

Appendix 5: Isle of Dogs Neighbourhood Legal Compliance Checklist

Stage	Description	Relevant legislation and regulations	Actions	Compliant?
1. Definition of a neighbourhood area	An area within the area of a local planning authority in England which has been designated by the authority as a neighbourhood area where a relevant body has applied to the authority.	TCPA 1990 Schedule 9 Section 61G paragraphs 1 and 2.	N/A	N/A
2. Information on receipt of neighbourhood area	The information that should be submitted to the LPA is: 1. A map identifying the area 2. Statement explaining why it is considered an appropriate neighbourhood area 3. Statement that the organisation making the application is a relevant body.	2012 Regulations Regulation 5 TCPA 1990 Schedule 9 Section 61G Paragraph 2 b.	An application was received from the proposed Isle of Dogs Neighbourhood Planning Forum on 1 st 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: <ul style="list-style-type: none"> • 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. 	Yes
3. Publicising the application	The LPA should, as soon as possible after receipt of the application for area designation,	2012 Regulations Regulation 6	In accordance with regulation 6 of the 2012 Regulations, public consultation	Yes

<p>for the neighbourhood area</p>	<p>publicise the application on its website and in such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the applications relates and invite representations for a period of not less than 6 weeks. The information to be publicised is:</p> <ol style="list-style-type: none"> 1. a copy of the area application 2. details of how to make representations 3. details of the deadline for representations, not less than 6 weeks after the date of publication. 		<p>on the area (and the forum) application was carried out for six weeks between 5th January and 16th February 2015.</p> <p>The application was advertised in East End Life and all application documents were made publically available on the Council's website, the Town Hall, idea Store Canary Wharf and Cubitt Town Library.</p>	
<p>4. Determining the application criteria for a neighbourhood area</p>	<p>LPA's 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".</p> <p>In determining the application, the LPA must consider:</p> <ol style="list-style-type: none"> 1. The desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas 2. Refusing the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area 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. Ensuring that neighbourhood areas do not 	<p>TCPA 1990 Schedule 9 Section 61G Paragraphs 3, 4 and 7 and Section 61H Paragraph 1.</p>	<p>This was considered and determined at Cabinet on 5th April 2016 and the decision notice was published on 19th April 2016.</p>	<p>Yes</p>

	overlap (section (61G(7)). 5. whether they should designate the area concerned as a business area.			
5. Publicising a designation of a neighbourhood area	If the LPA approves the application it should publicise on its website its decision and: 1. the name of the neighbourhood area 2. a map identifying the area 3. name of the applicant body	2012 Regulations Regulation 7	Decision Notice publicised on: • The Council's neighbourhood planning webpages • Tower Hamlets Town Hall • The Canary Wharf Idea Store • Cubitt Town Library	Yes
6. Definition of a neighbourhood forum	A body designated as a neighbourhood forum by a local planning authority as it meets the following conditions: • it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area; • its membership is open to who live, work or represent the area; • its membership includes a minimum of 21 individuals each of whom live, work or represent the area; and • it has a written constitution.	TCPA 1990 Schedule 9 Section 61F Paragraphs 3 and 5	N/A	N/A
7. Information on receipt of neighbourhood forum application	The information that should be submitted to the LPA is: 1. The name of the proposed Forum 2. A copy of its written constitution 3. The name of the relevant Neighbourhood Area and a map identifying it 4. Contact details of at least one member of the proposed forum to be made public 5. A statement explaining how the proposed	2012 Regulations Regulation 8 and TCPA 1990 Schedule 9 Section 61F Paragraph 5.	An application was received from the proposed Isle of Dogs Neighbourhood Planning Forum on 1 st December 2014. The application contained: • The name of the proposed neighbourhood forum; • A copy of the written constitution of the proposed neighbourhood forum	Yes

	<p>Forum meets the Four Conditions:</p> <ul style="list-style-type: none"> • it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area; • its membership is open to who live, work or represent the area; • its membership includes a minimum of 21 individuals each of whom live, work or represent the area; and • it has a written constitution. 		<ul style="list-style-type: none"> • 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. 	
<p>8. Publicising the application for the neighbourhood forum application</p>	<p>The LPA should, as soon as possible after receipt of the application for forum designation, publicise the application on its website and in such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the applications relates and invite representations for a period of not less than 6 weeks. The information to be publicised is:</p> <ol style="list-style-type: none"> 1. a copy of the forum application 2. 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 3. details of how to make representations 4. details of the deadline for representations, 	<p>2012 Regulations Regulation 9</p>	<p>In accordance with regulation 9 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.</p> <p>The application was advertised in East End Life and all application documents were made publically available on the Council's website, the Town Hall, idea Store Canary Wharf and Cubitt Town Library.</p>	<p>Yes</p>

	not less than 6 weeks after the date of publication.			
9. Determining the application criteria for a neighbourhood forum	In determining the application, the LPA must consider: 1. Is it established for the express purpose of promoting or improving the social, economic and environmental well-being of an area? 2. Is its membership is open to who live, work or represent the area? 3. Does its membership includes a minimum of 21 individuals each of whom live, work or represent the area? and 4. Does it has a written constitution?	TCPA 1990 Schedule 9 Section 61F Paragraph 5.	This was considered and determined at Cabinet on 5 th April 2016 and the decision notice was published on 19 th April 2016.	Yes
10. Publicising a designation of a neighbourhood forum	If the LPA approves the application it should publicise on its website its decision and: 1. the name of the neighbourhood area 2. a copy of the written constitution of the neighbourhood forum 2. the name of the neighbourhood area to which the designation relates 3. contact details for at least one member of the neighbourhood forum.	2012 Regulations Regulation 10	Decision Notice publicised on: • The Council's neighbourhood planning webpages • Tower Hamlets Town Hall • The Canary Wharf Idea Store • Cubitt Town Library	Yes
11. Definition of a neighbourhood development plan (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"	PCPA 2004 Section 38A Paragraph 2	N/A	N/A
12. Scope of NDP Provisions	1. The NDP must specify the period for which it is to have effect 2. It cannot include provision about	PCPA 2004 Section 38B Paragraphs 1, 2	1. The plan period 2017 – 2031 is specified on the front cover of the plan and page 5 of the Basic Conditions	Yes

	development that is 'excluded development', such as minerals and waste matters or Nationally Significant Infrastructure Projects. 3. It cannot relate to more than one neighbourhood area there are no other neighbourhood plans in place that cover any part of the neighbourhood area	and 4.	Statement. 2. The Plan does not include provision regarding 'excluded development'. 3. the Plan relates to only to one neighbourhood area (Isle of Dogs Neighbourhood Area) as designated and there are no other neighbourhood plans in place for that Area..	
13. Pre-submission consultation by neighbourhood forum	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. 3. send a copy of the NDP to the LPA	2012 Regulations Regulation 14	1. The Isle of Dogs Neighbourhood Forum ran a consultation from 8 th March 2017 to 19 th 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 (page 13). Hard copies of the 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. 2. The plan was sent to all the Consultation Bodies listed which the Forum considered may be affected by the proposals (pages 17 – 21 of the Consultation Statement). 3. A copy of the Neighbourhood Plan was sent to LPA by email	Yes

<p>14. Receipt of draft NDP by LPA</p>	<p>The draft plan should include:</p> <ol style="list-style-type: none"> 1. a map or statement identifying the area to which the plan relates, 2. the consultation statement - which contains details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed NDP, 3. the proposed NDP, 4. a statement explaining how the NDP meets the 'basic conditions' ie requirements of para 8 schedule 4B to the 1990 Act: <ul style="list-style-type: none"> • regard to national policies and advice • 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 • special regard to the desirability of preserving or enhancing the character or appearance of any conservation area • contributes to the achievement of sustainable development • in general conformity with the strategic policies contained in the development plan for the area of the authority • the making of the order does not breach, and is otherwise compatible with, EU obligations, 5. Where appropriate, the information to enable appropriate environmental assessments if required 	<p>2012 Regulations Regulation 15</p> <p>TCPA 1990 Schedule 4B paragraph 8</p> <p>Environmental Assessment of Plans and Programmes Regulations 2004, Regulation 12, paragraphs 2 and 3</p> <p>The Conservation of Habitats and Species Regulations 2010 (as amended by Schedule 2 of the Neighbourhood Planning General Regulations 2012).</p>	<p>Documents received by Tower Hamlets Council on 25th October 2017 and 9th November 2017 included:</p> <ol style="list-style-type: none"> 1. A map of the area the plan relates to (page 4 of the Basic Conditions Statement). 2. A Consultation Statement which covers these points 3. The Proposed Isle of Dogs Neighbourhood Plan 4. A Basic Conditions Statement which covers the issues required. 5. Reference to the Strategic Environment Assessment Screening Opinion Report and Decision included the Basic Conditions Statement (page 13). The Screening Opinion given on 31st July 2017 concluded that Strategic Environment Assessment (SEA) and Habitat Regulations Assessment were not required, therefore no further information is required. 	<p>Yes</p>
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15. Reasons for a LPA declining to consider the proposal for the NDP	The LPA can decline to consider a plan proposal if it is a repeat, and notify the body of that fact and their reasons for declining.	TCPA 1990 Schedule 4B Paragraph 5 and 2012 Regulations Regulation 18	N/A	N/A
16. Criteria that the LPA must consider when assessing a neighbourhood plan	The LPA must consider: 1. whether the neighbourhood forum is authorised to act 2. whether the proposal and accompanying documents a. comply with the rules for submission to the LPA b. meet the 'definition of an NDP' c. meet the 'scope of NDP provisions' 3. whether the neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity	TCPA 1990 Schedule 4B Paragraph 6 PCPA 2004 Schedule 38B Paragraph 4.	1. The Forum is authorised (see sections 1 – 10). 2. The documents comply with the submission requirements (see section 14). b. The Plan on balance meets definition (see section 11) in that it mostly relates to the development and use of land. c. The Plan meets the scope of provisions (see section 12) 3. The Isle of Dogs Neighbourhood Forum has undertaken the correct procedures in relation to consultation and publicity (see section 13) and a Consultation Statement has been submitted.	Yes
17. LPA decision grounds for refusal	The LPA can refuse to take forward a plan proposal if any of the criteria above do not apply	TCPA 1990 Schedule 4B Paragraph 6	N/A	N/A
18. Notification of the LPA's decision	The LPA must notify the forum whether or not they are satisfied that the proposal complies with the criteria for a neighbourhood plan. It must also publicise its decision in a 'decision notice'.	TCPA 1990 Schedule 4B Paragraph 6. 2012 Regulations Regulation 19	To be undertaken after the decision	N/A

19. Publicising the NDP Proposal	<p>The LPA is required to publicise on its website :</p> <ol style="list-style-type: none"> 1. the details of the plan, 2. where and when it can be inspected, 3. how to make representations on the plan proposals, 4. that a representation can include a request to be notified of the LPA decision on the plan proposal, and 5. the deadline for receipt of the proposals (this must be not less than 6 weeks from the first day the proposed plan is publicised). <p>The LPA is required to notify the bodies referred to in the consultation statement that the plan has been received as soon as possible.</p>	<p>2012 Regulations Regulation 16</p>	<p>To be undertaken after the decision</p>	<p>N/A</p>
20. Appointment of Examiner	<p>The LPA must consider whether the submitted draft neighbourhood plan meets the requirements set out in the 1990 Act and notify the qualifying body as to whether or not they are satisfied (see above section on criteria).</p> <p>Once satisfied the LPA appoints an independent examiner with the consent of the neighbourhood forum (if there is no agreement the Secretary of State can appoint).</p>	<p>TCPA 1990 Schedule 4B Paragraphs 7-11</p>	<p>To be undertaken after the decision</p>	<p>N/A</p>