


<b>Cabinet</b>  31 October 2018	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Ann Sutcliffe, Acting Corporate Director, Place	<b>Classification:</b> Unrestricted
<b>Neighbourhood Planning: Determination of Poplar Regen Alliance Forum Application</b>	

<b>Lead Member</b>	<b>Councillor Rachel Blake, Deputy Mayor for Regeneration and Air Quality</b>
<b>Originating Officer(s)</b>	Steven Heywood, Planning Officer
<b>Wards affected</b>	Poplar
<b>Key Decision?</b>	No
<b>Forward Plan Notice Published</b>	N/A
<b>Reason for Key Decision</b>	N/A
<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). In parished areas neighbourhood planning processes are led by parish or town councils; in other areas Neighbourhood Forums must apply to the LPA to be designated as the 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.

Following the designation of the Poplar Neighbourhood Area on 30 January 2018, the Council has received an application by the community group Poplar Regen Alliance to be designated as the Neighbourhood Forum for the Poplar Neighbourhood Area. This report assesses the application against the relevant legislation and guidance. The recommendation is to **approve** the application.

## **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Note the outcome of the consultation as set out in Appendix 4
2. Approve the application for the designation of Poplar Regen Alliance as the Neighbourhood Forum for the Poplar Neighbourhood Area
3. Note the specific equalities considerations as set out in Paragraphs 4.1 to 4.3

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

- 1.1 Following the designation of the Poplar Neighbourhood Area on 30 January 2018, the Council has received an application to designate a Neighbourhood Forum for the Poplar Neighbourhood Area.
- 1.2 The Council is required to determine applications for the designation of Neighbourhood 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 Poplar Regen Alliance application has been assessed by Officers against relevant provisions of the TCPA 1990, the 2012 Regulations and the PPG. Officers are satisfied that the Poplar Regen Alliance 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 An 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 must 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 Poplar Regen Alliance 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 THE REPORT**

- 3.1 This report provides an overview of the assessment of the Poplar Regen Alliance Neighbourhood Forum application. It is important to note that the designation of a Neighbourhood Forum can only be made for a designated Neighbourhood Area. The decision to designate the Poplar Neighbourhood Area was made by the Mayor in Cabinet on 30 January 2018.

#### **Introduction to Neighbourhood Planning: A Community Led Process**

- 3.2 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.
- 3.3 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.
- 3.4 PPG issued by the Secretary of State for Communities and Local Government provides detailed advice relating to the neighbourhood planning system, addressing the key stages of decision-making including the designation of Neighbourhood Areas.
- 3.5 Neighbourhood planning provides communities with the ability to prepare a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Orders (NDO), in Neighbourhood Areas designated by the LPA on application. 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. A Neighbourhood Forum designation expires 5 years after it is made. A Forum can apply for redesignation. If the LPA considers the Forum to no longer meet the required criteria, the LPA can withdraw designation.
- 3.6 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.
- 3.7 Both NDPs and NDOs need to be in general conformity with the strategic policies of the Development Plan, the Council's 'Local Plan': currently the

Core Strategy (2010) and Managing Development Document (MDD) (2013) and the London Plan.

- 3.8 An NDP 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory 'Development 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.
- 3.9 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 and Neighbourhood Planning**

- 3.10 The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2013 ("the CIL Regulations") were supplemented by the Government's online PPG on 6 March 2014.
- 3.11 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.
- 3.12 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. ..."*
- 3.13 Therefore, where an NDP or NDO has been adopted, the Council must consult with the relevant local community as to how this 25 per cent proportion of CIL receipts will be spent. However, in Tower Hamlets, following the decision made in Cabinet in December 2016, the Council will be consulting all residents across the borough as to how this 25 per cent of CIL should be spent, irrespective of neighbourhood planning status.

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

- 3.14 The determination of applications to designate Neighbourhood Areas and Neighbourhood Forums are decisions exercised by the Mayor of Tower Hamlets.

- 3.15 Such applications are required by the Council to be submitted using the Council's neighbourhood planning application forms.
- 3.16 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.
- 3.17 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.
- 3.18 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 legislative requirement, Officers are guided by best practice and also consult with the following:
- Government agencies
  - Associated Ward Councillors

#### Relevant Legislation and Guidance

- 3.19 The Council has a statutory duty to determine applications to designate Neighbourhood Forums in accordance with the relevant legislation: TCPA 1990 Section 61F and the Neighbourhood Planning (General) Regulations 2012.
- 3.20 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."*
- 3.21 Upon receipt of an application, it is validated in accordance with the above.

3.22 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."*

3.23 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 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 member 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.*

3.24 Section 61F(6) states a local planning authority may also designate an organisation or body as a Neighbourhood 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.

3.25 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 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."*

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

3.27 Once designated, section 61F(8) states that the Forum designation expires after 5 years to the day of designation. In addition, section 61F(9) states that:

*A local planning authority may withdraw an organisation or body's designation as a neighbourhood forum if they consider that the organisation or body is no longer meeting—*

*(a) the conditions by reference to which it was designated, or*

*(b) any other criteria to which the authority were required to have regard in making the designation;*

*and, where an organisation or body's designation is withdrawn, the authority must give reasons to the organisation or body.*

3.28 This section provides the background to the Poplar Regen Alliance application and a summary of the assessment. This section of the report outlines how the Poplar Regen Alliance application was processed and assessed under the following headings: 1) making an application; 2) consulting on an application; and 3) determining an application.

#### Making an application.

3.29 An application to be designated as the Neighbourhood Forum for the Poplar Neighbourhood Area was received from the community group Poplar Regen Alliance on 3 July 2018. 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.

3.30 The submitted application was validated on 6 July 2018 in accordance with regulation 8 of the 2012 Regulations.

#### Consulting on an application

3.31 In accordance with regulation 9 of 2012 Regulations, the six week public consultation period on the Poplar Regen Alliance Forum application is between 9 August 2018 and 20 September 2018. A consultation statement is attached as Appendix 4, containing details of the completed consultation.

3.32 In summary, 16 responses were received to the consultation, of which none objected to the proposed neighbourhood forum designation. 7 neutral responses were provided from statutory consultees, and 9 supportive responses. It is noted that a concern was raised in an otherwise supportive response from New City College, noting that the forum should make more effort to include the East End Community Foundation and Transport for London, due to their redevelopment plans in the area. No response was received from the East End Community Foundation., Transport for London responded in their statutory function (stating that they have no objection to the application)..

#### Determining an Application: Section 61F(5) considerations

3.33 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?

3.34 The proposed Forum was established for the express purpose of promoting or improving the social, economic and environmental wellbeing of the Poplar



Neighbourhood Area. The proposed Forum application outlines that, amongst other aims and objectives, the Forum seeks to encourage greater affordable housing in the area, improve opportunities for training and apprenticeships, promote the use of heritage assets by the community, and invest in planting and gardening projects to improve environmental wellbeing.

- 3.35 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?
- 3.36 Forum membership is open to everyone who lives, works or represents the Area as an elected member. The Constitution of the Poplar Regen Alliance (dated 2 July 2018) states that Forum membership is open to everyone, and that at least 21 of the members must be residents of, working or carrying out business in, or representing the Poplar Neighbourhood Area as an elected member.
- 3.37 The Constitution also states that the Forum may terminate or suspend the membership of any member who behaves in a racist, sexist, or otherwise inflammatory manner, and that such an individual has a right to a hearing of the management committee before a final decision is made.
- 3.38 It is considered that the constitution is in conformity with 61F(5)(b).
- 3.39 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?
- 3.40 The Forum has a membership which includes a minimum of 21 people who live, work (whether for business carried out there or otherwise) or represent the Poplar Neighbourhood Area as an elected member. The application form provides the names of 32 members. Through a mapping exercise of the provided Forum members' postcodes and consideration of their interests and relevant backgrounds, it can be discerned that the list of members provided are drawn from across the Neighbourhood Area and represent those who live in, work in or represent the Area.
- 3.41 In accordance with 61F(5)(d), does the Forum have a written constitution?
- 3.42 The Forum submitted a written constitution entitled Poplar Regen Neighbourhood Planning Forum Constitution and dated 2 July 2018 with their application.
- 3.43 In accordance with 61F(5)(e), does the Forum meet other conditions as may be prescribed?
- 3.44 No other legislative or regulatory conditions have been prescribed and as such there are no matters for consideration as part of this application.
- 3.45 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 Single Equality Framework into their activities. The Forum will

be running a series of workshops over the summer on the Community Plan themes; and have taken steps to include local religious groups from Poplar in their discussions. The application form also recognises the need for the Forum to conduct a policy review of the Managing Development Document and workshops on the Isle of Dogs and South Poplar Opportunity Area Planning Framework, in order to ensure that the implications of these documents are fully understood and policies are not needlessly duplicated.

3.46 In accordance with 61F(6) does the Forum meet other prescribed conditions?

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

### **Determining an application: Section 61F(7) considerations**

3.48 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?

3.49 The proposed Forum secures membership of 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 community and religious organisations representatives, local business representatives and an elected Tower Hamlets Councillor.

3.50 The Forum has taken reasonable steps to secure these members, including meetings with a number of organisations and with residents on estates in the area. This included meeting representatives from Docklands Light Railway, Woolmore Primary School, Our Lady and Saint Joseph's School; Hale Street Mosque; and All Saints Health Centre. Estate-based meetings with residents have been held on the St Vincent, Birchfield, Will Crooks, Cottage Street, Holmesdale House, and Robin Hood Gardens estates.

3.51 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?

3.52 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. A concern was raised by New City College that the Forum had not done enough to engage with Transport for London and the East End Community Foundation. It is considered that the Forum has undertaken sufficient outreach, but the Forum will also be encouraged to continue community engagement and consultation after designation, and to take on board the concerns raised.

3.53 The majority of members are residents; however members include business owners, religious leaders, representatives from the local college, and the ward councillor.

- 3.54 In accordance with 61F(7)(a)(iii), does the Forum's purpose reflect the character of the Area?
- 3.55 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 Neighbourhood Area. Specifically it includes encouraging social and affordable housing in the area, providing training and apprenticeship opportunities for local people, and protecting and enhancing the area's heritage. This purpose reflects the character of the Poplar Neighbourhood Area, where over 50% of housing is social rented (significantly higher than in Tower Hamlets as a whole, London, or the whole of England), and which has a relatively high level of deprivation. The area also contains a number of statutorily and locally listed heritage buildings, including two listed churches.
- 3.56 In accordance with 61F(7)(b) will designation result in only one organisation or body as Neighbourhood Forum for each Neighbourhood Area?
- 3.57 The designation will result in the creation of one Forum for one area. There is no other Forum currently designated for the Poplar Neighbourhood Area.
- 3.58 In accordance with 61F(7)(c) will designation of an organisation or body as a Neighbourhood Forum only occur where an organisation or body has made an application to be designated?
- 3.59 The proposed Forum made an application for designation on 3 July 2018, and the application was subsequently validated.
- 3.60 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?
- 3.61 This section is not relevant to this application as the Forum is recommended for approval.

### Conclusions

- 3.62 The Poplar Regen Alliance has demonstrated that its application meets the relevant requirements to be designated as the neighbourhood Forum for the Poplar Neighbourhood Area, as designated by the Mayor in Cabinet on 30 January 2018.
- 3.63 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.

### Officer Recommendation

- 3.64 Designate the Poplar Regen Alliance as the Neighbourhood Forum for the Poplar Neighbourhood Area.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 The implications of determining applications to become Neighbourhood Forums 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.
- 4.2 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).
- 4.3 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 equalities considerations and the Community Plan.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
  - Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.

##### Best Value Implications

- 5.2 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'.
- 5.3 During the determination of this application the Council has worked with the prospective Forum where appropriate, having regard to economy, efficiency and effectiveness, and in conformity with statutory requirements as detailed in the TCPA (1990).
- 5.4 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.

### Environmental Implications

- 5.5 Determining Neighbourhood Forums applications does not have any discernible impacts on the environment.
- 5.6 At the stage where established Neighbourhood Forums are developing NDPs or NDOs for designated Neighbourhood Areas consideration will be given to environmental implications. 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.

### Crime and Disorder Reduction Implications

- 5.7 Determining Neighbourhood Forums applications does not have any discernible impacts on crime and disorder.
- 5.8 At the stage where established Neighbourhood Forums are developing NDPs or NDO’s 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.

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

- 6.1 Following approval by the Mayor in Cabinet on 30th January 2018, of the application to designate an area of Poplar as a Neighbourhood Planning Area in accordance with the statutory requirements of the Localism Act 2011, this report seeks consideration of an application to establish a Neighbourhood Planning Forum within the area.
- 6.2 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. Funding has historically been made available by the MHCLG to assist with these costs, subject to an annual maximum sum dependent upon the number of determinations within the particular financial year. Since 1st April 2016 however, the funding arrangements have been changed so that they are no longer year specific. A local planning authority is 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. The Council has already approved five forum designations and as a consequence it will

therefore not receive any funding towards the costs associated with the Poplar Neighbourhood Planning Forum.

- 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 3.10 to 3.13 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.
- 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 3.6). 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. COMMENTS OF LEGAL SERVICES (SA/18/10)**

- 1.1. The legal framework is adequately set out in the body of the report. The Council is required to conscientiously take into account the results of the consultation. The appendix to the report provides a comprehensive analysis of the outcome of consultation.
- 1.2. 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 statutory requirements and should proceed to referendum is not a specified function. This is therefore a decision for the Executive. The next consideration is whether this is a key decision.
- 1.3. Part A2 - Articles of the Constitution defines a key decision as an executive decision which is likely(a)to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
- 1.4. Paragraph 6.3 of the Chief Finance Officer's report flags the potential financial consequences and states that they "could be significant" in terms of the allocation of CIL. If this is likely to represent significant expenditure having regard to the budget for the planning service or function then it will be a key

decision, otherwise it will not. Since the decision only affects one ward the 2<sup>nd</sup> limb of the 'key decision' test is not met. Accordingly the decision stands or falls as a Key decision based on the first limb.

---

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

### **Linked Report**

- [Neighbourhood Planning: Determination of Poplar Neighbourhood Area Report](#)

### **Appendices**

- Appendix 1: Poplar Regen Alliance Neighbourhood Forum Application Form and Constitution
- Appendix 2: Poplar Neighbourhood Area Map
- Appendix 3: Equality Analysis Quality Assurance Checklist
- Appendix 4: Consultation Summary Report

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

- NONE

### **Officer contact details for documents:**

Steven Heywood

[steven.heywood@towerhamlets.gov.uk](mailto:steven.heywood@towerhamlets.gov.uk)

020 7364 4474