circumstances Neighbourhood Development Orders would exempt certain types of development, or development on a particular site, from requiring planning permission (paragraph 4.5). If this is the case, the Authority will not receive a planning fee, although it will also not incur the costs of processing and determining the application. It is anticipated that the exemption will only relate to a limited number of smaller developments, so any reduction in planning fee income should be relatively minor, however the impact must be closely monitored once the new system is in place.

8 LEGAL COMMENTS

- 8.1 This report concerns an application dated 1 December 2014, to designate an Isle of Dogs neighbourhood planning area (Isle of Dogs Area Application) and is linked to the report on the related application of same date asking the Mayor in Cabinet to consider designating the Isle of Dogs as a neighbourhood planning forum (Isle of Dogs Forum Application), in accordance with the statutory requirements of the Localism Act 2011.
- 8.2 Consultation in respect of the proposed Isle of Dogs neighbourhood planning area and forum (as detailed at paragraphs 6.7, 6.8 and 6.9 of this report) has been carried out in accordance with Regulations 6 and 9 respectively of the 2012 Regulations.
- 8.3 In respect of the application for the neighbourhood forum, the Council may make a designation if it is satisfied that the relevant body meets the conditions set out in Section 61F(5) of the TCPA 1990 (as listed at paragraph 5.5 of the Isle of Dogs Forum Application report). The Council must also have regard to the matters set out in Section 61F(7) of TCPA 1990 (as detailed at paragraph 5.7 of the Isle of Dogs Forum Application report). The Isle of Dogs Forum Application has been assessed against these statutory criteria and has been found to comply with them.

- 8.4 The forum designation will have effect for a period of five (5) years, unless the Council decides to withdraw it, either because the organisation no longer meets the conditions for approval or because the body itself so elects. During these five (5) years, no other organisation or body may be designated as a neighbourhood forum for the area.
- 8.5 In determining the neighbourhood area application, the Council needs to consider the factors set out in Section 61G and 61H of the TCPA 1990 and the 2012 Regulations. The relevant factors are summarised at paragraphs 5.7, 5.8 and 5.9 of this report. Legal Services are satisfied that Officers have had proper regard to these factors in formulating their recommendations that the Isle of Dogs Area Application be approved, subject to amendments.
- 8.6 As regards the making of such amendments to the proposed area, Section 61G entitles the Council to deviate from the boundaries set out in the application. However, any decision to alter the boundary of a neighbourhood area could be challenged in the Courts. Therefore, the reasons for making amendments to a proposed area must be sound, clearly set out and justified. This has been done at paragraphs 6.60 to 6.84 (as appropriate) of this report, as expanded upon in the relevant area appraisals in the Appendices to this report.
- 8.7 In deciding whether to designate a neighbourhood forum or a neighbourhood area, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. An Equality Analysis Quality Assurance Checklist has been undertaken (see Appendix 3). It indicates that no negative equality impacts arise at this stage. The position will be reviewed if and when any proposed Neighbourhood Plan and/or Neighbourhood Development Order are brought forward by the designated forum for the relevant area.
- 8.8 The Council's decisions on both the area and the forum applications for the Isle of Dogs must also be publicised as soon as possible after the decisions have been taken (Regulations 7 and 10 of the Town and Country Planning (General) Regulations 2012).

9 ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 One Tower Hamlets principles have been considered so far as they impact upon the determination of the application to become a Neighbourhood Planning Area. The implications of determining these applications on the protected characteristics outlined in the Equalities Act 2010 have been considered using the Council's Equality Analysis Quality Assurance Checklist and it has been considered that no further action needs to be taken at this stage.
- 9.2 Due regard for the nine protected groups will be embedded in the preparation and production of any resultant Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO).

9.3 Furthermore, NDPs and NDOs are required to be in general conformity with the Council's Local Plan and as such will give due consideration to One Tower Hamlets considerations and the Community Plan.

10 BEST VALUE (BV) IMPLICATIONS

10.1 Under Section 3 Local Government Act 1999 the Council 'must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'.

10.2 During the determination of these applications the Council has worked with the relevant forum where appropriate, having regard to economy efficiency and effectiveness, and in conformity with statutory requirements as detailed in the TCPA (1990).

10.3 At the stage when Forums are developing Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDOs), the plans and orders will add an additional layer of detail to the Council's Development Plan and look to steer the future development of land in the relevant area. This will better allow the existing and future community to contribute to economic, environmental and social improvements in their area and benefit from the resultant development.

11 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

11.1 Determining Neighbourhood Planning Areas applications does not have any discernable impacts on the environment.

11.2 At the stage where established Neighbourhood Planning Forums are developing NDPs or NDOs for the designated Neighbourhood Planning Areas consideration will be given to action of a greener environment.

11.3 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA may be required of plans and programmes which "determine the use of small areas at a local level. In accordance with Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the 'Regulations'"), the responsible authority will determine whether a Strategic Environmental Assessment (SEA) is necessary. The Council will act as necessary to provide advice to designated Forums in respect of the requirements to carry out an SEA. \

12 RISK MANAGEMENT IMPLICATIONS

12.1 The application recommendations have been reported through a number of internal groups that consider risk management issues and mitigation. These include:

- Development & Renewal Directorate Management Team
- Corporate Management Team

13 CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 Determining Neighbourhood Planning Forums and Areas applications does not have any discernable impacts on crime and disorder.
- 13.2 At the stage where established Neighbourhood Planning Forums are developing NDPs or NDOs for the designated Neighbourhood Planning Areas consideration may be given to crime and disorder where the Forum wish to pursue the implications of crime and disorder on the built environment.

14 SAFEGUARDING IMPLICATIONS

- 14.1 There are no specific safeguarding implications associated with this report.

Linked Reports, Appendices and Background Documents

Linked Report

- Isle of Dogs Neighbourhood Planning Forum application report to Cabinet on 5th April 2016

Appendices

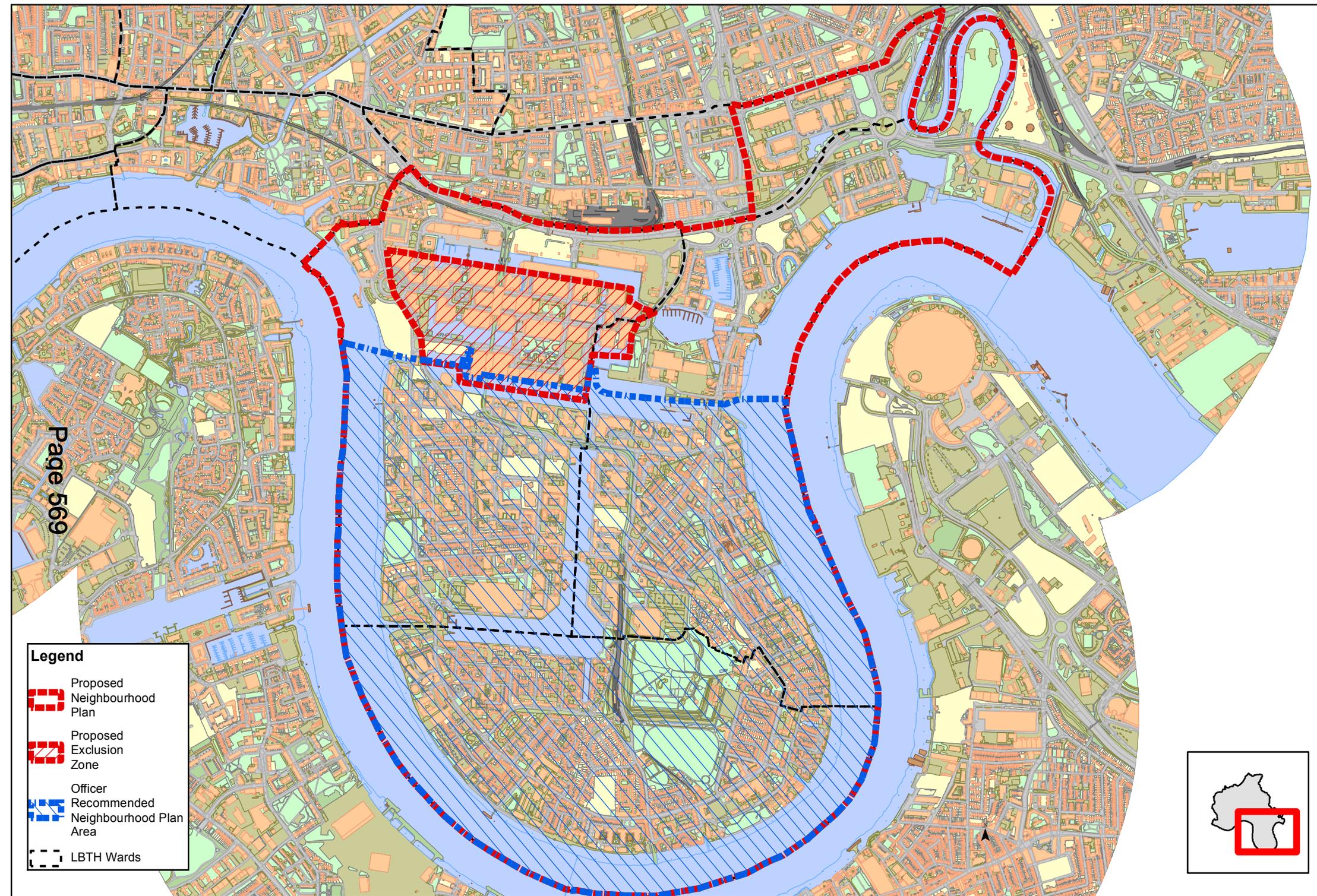
1. Appendix 1: Isle of Dogs Area
2. Appendix 2: Consultation Summary Reports
3. Appendix 3: Equality Analysis Quality Assurance Checklist

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents:

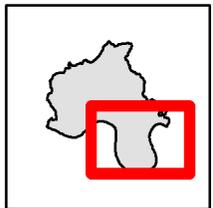
- Sophie Hall-Thompson
- sophie.hall-thompson@towerhamlets.gov.uk
- 020 7364 6393



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Legend

- Proposed Neighbourhood Plan
- Proposed Exclusion Zone
- Officer Recommended Neighbourhood Plan Area
- LBTH Wards



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APPENDIX 2

Isle of Dogs Neighbourhood Planning Area Public Consultation Summary

1) Role of this document

This document provides a summary on the level of representation, and the matters discussed within representations, during the formal public consultation period for the applications to establish a Neighbourhood Planning Area made by Isle of Dogs Neighbourhood Planning Forum.

The report takes account of relevant planning matters in representations submitted to the London Borough of Tower Hamlets.

This paper has been prepared by the London Borough of Tower Hamlets for public information and to inform the Council's decision making process. It is not intended to address any of the issues raised during the consultation period.

2) Consultation activities undertaken by the Council

The formal public consultation period ran from 5 January to 16 February 2015. Consultation activities undertaken by the Council were carried out in accordance with Neighbourhood Planning Regulations. Activities undertaken were as follows:

- Provision of consultation information and application material on the Council's website (www.towerhamlets.gov.uk).
- Provision of consultation information and application material to the Idea Store Canary Wharf and Cubitt Town Library for inspection by interested parties.
- Provision of information to elected Councillors in the relevant areas.
- Publication of a Public Notice in East End Life.

These activities also followed the principles of the guidance for the production of policy documents as set out in the Council's Statement of Community Involvement (SCI).

3) Approach to categorising representations made

During the public consultation period, the public are able to make representations on the contents of the area and forum applications submitted to the Council. Typically, representations are made by local residents, local Councillors, landowners, businesses, interests groups, statutory consultees and neighbouring Local Authorities. Representations were not made by all parties directly consulted.

This document presents representations in no particular order. Representation figures calculate submitted responses and as such do not limit representations to one per household or one per business. The following categories have been used to categorise representations:

Support	Have stated explicit support, or support has been inferred from the contents of the representation
Object	Have stated explicit objection, or objection has been inferred from the contents of the representation
Neutral	Have offered comments but not determined if they object or support the application

Petition	A written objection signed by multiple signatories
No comment	Where no comment has been made and no position on the matter can be inferred
Concerned	Do not state they object but highlight areas of concern

The following summaries have been derived from an analysis of the consultation responses. Please note, representations did not always specify support or objection to the area and Forum. The summary of responses paraphrases comments made by representors and, to avoid repetition, makes reference to the same matter once only.

When analysing the representations, regard is given to legislative requirements related to the Forum and Area proposals.

4) Summary of responses related to the Area based application

Number of representations received

Support	Objection	Neutral	No comment	Petition	Concerned	Total
2	4	7	16	0	6	35

Comments made by statutory bodies and neighbouring boroughs

- Natural England offers advice related to protected landscapes, protected species, local wildlife sites, best most versatile agricultural land and opportunities for enhancing the natural environment.
- Historic England (English Heritage at the time of submission) noted the proposed Area includes a number of designated heritage assets including four Conservation Areas, 52 listed buildings/structures, of which one is Grade II* and three are Grade I, a Grade II Registered Historic Park and Garden and an Archaeological Priority Area. The Registered Historic Park and Garden of Island Gardens is also covered by the Greenwich Maritime World Heritage Site.
- The Environment Agency identified that the area is within Flood Zone 3. Sources of flood risk include tidal from the Thames upriver of the Thames Barrier, tidal and fluvial from the River Lea, and pluvial and urban drainage between the docks and defences.
- Marine Management Organisation has no comments.
- The Coal Authority has no comments.
- City of London outline that any future proposals for Billingsgate must consider the Tower Hamlets Managing Development Document Site Allocation for Billingsgate.
- Transport for London (TFL) noted that the Isle of Dogs is identified as an Opportunity Area by the London Plan and as such is seen as capable of accommodating substantial numbers of new jobs and homes.

Summary of matters raised in support:

- Two statements of support relating to the area were made with no reasons for this support identified.

Summary of matters raised in objection:

- Inappropriate to include strategic sites and the experience gathered from the High court Judgement in a case by Daws Hill Neighbourhood Forum Area vs Wycombe District Council.
- The strategic development site, Westferry Printworks, is excluded from the Area.

Summary of matters raised as concerns:

- Concerned the area is too large and diverse to embrace the true principles of neighbourhood planning and would make consensus almost impossible. The proposed area includes numerous housing estates, five community centres, four GP's, six primary schools, one secondary school, five dentists and three principal open spaces.
- Experience of the operation of different residential estates is that they function as different 'neighbourhoods'.
- Guidance in the Planning Practice Guidance reveals that Neighbourhood Planning is intended to relate to much smaller areas.
- There are key physical differences between the densely developed area immediately adjacent to Canary Wharf and the less densely developed housing in more traditional streets to the south of the Island.
- The Asda Crossharbour site (*Site Allocation 19: Crossharbour Town Centre of the Managing Development Document*) is of significance beyond the Isle of Dogs area and should be excluded from the Neighbourhood Planning Area.
- The inclusion of the Wood Wharf site (*Site Allocation 16 Wood Wharf of the Managing Development Document*) is seen as unnecessary as the planning context for Wood Wharf is well established. It should be excluded from the Area.
- All Canary Wharf Group interests, including Wood Wharf and North Quay Place should be excluded from the Area.

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Appendix 3: EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Determination of Neighbourhood Planning Forum and Area Applications
Directorate / Service	Development & Renewal
Lead Officer	Sophie Hall-Thompson
Signed Off By (inc date)	Adele Maher, 24.03.15
Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	<div style="display: flex; align-items: center; margin-bottom: 10px;">  <p>Proceed with implementation</p> </div> <p>Based on the QA a Full EA will not be undertaken at this stage. As a result of performing the QA checklist the proposed procedural changes to the decision making process for Neighbourhood Planning Area and Forum applications does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p> <p>Due regard for the nine protected groups will be embedded in the preparation and production of any resultant Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO).</p>

Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Y	
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Y	<p>At this stage, the impacts of the proposals will not be felt upon persons with protected characteristics.</p> <p>At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely adverse impacts on people who share Protected Characteristics. Officers can share information on the Council's Borough Profile (2014) to provide an overview of the equality groups to the Forum.</p> <p>Any Neighbourhood Development Plan or Order will need to be in general conformity with the Council's Local Plan.</p>
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	n/a	<p>The degree to which there are impacts from approving the proposals for Neighbourhood Planning Forums or Areas is not known. There is no reliable qualitative and quantitative data to support claims made about impacts, where there are known to be impacts.</p> <p>Neighbourhood Planning is a new planning policy tool. In future, there may be a need to capture information to be able to assess impact.</p>
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	n/a	Neighbourhood Planning is a new planning policy tool. In future, evidence may be developed nationally.
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	In accordance with Neighbourhood Planning Regulations, public consultation and the Council's reporting cycle allow for input into the recommendations for determining applications

			being taken forward.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Formal public consultation was carried out for six weeks. This is the statutory period of public consultation.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	No	Neighbourhood Planning is a new planning policy tool. There is no evidence of impacts. At the stage when a Neighbourhood Development Plan or order is being prepared, links may be established.
b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	No	Neighbourhood Planning is a new planning policy tool. There is no evidence of impacts. At the stage when a Neighbourhood Development Plan or order is being prepared, an understanding will be development and assessed for unequal impacts.
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	n/a	
b	Have alternative options been explored	n/a	It is our statutory duty to support forum and area applications where they are meet legislative requirements. We are required by the Localism Act (2011) to designate an appropriate area where an application is submitted.
5	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely adverse impacts on people who share Protected Characteristics. At the stage of submitting the Neighbourhood Development Plan or Order, the Council will consider the impact on the plan or order on the protected characteristics.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	Yes	At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely

			adverse impacts on people who share Protected Characteristics. At the stage of submitting the Neighbourhood Development Plan or Order, the Council will consider the impact on the plan or order on the protected characteristics.
6	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	N/A	There is no executive summary

Appendix A

(Sample) Equality Assessment Criteria

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Decision	Action	Risk
As a result of performing the QA checklist, it is evident that due regard is not evidenced in the proposal and / or a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the proposal be suspended until further work or analysis is performed – via a the Full Equality Analysis template	Suspend – Further Work Required	Red 
As a result of performing the QA checklist, the policy, project or function does not appear to have	Proceed with implementation	Green: 

any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.		
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<p>Cabinet Decision</p> <p>5th April 2016</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Aman Dalvi, Corporate Director Development & Renewal</p>	<p>Classification: Unrestricted</p>
<p>Neighbourhood Planning: Determination of Isle of Dogs Neighbourhood Planning Forum Application</p>	

Lead Member	Councillor Rachel Blake, Cabinet Member for Strategic Development
Originating Officer(s)	Adele Maher, Strategic Planning Manager
Wards affected	
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

Reasons for Urgency

The publication of this report is less than five clear days in advance of the meeting. The completion of the report required external legal advice which was unexpectedly delayed. Due to these special circumstances pursuant to Rule 6.1(b) of the Access to Information Procedure Rules the Mayor identified this report as an item for urgent decision that should not be delayed in order to positively support local communities prepare Neighbourhood Development Plans without further delay.

Executive Summary

Neighbourhood planning was introduced by the Localism Act 2011 and allows communities to help shape their local area by preparing a Neighbourhood Development Plans (NDP), or Neighbourhood Development Orders (NDOs), provided they meet a number of basic conditions, including being in general conformity with the strategic policies of a development plan prepared and adopted by the local planning authority (LPA). In parished areas neighbourhood planning processes are led by parish or town councils; in other areas neighbourhood planning forums must apply to the LPA to be designated as the lead (qualifying body).

As LPA, the Council is required to determine applications for Neighbourhood Area designation in accordance with the Town and County Planning Act 1990 (as amended) (TCPA 1990) and the Neighbourhood Planning (General) Regulations 2012.

The Council has received two Neighbourhood Planning applications that relate to the Isle of Dogs: Isle of Dogs Neighbourhood Planning Forum Application and Isle of Dogs Neighbourhood Planning Area Application

This report relates to Isle of Dogs Neighbourhood Planning Forum application only.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the application for the designation of the Isle of Dogs Neighbourhood Planning Forum, pending the designation of an appropriate Neighbourhood Planning Area.

1 REASONS FOR THE DECISIONS

- 1.1 The Council has received an application to establish a Neighbourhood Planning Area in the Isle of Dogs.
- 1.2 The Council is required to determine applications for the designation of neighbourhood areas and forums in accordance with the Town and County Planning Act 1990 (as amended) ("TCPA 1990") and the Neighbourhood Planning (General) Regulations 2012 ("the 2012 Regulations")
- 1.3 The Government's Planning Practice Guidance ("PPG") on Neighbourhood Planning (Ref ID: 41) also provides guidance on the determination of such applications, which states that the role of the Local Planning Authority (LPA) is to take decisions at key stages in the neighbourhood planning process.
- 1.4 The Isle of Dogs Neighbourhood Planning Forum application has been assessed by Officers against relevant provisions of the TCPA 1990, the 2012 Regulations and the PPG. Officers are satisfied that the Isle of Dogs Neighbourhood Planning Forum application meets with the requirements for designation. The application is therefore recommended for approval and a decision should be taken in accordance with the LPA's statutory duties.

2 ALTERNATIVE OPTIONS

- 2.1 A LPA may designate or refuse a neighbourhood forum application. Where the LPA is satisfied that a prospective forum meets the requirements of section 61F of the TCPA 1990, the Forum may be approved. Where the LPA is not satisfied that a prospective Forum meets the said requirements, the LPA may refuse the application and give reasons for the refusal to the prospective neighbourhood forum.
- 2.2 Officers consider that the Isle of Dogs Neighbourhood Planning Forum application meets the relevant legislative provisions and therefore recommends the designation of the neighbourhood forum in accordance with relevant legislation. As the application accords with the statutory criteria, there is no alternative option.

3 DETAILS OF REPORT

- 3.1 This report provides an overview of the assessment of the Isle of Dogs Neighbourhood Forum application.

- 3.2 It is important to note that the designation of a Neighbourhood Forum can only be made for a designated Neighbourhood Area. The report to designate the Isle of Dogs neighbourhood area is also due to be considered at the 5 April 2016 Cabinet meeting.
- 3.3 The content of this report is as follows:
- Section 4: provides an introduction to Neighbourhood Planning;
 - Section 5: outlines the legislative and regulatory framework, relevant guidance; and
 - Section 6: provides a background to the Isle of Dogs application and details of the assessment.

4 INTRODUCTION TO NEIGHBOURHOOD PLANNING: A COMMUNITY LED PROCESS

- 4.1 The Localism Act 2011 amended the TCPA 1990 to make provision for neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.
- 4.2 The legislative provisions concerning neighbourhood planning within the TCPA 1990 are supplemented by the Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015) and the Neighbourhood Planning (Referendum) Regulations 2012.
- 4.3 PPG issued by the Secretary of State for Communities and Local Government provides detailed advice relating to the neighbourhood planning system introduced by the Localism Act 2011, addressing the key stages of decision-making including the designation of neighbourhood areas.
- 4.4 Neighbourhood planning provides communities with the ability to prepare a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Orders (NDO), in areas designated by the LPA on application as a neighbourhood area. Neighbourhood planning powers may only be exercised by bodies authorised by the legislation. In a neighbourhood area where there is a parish council, only a parish council may make proposals for a NDP or NDO. In neighbourhood areas without a parish council, only a body designated by the LPA as a neighbourhood forum may bring forward proposals for that neighbourhood area.
- 4.5 NDPs set out policies in relation to the development and use of land in all or part of a defined neighbourhood area and may include site allocations, or development principles, for allocated sites. They may also include character appraisals and seek to establish community facilities and/or identify areas for public realm improvements. NDOs allow for planning permission to be granted

in the circumstances specified and exempt certain types of development, or development in certain areas, or on particular sites, from the usual requirement to apply to the LPA for a grant of planning permission.

- 4.6 Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's 'Local Plan': Core Strategy (2010) and Managing Development Document (MDD) (2013).
- 4.7 A NDP 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory 'Development Plan' (comprising the Local Plan and London Plan) and, as such, will be accorded full weight when determining planning applications. NDPs will form a new spatial layer to the Council's planning policy and guidance.
- 4.8 NDP policies will be developed by a neighbourhood forum through consultation with stakeholders in their relevant neighbourhood area and through engagement with Council Officers. Proposed NDP Policies must be supported by an up-to-date evidence base to ensure that they are reasonable, sound and justified. Before the NDP is 'made' it must be subject to pre-submission publicity and consultation, submitted to the LPA for a legal compliance check, publicised for consultation, submitted for independent examination, found by the independent examiner to meet the basic conditions specified in the legislation, and passed at a referendum.

Community Infrastructure Levy

- 4.9 The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2013 ("the CIL Regulations") were supplemented by the Community Infrastructure Levy Guidance Note, published by DCLG on 26 April 2013. The 2013 guidance was replaced by the Government's online PPG on 6 March 2014.
- 4.10 The CIL Regulations, as explained by the PPG, make provision for how CIL receipts may be used in relation to neighbourhood planning in those areas which have Parish Councils and those which do not. Tower Hamlets currently does not have any Parish Councils and, as such, the Council retains the revenue generated by CIL.
- 4.11 The Community Infrastructure Levy PPG states (at paragraph 072) that:

"... In England, communities that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order), and secure the consent of local people in a referendum, will benefit from 25 per cent of the levy revenues arising from the development that takes place in their area. This amount will not be subject to an annual limit. ..."
- 4.12 Therefore, where a NDP or NDO has been adopted, the Council will consult with the relevant local community as to how this 25 per cent proportion of CIL receipts will be spent.

Overview of Neighbourhood Planning at LBTH

- 4.13 The determination of applications to designate neighbourhood areas and neighbourhood forums are decisions exercised by the Mayor of Tower Hamlets.
- 4.14 Such applications are required by the Council to be submitted using the Council's neighbourhood planning application form.
- 4.15 The Council has published guidance to assist prospective neighbourhood forums to understand what is involved in becoming a forum and designating an area and the criteria the Council use to make decisions.
- 4.16 This guidance advises prospective forums to liaise with officers prior to applications being submitted. This allows those proposing to make neighbourhood planning obligations to meet relevant legislative requirements.
- 4.17 The Council is required to publicise applications for the designation or neighbourhood areas and forums for a period of six weeks. In addition to that basic legislative requirement, Officers are guided by best practice and also consult with the following:
- Community Ward Forums
 - Government agencies
 - Associated Ward Councillors

5 NEIGHBOURHOOD FORUM APPLICATIONS: RELEVANT LEGISLATION AND GUIDANCE

- 5.1 The Council has a statutory duty to determine applications to designate Neighbourhood Planning Forums in accordance with the relevant legislation: TCPA 1990 Section 61F, the Neighbourhood Planning (General) Regulations 2012. The Planning Practice Guidance (PPG) also contains guidance relevant to the designation of neighbourhood areas

Making an application

- 5.2 Regulation 8 of the 2012 Regulations 2012 specifies the criteria that:

"Where an organisation or body submits a neighbourhood forum application to the local planning authority it 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 a map which identifies the area;*
- (d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and*

- (e) *a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act."*

5.3 Upon receipt of an application, it is validated in accordance with the above.

Consulting on an application

5.4 In accordance with Regulation 9 of the Neighbourhood Planning (General) Regulations 2012, the authority must publish the following on their website and in such a manner as to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:

- "(a) a copy of the application;*
- (b) a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;*
- (c) details of how to make representations; and*
- (d) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first publicised."*

Determining an application

5.5 Section 61F of the TCPA (1990) specifies that an LPA may designate a relevant body as a neighbourhood forum if the authority is satisfied that it meets conditions identified in 61F(5) relating to purpose, membership and a constitution. The conditions are as follows:

- a) It [the Forum] is established for the express purpose of promoting or improving promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purposes of promoting the carrying on of trades, professions or other businesses in such an area.
- b) It [the Forum] has a membership is open to:
 - (i) Individuals who work in the neighbourhood area concerned
 - (ii) Individuals who work there (whether for business carried out there or otherwise)
 - (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) It [the Forum] membership includes a minimum of 21 individuals each of whom –
 - (i) Lives in the neighbourhood area concerned
 - (ii) Works there (whether for business carried on there or otherwise), or

- (iii) Is an elected members of a county council, district council or London Borough Council any of whose area falls within the neighbourhood area concerned.

d) It [the Forum] has a written constitution

e) Such other conditions as may be prescribed.

5.6 Section 61F(6) states a local planning authority may also designate an organisation or body as a neighbourhood planning forum if they are satisfied that the organisation or body meets prescribed conditions. The Secretary of State has not prescribed any conditions in the 2012 Regulations.

5.7 Section 61F(7) of the Act also requires that a LPA

"(a) must in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, having regard to the desirability of designating an organisation or body –

(i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of the sub-paragraphs (i) to (iii) of subsection (5)(b).

(ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area

(iii) whose purpose reflects (in general terms) the character of that area

(b) may designate only one organisation or body as neighbourhood planning forum for each neighbourhood area

(c) may designate an organisation or body as a neighbourhood forum only if the organisation or body has made an application to be designated, and

(d) must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the applications."

5.8 The forum application is assessed against the above legislative criteria and public consultation responses. The following section assesses the application against the above criteria.

6 NEIGHBOURHOOD PLANNING FORUMS: ISLE OF DOGS APPLICATION, CONSULTATION AND ASSESSMENT

6.1 This section provides the background to the Isle of Dogs Neighbourhood Forum application and a summary of the assessment. This section of the report outlines how the Isle of Dogs Neighbourhood Forum application was

processed and assessed under the following headings: 1) making an application; 2) consulting on an application; and 3) designating a forum.

Making an application

Application submission and validation

- 6.2 An application was received from the proposed Isle of Dogs Neighbourhood Planning Forum on 1 December 2014. The application contained:
- The name of the proposed neighbourhood forum;
 - A copy of the written constitution of the proposed neighbourhood forum
 - The name of the neighbourhood area to which the application relates and a map which identifies the area
 - The contact details of at least one member of the proposed forum which could be made public
 - A statement which explains how the proposed neighbourhood forum meets the conditions contained in 61F(5) of the 1990 Act.
- 6.3 The submitted application was validated in accordance with regulation 8 of the 2012 Regulations.

Consultation on application

Public Consultation Process:

- 6.4 In accordance with regulation 9 of 2012 Regulations, public consultation on the Isle of Dogs forum (and the area) application was carried out for six weeks between 5th January and 16th February 2015.
- 6.5 The application was advertised in East End Life and all application documents were made publically available on the Council's website, in the Council Town Hall and in relevant Idea Stores or libraries.
- 6.6 The advertisement in the East End Life, and other publicity material including emails to stakeholders and the leaflet in the application 'bundle' stated that if a designation is made no other organisation or body may be designated for that neighbourhood area until the designation expires or is withdrawn; details of how to make representations; and the date by which those representations must be received, being not less than 6 weeks from the date on which the application was first published.

Summary of Representations Received:

- 6.7 All representations received during the consultation period have been taken into account in the determination of this application. The representations have been taken into account to the extent that the representations address considerations which are relevant to the Council's decision having particular

regard to the statutory requirements for designation specified in section 61F of the TCPA 1990 and guidance within Section 4, in particular paragraph 033 of the PPG. Further detail on the public consultation representations is included at Appendix 2: Public Consultation Summaries

6.8 Representations were made both in support of and in objection to the proposed forum. Representations were made by local residents, businesses and representatives of significant landowners in the area as follows:

- 7 individually submitted objections
- 18 individually submitted support statements
- 8 individually submitted neutral statements
- 2 individually submitted concerned statements
- 0 individually submitted no comment statements

6.9 Of the above representations, 16 were from local residents, 1 from a local business, 7 from statutory bodies and 11 from representatives of significant landowners in the area.

6.10 Matters raised in support of the proposed forum included, but were not limited to: the forum's ability to act in the best interest of residents; the purpose and the aims of the forum are important; and the forum will enable services like schools to be considered alongside numbers of habitable rooms.

6.11 Matters raised in objection to the proposed forum included, but were not limited to: the make-up of representatives of the proposed forum; and the constitution does not allow for landowners to become full members.

Post public consultation submissions

6.12 The proposed Forum submitted further documentation after the completion of the public consultation entitled 'Options Appraisal related to the area boundaries' and 'Consultation Strategy'. These documents explain processes that had been undertaken by the Forum.

6.13 Officers do not consider further public consultation on the forum's above referred additional submissions to be necessary for two reasons: firstly the relevant provisions within the TCPA 1990 and the 2012 Regulations make no provision for multiple rounds of public consultation; and secondly the decision whether the additional submissions include new material considerations which the Council should take into account (and consult on) is a matter of judgment for the LPA, having regard to all relevant considerations which may include matters that are not addressed in the application, or responses to consultation.

- 6.14 Accordingly, the Council's decision making process on this forum application takes no account of the 'Options Appraisal related to the area boundaries' and 'Consultation Strategy' submitted by the forum.

Determining an application: designating a Forum

- 6.15 The following section of this report considers the application against relevant legislation Section 61F of the TCPA 1990.
- 6.16 Where the assessment is made with reference to a neighbourhood area, the area used is the alternative area recommended by Officers as the Isle of Dogs neighbourhood area and identified in the 5 April 2015 Cabinet report, and not the area specified in the application.

Section 61F(5) considerations

In accordance with section 61F(5)(a), is the Forum established for the express purpose of promoting or improving promoting or improving the social, economic and environmental wellbeing?

- 6.17 The proposed forum was established for the express purpose of promoting or improving promoting or improving the social, economic and environmental wellbeing of the neighbourhood area specified in the corresponding area application. The proposed forum application outlines that, amongst other aims and objectives, the forum seeks to ensure sustainable development and that the quality of life is taken into account at each stage of development.

In accordance with section 61F(5)(b), is forum membership open to everyone who lives, works (for business carried out there or otherwise) or represents the Area as an elected member?

- 6.18 Forum membership is open to everyone who lives, works or represents the Area as an elected member. The Constitution of the Isle of Dogs Neighbourhood Planning Forum (dated 1 December 2014) states that forum membership is open to everyone (above the age of 18) who lives in the area, business operators in the area and elected London Borough Council members who represent wards in the area.
- 6.19 The Constitution also states that the Forum committee may refuse membership, or terminate or suspend the membership of any member, by resolution passed at a Committee meeting where the Committee considers that such membership would be detrimental to achieving the objectives, or otherwise is disruptive to the Forum.
- 6.20 Representations submitted expressed concerns that the proposed constitution sought to limit membership as it does not allow for landowners to become full members of the forum, or provide them with the ability to vote.
- 6.21 It is the Council's view that the wording of the constitution does not preclude landowners to become full members. Membership and the application to

become a member remains open and as such it is considered that the constitution does not conflict with 61F(5)(b).

In accordance with 61F(5)(c), does the forum have a membership which includes a minimum of 21 people, each of whom lives, works or represents the Area as an elected member?

- 6.22 The forum has a membership which includes a minimum of 21 people, each of whom lives, works (whether for business carried out there or otherwise) or represents the Area as an elected member. Through a mapping exercise of forum members' postcodes and consideration of the interest and relevant background of the persons identified as members in the application form, it can be discerned that there are more than 21 members who live or work in, or are elected members for, the area (as recommended for designation at 5 April 2016 Cabinet).

In accordance with 61F(5)(d), does the forum have a written constitution.

- 6.23 The forum submitted a written constitution entitled 'Constitution of the Isle of Dogs Neighbourhood Planning Forum, 1 December 2014' with their application on 1 December 2014.

In accordance with 61F(5)(e), does the forum meet other conditions as may be prescribed?

- 6.24 No other legislative or regulatory conditions have been prescribed and as such there are no matters for consideration as part of this application.
- 6.25 In terms of the Council's guidance, the forum's application demonstrates how the Forum will embed the Council's aspirations within the Community Plan, Local Plan and Diversity and Equalities Statement into their activities.

In accordance with 61F(6) does the forum meet other prescribed conditions.

- 6.26 The Secretary of State has not prescribed any conditions in the 2012 Regulations.

Section 61F(7) considerations

In accordance with 61F(7)(a)(i) does the forum secure or take reasonable attempts to secure at least one individual who lives in the area, works in the area or is an elected member of the representing the area?

- 6.27 The proposed forum secures membership and has taken reasonable attempts to secure at least one individual who lives in the area, works in the area or is an elected member of the representing the area. Forum membership includes residents, local society representatives, community activists, local business representatives and Ward Councillors. The forum has taken reasonable steps to secure these members through a number of methods including publicising the Forum's work through social media, letters, newspaper articles and public consultation meetings.

- 6.28 Representations received state that forum membership does not include sufficient representation of the key stakeholders, landowners and developers. As stated above the forum have taken steps to publicise the developers. As stated above the forum has taken steps to publicise the forum's work and has provided opportunities for interested parties to become members.

In accordance with 61F(7)(a)(ii), does the forum's membership draw from different places in the area and different sections of the community?

- 6.29 The proposed Forum secures membership from different places in the area. Through the use of a mapping exercise and with reference to forum members' postcodes, and consideration of the interest and relevant background of the persons identified as members in the application form, it can be discerned that the forum's membership is drawn from different places in the area and different sections of the community.

- 6.30 The majority of members have a residential focus however members include business managers and chairs of local community groups. Members of the Forum are drawn from the three wards of the Forum area (as recommended to 5 April 2016 Cabinet): Blackwall and Cubitt Town; Canary Wharf; and Island Gardens, and spatially represent different areas, including Mudchute Park and the Docklands Sailing Centre.

In accordance with 61F(7)(a)(iii), does the forum's purpose reflect the character of the Area.

- 6.31 The purpose of the proposed Forum (as stated in the application) and the objectives of its Constitution state that the Forum seeks to promote and improve the social and economic and environmental wellbeing of the proposed neighbourhood area. This purpose reflects the character of the recommended area which is subject to development pressures such that achieving sustainable development is a key priority in this area.

In accordance with 61F (7)(b) will designation result in only one organisation or body as neighbourhood planning forum for each neighbourhood area?

- 6.32 The designation will result in the creation of one forum for one area.

In accordance with 61F(7)(c) will designate of an organisation or body as a neighbourhood forum only occur where an organisation or body has made an application to be designated?

- 6.33 The proposed forum made an application for designation as a forum on 1 December 2014, and the application was subsequently validated.

In accordance with 61F(7)(d) will reasons be given to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the applications.

- 6.34 This section is not relevant to this application as the forum is recommended for approval.

Conclusion

- 6.35 The Isle of Dogs Neighbourhood Planning Forum has demonstrated that its application meets the relevant requirements to be designated as the neighbourhood forum for the Isle of Dogs Neighbourhood Area, as recommended to Cabinet on 5 April 2016. As such, Officers are satisfied that the proposed Forum meets the conditions and provisions within section 61F of the TCPA 1990, the 2012 Regulations 2012 and the Tower Hamlets Neighbourhood Planning Guidance Note.

Officers' Recommendation

- 6.36 Designate the prospective Isle of Dogs Neighbourhood Planning Forum as a neighbourhood forum for the Isle of Dogs Neighbourhood Area, as recommended at Cabinet on 5 April 2016.

7 COMMENTS OF THE CHIEF FINANCE OFFICER

- 7.1 A report elsewhere on this agenda asks the Mayor in Cabinet to consider an application to designate an area of the Isle of Dogs as a Neighbourhood Planning Area in accordance with the statutory requirements of the Localism Act 2011.
- 7.2 If the area is designated as a Neighbourhood Planning Area, this further report seeks consideration of an application to establish a Neighbourhood Planning Forum within the Isle of Dogs area.
- 7.3 The Council has a duty to provide support and advice to Area Forums which will incur additional administration costs, and these must be contained within existing budgets. Local planning authorities are however able to claim £5,000 for each of up to 20 area designations (i.e. a maximum of £100,000) in 2016/17, and also claim for up to 5 forum designations (£25,000 each) during the financial year. Therefore, there is the potential for the Council to recover some costs, although the Borough will be in competition with other Authorities to secure these limited resources from the £7.5 million of resources that are available nationally.
- 7.4 An element of any Community Infrastructure Levy (CIL) that is generated within a Neighbourhood Planning Area can be allocated specifically to support development within that same area, depending on the status of the Neighbourhood Planning Forum. The appropriate conditions are set out in paragraphs 4.9 to 4.12 of this report. The level of these resources could be substantial and will need to be taken into consideration when determining the allocation of other funding streams across the borough.
- 7.5 In certain circumstances Neighbourhood Development Orders would exempt certain types of development, or development on a particular site, from requiring planning permission (paragraph 4.5). If this is the case, the Authority

will not receive a planning fee, although it will also not incur the costs of processing and determining the application. It is anticipated that the exemption will only relate to a limited number of smaller developments, so any reduction in planning fee income should be relatively minor, however the impact must be closely monitored once the new system is in place.

8 LEGAL COMMENTS

- 8.1 This report concerns an application dated 1 December 2014, to designate a neighbourhood planning forum within the Isle of Dogs area (Isle of Dogs Forum Application) and is linked to the report on the related application of same date asking the Mayor in Cabinet to consider designating the Isle of Dogs as a neighbourhood planning Area (Isle of Dogs Area Application), in accordance with the statutory requirements of the Localism Act 2011.
- 8.2 Consultation in respect of the proposed Isle of Dogs Forum and Area Applications (as detailed at paragraph 6.4 of this report) has been carried out in accordance with Regulations 6 and 9 respectively of the 2012 Regulations.
- 8.3 In respect of an application for a neighbourhood forum, the Council may make a designation if it is satisfied that the relevant body meets the conditions set out in section 61F(5) of the TCPA 1990 (as detailed at paragraph 5.5 of this report). The Council must also have regard to the matters set out in section 61F(7) of that Act (as detailed in paragraph 5.7 of this report). The Isle of Dogs Forum application has been assessed against these statutory criteria and has been found to comply with them.
- 8.4 The designation will have effect for a period of five (5) years, unless the Council decides to withdraw it, either because the organisation no longer meets the conditions for approval or because the body itself so elects. During these five (5) years, no other organisation or body may be designated as a neighbourhood forum for the area.
- 8.5 In determining an application for a neighbourhood area, the Council needs to consider the factors set out in sections 61G and 61H of the TCPA 1990, and the 2012 Regulations. The relevant factors are summarised at paragraphs 5.7, 5.8 and 5.9 of the Isle of Dogs Area Application report. Legal Services are satisfied that Officers have had proper regard to these factors in formulating their recommendation that the Isle of Dogs Area Application be approved, subject to amendments.
- 8.6 As regards the making of such amendments to the proposed area, Section 61G entitles the Council to deviate from the boundaries set out in an application. However, any decision to alter the boundary of a neighbourhood area could be challenged in the Courts. Therefore, the reasons for making any such amendments to the area must be sound, clearly set out and justified. This has been done at paragraphs 6.60 to 6.84 (as appropriate) of the Isle of Dogs Area Application report, as expanded upon in the relevant area appraisals in Appendices to this report.

- 8.7 In deciding whether to designate a neighbourhood forum or a neighbourhood area, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. An Equality Analysis Quality Assurance Checklist has been undertaken (see Appendix 3). It indicates that no negative equality impacts arise at this stage. The position will be reviewed if and when any proposed Neighbourhood Plan and/or Neighbourhood Development Order are brought forward by the designated forums for the relevant areas.
- 8.8 The Council's decisions on both the Isle of Dogs Forum Application and the Isle of Dogs Area Application must also be publicised as soon as possible after the decisions are taken (Regulations 7 and 10 of the 2012 Regulations).

9 ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 One Tower Hamlets principles have been considered so far as they impact upon the determination of applications to become Neighbourhood Planning Forums and Areas. The implications of determining these applications on the protected characteristics outlined in the Equalities Act 2010 have been considered using the Council's Equality Analysis Quality Assurance Checklist and it has been considered that no further action needs to be taken at this stage.
- 9.2 Due regard for the nine protected groups will be embedded in the preparation and production of any resultant Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO).
- 9.3 Furthermore, NDPs and NDOs are required to be in general conformity with the Council's Local Plan and as such will give due consideration to One Tower Hamlets considerations and the Community Plan.

10 BEST VALUE (BV) IMPLICATIONS

- 10.1 Under Section 3 Local Government Act 1999 the Council 'must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'.
- 10.2 During the determination of this application the Council has worked with the prospective Forums where appropriate, having regard to economy efficiency and effectiveness, and in conformity with statutory requirements as detailed in the TCPA (1990).
- 10.3 At the stage when Forums are developing Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDOs), the plans and orders will add an additional layer of detail to the Council's Development Plan

and look to steer the future development of land in the relevant area. This will better allow the existing and future community to contribute to economic, environmental and social improvements in their area and benefit from the resultant development.

11 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

11.1 Determining Neighbourhood Planning Forums applications does not have any discernable impacts on the environment.

11.2 At the stage where established Neighbourhood Planning Forums are developing NDPs or NDOs for designated Neighbourhood Planning Areas consideration will be given to action of a greener environment. Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA may be required of plans and programmes which “determine the use of small areas at a local level. In accordance with Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the ‘Regulations’”), the responsible authority will determine whether a Strategic Environmental Assessment (SEA) is necessary. The Council will act as necessary to provide advice to designated Forums in respect of the requirements to carry out an SEA.

12 RISK MANAGEMENT IMPLICATIONS

12.1 The application recommendations have been reported through a number of internal groups that consider risk management issues and mitigation. These include:

- Development & Renewal Directorate Management Team
- Corporate Management Team

13 CRIME AND DISORDER REDUCTION IMPLICATIONS

13.1 Determining Neighbourhood Planning Forums applications does not have any discernable impacts on crime and disorder.

13.2 At the stage where established Neighbourhood Planning Forums are developing NDPs or NDO’s for the designated Neighbourhood Planning Areas consideration may be given to crime and disorder where the Forum wish to pursue the implications of crime and disorder on the built environment.

14 SAFEGUARDING IMPLICATIONS

14.1 There are no specific safeguarding implications associated with this report.

Linked Reports, Appendices and Background Documents

Linked Report

1. Neighbourhood Planning: Determination of Isle of Dogs Neighbourhood Planning Area report.

Appendices

1. Appendix 1: Isle of Dogs Map
2. Appendix 2: Consultation Summary Reports
3. Appendix 3: Equality Analysis Quality Assurance Checklist

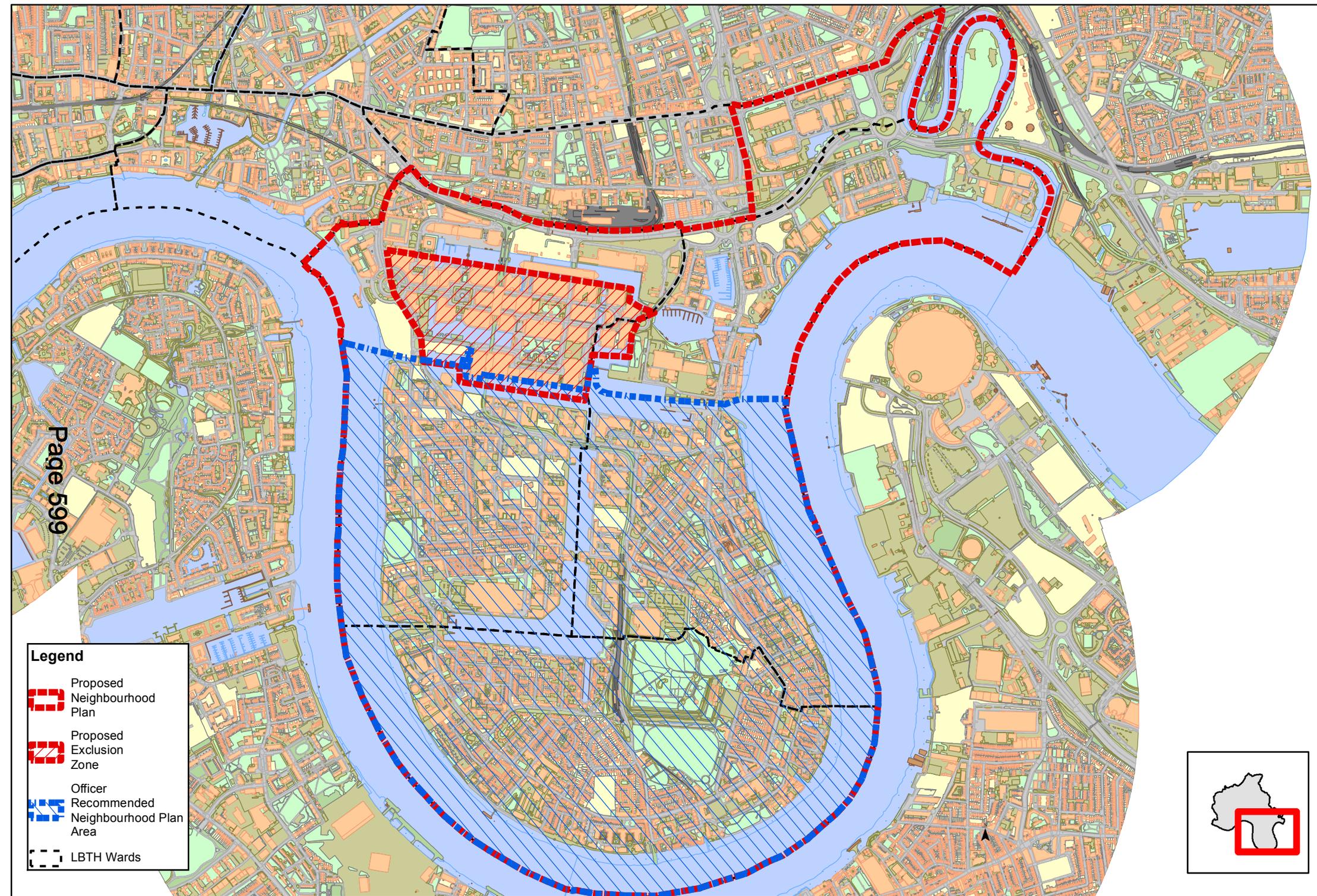
Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- NONE

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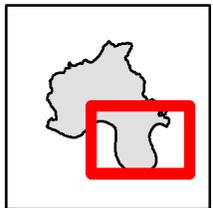
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Legend

- Proposed Neighbourhood Plan
- Proposed Exclusion Zone
- Officer Recommended Neighbourhood Plan Area
- LBTH Wards



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APPENDIX 2

Isle of Dogs Neighbourhood Planning Forum Public Consultation Summary

1) Role of this document

This document provides a summary on the level of representation, and the matters discussed within representations, during the formal public consultation period for the applications to establish a Neighbourhood Planning Forum made by Isle of Dogs Neighbourhood Planning Forum.

The report takes account of relevant planning matters in representations submitted to the London Borough of Tower Hamlets.

This paper has been prepared by the London Borough of Tower Hamlets for public information and to inform the Council's decision making process. It is not intended to address any of the issues raised during the consultation period.

2) Consultation activities undertaken by the Council

The formal public consultation period ran from 5 January to 16 February 2015. Consultation activities undertaken by the Council were carried out in accordance with Neighbourhood Planning Regulations. Activities undertaken were as follows:

- Provision of consultation information and application material on the Council's website (www.towerhamlets.gov.uk).
- Provision of consultation information and application material to the Idea Store Canary Wharf and Cubitt Town Library for inspection by interested parties.
- Provision of information to elected Councillors in the relevant areas.
- Publication of a Public Notice in East End Life.

These activities also followed the principles of the guidance for the production of policy documents as set out in the Council's Statement of Community Involvement (SCI).

2) Approach to categorising representations made

During the public consultation period, the public are able to make representations on the contents of the area and forum applications submitted to the Council. Typically, representations are made by local residents, local Councillors, landowners, businesses, interests groups, statutory consultees and neighbouring Local Authorities. Representations were not made by all parties directly consulted.

This document presents representations in no particular order. Representation figures calculate submitted responses and as such do not limit representations to one per household or one per business. The following categories have been used to categorise representations:

Support	Have stated explicit support, or support has been inferred from the contents of the representation
Object	Have stated explicit objection, or objection has been inferred from the contents of the representation
Neutral	Have offered comments but not determined if they object or support the application

Petition	A written objection signed by multiple signatories
No comment	Where no comment has been made and no position on the matter can be inferred
Concerned	Do not state they object but highlight areas of concern

The following summaries have been derived from an analysis of the consultation responses. Please note, representations did not always specify support or objection to the area and Forum. The summary of responses paraphrases comments made by representors and, to avoid repetition, makes reference to the same matter once only.

When analysing the representations, regard is given to legislative requirements related to the Forum and Area proposals.

4) Summary of responses related to the Forum based application

Number of representations received

Support	Objection	Neutral	No comment	Petition	Concerned	Total
18	7	8	0	0	2	35

Comments made by statutory bodies and neighbouring boroughs:

- No comments were made on the purpose, membership or constitution of the proposed Forum.

Summary of matters raised in support:

- Strong support for the proposed Forum as they are necessary as a means to represent views of residents related to the massive pressures the volume of development is creating.
- The Forum will be able to act in the best interest of residents, consult with them and give a more joined up approach to planning in the Isle of Dogs.
- The Forum will work well with the Council.
- The proposed Forum is running in a formal and responsible manner and trying to include a wide spectrum of the community affected.
- A constructive and valuable contribution will be made by the Forum
- Supportive of the proposed Forum's objectives for social, economic and environmental wellbeing and its ambition to involve the local community in the planning process.
- The purpose and aims of the proposed Forum are important.
- The proposed Forum and Area will enable local services like schools to be considered alongside bare numbers of habitable rooms, social housing provision and S106 contributions.
- Open membership, as defined in the Planning Practice Guidance, must allow anyone who has an interest in the development of the area to be involved in the plan preparation and as such landowners and representatives should be included.
- Agree with the proposed constitution.

Summary of matters raised in objection:

- The proposed Neighbourhood Forum does not include sufficient representation of key stakeholders, landowners and developers who have a serious interest in emerging planning policy and designated strategic sites.
- The proposed constitution does not allow for landowners to become full members of the forum, or provide them with the ability to vote, which we strongly object to.
- Object to the make-up of representatives of the proposed Forum.

Summary of matters raised as concerns:

- The diversity of the different neighbourhoods on the Isle of Dogs highlights the potential issues with seeking to develop a Neighbourhood Plan for inhabitants who are likely to have different aspirations, values and views.
- The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) promotes a growth agenda to foster economic sustainability and meet the needs of a growing population. Consistent with the national agenda, the London Plan advocates this agenda, identifies the Isle of Dogs as an Opportunity Area where substantial numbers of new jobs and homes can be accommodated and identifies a housing delivery target for Tower Hamlets. A forthcoming Neighbourhood Plan must be prepared in accordance with this.
- The OAPF is the proper Forum for strategic planning issues and providing a comprehensive approach to infrastructure across the island. A Neighbourhood Plan is not the appropriate level to co-ordinate development of strategic sites.
- The purpose of the Forum would be better achieved through having a number of areas.
 - Open membership, as defined in the Planning Practice Guidance, must allow anyone who has an interest in the development of the area to be involved in the plan preparation and as such landowners and representatives should be included.
 - It is requested that the constitution is amended to allow landowners and representatives to be included.

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Appendix 3: EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Determination of Neighbourhood Planning Forum and Area Applications
Directorate / Service	Development & Renewal
Lead Officer	Sophie Hall-Thompson
Signed Off By (inc date)	Adele Maher, 24.03.15
Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	<div style="display: flex; align-items: center; margin-bottom: 10px;">  <p>Proceed with implementation</p> </div> <p>Based on the QA a Full EA will not be undertaken at this stage. As a result of performing the QA checklist the proposed procedural changes to the decision making process for Neighbourhood Planning Area and Forum applications does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p> <p>Due regard for the nine protected groups will be embedded in the preparation and production of any resultant Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO).</p>

Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Y	
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Y	<p>At this stage, the impacts of the proposals will not be felt upon persons with protected characteristics.</p> <p>At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely adverse impacts on people who share Protected Characteristics. Officers can share information on the Council's Borough Profile (2014) to provide an overview of the equality groups to the Forum.</p> <p>Any Neighbourhood Development Plan or Order will need to be in general conformity with the Council's Local Plan.</p>
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	n/a	<p>The degree to which there are impacts from approving the proposals for Neighbourhood Planning Forums or Areas is not known. There is no reliable qualitative and quantitative data to support claims made about impacts, where there are known to be impacts.</p> <p>Neighbourhood Planning is a new planning policy tool. In future, there may be a need to capture information to be able to assess impact.</p>
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	n/a	Neighbourhood Planning is a new planning policy tool. In future, evidence may be developed nationally.
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	In accordance with Neighbourhood Planning Regulations, public consultation and the Council's reporting cycle allow for input into the recommendations for determining applications

			being taken forward.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Formal public consultation was carried out for six weeks. This is the statutory period of public consultation.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	No	Neighbourhood Planning is a new planning policy tool. There is no evidence of impacts. At the stage when a Neighbourhood Development Plan or order is being prepared, links may be established.
b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	No	Neighbourhood Planning is a new planning policy tool. There is no evidence of impacts. At the stage when a Neighbourhood Development Plan or order is being prepared, an understanding will be development and assessed for unequal impacts.
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	n/a	
b	Have alternative options been explored	n/a	It is our statutory duty to support forum and area applications where they are meet legislative requirements. We are required by the Localism Act (2011) to designate an appropriate area where an application is submitted.
5	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely adverse impacts on people who share Protected Characteristics. At the stage of submitting the Neighbourhood Development Plan or Order, the Council will consider the impact on the plan or order on the protected characteristics.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	Yes	At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely

			adverse impacts on people who share Protected Characteristics. At the stage of submitting the Neighbourhood Development Plan or Order, the Council will consider the impact on the plan or order on the protected characteristics.
6	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	N/A	There is no executive summary

Appendix A

(Sample) Equality Assessment Criteria

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Decision	Action	Risk
As a result of performing the QA checklist, it is evident that due regard is not evidenced in the proposal and / or a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the proposal be suspended until further work or analysis is performed – via a the Full Equality Analysis template	Suspend – Further Work Required	Red 
As a result of performing the QA checklist, the policy, project or function does not appear to have	Proceed with implementation	Green: 

any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.		
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<p>Cabinet Decision</p> <p>5th April 2016</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Aman Dalvi, Corporate Director Development & Renewal</p>	<p>Classification: Unrestricted</p>
<p>Neighbourhood Planning: Determination of Spitalfields Neighbourhood Planning Area Application</p>	

Lead Member	Councillor Rachel Blake, Cabinet Member for Strategic Development
Originating Officer(s)	Adele Maher, Strategic Planning Manager
Wards affected	Weavers and Spitalfields & Banglatown
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

Reasons for Urgency
 The publication of this report is less than five clear days in advance of the meeting. The completion of the report required external legal advice which was unexpectedly delayed. Due to these circumstances pursuant to Rule 6.1(b) of the Access to Information Procedure Rules, the Mayor identified this report as an item for urgent decision that should not be delayed in order to positively support local communities prepare Neighbourhood Development Plans without further delay.

Executive Summary

Neighbourhood planning was introduced by the Localism Act 2011 and allows communities to help shape their local area by preparing a Neighbourhood Development Plans (NDP), or Neighbourhood Development Orders (NDOs), provided they meet a number of basic conditions, including being in general conformity with the strategic policies of a development plan prepared and adopted by the local planning authority (LPA). In parished areas neighbourhood planning processes are led by parish or town councils; in other areas neighbourhood planning forums must apply to the LPA to be designated as the lead (qualifying body).

As LPA, the Council is required to determine applications for Neighbourhood Area designation in accordance with the Town and County Planning Act 1990 (as amended) (TCPA 1990) and the Neighbourhood Planning (General) Regulations 2012.

The Council has received two Neighbourhood Planning applications that relate to Spitalfields: Spitalfields Neighbourhood Planning Forum Application and Spitalfields Neighbourhood Planning Area Application

This report relates to the proposed Spitalfields Neighbourhood Planning Area application only.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the application for the designation of the Spitalfields Neighbourhood Planning Area with minor amendments as a Neighbourhood Planning Business Area as defined in the plan attached at Appendix 1.

1. REASONS FOR THE DECISIONS

- 1.1 The Council has received an application to designate a Neighbourhood Planning Area in Spitalfields.
- 1.2 The Council is required to determine applications for the area designations in accordance with the Town and County Planning Act 1990 (as amended) ("TCPA 1990") and the Neighbourhood Planning (General) Regulations 2012 ("the 2012 Regulations").
- 1.3 The Government's Planning Practice Guidance ("PPG") on Neighbourhood Planning (Ref ID: 41) provides guidance on the determination of such applications. It also states that the role of the Local Planning Authority ("LPA") is to take decisions at key stages in the Neighbourhood Planning process.
- 1.4 Officers have undertaken an assessment of the proposed Spitalfields Neighbourhood Planning Area application against relevant provisions of the TCPA 1990, the 2012 Regulations and the guidance detailed in the PPG. As a result, officers are satisfied that the Spitalfields Area application, with minor amendments, accords with relevant legislative requirements. The application is therefore recommended for approval and a decision should be taken in accordance with the LPA's statutory duties.

2. ALTERNATIVE OPTIONS

- 2.1 In the first instance, officers carefully considered whether it would be appropriate to designate the area specified ('specified area') in the submitted application. Having regard to relevant legislative provisions and the guidance in paragraph 33 of the PPG, the proposed area was not considered appropriate. As such alternative options for the area were sought in accordance with the TCPA 1990.
- 2.2 By virtue of section 61G of the TCPA 1990, the authority must exercise their power of designation where a valid application has been made 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 where:
 - i) some or all of the specified area has not been designated as a neighbourhood planning area; or
 - ii) the authority refuses the application because they consider that the specified area is not an appropriate area to be designated as a

neighbourhood area.

- 2.3 The authority may also modify designations already made and ensure that neighbourhood areas do not overlap.
- 2.4 In accordance with section 61H of the TCPA 1990, the authority has an additional option. Section 61H provides that the power of a LPA to designate a neighbourhood area, as a business area, is exercisable by the authority only if, having regard to such matters as may be prescribed, they consider that the area is wholly or predominantly business in nature.
- 2.5 Options available to the authority are therefore to: 1) designate all of the area specified in the application; 2) designate some of the area specified; 3) modify existing designations; and 4) designate the area as a business area. These have been considered by the authority.

3. DETAILS OF REPORT

- 3.1 This report provides an overview of the assessment undertaken by Officers of the proposed Spitalfields Neighbourhood Planning Area application.
- 3.2 The content of this report is as follows:
 - Section 4: provides an introduction to Neighbourhood Planning;
 - Section 5: outlines the relevant legislative framework and guidance;
 - Section 6: provides a background to the Spitalfields area application and details of the LPA's assessment.

4 INTRODUCTION TO NEIGHBOURHOOD PLANNING: A COMMUNITY LED PROCESS

- 4.1 The Localism Act 2011 amended the TCPA 1990 to make provision for neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.
- 4.2 The legislative provisions concerning neighbourhood planning within the TCPA 1990 are supplemented by the Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015), and the Neighbourhood Planning (Referendum) Regulations 2012.
- 4.3 PPG issued by the Secretary of State for Communities and Local Government provides detailed advice relating to the neighbourhood planning system

introduced by the Localism Act 2011, addressing the key stages of decision-making including the designation of neighbourhood areas.

- 4.4 Neighbourhood planning provides communities with the ability to prepare a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Orders (NDO), in areas designated by the LPA on application as a neighbourhood area. Neighbourhood planning powers may only be exercised by bodies authorised by the legislation. In a neighbourhood area where there is a parish council, only a parish council may make proposals for a NDP or NDO. In neighbourhood areas without a parish council, only a body designated by the LPA as a neighbourhood forum may bring forward proposals for that neighbourhood area.
- 4.5 NDPs set out policies in relation to the development and use of land in all or part of a defined neighbourhood area and may include site allocations, or development principles, for allocated sites. They may also include character appraisals and seek to establish community facilities and/or identify areas for public realm improvements. NDOs allow for planning permission to be granted in the circumstances specified and exempt certain types of development, or development in certain areas, or on particular sites, from the usual requirement to apply to the LPA for a grant of planning permission.
- 4.6 Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's 'Local Plan': Core Strategy (2010) and Managing Development Document (MDD) (2013).
- 4.7 A NDP that has been 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory 'Development Plan' (comprising the Local Plan and London Plan) and, as such, will be accorded full weight when determining planning applications in the neighbourhood area. NDPs will form a new spatial layer to the Council's planning policy and guidance.
- 4.8 NDP policies will be developed by a neighbourhood forum through consultation with stakeholders in their relevant neighbourhood area and through engagement with Council Officers. Proposed NDP policies must be supported by an up-to-date evidence base to ensure that they are reasonable, sound and justified. Before the NDP is 'made' it must be subject to pre-submission publicity and consultation, submitted to the LPA for a legal compliance check, publicised for consultation, submitted for independent examination, found by the independent examiner to meet the basic conditions specified in the legislation, and passed at a referendum.

Community Infrastructure Levy

- 4.9 The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2013 ("the CIL Regulations") were supplemented by the Community Infrastructure Levy Guidance Note, published by DCLG on 26 April 2013. The 2013 guidance was replaced by the Government's PPG on 6 March 2014.
- 4.10 The CIL Regulations, as explained by the PPG, make provision for how CIL receipts may be used in relation to neighbourhood planning in those areas

which have Parish Councils and those which do not. Tower Hamlets currently does not have any Parish Councils and, as such, the Council retains the revenue generated by CIL.

- 4.11 The Community Infrastructure Levy PPG (Ref ID: 25) states (at paragraph 072) that:

"... In England, communities that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order), and secure the consent of local people in a referendum, will benefit from 25 per cent of the levy revenues arising from the development that takes place in their area. This amount will not be subject to an annual limit. ..."

- 4.12 Therefore, where a NDP or NDO has been adopted, the Council will consult with the relevant local community as to how this 25 per cent proportion of CIL receipts will be spent.

Overview of Neighbourhood Planning at LBTH

- 4.13 The determination of applications to designate neighbourhood areas and neighbourhood forums are decisions exercised by the Mayor of Tower Hamlets.
- 4.14 Such applications are required by the Council to be submitted using the Council's neighbourhood planning application.
- 4.15 The Council has published guidance to assist prospective neighbourhood forums to understand what is involved in becoming a forum and designating an area and the criteria the Council use to make decisions.
- 4.16 This guidance advises prospective forums to liaise with officers prior to applications being submitted. This allows those proposing to make neighbourhood planning obligations to meet relevant legislative requirements.
- 4.17 The Council is required to publicise applications for the designation or neighbourhood areas and forums for a period of six weeks. In addition to that basic legislative requirement, Officers are guided by best practice and also consult with the following:
- Community Ward Forums
 - Government agencies
 - Associated Ward Councillors

5. NEIGHBOURHOOD AREA APPLICATIONS: RELEVANT LEGISLATION AND GUIDANCE

- 5.1 This section outlines the legislative framework and Government guidance relevant to the designation of Neighbourhood Areas in the following sequence: 1) making an application; 2) consulting on an application; and 3) designating an area.
- 5.2 The Council is subject to a statutory duty to determine applications to designate neighbourhood areas in accordance with relevant legislation, including sections 61G(5) and 61H(3) of the TCPA 1990. The Council must also have due regard to the guidance issued by the Secretary of State in the

PPG on neighbourhood planning, as it relates to the designation of neighbourhood areas.

Making an application

- 5.3 In accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, where a relevant body submits an area application to the local planning authority it must include:
- (a) A map which identifies the area to which the area application relates
 - (b) A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - (c) A statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the TCPA 1990.
- 5.4 A LPA may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.
- 5.5 Upon receipt of an application, it is validated in accordance with the above.

Consulting on an application

- 5.6 In accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012, the authority must publish the following on its website and in such a manner as to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:
- (a) a copy of the area application
 - (b) details of how to make representations
 - (c) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first published.

Designating an area

- 5.7 Section 61G of the TCPA 1990 requires a LPA to exercise its powers of designation "so as to secure some or all of the specified area forms part of one of more areas designated as neighbourhood area". In so doing the LPA (in non-parished areas such as Tower Hamlets) must have regard to:
- (1) The desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas (section 61G(4)(b));
 - (2) Refusing the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area. (section 61G(5)(c));
 - (3) Exercising 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 a neighbourhood area (section 61G(5)(c));

- (4) Modification of designations already made ((section 61G(6)); and
- (5) Ensuring that neighbourhood areas do not overlap ((section 61G(7)).

5.8 In accordance with Section 61H of the TCPA 1990, whenever a LPA exercises its power under section 61G to designate an area as a neighbourhood area, it must consider whether it should designate the area concerned as a business area.

5.9 Section 61H(c) specifies the criteria for determining if an area should be designated as a business area, providing as follows:

"The power of a local planning authority to designate a neighbourhood area as a business area is exercisable by the authority only if, having regards to such matters as may be prescribed, they consider that the area is wholly or predominately business in nature."

5.10 Paragraph 035 of the PPG states that "the local planning authority should aim to designate the area applied for".

5.11 Section 61O of the TCPA 1990 requires LPA's to take account of the guidance in paragraph 033 of the PPG, which lists considerations that may be relevant to determining the boundaries of a neighbourhood area. Paragraph 33 of the PPG also provides guidance on considerations when deciding the boundaries of areas. It states that "electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area". Other considerations outlined in the PPG relate to:

- (a) village or settlement boundaries, which could reflect areas of planned expansion
- (b) the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities
- (c) the area where formal or informal networks of community based groups operate
- (d) the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style
- (e) whether the area forms all or part of a coherent estate either for businesses or residents
- (f) whether the area is wholly or predominantly a business area
- (g) whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
- (h) the natural setting or features in an area
- (i) size of the population (living and working) in the area

(Please note that LBTH have inserted the above lettering whereas the PPG uses bullet points.)

5.12 The area application for Spitalfields is assessed by the LPA against the above legislative and regulatory criteria. The assessment also takes into account the PPG and public consultation responses, where relevant to decision making.

Relevance is determined in line with the legislative criteria and PPG guidance. The following section of this report assesses the application against the above criteria and guidance.

6. NEIGHBOURHOOD PLANNING AREAS: SPITALFIELDS APPLICATION, CONSULTATION AND ASSESSMENT

- 6.1 This section provides a background to the Spitalfields Neighbourhood Area application, public consultation and details of the assessment. The format of this section outlines how the Spitalfields Neighbourhood area application was processed and assessed in relation to the criteria that an LPA must have regard to as it relates to: 1) making an application; 2) consulting on an application; and 3) designating an area.
- 6.2 The designation of an area is assessed against the criteria taken from 61G (1-5), 61H TCPA 1990 and paragraphs 033 and 035 of the PPG.

Making an application

Application submission and validation

- 6.3 An application was received from the proposed Spitalfields Neighbourhood Planning Forum on 1st December 2014, seeking designation of the Spitalfields neighbourhood planning area (a related application was submitted on the same date seeking designation of the Spitalfields neighbourhood planning forum).. The area application included:
- A map which identifies the area to which the area application relates;
 - A statement explaining why this area is considered appropriate to be designated as a neighbourhood area in the application form; and
 - A statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the TCPA 1990 in the application form.
- 6.4 The applications for designation of a neighbourhood area and forum were submitted at the same time and validated concurrently. Throughout the validated process for the area it was accepted that the proposed forum was capable of being designated as a forum by the LPA.
- 6.5 No other area applications have been received by the Council for this area.
- 6.6 The application submission was validated in accordance with Regulation 5 of 2012 Regulations.

Consultation on application

Public consultation process

- 6.7 In accordance with Regulation 6 of the 2012 Regulations, public consultation on the Spitalfields area (and the forum) applications was carried out for six weeks between 5th January and 16th February 2015.

- 6.8 The application was advertised in East End Life and all application documents were made publically available on the Council's website, and as part of a 'bundle' in the Council Town Hall and in relevant Idea Stores or libraries. The bundle included the aforementioned documents and a leaflet explaining what the consultation was about.
- 6.9 The advertisement in the East End Life and other publicity material including, emails to stakeholders and the leaflet in the application 'bundle' contained a statement to the effect that if a designation is made no other organisation or body may be designated for that neighbourhood area until the designation expires or is withdrawn; details of how to make representations; and the date by which those representations must be received, being not less than six weeks from the date on which the application was first published.

Summary of Representations received

- 6.10 All representations received during the consultation period have been taken into account in the determination of this application. The content of these representations has been duly considered and taken into account by the LPA to the extent that the representations address considerations that are relevant to the Council's decision having regard to the statutory requirements in particular the criteria for designation in Sections 61F and 61G of the TCPA 1990 (as amended) and guidance within Section 4, in particular paragraph 033 of the Government's Planning Practice Guidance (PPG).
- 6.11 This section provides a summary of the representations received. Further detail on the public consultation representations is included in Appendix 2: Public Consultation Summaries.
- 6.12 The representation numbers and their responses can be summarised as follows:
- 23 representations of support
 - 608 representations in objection
 - 7 representations that were neutral
 - 1 representation giving no comment
 - 2 petitions
- 6.13 Of the 23 representations made in support of designation, the reasons given included: the proposed area is representative and reflects the heart of the area; the area includes Old Truman Brewery; and the area is manageable in terms of policy making.
- 6.14 Of the 608 representations and 2 petitions made in objection, the reasons given included: the area is too large; it is not coherent; the Old Truman Brewery site should not be included as it has a distinct character and has a sphere of influence beyond the area. Many of these representations repeated and reflected the same concerns using the same format and content only differing in respect of individual addresses and signatures. Many of these representations were received as part of the submission made by Zeloof LLP. More information on this is contained in paragraph 6.15 of this report.

6.15 Zeloof LLP and Truman Estates Limited own Old Truman Brewery a significant site in the proposed neighbourhood planning area. The submission from Zeloof LLP included the following representations that objected to the Area designation:

- 1 petition signed by 654 separate signatories objecting to the designation of the area and forum;
- 1 petition signed by 918 separate signatories objecting to the designation of the area and identifying an alternative area;
- 484 letters from a total of 288 different businesses located primarily within the landowner's site. The content of these letters were the same, the addresses and signatures were different. Of these 203 letters are from market stall based businesses representing a total of 187 different businesses;
- 30 letters from 17 businesses located outside of the landowner's site. The content of these letters were the same, the addresses and signatures were different. These include a mix of those businesses located within the relevant neighbourhood planning areas and those outside;
- 32 letters from residents located outside of the landowners site. The content of these letters were the same, the addresses and signatures were different. These include a mix of those residents located within the relevant neighbourhood planning areas and those outside; and
- A total of 61 letters from Zeloof LLP and Truman Estates Limited, owners of the Old Truman Brewery.

Post public consultation submissions

6.16 After the completion of the public consultation, the proposed forum submitted further unsolicited documentation to the Council entitled 'General Statement on Business Area, Consultation and Membership' which explains that proposed forum has, along with details of the consultation processes and membership procedures, considered the merits of the proposed Spitalfields Neighbourhood Planning Area being designated as a 'Business Neighbourhood Planning Area' under section 61H of the TCPA 1990, and requests that the Council designate the whole area specified in the application as a 'business area'.

6.17 Officers do not consider further public consultation on the forum's above referred additional submissions, or the designation of the proposed neighbourhood area as a 'business area', to be necessary for two reasons: firstly, the relevant provisions within the TCPA 1990 and the 2012 Regulations make no provision for the amendment of a neighbourhood area application or multiple rounds of public consultation; secondly, Section 61H of the TCPA 1990 empowers the Council to designate a neighbourhood area as a business area. The said power may only be exercised where the LPA, having regard to such matters as may be prescribed, considers that the area is wholly or predominantly business in nature. That decision is a matter of judgment for

the LPA, having regard to all relevant considerations which may include matters that are not addressed in the application, or responses to consultation

- 6.18 Accordingly, the Council's decision making process on this area application takes no account of the 'General Statement on Business Area, Consultation and membership' submitted by the forum.

Determining an application: Designating an Area

- 6.19 The following section of this report provides:

- 1) a summary understanding of the submitted boundary and area; and
- 2) an assessment of the area application against relevant legislation (Sections 61G and 61H of the TCPA 1990), the 2012 Regulations and guidance within the PPG.

1) Proposed Area – Summary of submitted boundaries and area

- 6.20 The specified area comprises the majority of Spitalfields and Banglatown Ward and a small section of Weavers Ward.

- 6.21 The area also aligns closely with the place of Spitalfields, as identified in the Core Strategy (2010).

Southern Boundary

- 6.22 The application acknowledges that the proposed Area of Spitalfields must remain distinct from the area of Whitechapel. West of Commercial Road, the boundary includes Wentworth Street which hosts the Petticoat Lane Market. On the eastern side of Commercial Road, the boundary line includes The Toynbee Hall Estate and then traces the mid-point of Wentworth Street to Frostic Walk.

Northern Boundary

- 6.23 This boundary traces the southern boundary of the Bishopsgate Goodsyard Site Allocation (as identified in the Managing Development Document (2013)), and the southern side of the East Shoreditch Neighbourhood Planning Area.

Eastern Boundary

- 6.24 The eastern boundary includes the listed buildings and retail offering of the western part of Cheshire Street. This boundary also includes Allen Gardens and Spitalfields Farm. The application states that Allen Gardens has been included due to the relationship between users of Brick Lane and Allen Gardens, and that Spitalfields Farm has been included due to the ancillary nature of Spitalfields Farm to Allen Gardens. The remainder of the eastern boundary aligns with the City Fringe Activity Area boundary.

Western Boundary

- 6.25 The western boundary runs along Middlesex Street and the boundary between Tower Hamlets and the City of London. This provides a hard boundary between the proposed 'area' and the surrounding area as well as a

transition between the commercial core of the City of London and the mixed use area east of Middlesex Street.

2) **Assessment of the application – designating an area**

6.26 This section of the report considers the area application and public consultation responses against the statutory criteria and guidance outlined above.

In accordance with 61G(4)(b), is it desirable to maintain the existing boundaries of areas already designated as neighbourhood areas?

6.27 The proposed area interacts with a designated neighbourhood area, East Shoreditch Neighbourhood Area, along the northern boundary, but does not overlap with this boundary. The boundary between the designated East Shoreditch Neighbourhood Area and the proposed Spitalfields Neighbourhood Area reflects the distinct characters of the two areas and ensures that the main north south conduit is retained in one Neighbourhood Area. It is therefore considered desirable to maintain the boundaries of the existing Neighbourhood Area. The proposed Spitalfields Area already maintains this boundary and so no change is required.

In accordance with 61G(5)(c) should the application be refused because it is considered that the specified area is not an appropriate area to be designated as a neighbourhood area?

6.28 The following paragraphs answer the above question through considering the appropriateness of the area to be designated by reference to considerations within paragraph 033 of the Government's PPG (as set out at (a) to (i) below), and other matters that have arisen during public consultation.

(a) Village or settlement boundaries

6.29 The proposed boundaries do not align with village or settlement boundaries. Instead, due to the urban nature of this area; an historical and political understanding of the area of Spitalfields has been used as a basis for the proposed boundaries. This is considered appropriate.

(b) Catchment area

6.30 The area is served by one large local open space (Allen Gardens), a primary school (Christ Church (C of E)), an early years childcare provider (Spitalfields Children's Centre) and a District Centre (Brick Lane). The area is served by multiple London Underground and Overground nodes but does not have a station within the area specified in the application. Residents and workers of the area are served by the aforementioned assets and Brick Lane District Centre. As such, the catchment area of the proposed neighbourhood area indicates the area boundaries are appropriate.

(c) Community based groups

6.31 A number of community based groups operate in the area as detailed in the application. These are cultural, social and economic in nature and interest. In addition, a number of community based groups in the area concentrate their activities within the proposed area. The prevalence of community groups

operating in this area, and the local focus of many groups, indicates the area can be considered appropriate.

(d) Physical appearance or characteristics

- 6.32 The Core Strategy Place of Spitalfields describes the area as vibrant, diverse and mixed use with a city fringe character. The area is host to residential, business, leisure and assembly, retail land uses. It has one strategic north south highway in the form of Commercial Street and another important local north south route in the form of Brick Lane. The public realm also serves important commercial functions particularly related to space dedicated to market trading and tourism. The combination of these factors, as well as close proximity to the City of London and the excellent transport links has made this area a vibrant area that has a global reputation and a local importance.
- 6.33 A core characteristic of the area is that the architectural and urban character varies considerably across the area and that this character has evolved over a long period of time. The inclusion of two urban blocks along the south western boundaries (bounded by Middlesex Street to the west, Bell Lane to the east and with the east west section of Goulston Street) is considered appropriate as it acknowledges the shared characteristics, in terms of scale, massing, design and heritage of these blocks with the blocks to the north.
- 6.34 Furthermore the inclusion of these two blocks is considered appropriate because it enables the inclusion of the public realm between the blocks and as such the food court market area located on Goulston Street, directly south of Petticoat Lane Market located on Wentworth Street. This is considered appropriate because, as identified above, the use of the public realm for commercial functions is characteristic of the area. The proximity of the food court market to Petticoat Lane Market and their shared operational characteristics also indicate [justification for their inclusion].
- 6.35 An alternative area was suggested by a number of representors, including petition signatories. This identification of an alternative area does not represent an application but has been considered by the LPA in this assessment as an aid to understanding the character of the area. However, the alternative area is not considered to reflect the character or function of Spitalfields as it is residential led and does not reflective of the vibrant and mixed use character of Spitalfields.

(e) Coherent estate either for businesses or residents

- 6.36 The Holland Estate (Estate) is located to the south west of the specified area and consists of a number of blocks with predominantly residential units. The Estate was built by the London County Council (LCC). The original blocks are red brick and have a uniform height of 4/5 storeys. Denning Point, a new block within the estate is 22 storeys high. East End Homes are the owner of the Estate.
- 6.37 The Estate is largely homogenous in use, scale, bulk and design and therefore for reasons of coherence as well as community cohesion, it is recommended to extend the area along the southern boundary to include the Holland Estate.

- 6.38 The degree to which it is appropriate to include the Old Truman Brewery site within the area to be designated was raised in representations made during the public consultation period. The following paragraphs briefly outline the level of objection and the reasons for objection. Further information can be found in Appendix 5: Public Consultation Summaries.
- 6.39 608 representations and 2 petitions were received in objection to the proposed area. Many of the objections proposed an alternative area that excluded the Old Truman Brewery site from inclusion in the area. As set out in paragraphs 6.14 and 6.15 above, these representations were submitted by Zeloof LLP, a landowner of part of Old Truman Brewery site. Many of these representations repeated and reflected the same concerns; the majority of the letters received had the same format and content only differing in respect of individual address and signatures.
- 6.40 The representation submitted by Zeloof LLP outlines reasons why the Old Truman Brewery site should not be included within the proposed Area. As part of this representation, a smaller number of residents and businesses inside and outside of the proposed area also expressed opposition to the designation of the proposed Area. This representation also suggested an alternative area for designation that would exclude the Old Truman Brewery site and shift focus away from the commercial aspect of Spitalfields and towards a residential area more closely aligned with Whitechapel.
- 6.41 Objections received relating to the exclusion of the Old Truman Brewery site may be summarised as follows:
- the site is unique in land use, character and physical distinct from the rest of the proposed Area;
 - the site is physically contained due to the architecture and use of perimeter walls; and
 - the site currently has a wide sphere of influence that extends beyond the local and neighbourhood level.
- 6.42 When considering whether or not the Old Truman Brewery site should be included within the proposed neighbourhood area, it is noted that the Old Truman Brewery site is a local landmark within the area and a feature for international and local tourism. It has reached the status of local asset due to its industrial heritage, location on Brick Lane and the iconic chimney that rises above the prevailing building height in the vicinity. The Old Truman Brewery site provides spaces for small and medium sized enterprises (SMEs) and market stall holders which are a vital feature of the area and contribute to its function and global reputation as a tourist destination. The site is an important land use in the Brick Lane Town Centre and adds to the economic diversity that is characteristic of this area. It is a hub of economic activity and provides employment for local residents and a draw for tourists alike. Physically, the Old Truman Brewery site is located on both the eastern and western sides of Brick Lane and is integrated with the north south axis of Brick Lane.
- 6.43 Accordingly, it is considered appropriate to include the entirety of the Old Truman Brewery site in the neighbourhood planning area because it is

physically, socially and economically intrinsic to the character and function of the area of Spitalfields.

- 6.44 The coherence of the area for businesses and residents is considered appropriate, subject to the inclusion of the entirety of the Holland Estate and Old Truman Brewery site.

(f) Wholly or predominantly a business area

- 6.45 Please see paragraphs 6.56 to 6.61.

(g) Infrastructure or physical features as a natural boundary

- 6.46 To the north and west, boundaries align with roads, railway lines and borough boundaries, which contain the proposed area. The eastern boundary recognises the boundaries of the City Fringe Activity Area (designated in the Management Development Document, Adopted Proposals Map, 2013), and allows for the inclusion of the Spitalfields Farm, Allen Gardens and the retail parade on Cheshire Street. Spitalfields Farm and Allen Gardens are assets with local significance and the retail parade on Cheshire Street shares a close relationship with the retail activity on Brick Lane, as denoted by the Brick Lane District Centre boundaries.

- 6.47 The specified area is therefore appropriately sensitive to boundaries formed by infrastructure, physical features and spatial planning designations.

h) the natural setting or features in an area

- 6.48 The Area has two north south conduits in the form of Commercial Street and Brick Lane. These two thoroughfares provide a backbone on which the Area radiates to the east and to the west. The Area also includes a number of notable assets that contribute to the character of Spitalfields including Christ Church Spitalfields, Jamme Masjid Great Mosque, the Old Truman Brewery site and Spitalfields Market.

- 6.49 The assets or features of the area highlight the diverse community and uses in the area and to that degree inform an understanding of the character of the area. This can be used to come to a decision on the overall appropriateness of the specified area.

(i) Size of the population (living and working) in the area

- 6.50 The proposed area does not align with ward boundaries and, as such, it is difficult to calculate the population living and working in the area. Whilst the majority of the area is in the western section of Spitalfields and Banglatown ward, the Census figures do not provide an accurate reflection of residents living in the area as the eastern section of the ward is predominately residential and the western area is not. With regards to the size of the population working in the area, it has been possible to work out the number of commercial units in the area as 1,127 units, but these units do not take account of the number of businesses in each unit, the working population nor the amount of commerce that is taking place in a non-physical 'unit' such as the guided tours and market stalls.

- 6.51 As an inner city mixed-use location in one of London's densest boroughs, the living and working populations can be said to be relatively high. It is noted that the population size of neighbourhood areas designated to date ranges

significantly. It is also noted that paragraph 033 of the PPG states that electoral "ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents". Given the above, the Council considers that the proposed area is considered appropriate in terms of the living and working population.

Conclusion on appropriateness

- 6.52 In conclusion, it is considered the specified area is an appropriate area to be designated as a Neighbourhood Area, where the boundaries include all of the Holland Estate, Old Truman Brewery site and the two urban blocks along the south western boundary of the area. A map of the Area, as amended, is included as Appendix 1.

In accordance with 61G(5)(c) will the LPA 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 a neighbourhood area and if so, what is the designation?

- 6.53 The LPA have concluded that the specified area with minor alterations is appropriate and as such will designate all of the area applied for. subject to minor alterations. Minor alterations will result in a modestly expanded area for reasons of coherence Officers propose, therefore, that the LPA should exercise its powers of designation accordingly.

In accordance with 61G(6) are the LPA proposing modifications of designations already made?

- 6.54 The LPA has given consideration to modifying the East Shoreditch Neighbourhood Area boundary and is not proposing modifications as the boundaries of the both areas are considered to be coherent and appropriate.

In accordance with 61G(7), have the LPA ensured that neighbourhood areas do not overlap?

- 6.55 The specified area abuts the East Shoreditch Neighbourhood Planning Area on the southern side of Bethnal Green Road and the northern buildings of Brick Lane. There is no overlap between the two areas and as such the area accords with requirements.

In accordance with Section 61 H, having regards to such matters as may be prescribed; do the LPA consider that the area is wholly of predominately business in nature?

- 6.56 The eastern part of the proposed area is located within the Central Activities Zone, as defined by the London Plan (2015). The western and southern boundaries correspond with the Core Growth Area identified in the London Plan City Fringe OAPF and the area exempt from Class O (office to residential) permitted development within Part 3 of Schedule 2 to the GPDO. South of Allen Gardens, the eastern boundary follows the City Fringe Activity Area boundary as defined by spatial designations in the Managing Development Document Adopted Polices Map (2013).

- 6.57 The area has two north south movement corridors, Commercial Street and Brick Lane, both of which support a range of businesses in the Area. The full length of the Brick Lane District Centre is incorporated within the area with the exception of the units on the northern side of Bethnal Green Road, which are located in the East Shoreditch Neighbourhood Planning Area and the southern end which adjoins the Whitechapel Road.
- 6.58 The public realm plays a vital function in the commercial character of the area with the area being host to multiple markets: Petticoat Lane, Spitalfields and the variety of markets that take place on Brick Lane, Cheshire Street and Sclater Street. The area is also a global tourist destination because of the cultural, artistic, historical and architectural character of the area. The retail offer (fashion and culinary), in the area also plays a critical role for tourism in the area.
- 6.59 The area also supports the 'Tech City' industries and plays a role in providing workspaces for small and medium enterprises and the creative digital economy. The GLA City Fringe OAPF identifies the direction of the area as supporting London's financial and business services.
- 6.60 Given the London Plan and Local Plan spatial designations that exist in the area, the global, strategic as well as local nature of the economic activity in the area, Officers concluded that, notwithstanding the number of residential properties in the area, the area is predominately business in nature. It is recommended that the proposed area be designated as a Business Area.

Conclusion

- 6.61 The proposed area, with amendments, is considered acceptable as a neighbourhood planning business area, as it meets with relevant legislative requirements and accords with the Government's PPG guidance. The area represents a coherent spatial and physical understanding of the character and function of Spitalfields. It uses an understanding of historical boundaries, Local Plan spatial designations, key local assets and business assets, movement corridors within the area and its surroundings, borough and ward boundaries.

Officers' Recommendation

- 6.62 Designate the proposed area with minor amendments (identified in Appendix 1) as the Spitalfields Neighbourhood Planning Business Area in accordance with sections 61G(5) and 61H(3) of the TCPA 1990, the Neighbourhood Planning General Regulations 2012, the PPG and the Tower Hamlets Neighbourhood Planning Guidance Note.

7. COMMENTS OF THE CHIEF FINANCE OFFICER

- 7.1 This report asks the Mayor in Cabinet to consider an application to designate an area of Spitalfields (as shown in the plan in Appendix 1) as a Neighbourhood Planning Area in accordance with the statutory requirements of the Localism Act 2011.

- 7.2 If designated as a Neighbourhood Planning Area, an application to designate a Neighbourhood Planning Forum within the area will be considered. This is the subject of a further report on this agenda.
- 7.3 The Council has a duty to provide support and advice to Area Forums which will incur additional administration costs, and these must be contained within existing budgets. Local planning authorities are however able to claim £5,000 for each of up to 20 area designations (i.e. a maximum of £100,000) in 2016/17, and also claim for up to 5 forum designations (£25,000 each) during the financial year. Therefore, there is the potential for the Council to recover some costs, although the Borough will be in competition with other Authorities to secure these limited resources from the £7.5 million of resources that are available nationally.
- 7.4 An element of any Community Infrastructure Levy (CIL) that is generated within a Neighbourhood Planning Area can be allocated specifically to support development within that same area, depending on the status of the Neighbourhood Planning Forum. The appropriate conditions are set out in paragraphs 4.9 to 4.12 of this report. The level of these resources could be substantial and will need to be taken into consideration when determining the allocation of other funding streams across the borough.
- 7.5 In certain circumstances Neighbourhood Development Orders would exempt certain types of development, or development on a particular site, from requiring planning permission (paragraph 4.5). If this is the case, the Authority will not receive a planning fee, although it will also not incur the costs of processing and determining the application. It is anticipated that the exemption will only relate to a limited number of smaller developments, so any reduction in planning fee income should be relatively minor, however the impact must be closely monitored once the new system is in place.

8 LEGAL COMMENTS

- 8.1 This report concerns an application dated 1 December 2014, to designate a Spitalfields neighbourhood planning area (Spitalfields Area Application) and is linked to the report on the related application of same date asking the Mayor in Cabinet to consider designating Spitalfields as a neighbourhood planning forum (Spitalfields Forum Application), in accordance with the statutory requirements of the Localism Act 2011.
- 8.2 Consultation in respect of the proposed Spitalfields neighbourhood planning area and forum (as detailed at paragraph 6.7 of this report) has been carried out in accordance with Regulations 6 and 9 respectively of the 2012 Regulations.
- 8.3 In respect of the application for the neighbourhood forums, the Council may make a designation if it is satisfied that the relevant body meets the conditions set out in Section 61F(5) of the TCPA 1990 (listed in paragraph 5.5 of the Spitalfields Forum Application report). The Council must also have regard to the matters set out in Section 61F(7) of TCPA 1990 (as detailed in paragraph 5.7 of the Spitalfields Forum Application report). The Spitalfields Forum Application has been assessed against these statutory criteria and has been found to comply with them.

- 8.4 The forum designation will have effect for a period of five years, unless the Council decides to withdraw it, either because the organisation no longer meets the conditions for approval or because the body itself so elects. During these five years, no other organisation or body may be designated as a neighbourhood forum for the area.
- 8.5 In determining the neighbourhood area applications, the Council needs to consider the factors set out in Section 61G and 61H of the TCPA 1990 and the 2012 Regulations. The relevant factors are summarised at paragraphs 5.7, 5.8 and 5.9 of this report. Legal Services are satisfied that Officers have had proper regard to these factors in formulating their recommendations that the Spitalfields Area applications be approved, subject to minor alterations.
- 8.6 As regards the making of such minor alterations to the proposed areas, Section 61G entitles the Council to designate an area inconsistent with the boundaries proposed in the application. However, any decision to alter the boundary of a neighbourhood area could be challenged in the Courts. Therefore, the reasons for making them must be sound, clearly set out and justified. This has been done at paragraphs 6.26 to 6.62 of this report.
- 8.7 In deciding whether to designate a neighbourhood forum or a neighbourhood area, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. An Equality Analysis Quality Assurance Checklist has been undertaken (see Appendix 3). It indicates that no negative equality impacts arise at this stage. The position will be reviewed if and when any proposed Neighbourhood Plan and/or Neighbourhood Development Order are brought forward by the designated forums for the relevant areas.
- 8.8 The Council's decisions on the neighbourhood area and the forum applications must also be publicised as soon as possible after the decisions are taken (Regulations 7 and 10 of the 2012 Regulations).

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 One Tower Hamlets principles have been considered so far as they impact upon the determination of the application to become a Neighbourhood Planning Area. The implications of determining these applications on the protected characteristics outlined in the Equalities Act 2010 have been considered using the Council's Equality Analysis Quality Assurance Checklist and it has been considered that no further action needs to be taken at this stage.
- 9.2 Due regard for the nine protected groups will be embedded in the preparation and production of any subsequent NDP and/or NDOs.
- 9.3 Furthermore, NDP's and NDO's are required to be in general conformity with the statutory development plan, which includes the London Plan and the Council's Local Plan and, as such, will give due consideration to One Tower Hamlets considerations and the Community Plan.

10. BEST VALUE (BV) IMPLICATIONS

- 10.1 Under section 3 Local Government Act 1999, the Council 'must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'.
- 10.2 During the determination of the these applications the Council has worked with the relevant forum where appropriate, having regard to economy efficiency and effectiveness, and in conformity with statutory requirements as detailed in the TCPA (1990).
- 10.3 At the stage when Forums are developing Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDOs), the plans and orders will add an additional layer of detail to the Council's Development Plan and look to steer the future development of land in the relevant area. This will better allow the existing and future community to contribute to economic, environmental and social improvements in their area and benefit from the resultant development.

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 11.1 Determining Neighbourhood Planning Areas applications does not have any discernable impacts on the environment.
- 11.2 At the stage where designated neighbourhood forums are preparing NDPs or NDOs for the designated neighbourhood areas, consideration will be given to action of a greener environment.
- 11.3 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA may be required of plans and programmes which "determine the use of small areas at a local level. In accordance with Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the 'Regulations'"), the responsible authority will determine whether a Strategic Environmental Assessment (SEA) is necessary. The Council will act as necessary to provide advice to designated Forums in respect of the requirements to carry out an SEA.

12. RISK MANAGEMENT IMPLICATIONS

- 12.1 The application recommendations have been reported through a number of internal groups that consider risk management issues and mitigation. These include:
- Development & Renewal Directorate Management Team
 - Corporate Management Team

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 Determining Neighbourhood Planning Forums and Areas applications does not have any discernable impacts on crime and disorder.
- 13.2 At the stage where designated neighbourhood forums are preparing NDPs or NDOs for the designated neighbourhood areas, consideration may be given to crime and disorder where the Forum wish to pursue the implications of crime and disorder on the built environment.

14. SAFEGUARDING IMPLICATIONS

- 14.1 There are no specific safeguarding implications associated with this report.

Linked Reports, Appendices and Background Documents

Linked Report

- Report to Cabinet on 5th April 2016, on the Spitalfields Neighbourhood Planning Forum Application

Appendices

1. Appendix 1: Spitalfields Area Map
2. Appendix 2: Consultation Summary Report
3. Appendix 3: Equality Analysis Quality Assurance Checklist

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- NONE

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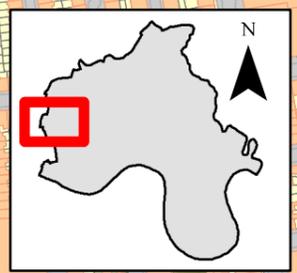
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Spitalfields

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Legend

-  Officer Recommended Neighbourhood Plan Area
-  Proposed Neighbourhood Plan
-  LBTH Wards



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APPENDIX 2

Spitalfields: Neighbourhood Planning Area Public Consultation Summary

1) Role of this document

This document provides a summary on the level of representation, and the matters discussed within representations, during the formal public consultation period for the applications to establish a Neighbourhood Planning Area made by Spitalfields Neighbourhood Planning Forum.

The report takes account of relevant planning matters in representations submitted to the London Borough of Tower Hamlets.

This paper has been prepared by the London Borough of Tower Hamlets for public information and to inform the Council’s decision making process. It is not intended to address any of the issues raised during the consultation period.

2) Consultation activities undertaken by the Council

The formal public consultation period ran from 5 January to 16 February 2015.

Consultation activities undertaken by the Council were carried out in accordance with Neighbourhood Planning Regulations. Activities undertaken were as follows:

- Provision of consultation information and application material on the Council’s website (www.towerhamlets.gov.uk).
- Provision of consultation information and application material to the Idea Store Whitechapel and LBTH Market Services for inspection by interested parties.
- Provision of information to elected Councillors in the relevant areas.
- Publication of a Public Notice in East End Life.

These activities also followed the principles of the guidance for the production of policy documents as set out in the Council’s Statement of Community Involvement (SCI).

3) Approach to categorising representations made

During the public consultation period, the public are able to make representations on the contents of the area and forum applications submitted to the Council. Typically, representations are made by local residents, local Councillors, landowners, businesses, interests groups, statutory consultees and neighbouring Local Authorities. Representations were not made by all parties directly consulted.

This document presents representations in no particular order. Representation figures calculate submitted responses and as such do not limit representations to one per household or one per business. The following categories have been used to categorise representations:

Support	Have stated explicit support, or support has been inferred from the contents of the representation
Object	Have stated explicit objection, or objection has been inferred from the contents of the representation
Neutral	Have offered comments but not determined if they object or support the application

Petition	A written objection signed by multiple signatories
No comment	Where no comment has been made and no position on the matter can be inferred
Concerned	Do not state they object but highlight areas of concern

4) Summary of comments made on made on the Proposed Area

Support	Objection	Neutral	No comment	Petition	Concerned	Total
23	608	7	1	2	0	641

*5 objection letters were submitted individually. 1 of the 5 objection letters included the 2 petitions and 603 signed proforma letters. Of the 603 signed proforma letters 307 were from businesses including market stall holders and 32 were from residents.

** This number does not include the petitions. The first petition was signed by 654 separate signatories in objection to the area. The second petition was signed by 918 separate signatories in objection to the area being designated and identifying an alternative area.

Comments made by statutory bodies and neighbouring authorities

- Natural England offers advice related to protected landscapes, protected species, local wildlife sites, best most versatile agricultural land and opportunities for enhancing the natural environment.
- Historic England (English Heritage at the time of submission) note that the proposed boundary does not encompass the whole of Brick Lane & Fournier Street Conservation Area or a small part of the Wentworth Street Conservation Area. It is normally advocated that the boundaries should respect Conservation Area boundaries.
- Marine Management Organisation has no comments.
- The Environment Agency outlined that the area is not identified as being in an area of Flood Risk.
- The Coal Authority has no comments.
- The City of London highlights the importance of strong links between the City Fringe and City itself. Characteristics of the city are now found in the City Fringe.
- Transport for London (TFL) state the area includes Commercial Street and Bishopsgate which form part of the Transport for London Road Network (TLRN). It is also stated that TFL operates numerous bus services in the area and has London Overground, London Underground and Cycle Hire infrastructure in the area. The proposed route of Crossrail runs through the area.

Summary of matters raised in support:

- The proposed Area is agreeable and representative of the heart of Spitalfields.
- The proposed boundaries are commensurate with other boundaries adopted by the Council ie. Responsible Drinking Zones.
- The Area is manageable in terms of policy making.
- The boundaries should include Old Truman Brewery.
- Keen to be included within Area boundary (*this relates to one community based organisation*).

Summary of matters raised in objection:

- The Old Truman Brewery Site should not be included in the area for a number of reasons as follows: it is distinct in land use, character, physical form from the surrounding area and its inclusion is therefore inconsistent with the proposed Area. The site is physically contained and

physically separate from the surrounding area. It is a strategic site, akin to the Bishopsgate Goodsyrd site, with a wide sphere of influence beyond the local or neighbourhood level.

- The proposed Area is too large and does not form a coherent or consistent neighbourhood.
- Character areas within the proposed Area were identified which highlight distinctive characteristics and the incoherence of the area. The character areas include a specialised restaurant area, large floor plate contemporary architecture, fine grain street patterns and areas attracting international tourism.
- An alternative Area, to the south east of the proposed area is proposed. It is smaller in scale and largely residential.
- A Neighbourhood Development Plan for the area is not deliverable.
- More planning policy could hinder growth. There is already a detailed and adopted planning framework for the area.
- There will be unknown implications for the Old Truman Brewery Site which represents 9.1% of the application site.
- A neighbourhood plan for the proposed Area is not deliverable and would result in an inefficient use of resources including LBTH resources.

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Appendix 3: EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Determination of Neighbourhood Planning Forum and Area Applications
Directorate / Service	Development & Renewal
Lead Officer	Sophie Hall-Thompson
Signed Off By (inc date)	Adele Maher, 24.03.15
Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	<div style="display: flex; align-items: center; margin-bottom: 10px;">  <p>Proceed with implementation</p> </div> <p>Based on the QA a Full EA will not be undertaken at this stage. As a result of performing the QA checklist the proposed procedural changes to the decision making process for Neighbourhood Planning Area and Forum applications does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p> <p>Due regard for the nine protected groups will be embedded in the preparation and production of any resultant Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO).</p>

Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Y	
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Y	<p>At this stage, the impacts of the proposals will not be felt upon persons with protected characteristics.</p> <p>At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely adverse impacts on people who share Protected Characteristics. Officers can share information on the Council's Borough Profile (2014) to provide an overview of the equality groups to the Forum.</p> <p>Any Neighbourhood Development Plan or Order will need to be in general conformity with the Council's Local Plan.</p>
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	n/a	<p>The degree to which there are impacts from approving the proposals for Neighbourhood Planning Forums or Areas is not known. There is no reliable qualitative and quantitative data to support claims made about impacts, where there are known to be impacts.</p> <p>Neighbourhood Planning is a new planning policy tool. In future, there may be a need to capture information to be able to assess impact.</p>
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	n/a	Neighbourhood Planning is a new planning policy tool. In future, evidence may be developed nationally.
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	In accordance with Neighbourhood Planning Regulations, public consultation and the Council's reporting cycle allow for input into the recommendations for determining applications

			being taken forward.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Formal public consultation was carried out for six weeks. This is the statutory period of public consultation.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	No	Neighbourhood Planning is a new planning policy tool. There is no evidence of impacts. At the stage when a Neighbourhood Development Plan or order is being prepared, links may be established.
b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	No	Neighbourhood Planning is a new planning policy tool. There is no evidence of impacts. At the stage when a Neighbourhood Development Plan or order is being prepared, an understanding will be development and assessed for unequal impacts.
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	n/a	
b	Have alternative options been explored	n/a	It is our statutory duty to support forum and area applications where they are meet legislative requirements. We are required by the Localism Act (2011) to designate an appropriate area where an application is submitted.
5	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely adverse impacts on people who share Protected Characteristics. At the stage of submitting the Neighbourhood Development Plan or Order, the Council will consider the impact on the plan or order on the protected characteristics.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	Yes	At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely

			adverse impacts on people who share Protected Characteristics. At the stage of submitting the Neighbourhood Development Plan or Order, the Council will consider the impact on the plan or order on the protected characteristics.
6	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	N/A	There is no executive summary

Appendix A

(Sample) Equality Assessment Criteria

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Decision	Action	Risk
As a result of performing the QA checklist, it is evident that due regard is not evidenced in the proposal and / or a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the proposal be suspended until further work or analysis is performed – via a the Full Equality Analysis template	Suspend – Further Work Required	Red 
As a result of performing the QA checklist, the policy, project or function does not appear to have	Proceed with implementation	Green: 

any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.		
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<p>Cabinet Decision</p> <p>5th April 2016</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Aman Dalvi, Corporate Director Development & Renewal</p>	<p>Classification: Unrestricted</p>
<p>Neighbourhood Planning: Determination of Spitalfields Neighbourhood Planning Forum Application</p>	

Lead Member	Councillor Rachel Blake, Cabinet Member for Strategic Development
Originating Officer(s)	Adele Maher, Strategic Planning Manager
Wards affected	Weavers and Spitalfields & Banglatown
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

Reasons for Urgency
 The publication of this report is less than five clear days in advance of the meeting. The completion of the report required external legal advice which was unexpectedly delayed. Due to these special circumstances pursuant to Rule 6.1(b) of the Access to Information Procedure Rules the Mayor identified this report as an item for urgent decision that should not be delayed in order to positively support local communities prepare Neighbourhood Development Plans without further delay.

Executive Summary

Neighbourhood planning was introduced by the Localism Act 2011 and allows communities to help shape their local area by preparing a Neighbourhood Development Plans (NDP), or Neighbourhood Development Orders (NDOs), provided they meet a number of basic conditions, including being in general conformity with the strategic policies of a development plan prepared and adopted by the local planning authority (LPA). In parished areas neighbourhood planning processes are led by parish or town councils; in other areas neighbourhood planning forums must apply to the LPA to be designated as the lead (qualifying body).

As LPA, the Council is required to determine applications for Neighbourhood Area designation in accordance with the Town and County Planning Act 1990 (as amended) (TCPA 1990), and the Neighbourhood Planning (General) Regulations 2012.

The Council has received two Neighbourhood Planning applications that relate to Spitalfields: Spitalfields Neighbourhood Planning Forum Application and Spitalfields Neighbourhood Planning Area Application

This report relates to Spitalfields Neighbourhood Planning Forum application only.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the application for the designation of the Spitalfields Neighbourhood Planning Forum, pending the designation of an appropriate Neighbourhood Planning Area.

1. REASONS FOR THE DECISIONS

- 1.1 The Council has received an application to establish a Neighbourhood Planning Forum in Spitalfields.
- 1.2 The Council is required to determine applications for the designation of neighbourhood areas and forums in accordance with the Town and County Planning Act 1990 (as amended) ("TCPA 1990") and the Neighbourhood Planning (General) Regulations 2012 ("the 2012 Regulations").
- 1.3 Planning Practice Guidance ("PPG") on Neighbourhood Planning (Ref ID: 41) also provides guidance on the determination of these applications, which states that the role of the LPA is to take decisions at key stages in the neighbourhood planning process.
- 1.4 The Spitalfields Neighbourhood Planning Forum application has been assessed by Officers against relevant provisions within the TCPA 1990, the 2012 Regulations and the PPG. Officers are satisfied that the Spitalfields Neighbourhood Planning Forum application meets with the requirements for designation. The application is therefore recommended for approval and a decision should be taken in accordance with the LPA's statutory duties.

2. ALTERNATIVE OPTIONS

- 2.1 A LPA may designate or refuse a neighbourhood forum application. Where the LPA is satisfied that a prospective forum meets the requirements of section 61F of the TCPA 1990, the Forum may be approved. Where the LPA is not satisfied that a prospective Forum meets the said requirements, the LPA may refuse the application and give reasons for the refusal to the prospective neighbourhood forum.
- 2.2 Officers consider that the Spitalfields Neighbourhood Planning Forum application meets the relevant legislative provisions and therefore recommends the designation of the neighbourhood forum in accordance with relevant legislation. As the application accords with the statutory criteria, there is no alternative option.

3. DETAILS OF REPORT

- 3.1 This report provides an overview of the assessment of the Spitalfields Neighbourhood Forum application.

3.2 It is important to note that the designation of a neighbourhood forum can only be made for a designated neighbourhood area. The report to designate the Spitalfields Neighbourhood Planning Area is also due to be considered at the 5th April 2016 Cabinet meeting.

3.3 The content of this report is as follows:

- Section 4: provides an introduction to Neighbourhood Planning.
- Section 5: outlines the relevant legislative framework and planning practice guidance
- Section 6: provides a background to the Spitalfields forum application and details of the assessment.

4 INTRODUCTION TO NEIGHBOURHOOD PLANNING: A COMMUNITY LED PROCESS

4.1 The Localism Act 2011 amended the TCPA 1990 to make provision for neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

4.2 The legislative provisions concerning neighbourhood planning within the TCPA 1990 are supplemented by the Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015) and the Neighbourhood Planning (Referendum) Regulations 2012.

4.3 PPG issued by the Secretary of State for Communities and Local Government provides detailed advice relating to the neighbourhood planning system introduced by the Localism Act 2011, addressing the key stages of decision-making including the designation of neighbourhood areas.

4.4 Neighbourhood planning provides communities with the ability to prepare a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Orders (NDO), in areas designated by the LPA on application as a neighbourhood area. Neighbourhood planning powers may only be exercised by bodies authorised by the legislation. In a neighbourhood area where there is a parish council, only a parish council may make proposals for a NDP or NDO. In neighbourhood areas without a parish council, only a body designated by the LPA as a neighbourhood forum may bring forward proposals for that neighbourhood area.

4.5 NDPs set out policies in relation to the development and use of land in all or part of a defined neighbourhood area and may include site allocations, or development principles, for allocated sites. They may also include character

appraisals and seek to establish community facilities and/or identify areas for public realm improvements. NDOs allow for planning permission to be granted in the circumstances specified and exempt certain types of development, or development in certain areas, or on particular sites, from the usual requirement to apply to the LPA for a grant of planning permission.

- 4.6 Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's 'Local Plan': Core Strategy (2010) and Managing Development Document (MDD) (2013).
- 4.7 A NDP 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory 'Development Plan' (comprising the Local Plan and London Plan) and, as such, will be accorded full weight when determining planning applications. NDPs will form a new spatial layer to the Council's planning policy and guidance.
- 4.8 NDP policies will be developed by a neighbourhood forum through consultation with stakeholders in their relevant neighbourhood area and through engagement with Council Officers. Proposed NDP Policies must be supported by an up-to-date evidence base to ensure that they are reasonable, sound and justified. Before the NDP is 'made' it must be subject to pre-submission publicity and consultation, submitted to the LPA for a legal compliance check, publicised for consultation, submitted for independent examination, found by the independent examiner to meet the basic conditions specified in the legislation, and passed at a referendum.

Community Infrastructure Levy

- 4.9 The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2013 ("the CIL Regulations") were supplemented by the Community Infrastructure Levy Guidance Note, published by DCLG on 26 April 2013. The 2013 guidance was replaced by the Government's online PPG on 6 March 2014.
- 4.10 The CIL Regulations, as explained by the PPG, make provision for how CIL receipts may be used in relation to neighbourhood planning in those areas which have Parish Councils and those which do not. Tower Hamlets currently does not have any Parish Councils and, as such, the Council retains the revenue generated by CIL.
- 4.11 The Community Infrastructure Levy PPG states (at paragraph 072) that:
- "... In England, communities that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order), and secure the consent of local people in a referendum, will benefit from 25 per cent of the levy revenues arising from the development that takes place in their area. This amount will not be subject to an annual limit. ..."*
- 4.12 Therefore, where a NDP or NDO has been adopted, the Council will consult with the relevant local community as to how this 25 per cent proportion of CIL receipts will be spent.

Overview of Neighbourhood Planning at LBTH

- 4.13 The determination of applications to designate neighbourhood areas and neighbourhood forums are decisions exercised by the Mayor of Tower Hamlets.
- 4.14 Such applications are required by the Council to be submitted using the Council's neighbourhood planning application form.
- 4.15 The Council has published guidance to assist prospective neighbourhood forums to understand what is involved in becoming a forum and designating an area and the criteria the Council use to make decisions.
- 4.16 This guidance advises prospective forums to liaise with officers prior to applications being submitted. This allows those proposing to make neighbourhood planning obligations to meet relevant legislative requirements.
- 4.17 The Council is required to publicise applications for the designation or neighbourhood areas and forums for a period of six weeks. In addition to that basic legislative requirement, Officers are guided by best practice and also consult with the following:
- Community Ward Forums
 - Government agencies
 - Associated Ward Councillors

5 NEIGHBOURHOOD FORUM APPLICATIONS: RELEVANT LEGISLATION AND GUIDANCE

- 5.1 The Council has a statutory duty to determine applications to establish Neighbourhood Planning Forums in accordance with the relevant legislation: TCPA 1990 Section 61F, the Neighbourhood Planning (General) Regulations 2012. The Planning Practice Guidance (PPG) also contains guidance relevant to the designation of neighbourhood areas

Making an application

- 5.2 Regulation 8 of the 2012 Regulations 2012 specifies the criteria that:

"Where an organisation or body submits a neighbourhood forum application to the local planning authority it 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 a map which identifies the area;*
- (d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and*

- (e) *a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act."*

5.3 Upon receipt of an application, it is validated in accordance with the above.

Consulting on an application

5.4 In accordance with Regulation 9 of the Neighbourhood Planning (General) Regulations 2012, the authority must publish the following on their website and in such a manner as to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:

- "(a) a copy of the application;*
- (b) a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;*
- (c) details of how to make representations; and*
- (d) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first publicised."*

Determining an application

5.5 Section 61F of the TCPA (1990) specifies that an LPA may designate a relevant body as a neighbourhood forum if the authority are satisfied that it meets conditions identified in 61F(5) relating to purpose, membership and a constitution. The conditions are as follows:

- a) It [the Forum] is established for the express purpose of promoting or improving promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purposes of promoting the carrying on of trades, professions or other businesses in such an area.
- b) It [the Forum] has a membership is open to:
 - (i) Individuals who work in the neighbourhood area concerned
 - (ii) Individuals who work there (whether for business carried out there or otherwise)
 - (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) It [the Forum] membership includes a minimum of 21 individuals each of whom –
 - (i) Lives in the neighbourhood area concerned
 - (ii) Works there (whether for business carried on there or otherwise), or

- (iii) Is an elected members of a county council, district council or London Borough Council any of whose area falls within the neighbourhood area concerned.

d) It [the Forum] has a written constitution

e) Such other conditions as may be prescribed.

5.6 Section 61F(6) states a local planning authority may also designate an organisation or body as a neighbourhood planning forum if they are satisfied that the organisation or body meets prescribed conditions. The Secretary of State has not prescribed any conditions in the 2012 Regulations.

5.7 Section 61F(7) of the Act also requires a LPA

"(a) must in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood are, having regard to the desirability of designating an organisation or body –

(i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of the sub-paragraphs (i) to (iii) of subsection (5)(b).

(ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area

(iii) whose purpose reflects (in general terms) the character of that area

(b) may designate only one organisation or body as neighbourhood planning forum for each neighbourhood area

(c) may designate an organisation or body as a neighbourhood forum only if the organisation or body has made an application to be designated, and

(d) must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the applications."

5.8 The forum application is assessed against the above legislative criteria and public consultation responses. The following section assesses the application against the above criteria.

6 NEIGHBOURHOOD PLANNING FORUMS: SPITALFIELDS APPLICATION, CONSULTATION AND ASSESSMENT

6.1 This section provides a background to the Spitalfields Forum application, public consultation and details of the assessment. This section of the report outlines how the Spitalfields Neighbourhood Forum application was processed

and assessed under the following headings 1) making an application; 2) consulting on an application; and 3) designating a forum.

Making an application

Application submission and validation

- 6.2 An application was received from the proposed Spitalfields Neighbourhood Planning Forum on 1st December 2014. The application contained:
- The name of the proposed neighbourhood forum;
 - A copy of the written constitution of the proposed neighbourhood forum
 - The name of the neighbourhood area to which the application relates and a map which identifies the area
 - The contact details of at least one member of the proposed forum which could be made public
 - A statement which explains how the proposed neighbourhood forum meets the conditions contained in 61F(5) of the 1990 Act.
- 6.3 The application submission was validated in accordance with Regulation 8 of the 2012 Regulations.

Consultation on application

Public Consultation Process:

- 6.4 In accordance with Regulation 9 of the 2012 Regulations, public consultation on the proposed forum (and the area) application was carried out for six weeks between 5th January and 16th February 2015.
- 6.5 The application was advertised in East End Life and all application documents were made publically available on the Council's website, and as part of a 'bundle' in the Council Town Hall and in relevant Idea Stores or libraries. The bundle included the aforementioned documents and a leaflet explaining what the consultation was about.
- 6.6 The advertisement in the East End Life and other publicity material including emails to stakeholders and the leaflet in the application 'bundle' all contained statements to the effect that if a designation is made no other organisation or body may be designated for that neighbourhood area until the designation expires or is withdrawn; details of how to make representations; and the date by which those representations must be received, being not less than six weeks from the date on which the application was first published.

Summary of Representations Received:

- 6.7 All representations received during the consultation period have been taken into account in the assessment of this application. The content of these representations has been duly considered and taken into account by the LPA to the extent that the representations address considerations that are relevant to the Council's decision having regard to the statutory requirements for designation, specified in Section 61F of the TCPA 1990 and guidance within

Section 4, in particular paragraph 033 of the Government's Planning Practice Guidance.

- 6.8 This section provides a summary of the representations received. More information can be read at Appendix 2: Public Consultation Summaries.
- 6.9 The representation numbers and their responses can be summarised as follows:
- 23 representations of support
 - 608 representations in objection
 - 1 petition in objection
 - 7 representations that were neutral
 - 1 representation giving no comment on the forum application
- 6.10 Of the 23 representations made in support of designation of the proposed forum, the reasons given included but were not limited to: the forum's diverse representation; and ability to support, protect and encourage appropriate social, economic, environmental growth of the area.
- 6.11 Of the 608 representations and 1 petition made in objection, the reasons given included: a lack of inclusiveness in the Forum's steering group; dissatisfaction with the area the Forum proposed to cover; incomplete consultation; and failure to comply with legislation. A large number of representations objecting to the proposed forum were received. Many of these representations repeated and reflected the same concerns; the majority were made using the same format and content with the only differences being the individual addresses and signatures. These representations were received as part of the submission made by Zeloof LLP. More information on this is contained at paragraph 6.12 of this report.
- 6.12 Zeloof LLP and Truman Estates Limited own Old Truman Brewery a significant site located within the proposed neighbourhood planning area. The submission from Zeloof LLP included 608 representations and 1 petition in objection. This submission was comprised as follows:
- 1 petition signed by 654 separate signatories.
 - 484 letters from a total of 288 different businesses located primarily within the landowner's site. The content of these letters were the same, the addresses and signatures were different. Of these 203 letters are from market stall based businesses representing a total of 187 different businesses.
 - 30 letters from 17 businesses located outside of the landowner's site. The content of these letters was the same; the addresses and signatures were different. These letters were from a mix of those businesses located within the relevant neighbourhood planning areas and those outside.
 - 32 letters from residents located outside of the landowner's site. The content of these letters was the same; the addresses and signatures were

different. These letters were from a mix of those residents located within the relevant neighbourhood planning areas and those outside.

- A total of 61 letters from Zeloof LLP and Truman Estates Limited, owners of the Old Truman Brewery.

Post public consultation submissions

- 6.13 After the completion of the public consultation, the proposed forum submitted further unsolicited documentation to the Council entitled 'General Statement on Business Area, Consultation and Membership' which explains that proposed forum has, along with details of the consultation processes and membership procedures, considered the merits of the proposed Spitalfields Neighbourhood Planning Area being designated as a 'Business Neighbourhood Planning Area' under section 61H of the TCPA 1990, and requests that the Council designate the whole area specified in the application as a 'business area'..
- 6.14 Officers do not consider further public consultation on the forum's above referred additional submissions, or the designation of the proposed neighbourhood area as a 'business area', to be necessary for two reasons: firstly, the relevant provisions within the TCPA 1990 and the 2012 Regulations make no provision for the amendment of a neighbourhood area application or multiple rounds of public consultation; secondly, Section 61H of the TCPA 1990 empowers the Council to designate a neighbourhood area as a business area (the said power may only be exercised where the LPA, having regard to such matters as may be prescribed, considers that the area is wholly or predominantly business in nature). That decision is a matter of judgment for the LPA, having regard to all relevant considerations which may include matters that are not addressed in the application, or responses to consultation
- 6.15 Accordingly, the Council's decision making process on this forum application takes no account of the 'General Statement on Business Area, Consultation and membership' submitted by the forum.

Determining an application: designating a forum

- 6.16 The following section of this report considers the application against relevant legislation Section 61F of the TCPA 1990.
- 6.17 Where the assessment in this report is made with reference to a Neighbourhood Area, the area referred to is the Spitalfields Area with minor modifications, as recommended at 5th April 2015 Cabinet, and not the area proposed in the forum's area application.

Section 61F(5) considerations

In accordance with section 61F(5)(a), is the Forum established for the express purpose of promoting or improving promoting or improving the social, economic and environmental wellbeing?

- 6.18 The proposed forum is established for the express purpose of promoting or improving promoting or improving the social, economic and environmental

wellbeing of the proposed corresponding Neighbourhood Planning Area. The forum application outlines that, amongst other improvements, the forum are promoting social capital, community cohesion, adequate provision for local jobs, training and enterprise, improving environmental quality and energy efficiency. In addition, the promotion and improvement of the social, economic and environmental wellbeing of the area is a stated objective in the forum's constitution.

In accordance with section 61F(5)(b), is forum membership open to everyone who lives, works (for business carried out there or otherwise) or represents the Area as an elected member?

6.19 Forum membership is open to everyone who lives, works or represents the Area as an elected member. The Spitalfields Neighbourhood Planning Forum (SNPF) Constitution states that forum membership is open to everyone (above the age of 18) who lives in the area, business operators in the area and elected London Borough Council members who represent wards in the Area. The Constitution also states that the Forum committee may, by resolution passed at a Committee meeting, refuse membership, or terminate or suspend the membership of any member, where the Committee considers that such membership would be detrimental to the objectives and activities of the SNPF.

6.20 The ability of the Forum to refuse membership appears to be contradictory to open membership. However, membership and the application to become a member remains open and as such it is considered that the constitution does not conflict with section 61F(5)(b) since the ability of the Forum's Committee to refuse membership is consistent with its stated objective of being able to do so where it considers that such membership would be detrimental to the objectives and activities of the SNPF.

In accordance with section 61F(5)(c), does the forum have a membership which includes a minimum of 21 people, each of whom lives, works or represents the Area as an elected member?

6.21 The forum has a membership which includes a minimum of 21 people, each of whom lives, works or represents the area as an elected member. The application identifies a list of 21 people who live in, or work in, or represent the area as an elected member. Through a mapping exercise of forum members' postcodes and consideration of the interest and relevant background of the persons identified as members in the application form, it can be discerned that there are more than 21 members who live or work in, or are elected members for, the area (as recommended for designation at 5th April 2016 Cabinet).

In accordance with section 61F(5)(d), does the forum have a written constitution?

6.22 The forum has a written constitution. The forum submitted a written constitution titled 'Spitalfields Neighbourhood Planning Forum Constitution' with their application.

In accordance with section 61F(5)(e), does the forum meet other conditions as may be prescribed?

- 6.23 No other legislative or regulatory conditions have been prescribed and as such there are no matters for consideration as part of this application.
- 6.24 In terms of the Council's guidance, the forum's application demonstrates how the Forum will embed the Council aspirations within the Community Plan, Local Plan and Diversity and Equalities Statement into their activities.

In accordance with 61F(6) does the forum meet other prescribed conditions.

- 6.25 The Secretary of State has not prescribed any conditions in the 2012 Regulations.

Section 61F(7) considerations

In accordance with section 61F(7)(a)(i) does the forum secure or take reasonable attempts to secure at least one individual who lives in the area, works in the area or is an elected member of the representing the area?

- 6.26 The forum secures membership, and has taken reasonable attempts to secure at least one individual who lives in the area, works in the area or is an elected member of the representing the area. Forum membership includes residents, local society representatives, community activists, local business representatives and Ward Councillors. The Forum has taken reasonable steps to secure these members through work initiated in 2012 and which led to the creation of an outreach programme and ultimately the Interim Steering Group for the Forum. Methods of outreach include meetings, consultation events, walkabouts and the hand delivery of publicity materials to all accessible resident and business letter boxes.

In accordance with section 61F(7)(a)(ii), does the forum's membership draw from different places in the area and different sections of the community?

- 6.27 The forum secures membership from different places in the area. As stated above, through the use of a mapping exercise and with reference to forum members' postcodes and consideration of the interest and relevant background of the persons identified as forum members in the application form, it can be discerned that the forum's membership is drawn from different places in the area and different sections of the community.
- 6.28 The Forum's membership is drawn from different locations in the area including Brick Lane, Commercial Street, Gunthorpe Street and Buxton Street and represents different community groups including businesses, young people and heritage interests.

In accordance with section 61F (7)(a)(iii), does the forum's purpose reflect the character of the Area.

- 6.29 The forum's purpose reflects the character of the Area. The area is mixed use and in an inner city location where jobs, environmental quality and social

cohesion are primary considerations as such the purpose and objectives of the forum and its' constitution reflect the character of the area.

In accordance with section 61F (7)(b) will designation result in only one organisation or body as neighbourhood planning forum for each neighbourhood area?

6.30 The designation will result in the creation of one Forum for one area.

In accordance with section 61F (7)(c) will designate of an organisation or body as a neighbourhood forum only occur where an organisation or body has made an application to be designated?

6.31 The relevant forum made an application for designation as a forum on 1 December 2014, and the application was subsequently validated.

In accordance with section 61F (7)(d) will reasons be given to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the applications.

6.32 This section is not relevant to this application as the forum is recommended for approval.

Conclusion

6.33 The Spitalfields Neighbourhood Planning Forum has demonstrated that its application to become a Neighbourhood Planning Forum meets the relevant requirements to be designated as the neighbourhood forum for the Spitalfields Neighbourhood Area, as recommended at Cabinet on 5th April 2016. As such the Council is satisfied that the proposed forum meets the conditions and provisions within section 61F of the TCPA 1990, the 2012 Regulations, the PPG and the Tower Hamlets Neighbourhood Planning Guidance Note.

Officers' Recommendation

6.34 Designate the prospective Spitalfields Neighbourhood Planning Forum as a Neighbourhood Planning Forum for the Spitalfields Area as recommended at Cabinet on 5th April 2016.

7 COMMENTS OF THE CHIEF FINANCE OFFICER

7.1 A report elsewhere on this agenda asks the Mayor in Cabinet to consider an application to designate an area of Spitalfields as a Neighbourhood Planning Area in accordance with the statutory requirements of the Localism Act 2011.

7.2 If the area is designated as a Neighbourhood Planning Area, this further report seeks consideration of an application to establish a Neighbourhood Planning Forum within the Spitalfields area.

- 7.3 The Council has a duty to provide support and advice to Area Forums which will incur additional administration costs, and these must be contained within existing budgets. Local planning authorities are however able to claim £5,000 for each of up to 20 area designations (i.e. a maximum of £100,000) in 2016/17, and also claim for up to 5 forum designations (£25,000 each) during the financial year. Therefore, there is the potential for the Council to recover some costs, although the Borough will be in competition with other Authorities to secure these limited resources from the £7.5 million of resources that are available nationally.
- 7.4 An element of any Community Infrastructure Levy (CIL) that is generated within a Neighbourhood Planning Area can be allocated specifically to support development within that same area, depending on the status of the Neighbourhood Planning Forum. The appropriate conditions are set out in paragraphs 4.9 to 4.12 of this report. The level of these resources could be substantial and will need to be taken into consideration when determining the allocation of other funding streams across the borough.
- 7.5 In certain circumstances Neighbourhood Development Orders would exempt certain types of development, or development on a particular site, from requiring planning permission (paragraph 4.5). If this is the case, the Authority will not receive a planning fee, although it will also not incur the costs of processing and determining the application. It is anticipated that the exemption will only relate to a limited number of smaller developments, so any reduction in planning fee income should be relatively minor, however the impact must be closely monitored once the new system is in place.

8 LEGAL COMMENTS

- 8.1 This report concerns an application dated 1 December 2014, to designate a neighbourhood planning forum within the Spitalfields area (Spitalfields Forum Application) and is linked to the report on the related application of same date asking the Mayor in Cabinet to consider designating Spitalfields as a neighbourhood planning Area (Spitalfields Area Application), in accordance with the statutory requirements of the Localism Act 2011.
- 8.2 Consultation in respect of the proposed Spitalfields Forum and Area Applications (as detailed at paragraph 6.4 of this report) has been carried out in accordance with Regulations 6 and 9 respectively of the 2012 Regulations.
- 8.3 In respect of the applications for the neighbourhood forum, the Council may make a designation if it is satisfied that the relevant body meets the conditions set out in Section 61F(5) of the TCPA 1990 (as set out at paragraph 5.5 of this report). The Council must also have regard to the matters set out in Section 61F(7) of that Act (as detailed at paragraphs 5.7 and 6.27 of this report). The Spitalfields forum application has been assessed against these statutory criteria and has been found to comply with them.
- 8.4 The forum designation will have effect for a period of five (5) years, unless the Council decides to withdraw it, either because the organisation no longer meets the conditions for approval or because the body itself so elects. During

these five (5) years, no other organisation or body may be designated as a neighbourhood forum for the area.

- 8.5 In determining the Spitalfields Area Application, the Council must consider the factors set out in Section 61G and 61H of the TCPA 1990 and the 2012 Regulations. The relevant factors are summarised at paragraphs 5.7, 5.8 and 5.9 of the Spitalfields Area Application report. Legal Services are satisfied that Officers have had proper regard to these factors in formulating their recommendations that the Spitalfields Area Application be approved, subject to amendments.
- 8.6 As regards the making of such amendments to the proposed Spitalfields Area, Section 61G of the TCPA 1990 entitles the Council to deviate from the boundaries set out in the Spitalfields Area Application. However, any decision to alter the boundary of a neighbourhood area could be challenged in the Courts. Therefore the reasons for making them must be sound, clearly set out and justified. This has been done at paragraphs 6.26 to 6.62 (as appropriate) of the report.
- 8.7 In deciding whether to designate a neighbourhood forum or a neighbourhood area, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. An Equality Analysis Quality Assurance Checklist has been undertaken (see Appendix 3). It indicates that no negative equality impacts arise at this stage. The position will be reviewed if and when any proposed Neighbourhood Plan and/or Neighbourhood Development Order are brought forward by the designated forums for the relevant areas.
- 8.8 The Council's decisions on both the Spitalfields Forum Application and the Spitalfields Area Application must be publicised as soon as possible after the date on which the decisions are taken (Regulations 7 and 10 of the Town and Country Planning (General) Regulations 2012).

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 One Tower Hamlets principles have been considered so far as they impact upon the determination of the application to become a Neighbourhood Planning Area. The implications of determining these applications on the protected characteristics outlined in the Equalities Act 2010 have been considered using the Council's Equality Analysis Quality Assurance Checklist and it has been considered that no further action needs to be taken at this stage.
- 9.2 Due regard for the nine protected groups will be embedded in the preparation and production of any subsequent NDP and/or NDOs.
- 9.3 Furthermore, NDP's and NDO's are required to be in general conformity with the statutory development plan, which includes the London Plan and the

Council's Local Plan and, as such, will give due consideration to One Tower Hamlets considerations and the Community Plan.

10. BEST VALUE (BV) IMPLICATIONS

- 10.1 Under section 3 Local Government Act 1999, the Council 'must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'.
- 10.2 During the determination of the these applications the Council has worked with the relevant forum where appropriate, having regard to economy efficiency and effectiveness, and in conformity with statutory requirements as detailed in the TCPA (1990).
- 10.3 At the stage when Forums are developing Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDOs), the plans and orders will add an additional layer of detail to the Council's Development Plan and look to steer the future development of land in the relevant area. This will better allow the existing and future community to contribute to economic, environmental and social improvements in their area and benefit from the resultant development.

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 11.1 Determining Neighbourhood Planning Areas applications does not have any discernable impacts on the environment.
- 11.2 At the stage where designated neighbourhood forums are preparing NDPs or NDOs for the designated neighbourhood areas, consideration will be given to action of a greener environment.
- 11.3 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA may be required of plans and programmes which "determine the use of small areas at a local level. In accordance with Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the 'Regulations'"), the responsible authority will determine whether a Strategic Environmental Assessment (SEA) is necessary. The Council will act as necessary to provide advice to designated Forums in respect of the requirements to carry out an SEA.

12. RISK MANAGEMENT IMPLICATIONS

- 12.1 The application recommendations have been reported through a number of internal groups that consider risk management issues and mitigation. These include:
 - Development & Renewal Directorate Management Team
 - Corporate Management Team

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 Determining Neighbourhood Planning Forums and Areas applications does not have any discernable impacts on crime and disorder.
- 13.2 At the stage where designated neighbourhood forums are preparing NDPs or NDOs for the designated neighbourhood areas, consideration may be given to crime and disorder where the Forum wish to pursue the implications of crime and disorder on the built environment.

14. SAFEGUARDING IMPLICATIONS

- 14.1 There are no specific safeguarding implications associated with this report.

Linked Reports, Appendices and Background Documents

Linked Report

Report to Cabinet on 5th April 2016, on the Spitalfields Neighbourhood Planning Area Application

Appendices

1. Appendix 1: Spitalfields Area Map
2. Appendix 2: Consultation Summary Report
3. Appendix 3: Equality Analysis Quality Assurance Checklist

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents:

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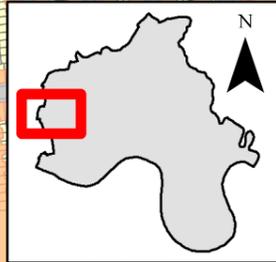
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Spitalfields

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Legend

-  Officer Recommended Neighbourhood Plan Area
-  Proposed Neighbourhood Plan
-  LBTH Wards



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APPENDIX 2

Spitalfields Neighbourhood Planning Forum Public Consultation Summary

1) Role of this report

This document provides a summary on the level of representation, and the matters discussed within representations, during the formal public consultation period for the applications to establish a Neighbourhood Planning Forum made by Spitalfields Neighbourhood Planning Forum.

The report takes account of relevant planning matters in representations submitted to the London Borough of Tower Hamlets.

This paper has been prepared by the London Borough of Tower Hamlets for public information and to inform the Council’s decision making process. It is not intended to address any of the issues raised during the consultation period.

2) Consultation activities undertaken by the Council

The formal public consultation period ran from 5 January to 16 February 2015.

Consultation activities undertaken by the Council were carried out in accordance with Neighbourhood Planning Regulations. Activities undertaken were as follows:

- Provision of consultation information and application material on the Council’s website (www.towerhamlets.gov.uk).
- Provision of consultation information and application material to the Idea Store Whitechapel and LBTH Market Services for inspection by interested parties.
- Provision of information to elected Councillors in the relevant areas.
- Publication of a Public Notice in East End Life.

These activities also followed the principles of the guidance for the production of policy documents as set out in the Council’s Statement of Community Involvement (SCI).

3) Approach to categorising representations made

During the public consultation period, the public are able to make representations on the contents of the area and forum applications submitted to the Council. Typically, representations are made by local residents, local Councillors, landowners, businesses, interests groups, statutory consultees and neighbouring Local Authorities. Representations were not made by all parties directly consulted.

This document presents representations in no particular order. Representation figures calculate submitted responses and as such do not limit representations to one per household or one per business. The following categories have been used to categorise representations:

Support	Have stated explicit support, or support has been inferred from the contents of the representation
Object	Have stated explicit objection, or objection has been inferred from the contents of the representation
Neutral	Have offered comments but not determined if they object or support the application

Petition	A written objection signed by multiple signatories
No comment	Where no comment has been made and no position on the matter can be inferred
Concerned	Do not state they object but highlight areas of concern

4) Summary of responses related to the Forum based application

Number of representations received

Support	Objection	Neutral	No comment	Petition	Concerned	Total
23	5*	7	1	1	0	36**

*5 objection letters were submitted individually. 1 of the objection letters includes the petition and 603 signed proforma letters.

**This number does not include the petition. The petition was signed by 654 separate signatories in objection to the Forum and of the 603 signed proforma letters. 307 were from businesses including market stall holders and 32 were from residents.

Comments made by statutory bodies and neighbouring authorities

- No comments were made on the purpose, membership or constitution of the proposed Forum.

Summary of matters raised in support:

- Forum members are found to be agreeable.
- The Forum has a representative framework that is diverse and committed to “hearing each other”.
- The Forum is democratic and aims to provide continuity and commitment to One Tower Hamlets.
- The Area and Forum would give residents a stronger voice on planning issues.
- “We have already benefited from engagement with such a diverse group of individual, community groups and businesses”.
- “Designation will help support, protect and encourage sensitive and appropriate social, economic, environmental and property growth and enrichment of the area”.
- The range of members will allow for a strategic and spatial vision to be achieved in the proposed Area.
- The constitution was found to be agreeable.

Summary of matters raised by objectors:

- A Forum based on the proposed Area would not be able to effectively or efficiently deliver a neighbourhood plan.
- There was a lack of inclusiveness on the part of the Proposed Forum’s Interim Steering Group in developing the proposed Area and consultation was incomplete and unsatisfactory.
- There was a failure in governance on the part of the proposed Forum’s Interim Steering Group in relation to membership being conditioned to acceptance of the proposed Area.
- Failure to comply with legislation with regards to consultation and membership.
- The Forum’s consultation was incomplete and not comprehensive during the preparation of the proposed Area with consultation periods not taking into consideration Ramadan or the summer holiday season.

Appendix 3: EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

<p>Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)</p>	<p>Determination of Neighbourhood Planning Forum and Area Applications</p>
<p>Directorate / Service</p>	<p>Development & Renewal</p>
<p>Lead Officer</p>	<p>Sophie Hall-Thompson</p>
<p>Signed Off By (inc date)</p>	<p>Adele Maher, 24.03.15</p>
<p>Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)</p>	<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">  </div> <div> <p>Proceed with implementation</p> <p>Based on the QA a Full EA will not be undertaken at this stage. As a result of performing the QA checklist the proposed procedural changes to the decision making process for Neighbourhood Planning Area and Forum applications does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p> <p>Due regard for the nine protected groups will be embedded in the preparation and production of any resultant Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO).</p> </div> </div>

Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Y	
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Y	<p>At this stage, the impacts of the proposals will not be felt upon persons with protected characteristics.</p> <p>At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely adverse impacts on people who share Protected Characteristics. Officers can share information on the Council's Borough Profile (2014) to provide an overview of the equality groups to the Forum.</p> <p>Any Neighbourhood Development Plan or Order will need to be in general conformity with the Council's Local Plan.</p>
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	n/a	<p>The degree to which there are impacts from approving the proposals for Neighbourhood Planning Forums or Areas is not known. There is no reliable qualitative and quantitative data to support claims made about impacts, where there are known to be impacts.</p> <p>Neighbourhood Planning is a new planning policy tool. In future, there may be a need to capture information to be able to assess impact.</p>
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	n/a	Neighbourhood Planning is a new planning policy tool. In future, evidence may be developed nationally.
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	In accordance with Neighbourhood Planning Regulations, public consultation and the Council's reporting cycle allow for input into the recommendations for determining applications

			being taken forward.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Formal public consultation was carried out for six weeks. This is the statutory period of public consultation.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	No	Neighbourhood Planning is a new planning policy tool. There is no evidence of impacts. At the stage when a Neighbourhood Development Plan or order is being prepared, links may be established.
b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	No	Neighbourhood Planning is a new planning policy tool. There is no evidence of impacts. At the stage when a Neighbourhood Development Plan or order is being prepared, an understanding will be development and assessed for unequal impacts.
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	n/a	
b	Have alternative options been explored	n/a	It is our statutory duty to support forum and area applications where they are meet legislative requirements. We are required by the Localism Act (2011) to designate an appropriate area where an application is submitted.
5	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely adverse impacts on people who share Protected Characteristics. At the stage of submitting the Neighbourhood Development Plan or Order, the Council will consider the impact on the plan or order on the protected characteristics.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	Yes	At the stage when a Neighbourhood Development Plan or Order is being prepared, officers will work with the Neighbourhood Planning Forum and Equalities team to make sure that actions will be undertaken to mitigate the likely

			adverse impacts on people who share Protected Characteristics. At the stage of submitting the Neighbourhood Development Plan or Order, the Council will consider the impact on the plan or order on the protected characteristics.
6	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	N/A	There is no executive summary

Appendix A

(Sample) Equality Assessment Criteria

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Decision	Action	Risk
As a result of performing the QA checklist, it is evident that due regard is not evidenced in the proposal and / or a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the proposal be suspended until further work or analysis is performed – via a the Full Equality Analysis template	Suspend – Further Work Required	Red 
As a result of performing the QA checklist, the policy, project or function does not appear to have	Proceed with implementation	Green: 

any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.		
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