

<b>Cabinet</b>  19 December 2017	
<b>Report of:</b> Ann Sutcliffe, Acting Corporate Director, Place	<b>Classification:</b> Unrestricted
<b>Neighbourhood Planning: Isle of Dogs Neighbourhood Plan - 2017 to 2031 - Legal Compliance and Examination Stage</b>	

<b>Lead Member</b>	<b>Councillor Rachel Blake, Cabinet Member for Strategic Development</b>
<b>Originating Officer(s)</b>	Marissa Ryan-Hernandez, Strategic Planning Manager and Ellie Kuper Thomas, Principal Planning Officer
<b>Wards affected</b>	Canary Wharf, Island Gardens, Blackwall & Cubitt Town.
<b>Key Decision?</b>	Yes
<b>Community Plan Theme</b>	A Great Place to Live

## Executive Summary

Neighbourhood planning was introduced by the Localism Act 2011 and allows communities to help shape their local area by preparing 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).

The LPA has a statutory duty to assist communities in the preparation of NDPs and orders and to take plans through a process of examination and referendum.

The Isle of Dogs Neighbourhood Plan was submitted to London Borough of Tower Hamlets by the Isle of Dogs Neighbourhood Forum on 25<sup>th</sup> October 2017. The Plan was accompanied by a Basic Conditions Statement, a Consultation Statement and evidence of compliance with European Environmental legislation, as required by the Neighbourhood Planning (General) Regulations 2012.

Under The Localism Act (2011), the LPA is required upon submission of a NDP to check that it meets the legal requirements for those plans before it can progress to formal consultation, examination and referendum.

The Plan has been checked against the Neighbourhood Planning (General) Regulations 2012 (hereafter referred to as 'the 2012 Regulations'), the Planning and Compulsory Purchase Act 2004 (as amended) ('PCPA 2004') and the Town and County Planning Act 1990 (as amended) ('TCPA 1990') and found to be legally compliant. Appendix 5 to this report is a table which details each stage of plan

preparation, the relevant regulations and legislation at each stage, how the Plan has met the regulations and whether or not it is compliant. Having carried out the checks, officer opinion is that the Isle of Dogs Neighbourhood Plan is legally compliant.

### **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Agree that the submission of the draft Isle of Dogs Neighbourhood Plan under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 is Legally Compliant and should be publicised under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and taken forward to Examination.
2. Agree that the Council should proceed to appoint an independent examiner with the consent of the neighbourhood forum in accordance with Paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
3. Delegate authority to the Divisional Director of Planning and Building Control, in consultation with the Cabinet Member for Strategic Development and Waste and the Mayor, to provide comments on behalf of the Council on the Submission version of the Plan.

## **1 REASONS FOR THE DECISIONS**

- 1.1 Tower Hamlets Council, as LPA, has received a submission of a draft NDP under Regulation 15 of the 2012 Regulations.
- 1.2 Under The Localism Act (2011), the LPA is required upon submission of a NDP to check that it meets the legal requirements for those plans before it can progress to formal consultation, examination and referendum.
- 1.3 Under Regulation 16 of the 2012 Regulations the LPA has a statutory duty to take the documents forward to consultation 'as soon as possible after receiving a plan proposal which includes' the specified documents outlined in Regulation 15 of the 2012 Regulations.
- 1.4 Officers have undertaken an assessment of the submitted Isle of Dogs Neighbourhood Plan against relevant provisions of the TCPA 1990 and the 2012 Regulations. As a result, officers are satisfied that the Isle of Dogs Neighbourhood Plan accords with relevant legislative requirements. It is therefore recommended that the submission should proceed to consultation and examination.

## **2 ALTERNATIVE OPTIONS**

- 2.1 A LPA may decline to consider the NDP submission if it is a repeat submission, or refuse to take forward a NDP if it does not meet the requirements of the 2012 Regulations.
- 2.2 Where the LPA is satisfied that the submission meets the requirements of Schedule 4B paragraphs 5 and 6 and Regulation 18 section 61F of the TCPA

1990, the Submission must be approved. Where the LPA is not satisfied that the submission meets the said requirements, the LPA may either refuse to consider the plan or take forward the plan.

- 2.3 Officers consider that the Isle of Dogs Neighbourhood Plan meets the relevant legislative provisions and therefore should be publicised under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and taken forward to Examination. As the submission 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 Plan Submission.

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 Neighbourhood Plan submission 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 Neighbourhood planning provides communities with the ability to prepare a NDP and/or 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.

- 4.4 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.
- 4.5 Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's Development Plan: the Core Strategy (2010) and Managing Development Document (2013) and the London Plan (2016).
- 4.6 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.
- 4.7 NDP policies are 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. However, following the Neighbourhood Planning Act (2016), a NDP must be given weight in determining planning applications, once it has passed examination.

### **Community Infrastructure Levy**

- 4.8 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.
- 4.9 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.
- 4.10 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. ..."*

- 4.11 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. Irrespective of this regulation, the Cabinet in December 2016, agreed to undertake this for all areas of the borough whether or not an NDP or NDO has been adopted.

## **5 NEIGHBOURHOOD DEVELOPMENT PLANS: RELEVANT LEGISLATION AND GUIDANCE**

- 5.1 This section outlines the relevant legislative framework and guidance as they relate to the submission and consideration of NDPs.

### **Submitting the Neighbourhood Development Plan**

- 5.2 In accordance with Regulation 15 of 2012 Regulations where a relevant body submits a NDP to the LPA it must include:

- (a) the proposed Neighbourhood Development Plan;
- (b) a map or statement which identifies the area covered by the Neighbourhood Plan;
- (c) a 'Consultation Statement' that contains details of who was consulted on the draft Neighbourhood Plan, how they were consulted, the main issues and concerns raised, and how these have been addressed in the Neighbourhood Plan;
- (d) a 'Basic Conditions Statement'. that sets out how the Plan meets the 'basic conditions'. These being:
  - i. it has regard to national policies and advice;
  - ii. it has special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses;
  - iii. it has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area;
  - iv. it contributes to the achievement of sustainable development;
  - v. it is in general conformity with the strategic policies contained in the development plan for the area of the authority; and
  - vi. and that the making of the order does not breach, and is otherwise compatible with, EU obligations. And,

(e) where appropriate, the information to enable appropriate environmental assessments if required.

5.3 A LPA may decline to consider a plan proposal if they consider it to be a repeat proposal (TCPA 1990 Schedule 4B Paragraph 5). If an LPA declines to consider a plan on this basis it must inform the forum of this decision.

### **Considering the submission**

5.4 In accordance with the TCPA 1990 Schedule 4B Paragraph 6 and PCPA 2004 Section 38B(1), (2) and (4), the LPA must consider the following:

(a) whether the neighbourhood forum is authorised to act; and

(b) whether the proposal and accompanying documents:

i. comply with the rules for submission to the LPA (see 5.3 above); and

ii. meet the 'definition of an NDP': "A plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan"; and

iii. meet the 'scope of NDP provisions':

1. The NDP must specify the period for which it is to have effect; and

2. It cannot include provision about development that is 'excluded development' (as defined by paragraph 61K of schedule 9 of the TCPA 1990) such as minerals and waste matters or Nationally Significant Infrastructure Projects; and

3. It cannot relate to more than one neighbourhood area and there are no other neighbourhood development plans in place that cover any part of the neighbourhood area. And

(c) whether the neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity (outlined in Regulation 14 of the 2012 Regulations). These state that before submission to the LPA the qualifying body should:

1. publicise (but this does not have to be on a web site) in a way that is likely to bring to the attention of people who live work or carry on business in the area details of :

a. the proposals,

b. when and where they can be inspected,

c. how to make representations, and

- d. the deadline for making representations – not less than 6 weeks from first publicised
  2. consult any consultation body listed in The Neighbourhood Planning (General) Regulations 2012 Schedule 1 whose interests they consider may be affected by the proposals for a NDP; and
  3. send a copy of the NDP to the LPA.
- 5.5 In accordance with paragraph 6 of schedule 4B of the TCPA 1990, the LPA can refuse to take forward a plan proposal if any of the criteria above do not apply.
- 5.6 The LPA must notify the forum whether or not they are satisfied that the proposal complies with the criteria for a NDP. Where it is not satisfied the LPA can refuse and must notify them of the reasons. It must also publicise its decision in a 'decision notice' (Regulation 19 of the 2012 Regulations).
- 5.7 The legislation and regulations are clear that when a draft NDP is submitted to a LPA the authority is only considering the draft plan against the statutory requirements set out in paragraph 6 of Schedule 4B of the TCPA 1990. In particular, the LPA has to be satisfied that a basic condition statement has been submitted but it is not required to consider whether the draft plan meets the basic conditions. It is only after the independent examination has taken place and after the examiner's report has been received that the LPA comes to its formal view on whether the draft NDP meets the basic conditions (Planning Practice Guidance Neighbourhood Planning Paragraph 53).

## **6 NEIGHBOURHOOD DEVELOPMENT PLAN: ISLE OF DOGS SUBMISSION**

- 6.1 This section provides a background to the Isle of Dogs Neighbourhood Development Plan submission and details of the assessment. The format of this section outlines how the Isle of Dogs Neighbourhood Development Plan was assessed in relation to the criteria that an LPA must have regard to (as outlined in section 5 above).

### **Neighbourhood Development Plan Submission**

- 6.2 The Isle of Dogs Neighbourhood Forum submitted four documents to the London Borough of Tower Hamlets on the 25<sup>th</sup> October 2017. These were:
  - The draft Neighbourhood Development Plan (appendix 1)
  - The Consultation Statement (appendix 2)
  - Consultation Statement Appendix (appendix 3)
  - The Basic Conditions Statement (appendix 4)
- 6.3 Following an initial review by the LPA, further information regarding consultation and basic conditions were requested and an updated Basic

Conditions Statement and Consultation Statement were received on the 9<sup>th</sup> of November 2017.

- 6.4 The final versions of these four documents are appended to this report and form the basis of the assessment of the submission.

### **Considering the Submission**

- 6.5 This section of the report summarises the assessment of the submission against the requirements outlined in the legislation and regulations (as summarised in section 5).

- 6.6 A more exhaustive compliance checklist is provided in appendix 5.

*In accordance with TCPA 1990 Schedule 4B Paragraph 6 and PCPA 2004 Schedule 38B, Paragraphs 1, 2 and 4, is the neighbourhood forum authorised to act?*

- 6.7 The Isle of Dogs Neighbourhood Area and Neighbourhood Forum were designated by Tower Hamlets Council on 5<sup>th</sup> April 2016, with the decision notice published on the 19<sup>th</sup> April 2016. The designation process followed the required statutory procedures and as such the neighbourhood forum is authorised to act.

*In accordance with TCPA 1990 Schedule 4B Paragraph 6 and PCPA 2004 Schedule 38B, Paragraphs 1, 2 and 4, did the proposal and accompanying documents comply with the rules for submission to the LPA (see 5.3 above)?*

- 6.8 Documents received by Tower Hamlets Council on 25<sup>th</sup> October 2017 and 9<sup>th</sup> November 2017 included a map of the area the plan relates to (within the Basic Conditions Statement); a Consultation Statement which covered the required points; the proposed NDP; the Basic Conditions Statement which covers the issues required; and included reference to the Strategic Environment Assessment Screening Opinion Report and Decision given on 31<sup>st</sup> July 2017 which concluded that a Strategic Environment Assessment (SEA) and a Habitat Regulations Assessment were not required.

*In accordance with TCPA 1990 Schedule 4B Paragraph 6 and PCPA 2004 Schedule 38B, Paragraphs 1, 2 and 4, did the submitted draft NDP meet the 'definition of an NDP'?*

- 6.9 An NDP is defined as “a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan” PCPA 2004 (as amended). While the Plan does contain a number of issues which do not relate to development and use of land, the Plan does on balance meet the definition in that it mostly relates to the development and use of land.

*In accordance with TCPA 1990 Schedule 4B Paragraph 6 and PCPA 2004 Schedule 38B, Paragraphs 1, 2 and 4, did the submitted documents meet the 'scope of NDP provisions'?*

- 6.10 The plan period of 2017 – 2031 is specified in the submitted Neighbourhood Plan and in the Basic Conditions Statement. The Plan does not include provision regarding ‘excluded development’. The Plan relates only to one neighbourhood area (the Isle of Dogs Neighbourhood Area) as designated and there are no other NDP in place for that area.

*In accordance with TCPA 1990 Schedule 4B Paragraph 6 and PCPA 2004 Schedule 38B, Paragraphs 1, 2 and 4, whether the neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity?*

- 6.11 The Isle of Dogs Neighbourhood Forum ran a public consultation from 8th March 2017 to 19th April 2017 but the Consultation Statement states that the consultation period was not formally closed and they continued to receive and include comments after the formal end date. Hard copies of the draft Isle of Dogs Neighbourhood Plan were available to view at the Canary Wharf Idea Store and 5 drop in events were held during the consultation period. The documents were also available to download from the Isle of Dogs Neighbourhood Forum website and a link was provided on the Tower Hamlets Council website. The plan was sent to all the Consultation Bodies listed in Schedule 1 of the 2012 Regulations the Forum considered may be affected by the proposals. A copy of the draft Isle of Dogs Neighbourhood Plan was sent to LPA by email.

### **Conclusion**

- 6.12 As outlined above and in appendix 5, the submission made by the Isle of Dogs Neighbourhood Forum on the 25<sup>th</sup> of October and 9<sup>th</sup> of November 2017 is considered to comply with the required criteria and legislation and should therefore proceed to consultation and examination.
- 6.13 Whilst it is not the LPA’s role at this stage to carry out the basic conditions test, it should be noted that this report seeks approval to proceed to the final public consultation on the draft Plan. There will therefore be an opportunity for Tower Hamlets Council as well as other key stakeholders, landowners, developers as well as the local community to make representations on the draft Plan which will then be considered by an independent examiner.

## **7 NEXT STEPS**

- 7.1 If Cabinet agree that the submission has met the required criteria, the Council is responsible for publicising the draft Isle of Dogs Neighbourhood Plan and arranging for the independent examination to take place.
- 7.2 The consultation will be carried out for 6 weeks, starting on the 4<sup>th</sup> of January 2018 and finishing on the 15<sup>th</sup> of February 2018. This timing is required so that the start date coincides with the publication of the public notice. The Plan will be publicised on the Council’s website and details will be emailed to the planning policy consultation database and to any consultation bodies referred to in the submitted Consultation Statement. The documents will be available in hard copy at the Town Hall, Idea Store Canary Wharf and Cubitt Town Library.

- 7.3 It is also the LPA's responsibility to organise and cover the costs of the independent examination and referendum. The examiner will be appointed by the local authority with the consent of the Neighbourhood Forum. The LPA will provide the examiner with all documentation submitted by the Forum and all consultation responses received during the consultation.

## **8 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 8.1 Following the establishment by the Mayor in Cabinet on 5<sup>th</sup> April 2016, of the Isle of Dogs as a Neighbourhood Planning Area in accordance with the statutory requirements of the Localism Act 2011, the Isle of Dogs Neighbourhood Planning Forum has now submitted a draft Isle of Dogs Neighbourhood Plan for review and subsequent public consultation.
- 8.2 The Council has a duty to provide support and advice to Area Forums which will incur additional administration costs. These costs, including the expenditure associated with the public consultation process and the subsequent examination of the Neighbourhood Plan, must be contained within existing budgets. Funding has historically been made available by the DCLG to assist with these costs, subject to an annual maximum sum dependent upon the number of determinations within the particular financial year. Since 1<sup>st</sup> April 2016 however, the funding arrangements have been changed so that they are no longer year specific. Local planning authorities are able to claim £5,000 for each of the first five area designations that it makes, with a further £5,000 for each of the first five forum designations. As a consequence, the Council has received £10,000 towards the costs of the Isle of Dogs Planning Area and Forum.
- 8.3 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 4.8 to 4.11 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 in conjunction with the Council's capital strategy.
- 8.4 In certain circumstances Neighbourhood Development Orders would exempt certain types of development, or development on a particular site, from requiring planning permission (paragraph 4.4). 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.

## **9 LEGAL COMMENTS**

- 9.1 Neighbourhood planning is part of the Government's initiative to empower local communities to bring forward planning proposals at a local level, as outlined in Section 116 of the Localism Act 2011. That Act (which amended the TCPA 1990 to make provision for neighbourhood planning), the PCPA 2004 and the subsequent 2012 Regulations confer specific functions on an LPA in relation to neighbourhood planning.
- 9.2 Together this legislation sets out what must be included with the submission of a NDP, and the matters which the Council must consider in reaching a view whether a NDP should proceed to publication. These requirements (primarily set out in Regulation 15 of the 2012 Regulations, Section 38B of the PCPA 2004 and paragraph 6 of Schedule 4B of the TCPA 1990) are set out in substantial detail in Section 5 of this report and as such are not duplicated here.
- 9.3 A thorough analysis of the draft NDP's compliance with each requirement is set out in Appendix 5 to this report. Officers have demonstrated that they have had proper regard to the legislative requirements in recommending that the Council moves forward to publicise the draft NDP in accordance with Regulation 16. It is noted that a minimum period of 6 weeks must be allowed for representations to be made.
- 9.4 Pursuant to section 9D of the Local Government Act 2000 all functions of an authority are executive functions unless they are specified as not in either the 2000 Act or the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). Whilst some Planning functions cannot be the responsibility of the Executive, the decision whether a neighbourhood plan meets the necessary requirements in order for it to proceed to publication is not a specified function. This is therefore a decision for the Executive.
- 9.5 If made, the neighbourhood plan will, along with the London Plan and the Local Plan, form the Council's development plan. Together these documents are the key planning policy against which planning applications and permissions in principle will be assessed. Where regard is to be had to the development plan for the purpose of any determination under the planning acts, it is a statutory requirement for the determination to be made in accordance with the development plan unless material considerations indicate otherwise. A neighbourhood development plan will also form part of the development plan immediately following a referendum, when more than 50% of votes have been in favour of it. This is unless the Council decides that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights.
- 9.6 Following regulation 16 publication, the LPA must appoint an independent examiner in accordance with Paragraph 7 of Schedule 4B of the TCPA 1990. There is a requirement for this to be with the consent of the Isle of Dogs Neighbourhood Forum.

- 9.7 The examiner must consider whether or not the Neighbourhood Plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the TCPA 1990. Following the examination, the examiner will produce a report recommending whether the Neighbourhood Plan should go to a referendum (with or without modifications).
- 9.8 Once the Council have received the Examiner's report, the LPA must consider the Examiner's recommendations and decide whether the Plan (with or without modification) meets the statutory requirements. If it does, the Council must make arrangements for the necessary referendum(s) to take place.
- 9.9 After a referendum has taken place, a local planning authority must make a NDP to which the proposal relates, if in each applicable referendum more than half of those voting, have voted in favour of the plan. This is unless the Council considers that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights.
- 9.10 When making decisions on a NDP 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 (the public sector equality duty). A proportionate level of equality analysis is required to discharge the duty.
- 9.11 The Neighbourhood Forum undertook an Equalities Impact Assessment of the draft NDP. This has been reviewed by officers and an Equality Analysis Quality Assurance Checklist completed, which concludes that the plan does not appear to have any adverse effects on people who share protected characteristics and no further actions are recommended at this stage. This conclusion should be reviewed following the publication period, as the plan moves forward to the examination stage.

## **10 ONE TOWER HAMLETS CONSIDERATIONS**

- 10.1 The NDP must be accompanied by a Basic Conditions Statement (for examination), which includes the need to assess whether the Plan is compatible with the Human Rights Act and other relevant National and European obligations. In discussion with the LPA the Neighbourhood Forum also undertook an Equalities Impact Assessment of the draft Isle of Dogs Neighbourhood Plan. This is included in the Basic Conditions Statement.
- 10.2 Council officers have also undertaken a review to ensure the protected characteristics outlined in the Equalities Act 2010 have been considered using the Council's Equality Analysis Quality Assurance Checklist (see appendix 6) and it has been considered that no further action needs to be taken at this stage.

## **11 BEST VALUE (BV) IMPLICATIONS**

- 11.1 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'.
- 11.2 During the determination of the submission 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 relevant legislation.
- 11.3 Developing a NDP adds an additional layer of detail to the Council's Development Plan and steers 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.

## **12 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 12.1 The Isle of Dogs Neighbourhood Plan has been subject to a screening assessment under the Strategic Environmental Assessment (SEA) Regulations and Conservation of habitats and Species Regulations. This is required in order meet the basic conditions and is a legal obligation (see above). This assessment deemed that neither a SEA nor a HRA was not required.

## **13 RISK MANAGEMENT IMPLICATIONS**

- 13.1 The recommendations have been reported through a number of internal groups that consider risk management issues and mitigation.

## **14 CRIME AND DISORDER REDUCTION IMPLICATIONS**

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

## **15 SAFEGUARDING IMPLICATIONS**

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

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

### **Linked Report**

- Isle of Dogs Neighbourhood Planning Forum application report to Cabinet on 5<sup>th</sup> April 2016
- Isle of Dogs Neighbourhood Planning Area application report to Cabinet on 5<sup>th</sup> April 2016

## **Appendices**

1. Appendix 1: Draft Isle of Dogs Neighbourhood Development Plan
2. Appendix 2: Consultation Statement
3. Appendix 3: Consultation Statement Appendix
4. Appendix 4: Basic Conditions Statement
5. Appendix 5: Legal Compliance Checklist
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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