


<p><b>Cabinet</b></p> <p>1 December 2015</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Aman Dalvi, Corporate Director Development &amp; Renewal</p>	<p><b>Classification:</b> Unrestricted</p>
<p>Neighbourhood Planning: Determination of Neighbourhood Planning Forums and Areas.</p>	

<b>Lead Member</b>	<b>Councillor Rachel Blake, Cabinet Member for Strategic Development</b>
<b>Originating Officer(s)</b>	Adele Maher, Strategic Planning Manager
<b>Wards affected</b>	Weavers, Spitalfields & Banglatown, Limehouse, St. Katherines & Wapping, Mile End, Canary Wharf, Poplar, Island Gardens, Blackwall & Cubitt Town.
<b>Key Decision?</b>	Yes
<b>Community Plan Theme</b>	A Great Place to Live

### Executive Summary

The Localism Act (2011) gives communities the ability to become a Neighbourhood Planning Forum and designate a Neighbourhood Planning Area with a view to preparing a Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO) for the designated area. The Council is required to determine applications for Forum and Area designation in accordance with the regulations in The Localism Act and amended Town and County Planning Act (TCPA) 1990.

The Council has received three applications to establish Neighbourhood Planning Forums and Neighbourhood Planning Areas, from the Forums listed below. These applications have all been subject to six weeks public consultation, in accordance with statutory requirements.

- Spitalfields Neighbourhood Planning Forum
- Limehouse Community Forum
- Isle of Dogs Neighbourhood Planning Forum

### Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve applications for the designation of Neighbourhood Planning Forums and Areas by groups in the following areas, in accordance with Officers recommendations. Recommendations are as follows:
  - a) Spitalfields
    - Designate as a Neighbourhood Planning Forum
    - Designate area, with amendments, as a Neighbourhood Planning Business Area (see appendix 2)

- b) Limehouse
  - Designate as a Neighbourhood Planning Forum
  - Designate area, with amendments, as a Neighbourhood Planning Area (see appendix 3)
- c) Isle of Dogs
  - Designate as a Neighbourhood Planning Forum
  - Designate area, with amendments, as a Neighbourhood Planning Area (see appendix 4)

## **1. REASONS FOR THE DECISIONS**

- 1.1 The Council has received applications to establish three Neighbourhood Planning Areas and three Neighbourhood Planning Forums from prospective Neighbourhood Planning Forums in Spitalfields; Limehouse and the Isle of Dogs.
- 1.2 The Council is required to determine applications for Forum and Area designations in accordance with the regulations in The Localism Act (2011) and amended Town and County Planning Act (TCPA) 1990.
- 1.3 Officers are satisfied all three Forum applications meet with the requirements of the relevant regulations and as such should be determined in accordance with our statutory duties.
- 1.4 Officers consider that all three Area applications with officer amendments, meet with the requirements of the relevant regulations and as such should be determined in accordance with our statutory duties.
- 1.5 Sections 4 and 5 of this report outline the legislative requirements of the Localism Act and the statutory duties of Local Authorities as they relate to Neighbourhood Planning. These sections then consider the Forum and Area applications in light of the legislative requirements. Section 4 deals with Neighbourhood Planning Forums and Section 5 deals with Neighbourhood Planning Areas.

## **2. ALTERNATIVE OPTIONS**

- 2.1 A Local Planning Authority (LPA) may designate or refuse a Forum application. Where the LPA are satisfied that a prospective Forum meets the relevant legislation (TCPA (1990) section 61F), the Forum may be approved. Where the LPA are not satisfied that a prospective Forum meets with the relevant legislation (TCPA (1990) section 61F), the LPA may refuse the application and give reasons for the refusal to the prospective Forum.
- 2.2 Officers consider that all three Forum applications meet with the relevant

regulations and are therefore recommending them for approval.

- 2.3 A LPA must exercise their power of designation so as to secure some of all of the proposed area forms part of one or more designated areas in accordance with the TCPA (1990) section 61G Furthermore section 61H states that an authority must consider whether they should designate the area as a business area.
- 2.4 Officers consider that all three Area applications should be amended in accordance with the relevant regulations and to form a coherent spatial area in character and function. Where Area applications were not amended, the degree to which the Areas were said to be coherent was questioned.
- 2.5 Alternative options have been considered where options accord with the Neighbourhood Planning Regulations and the provisions within the TCPA (1990).

### **3. DETAILS OF REPORT**

#### **Introduction to Neighbourhood Planning: a community led process**

- 3.1 The Localism Act 2011 amended the Town and Country Planning Act 1990 to give planning powers to communities in the form of Neighbourhood Planning.
- 3.2 Additional legislative provisions concerning Neighbourhood Planning are set out in the Neighbourhood Planning (General) Regulations 2012, Neighbourhood Planning (Referendum) Regulations 2012 and the Neighbourhood Planning (General) (Amendment) Regulations 2015.
- 3.3 Neighbourhood Planning gives communities the ability to prepare and develop a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Orders (NDO) where they have been designated as a Neighbourhood Planning Forum and have established a Neighbourhood Planning Area.
- 3.4 NDPs can create planning policies for their designated Area and site allocations or development principles for sites. They can also include character appraisals and seek to establish community facilities and/or identify areas for public realm improvements. NDOs would exempt certain types of development, or development on a particular site, from requiring planning permission.
- 3.5 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).
- 3.6 Where a NDP is brought into force, the plan forms part of the Council's statutory 'Development Plan' (comprising the Local Plan and London Plan) and as such will have significant weight in determining planning applications.

NDPs will form a new spatial layer to the Council's planning guidance and when brought into force, policies within a NDP will take precedence over existing non-strategic Local Plan policies.

- 3.7 NDP policies will be developed by the Forum through consultation with stakeholder in their relevant designated area and through engagement with Council Officers. Policies must be supported by a new and updated evidence base to ensure that they are reasonable, sound and justified.

### **Community Infrastructure Levy**

- 3.8 On 26 April 2013, the Government published the Community Infrastructure Levy (CIL) (Amendment) Regulations (2013). This is supplemented by Community Infrastructure Levy Guidance Note (2013).
- 3.9 These two documents guide how CIL receipts can be used in relation to those 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.
- 3.10 The Council may use 15% (capped at £100 per new home) or 25% (uncapped, if a Neighbourhood Plan or a Development Order has been adopted) of this revenue to support development in the Neighbourhood Area by funding:
- infrastructure (including improvements, replacement, operation or maintenance); or
  - anything else that is concerned with addressing the demands that development places on the Area
- 3.11 If the Council chooses to use this portion of the CIL revenue to fund the above two elements it should engage with recognised / appropriate community groups which may include any designated Neighbourhood Planning Forum.

### **Overview of Neighbourhood Planning at LBTH**

- 3.12 Applications to establish Forums and Areas are required by the Council to be submitted using the Council's application form and process.
- 3.13 The Council has produced guidance to assist prospective Forums understand what is involved in becoming a Forum and designating an Area and the criteria the Council use to make decisions.
- 3.14 This guidance advises prospective forums to liaise with officers prior to applications being submitted. This allows the authorities to assist interested parties to meet the regulations and meet the authority's duty under the Localism Act.

- 3.15 The statutory public consultation period for Forum and Areas is six weeks as stated in the Regulations. LBTH comply with the statutory requirements and guidelines within the Statement of Community Involvement.
- 3.16 In tandem with the six week public consultation, Officers were guided by best practice and also consulted with:
- Community Ward Forums
  - Government agencies
  - Associated ward Councillors
- 3.17 The following sections, 4 and 5, outline the legislative requirements of the Localism Act and the statutory duties of Local Authorities as they relate to Neighbourhood Planning. These sections then consider the relevant Forum and Area applications in light of these requirements. Section 4 deals with Neighbourhood Planning Forums and Section 5 deals with Neighbourhood Planning Areas.

#### **4.0 NEIGHBOURHOOD PLANNING FORUMS: REGULATIONS AND APPLICATIONS**

- 4.1 The Council has a statutory duty to determine applications to establish Neighbourhood Planning Forums in accordance with the relevant Regulations: TCPA 1990, Section 61F (5-7). In addition, the Council is also required to provide assistance prospective Forums in accordance with the Regulations.
- 4.2 The TCPA (1990) 61F (5) provides four conditions that prospective Neighbourhood Planning Forums need to meet if they are to be designated. The Council can require applications to provide specific detailed information about how it meets the four conditions and that this information will be subject to a rigorous assessment. The four 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 the Neighbourhood Planning Area.
  - b) It [the Forum] has a membership open to everyone who lives, works or represents the Area as an elected member.
  - c) It [the Forum] membership includes a minimum of 21 people, each of whom lives, works or represents the Area as an elected member.
  - d) It [the Forum] has a written constitution.
- 4.3 The Act also requires the Council have regard to whether the:
- **Securing membership from different representatives** – the Forum has secured, or taken reasonable steps to secure, its membership includes people who live, work or represent the Area;
  - **Securing membership from different places in the area** - Membership is drawn from different places in the Area and different sections of the community in the Area; and

➤ **Purpose** - the Forum reflects the character of the Area.

4.4 Current applications for determination have been submitted by the following prospective Neighbourhood Planning Forums (and are subject to consideration below):

- a. Spitalfields
- b. Limehouse
- c. Isle of Dogs

4.5 All applications have been subject to six week public consultation in accordance with statutory requirements.

#### **a) Proposed Spitalfields Neighbourhood Planning Forum**

##### Background

4.6 An application was received from the prospective Spitalfields Neighbourhood Planning Forum on 1st December 2014. Public consultation was carried out between January 5th and February 16th 2015. Representations were made in support and objection. These have been taken fully into account in the determination of this application. Further detail can be read in Appendix 5: Public Consultation Summaries.

##### Forum application for consideration - summary

4.7 The following is a summary of the information received:

- Membership exceeds 21 persons and includes residents, a ward Councillor and business and community based organisations drawn from different places within the proposed area.
- Written constitution enables on-going open membership to everyone who lives, works or represents the area as an elected member.
- The Forum is established to promote or improve social, economic and environmental well-being of an area. This is being promoted through a focus on seeking a healthy local economy that provides local jobs, training and enterprise as well as promoting heritage and sustainable energy.
- The character of the area is reflected in the above focus or purpose. The character and purpose are also acknowledged in a good spatial understanding of the area and the stakeholders within it.

##### Conclusion

4.8 The Spitalfields Neighbourhood Planning Forum has demonstrated that its application to become a Neighbourhood Planning Forum meets the requirements of the Town and Country Planning Act (1990) (61F) and the Tower Hamlets Neighbourhood Planning Guidance Note.

##### Officer's Recommendation

4.9 Designate the prospective Spitalfields Neighbourhood Planning Forum as a Neighbourhood Planning Forum. The recommended area meets the requirements of the Town and Country Planning Act (1990) and associated

Neighbourhood Planning Regulations (61F) and the Tower Hamlets Neighbourhood Planning Guidance Note.

## **b) Proposed Limehouse Neighbourhood Planning Forum**

### Background

- 4.10 An application was received from the Limehouse Community Forum on 1<sup>st</sup> April 2015. Public Consultation was carried out between 17<sup>th</sup> June and 30<sup>th</sup> July 2015. Representations were made in support and objection. These have been taken fully into account in the determination of this application. Further detail can be read in Appendix 5: Public Consultation Summaries.

### Forum application for consideration - summary

- 4.11 The following is a summary of the information received:

- Membership exceeds 21 persons from across the proposed area and includes residents, a ward Councillor and business and community based organisations drawn from different places within the proposed area.
- Written constitution enables on-going open membership to everyone who lives, works or represents the area as an elected member.
- The Forum is established to promote or improve social, economic and environmental well-being of the Area. This is being promoted through a focus on safety and opportunities for environmental improvements and planning to contribute to the health of the local economy.
- The character of the area is reflected in the above focus or purpose. The character and purpose are also acknowledged in a good spatial understanding of the area and the stakeholders within it.

### Conclusion

- 4.12 The Limehouse Neighbourhood Planning Forum have demonstrated that its application to become a Neighbourhood Planning Forum meets the requirements of the Town and Country Planning Act (1990) (61F) and the Tower Hamlets Neighbourhood Planning Guidance Note.

### Officer's Recommendation

- 4.13 Designate Limehouse Community Forum as a Neighbourhood Planning Forum. The recommended area meets the requirements of the Town and Country Planning Act (1990) and associated Neighbourhood Planning Regulations (61F) and the Tower Hamlets Neighbourhood Planning Guidance Note.

## **c) Proposed Isle of Dogs Neighbourhood Planning Forum**

### Background

- 4.14 An application was received from the prospective Isle of Dogs Neighbourhood Planning Forum on 1<sup>st</sup> December 2014. Public consultation was carried out between January 5<sup>th</sup> and February 16<sup>th</sup> 2015. Representations were made in

support and objection. These have been taken fully into account in the determination of this application. Further detail can be read in Appendix 5: Public Consultation Summaries.

#### Forum application for consideration - summary

4.15 The following is a summary of the information received:

- Membership exceeds 21 persons and represents from across the proposed area and includes residents, a ward Councillor and business and community based organisations drawn from within the proposed area.
- Written constitution enables open membership to everyone who lives, works or represents the area as an elected member.
- The Forum is established to promote or improve social, economic and environmental well-being of an area. This is being promoted through a focus on jobs and activities that support residential living, provision of additional green spaces and community cohesion.
- The character of the area is reflected in the above focus or purpose. The character and purpose are also acknowledged in a good spatial understanding of the area and the stakeholders within it.

#### Conclusion

4.16 The Isle Of Dogs Neighbourhood Planning Forum has demonstrated that its application to become a Neighbourhood Planning Forum meets the requirements of the Town and Country Planning Act (1990) (61F) and the Tower Hamlets Neighbourhood Planning Guidance Note.

#### Officer's Recommendation

4.17 Designate the Isle of Dogs Forum as a Neighbourhood Planning Forum. The recommended area meets the requirements of the Town and Country Planning Act (1990) and associated Neighbourhood Planning Regulations (61F) and the Tower Hamlets Neighbourhood Planning Guidance Note.

## **5. NEIGHBOURHOOD PLANNING AREAS: REGULATIONS AND APPLICATIONS**

5.1 The Council has a statutory duty to determine applications to establish Neighbourhood Planning Areas in accordance with the relevant Regulations:, TCPA 1990, Section 61G(2)b, Section 61G(5) and Section 61H(3).

5.2 In accordance with the above regulations, the boundaries of these areas can cover land within Tower Hamlets and can also reach across borough boundaries to neighbouring planning authorities (Hackney, Newham, London Legacy Development Corporation and the City of London). Areas can be any shape or size and the Regulations stipulate that only one Neighbourhood Area can cover one location so there can be no overlapping.

5.3 Neighbourhood Planning Areas are proposed by Neighbourhood Planning Forums in their application submission, and assessed by Council Officers who



then make recommendations to the Mayor for decision at Cabinet. The Council's decision is guided by the Regulations, which advise the Council on:

- the desirability of maintaining existing boundaries of Neighbourhood Planning Areas already designated;
- designating all or part of the initially proposed Area and in so doing consider what Area is appropriate to be designated; (the Council should approve the proposed area unless there are clear reasons why an alternative area is more appropriate)
- the degree to which if the Area is wholly or predominantly business in nature

5.4 Current applications for determination have been submitted by the following prospective Neighbourhood Planning Forums:

- a) Spitalfields
- b) Limehouse
- c) Isle of Dogs

5.5 The following section provides a summary of information on respective applications. Further details can be found in the Appendices.

#### **a) Proposed Spitalfields Neighbourhood Planning Area**

##### Background

5.6 An application was received from the proposed Spitalfields Neighbourhood Planning Forum on 1<sup>st</sup> December 2014. Public consultation on the application was carried out for six weeks between January 5<sup>th</sup> and February 16<sup>th</sup> 2015. Representations were made in support and against. All representations received during the consultation period have been taken into account in the determination of this application. Further detail can be read in Appendix 5: Public Consultation Summaries

##### Area considerations - summary

5.7 The proposed Area comprises the majority of Spitalfields & Banglatown ward and a small section of the south of Weaver ward. The proposed 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 can expand to the east and to the west. The Area includes a number of notable assets that contribute to the character of Spitalfields including Christ Church Spitalfields, Jamme Masjid Great Mosque, the Truman Brewery and Spitalfields Market. The proposed area is host to residential, leisure and commercial land uses, but is predominately business orientated. The area is considered in greater detail in Appendix 1: Area Appraisals. Please see this document for further details.

5.8 Officers recommend the proposed Area with minor alterations for approval, as a Neighbourhood Planning Business Area. The designation as a Business Area recognises that the area is predominately business in use and character. The amended area includes all of the Holland Estate and two urban blocks bounded by Middlesex Street to the west; and the southern boundary defined

by the east west section of Goulston Street. This forms a more coherent area in terms of heritage and land uses.

#### Conclusion

5.9 The proposed Area with amendments, identified in Appendix 2: Spitalfields Neighbourhood Planning Area represents a coherent and spatial understanding 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.

#### 5.10 Officer's Recommendation

Designate the proposed area with minor amendments identified in Appendix 2, as the Spitalfields Neighbourhood Planning Business Area in accordance with the Regulations and the Tower Hamlets Neighbourhood Planning Guidance Note.

Following approval by Cabinet the designated boundary will be published on the Councils website as soon as practically possible.

### **b) Proposed Limehouse Neighbourhood Planning Area**

#### Background

5.11 An application was received from the Limehouse Community Forum on 1<sup>st</sup> April 2015. Public consultation on this application was carried out for six weeks between 17<sup>th</sup> June and 30<sup>th</sup> July 2015. Representations were made in support. All representations received during the consultation period have been taken into account in the determination of this application. Further detail can be read in Appendix 5: Public Consultation Summaries.

#### Area for consideration - summary

5.12 The proposed Area aligns closely with Limehouse Ward boundaries. The proposed Area is enclosed by the River Thames, Transport for London (TfL) highway networks to the north and east and Westferry Road and Limehouse Link to the east. Key assets within the area include the Limehouse Rail and DLR Station and Westferry DLR Station, the Limehouse Basin and The Royal Foundation of St Katherine's. The proposed area is host to residential, leisure and commercial land uses, but is predominately residential. The area is considered in greater detail in Appendix 1: Area Appraisals. Please see this document for further details.

5.13 Officers recommend the proposed Area, with minor alterations, for approval as a Neighbourhood Planning Area. The amendments allow the Area to more closely align with Limehouse Ward Boundaries; reflect the hard physical boundary posed by the C2C railway line; and include the entirety of the Limehouse Station, which is a key piece of community infrastructure.

#### Conclusion

5.14 The proposed Area with minor amendments, identified in Appendix 3 represents a coherent and recognisable understanding of the area of

Limehouse. It is based on an acknowledgement of key community assets such as the Royal Foundation of St Katherine's and the John Scurr Community Centre and a residential focus within the parameters formed by the highway network and does not relate to the commercial uses along the A13. The recommended Area closely aligns with the ward of Limehouse.

#### Officer's Recommendation

- 5.15 Designate the proposed area with minor amendments identified in Appendix 3, as the Limehouse Neighbourhood Planning Area in accordance with the Regulations and the Tower Hamlets Neighbourhood Planning Guidance Note.

Following approval by Cabinet the designated boundary will be published on the Councils website as soon as practically possible.

### **Proposed Isle of Dogs Neighbourhood Planning Area**

#### Background

- 5.16 An application was received from the Isle of Dogs Neighbourhood Planning Forum on 1st December 2014. Public consultation on this application was carried out for six weeks between January 5th and February 16th 2015. Representations were made in support and objection. All representations received during the consultation period have been taken into account in the determination of this application. Further detail can be read in Appendix 5: Public Consultation Summaries.

#### Area considerations - summary

- 5.17 The proposed Area comprises the Isle of Dogs, Leamouth Peninsula, Blackwall, and South Poplar and excludes much of the Canary Wharf Business District. It has hard physical boundaries in the form of the River Thames, the River Lea, the A13 and A12. The proposals area falls within the forthcoming Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF). The OAPF is a planning framework that is being developed by the Greater London Authority (GLA), which aims to deliver the ambitions of the London Plan policies on growth. The Area includes a number of notable assets including a Crossrail Station, the Canary Wharf Business Area, a number of historic docks and Mudchute Park. The proposed Area is host to residential, leisure and commercial land uses, but is predominately residential. The area is considered in greater detail in Appendix 1: Area Appraisals. Please see this document for further details.
- 5.18 The proposed area application seeks to realise the social identity of the Isle of Dogs and uses the physical boundaries posed by the River Thames and strategic highways to define northern boundaries. The proposals have given thought to areas where development may come forward in the future. The area application also differentiates between land uses in the proposed area and seeks to represent residential land uses.
- 5.19 Officers recommend the proposed Area with alterations for approval, to allow it to more closely align with ward boundaries and the proposed boundaries for the forthcoming Isle of Dogs and South Poplar Opportunity Area Planning

Framework (OAPF); and take account of transport infrastructure and land uses in Canary Wharf.

#### Conclusion

- 5.20 The proposed Area with amendments, identified in Appendix 4 represents a coherent and recognisable understanding of the Isle of Dogs. It is based on an aware of the strong physical boundaries posed by the River Thames and the highway network. It has a strong residential focus and excludes the highly concentrated office based uses that form the core of the Canary Wharf Business District. The recommended area recognises Ward boundaries and the forthcoming Isle of Dogs and South Poplar OAPF boundaries.

#### Officer's Recommendation

- 5.21 Designate the proposed area with amendments identified in Appendix 4, as the Isle of Dogs and South Poplar Neighbourhood Planning Area in accordance with the Regulations and the Tower Hamlets Neighbourhood Planning Guidance Note.

Following approval by Cabinet the designated boundary will be published on the Councils website as soon as practically possible.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report asks the Mayor in Cabinet to consider three applications to establish Neighbourhood Planning Forums and associated Neighbourhood Planning Areas in accordance with the statutory requirements of the Localism Act.
- 6.2 The Council will have a duty to provide support and advice to the Area Forums which will incur additional administration costs, and these must be contained within existing budgets. Local planning authorities are able to claim £5,000 for each of up to 20 area designations (i.e. a maximum of £100,000) in 2015/16, 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.
- 6.3 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 3.8 to 3.11 of this report.
- 6.4 In certain circumstances Neighbourhood Development Orders would exempt certain types of development, or development on a particular site, from requiring planning permission (paragraph 3.4). 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.

## **7. LEGAL COMMENTS**

- 7.1 Consultation in respect of the three proposed neighbourhood planning areas and forums (as detailed in this report) has been carried out in accordance with Regulations 6 and 9 respectively of the Town and Country Planning (General) Regulations 2012.
- 7.2 In terms of the applications 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 Town and Country Planning Act 1990 (as amended) (listed in paragraph 4.3 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 4.4 of this report). All three forum applications have been assessed against these statutory criteria and have been found to comply with them.
- 7.3 The designations will have effect for a period of 5 years, unless the Council decides to withdraw them, either because the organisation no longer meets the conditions for approval or because the body itself elects. During these 5 years, no other organisation or body may be designated as a neighbourhood forum for the area.
- 7.4 In determining the neighbourhood area applications, the Council needs to consider the factors set out in Section 61G and 61H and the 2012 Regulations. The relevant factors are summarised at paragraphs 5.2 and 5.3 of this report. Legal Services are satisfied that Officers have had proper regard to these factors in formulating their recommendations that each area applications be approved, subject to amendments.
- 7.5 As regards the making of such amendments to the proposed areas, Section 61G entitles the Council to deviate from the boundaries set out in the applications. 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. Legal Services are content this has been done at paragraphs 5.8, 5.13 and 5.19 (as appropriate) of this report, as expanded upon in the relevant area appraisals in Appendices 1 to 4.
- 7.6 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 6). 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.

- 7.7 The Council's decisions on both the areas and the forums for all three applications must also be publicised as soon as possible after the decisions are taken (Regulations 7 and 10 of the Town and Country Planning (General) Regulations 2012).

## **8. ONE TOWER HAMLETS CONSIDERATIONS**

- 8.1 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.
- 8.2 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).
- 8.3 Furthermore, NDP's and NDO's 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.

## **9. BEST VALUE (BV) IMPLICATIONS**

- 9.1 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'.
- 9.2 During the determination of the these applications 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).
- 9.3 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.

## **10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 10.1 Determining Neighbourhood Planning Forums and Areas applications does not have any discernable impacts on the environment.

- 10.2 At the stage where established Neighbourhood Planning Forums are developing NDPs or NDO's for the designated Neighbourhood Planning Areas consideration will be given to action of a greener environment.
- 10.3 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.

## **11. RISK MANAGEMENT IMPLICATIONS**

- 11.1 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

## **12. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 12.1 Determining Neighbourhood Planning Forums and Areas applications does not have any discernable impacts on crime and disorder.
- 12.2 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.

## **13. SAFEGUARDING IMPLICATIONS**

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

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

1. Appendix 1: Area Appraisals
2. Appendix 2: Spitalfields Business Neighbourhood Planning Area
3. Appendix 3: Limehouse Neighbourhood Planning Area
4. Appendix 4: Isle of Dogs Neighbourhood Planning Area
5. Appendix 5: Consultation Summary Reports

6. Appendix 6: 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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