

Mayor & Cabinet		
Report Title	Designation of Neighbourhood Forum and Area for Grove Park	
Key Decision	Yes	Item No.
Ward	Grove Park, Whitefoot, Downham, and Lee Green	
Contributors	Executive Director for Resources & Regeneration & Head of Law	
Class	Part 1	Date: 22 October 2014

1. Summary

- 1.1. The Council received an application from the Grove Park Neighbourhood Forum in February 2014 for the designation of a Neighbourhood Forum for Grove Park and an application for the designation of a Neighbourhood Area for Grove Park.
- 1.2. The Council undertook consultation with the local community regarding the two applications.
- 1.3. The Grove Park Neighbourhood Forum withdraw the original applications and submitted revised applications in June 2014. The revised applications were identical to the originals aside from a modification to the proposed boundary to include Grove Park Cemetery.
- 1.4. The Council undertook consultation with the local community regarding the revised applications.
- 1.5. Council officers have assessed the revised applications as meeting the required conditions for formal designation as set out in the relevant legislation. Officers recommend the designation of both the neighbourhood forum and neighbourhood area.
- 1.6. The formal designation of the neighbourhood forum and neighbourhood area would allow the forum to prepare a neighbourhood development plan for the area.

2. Purpose

- 2.1. This report seeks the Mayor's approval for the formal designation of the applications from Grove Park Neighbourhood Forum as a designated Neighbourhood Forum and a Neighbourhood Area. This designation allows the Forum to prepare a neighbourhood development plan.

3. Recommendations

- 3.1. The Mayor is recommended to approve the designation of the Grove Park Neighbourhood Area as set out at Annex 1 and Annex 2.
- 3.2. The Mayor is recommended to approve the designation of the Grove Park Neighbourhood Forum as set out at Annex 3 and Annex 4.
- 3.3. The Mayor is recommended to authorise the Executive Director for Resources and Regeneration to give the required publicity to the designations.

4. Policy Context

- 4.1. The Localism Act 2011 allows Neighbourhood Forum to prepare Neighbourhood Development Plans that once adopted are legal documents that must be considered when making decisions on planning applications. They are prepared by the local community but formally adopted after a successful referendum held by the Council. Once adopted they become part of the Development Plan for the Borough and as such are part of the Council's policy framework.
- 4.2. The Council's current policy framework includes all adopted development plans that form part of the Lewisham local development framework (LDF). The contents of this report are consistent with the Council's policy framework as in order to adopt a Neighbourhood Plan it must be in 'general conformity' with the Council's Core Strategy which is the primary development plan document in the LDF.
- 4.3. This report supports the achievements of the Sustainable Community Strategy policy objective Empowered and responsible : where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities, and Clean, green and liveable: where people live in affordable, high quality and adaptable housing, have access to green spaces and take responsibility for their impact on the environment.

5. Background

- 5.1. The Localism Act 2011 sets out permissive powers which allow local communities to influence the planning of their area by preparing Neighbourhood Plans. In areas such as Lewisham where there are no Parish Councils a Neighbourhood Forum must be designated by the Council to obtain the right to prepare a Neighbourhood Development Plan.
- 5.2. Neighbourhood Development Plans are led by local people who set out how they want their local area to develop. Local people set out the vision and planning policies for their own neighbourhood. They are about local issues rather than strategic planning issues. They must take account of national planning rules and be in 'general conformity' with the existing adopted

planning framework for Lewisham. The governments aim is that they will promote development, they are not about attempts to stop development.

- 5.3. When the plan has been through all the stages of preparation, examination and a successful referendum the Council must adopt the plan as a statutory planning document and it will become part of the development plan for the borough. When determining planning applications the law provides that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.4. The Localism Act 2011 introduced changes to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004. These changes set out the local planning authorities responsibilities as:
 - Agreeing and designating the area of the neighbourhood plan
 - Agreeing and designating a neighbourhood forum
 - Providing advice and support to the neighbourhood forum in preparing the neighbourhood plan
 - Arranging and paying for an Independent Examination of the neighbourhood plan
 - Arranging and paying for a local referendum
- 5.5. The local authority must agree to a neighbourhood forum being a 'qualifying body' for the purposes of the Act and must agree the area for which a neighbourhood plan or development order is to be prepared. There are specific requirements set out in the Act and the neighbourhood planning regulations for neighbourhood forums to be designated as qualifying bodies and for the local authority to set other conditions.
- 5.6. The regulations require that an application to be designated a Neighbourhood Forum and Area must include amongst other things the following information:
 - A copy of the written constitution of the proposed forum;
 - A map showing the proposed neighbourhood area;
 - A statement explaining how the proposed forum is established to promote or improve the social, economic and environmental wellbeing of the area;
 - A statement explaining that membership is drawn from different places in the neighbourhood area and from different sections of the community;
 - A list of at least 21 members of the proposed forum.
- 5.7. The Grove Park neighbourhood forum and area applications were received by the planning service on 27th February 2014. The planning service checked that the correct paperwork had been submitted and then arranged for the statutory 6 week publicity to be given to the applications. Public consultation was carried out between 24th March 2014 and 20th May 2014.

- 5.8. The original applications were withdrawn by the applicant in June 2014, and revised applications were submitted 17th June 2014. Further public consultation was carried out between 21st July 2014 and 8th September 2014.
- 5.9. The revised applications were identical aside from a modification to the proposed boundary to include Grove Park Cemetery.
- 5.10. The designation of a neighbourhood forum and a neighbourhood area are two separate processes, which none the less can be undertaken simultaneously. Section 7 of this report considers whether the forum application meets the statutory requirements, and section 8 of this report considers whether the area application meets the statutory requirements.

6. Public consultation

- 6.1. The Council undertook public consultation which went above and beyond the requirements of the legislation.
- 6.2. The revised applications are identical to the original applications, with the exception of the extension of the boundary to include Grove Park Cemetery. The similarity between the original and revised application resulted in a more geographically targeted consultation exercise for the revised applications, concentrating on the area surrounding the boundary extension.
- 6.3. The original applications were placed on the planning policy webpage and comments invited. In addition to this statutory requirement, a publicity notice was circulated to all households and businesses in the proposed area and in a further 150m buffer zone around the proposed area so that those on the boundary would have the opportunity to comment. A letter or email was sent to all local people on the planning policy data base inviting comment and providing details of where further information could be obtained. The applications and associated information were also placed in the planning information office at Laurence House and at the Grove Park library for people to inspect. The public consultation period lasted for six weeks.
- 6.4. After the withdrawal of the original applications, and the submission of the revised applications, the revised applications were placed on the planning policy webpage and comments invited. In addition to this statutory requirement, a publicity notice was circulated to all households and businesses within 150m of the proposed extension to the original area to ensure that anyone excluded from the original consultation would be included in the revised consultation. Emails or letters were also sent to those who had responded to the original consultation.
- 6.5. During the course of the two consultations periods, thirty three responses were received from members of the public and from organisations. There were fourteen representations in support of the proposal, and six against. The remaining thirteen representations provided general comments without stating support or objections.

- 6.6. Eight respondents explicitly stated that the proposed area is correct, and five respondents stated that the area is incorrect. Five respondents also explicitly stated they agreed with the constitution, with no respondents stating that they disagreed.

7. Grove Park Neighbourhood Forum application

- 7.1. Section 61F (5) and (7) of the Town and Country Planning Act 1990 (as inserted into the Act by the Localism Act, Schedule 9) sets out the conditions that a neighbourhood forum must meet, as well as the detailed considerations that a local planning authority must take into account when determining an application for the designation of a neighbourhood forum.

- 7.2. In assessing the application for a neighbourhood forum the Council will consider the application against the conditions and considerations set out in legislation and in doing so will wish to ensure that the proposed forum is representative of its area.

- 7.3. The legislation states that a local planning authority may designate an organisation or body as a neighbourhood forum if the authority is satisfied that the following four conditions have been met. In some respects this is a 'tick box validation exercise'. The legislation does not require applicants to give more than the basic information. The four conditions are considered below:

i) Established for the express purpose of promoting or improving the social, economic or environmental well-being of an area

- 7.4. **Response:** The written constitution states at paragraph 1.2 that the "purpose of GPNF (Grove Park Neighbourhood Forum) is to further social, economic and environmental well-being of the designated area".

- 7.5. This purpose is reiterated and reflected in the Forum 'General Policies and Principles', found in section 5 of the constitution: The general policies and principles include:

- promoting the area as a vibrant business and residential community,
- improving the local environment, and
- maximising community links.

- 7.6. The written stated purpose of the Forum and the Forum objectives therefore meet the legal requirement for the forum to be established for the express purpose of promoting or improving the social, economic or environmental well-being of an area.

ii) Membership is open to individuals who live or work in the area (or are elected members of the Council whose area falls within the neighbourhood area concerned)

7.7. **Response:** Paragraph 3.1 of the constitution states: “Membership of GPNF is open to:

- Residents living within the ‘Area’ boundary.
- Individuals working or carrying on business within the ‘Area’ boundary.
- Grove Park, Whitefoot and Downham Ward Councillors”.

7.8. The Forum constitution as written therefore meets membership eligibility requirements set out in the legislation.

iii) Membership includes a minimum of 21 individuals each of whom lives or works (or is an elected member) in the area

7.9. **Response:** The information submitted with the forum application included the details of 51 members, comprising of:

- 35 residents of the area,
- 11 workers in the area,
- 3 elected members for the area, and
- 2 former elected members for the area.

7.10. The forum therefore meets the requirements of 21 eligible members. Please see below for a more detailed analysis of the membership of the forum.

iv) The neighbourhood forum has a written constitution

7.11. **Response:** The applicant has provided a written constitution, which is available as Annex 4 to this report.

7.12. In addition to the four conditions set out above, the legislation also states that a local planning authority has to have regard to three further considerations. The three further considerations are addressed below:

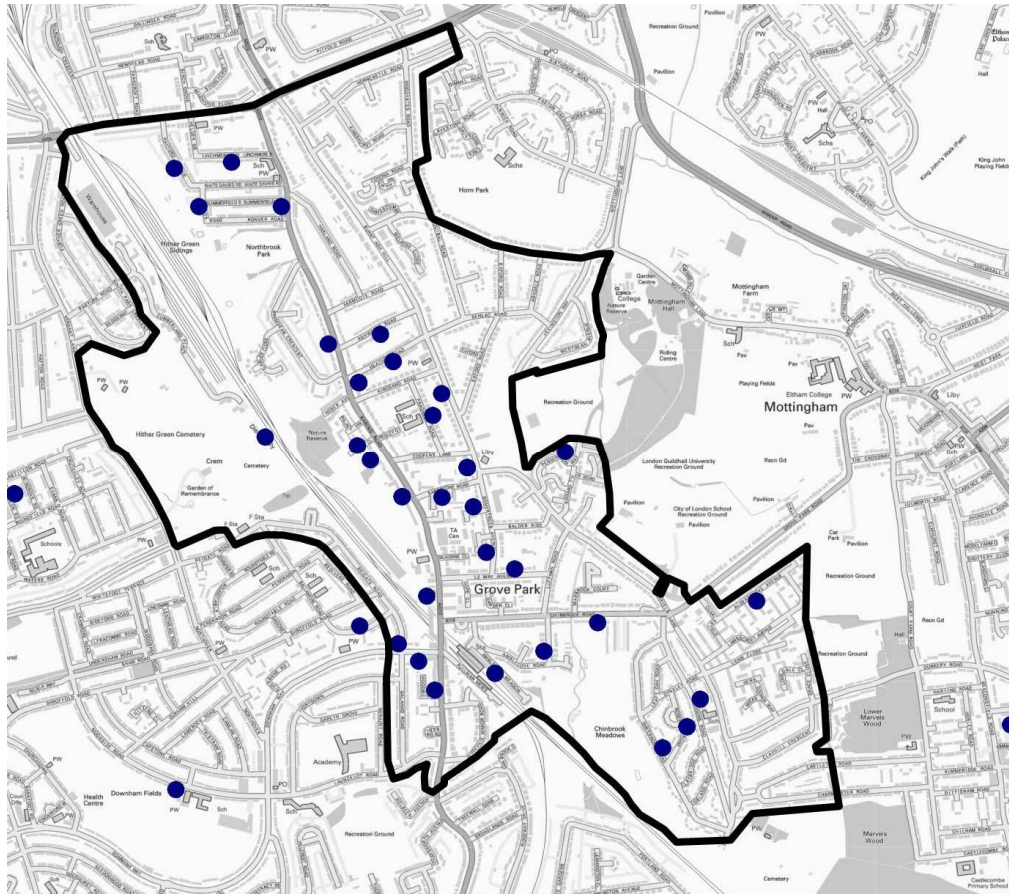
i) The desirability of designating an organisation or body which has secured (or taken steps to secure) membership from each of the required categories (i.e. people who live, work or are elected members).

7.13. **Response:** The forum meets this requirement, as it has 51 members, comprising of:

- 35 residents of the area,
- 11 workers in the area,
- 3 elected members for the area, and
- 2 former elected members for the area.

ii) Whether membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in the area.

- 7.14. **Response:** The map below shows the geographic distribution of members of the Grove Park Neighbourhood Forum.
- 7.15. Members are drawn from different places within the proposed neighbourhood area. The members are not clustered in one specific location.
- 7.16. Members are also from different sections of the community. Membership includes residents of different areas; community workers; workers including café workers, doctors, and teachers; and elected councillors.



iii) Whether the *purpose* of the neighbourhood forum reflects (in general terms) the character of the area.

- 7.17. **Response:** The purpose of the neighbourhood forum, as set out in paragraph 1.2 of the forum constitution, is “to further social, economic and environmental well-being of the designated area”.
- 7.18. This purpose is reiterated and reflected in the Forum ‘General Policies and Principles’, found in section 5 of the constitution: The general policies and principles include:
- promoting the area as a vibrant business and residential community,
 - improving the local environment, and
 - maximising community links.

- 7.19. The purpose of the forum is further expanded on in section 5 'Social, Economic & Environmental Benefit Statement' of the Application Statement submitted by the applicant (Appendix 5).
- 7.20. It is considered that the purpose of the forum reflects the character of the area. The area is suburban in nature, and is classified as an area of stability and managed change in the Council's Core Strategy. The purpose of the forum, to improve the social, economic and environmental well-being of the area without large scale growth or wholesale physical change, is therefore entirely in-keeping with the character of the area.

Neighbourhood forum application conclusion

- 7.21. The neighbourhood forum application meets the requirements of the Town and Country Planning Act (1990) (as amended) and the Neighbourhood Planning (General) Regulations (2012). It is recommended that the forum be designated by the Mayor of the London Borough of Lewisham.

8. Grove Park Neighbourhood Area application

- 8.1. Section 61G of the Town and Country Planning Act 1990 (as inserted into the Act by the Localism Act, Schedule 9) sets out the conditions that an application for a neighbourhood area must meet, as well as the considerations that a local planning authority should take into account when determining an application for the designation of a neighbourhood area.
- 8.2. The London Borough of Lewisham does not contain any parish councils, and the proposed Grove Park Neighbourhood Area is not close to the existing Crofton Park and Honor Oak Park designated Neighbourhood Area, therefore a number of the conditions and considerations do not apply. In light of these facts, there are two conditions and considerations relevant to this application, which are addressed in turn below.

i) The application is submitted by a body which is capable of being designated as a neighbourhood forum.

- 8.3. This condition is met in the case of the application made by Grove Park Neighbourhood Forum. The assessment found in section 6 of this report outlines that the applicant is capable of being formally designated as a neighbourhood forum.

ii) Whether the area is considered to be an appropriate area.

- 8.4. The legislation does not provide a framework for assessing the suitability of a proposed neighbourhood area beyond stating that the local authority can refuse an application if the proposed area is considered to not be "an appropriate area". There are no minimum or maximum size limits for neighbourhood areas, and there is no requirement to follow administrative boundaries.

- 8.5. The National Planning Policy Guidance states that applicants should use their understanding and knowledge of the geography and character of their neighbourhood when proposing an area. The Guidance sets out further considerations including catchment areas for shops and services, formal and informal community networks, and physical characteristics of the area.
- 8.6. The applicant has provided an explanation, at section 2 of their Application Statement, of why they consider the proposed area to be appropriate. Reference is made to local green spaces, the current existence of the Grove Park Community Group, the idea of 'Grove Park' area in the eyes of residents and workers, and catchment areas of local amenities.
- 8.7. The applicant's justification for the proposed area boundary is considered acceptable. The proposed boundary is considered to be an appropriate size for a neighbourhood area, and is considered to reflect the local physical and social characteristics.
- 8.8. This positive assessment of the proposed area is reinforced by the results of public consultation undertaken by the Council, which resulted in fourteen letters and emails of support, and only five letters and emails of objection.
- 8.9. Eight letters and emails of support explicitly referred to the boundaries as being correct, with five of the objectors stating that the boundary is incorrect. Those who objected to the boundary are not clustered in one particular location, and only one objector provided an explanation for their objection to the area, stating that their street (Cumberland Place) is not well connected to the majority of the area. It is considered that Cumberland Place is an isolated road which requires a circuitous route to access the core part of the proposed area. However, it is considered that Cumberland Place shares close connections with other parts of the area, including the cemetery, and that Cumberland Place is not well connected to any other local centre.
- 8.10. It is therefore considered that the proposed area is an appropriate one, and that area should be formally designated as a neighbourhood area.

9. Legal implications

- 9.1. The Localism Act 2011 introduced provisions into the Town and Country Planning Act 1990 (the "1990 Act") and the Planning and Compulsory Purchase Act 2004, ("the 2004 Act") regarding Neighbourhood Planning.
- 9.2. Section 61 G (1) of the 1990 Act defines a neighbourhood area as "an area within the area of a local planning authority in England which has been designated by the authority as a neighbourhood area". The power to designate only arises where a relevant body, as defined by section 61G(2) has applied to the LPA for such a designation as a neighbourhood area.
- 9.3. A relevant body includes a body "which is or is capable of being" designated as a neighbourhood forum. The designation of a Neighbourhood Area and

and the Neighbourhood Forum may be dealt with under one report, they are nevertheless two separate decisions.

- 9.4. The discretion given to local authorities by section 61G, when considering whether the area specified in the application is an appropriate area to be designated as a neighbourhood, is broad. The exercise of that discretion turns on the factual and policy considerations which exist in the individual case at the time the determination is made.
- 9.5. Section 61F (5) of the 1990 Act provides that a local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following tests:-
- a) it 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 purpose of promoting the carrying on of trades, professions or other businesses in such an area),
 - (b) its membership is open to—
 - (i) individuals who live in the neighbourhood area concerned,
 - (ii) individuals who work there (whether for businesses carried on there or otherwise), and
 - (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) Its membership includes a minimum of 21 individuals each of whom—
 - (i) lives in the neighbourhood area concerned,
 - (ii) works there (whether for a 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 has a written constitution, and
 - (e) such other conditions as may be prescribed
- 9.6. 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.
- 9.7. In addition S61F(7) requires that a local planning authority:-

- (a) must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, have 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 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, and
 - (iii) whose purpose reflects (in general terms) the character of that area,
- (b) may designate only one organisation or body as a 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 application.

9.8. The Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the procedure for designating a neighbourhood area, including the content of the application and what the local planning authority must do to publicise such an application. The same regulations sets out the procedure for designating an organisation or body as a neighbourhood forum, which authorises them to act in relation to the related neighbourhood area. In particular, provision is made as to the content of an application, what the local planning authority must do to publicise an application and publicising any designation of a neighbourhood forum.

9.9. Paragraphs 7 and 8 of this report assesses whether the applications meet the relevant criteria set out in the legislation above.

9.10. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.11. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

- advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 9.12. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.13. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 9.14. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 9.15. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/> .

10. Equalities Implications

- 10.1. The Council's Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 10.2. The Council will need to advise the Neighbourhood Forum if an Equalities Analysis Assessment (EAA) should be prepared as part of the preparation of the neighbourhood plan.
- 10.3. An EAA is the process of systematically analysing a proposed policy to identify what effect, or likely effect, will follow from the implementation of a policy for different groups in the community. By undertaking the EAA as part of the NP process it will ensure that equalities impacts have been fully taken into account in a systematic way

11. Financial Implications

- 11.1. There are no additional costs to the Council arising from this report. The planning service have a duty to support neighbourhood forum in preparing neighbourhood plans and to this end there is an impact on the planning service in terms of staff time however these costs will be contained within the existing planning service budget.

12. Environmental implications

- 12.1. There are no specific environmental implications arising from this report.

13. Conclusion

- 13.1. The Localism Act 2011 introduced a discretionary power for local communities to prepare neighbourhood plans. The Council has a duty to assist with the preparation of neighbourhood plans. The first stage of neighbourhood planning is the designation of neighbourhood forums and areas.
- 13.2. The Council received a revised application to designate a neighbourhood forum for Grove Park and a revised application to designate a neighbourhood area for Grove Park.
- 13.3. Officers consider that the applications meet the requirements of the relevant legislation.
- 13.4. Officers consider that the proposed forum's membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in the area, and that the purpose of the neighbourhood forum reflects (in general terms) the character of the area.

- 13.5. Therefore it is recommended that the proposed neighbourhood forum is formally designated.
- 13.6. Also, officers consider the proposed neighbourhood area to be an appropriate neighbourhood area in regards to local physical and social characteristics.
- 13.7. Therefore it is recommended that the proposed neighbourhood area is formally designated.

Background documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Neighbourhood Planning (General) Regulations	2012	Laurence House	Planning Policy	Brian Regan	No
Town and Country Planning Act (as amended)	1990	Laurence House	Planning Policy	Brian Regan	No
Localism Act	2011	Laurence House	Planning Policy	Brian Regan	No

If you have any queries on this report, please contact Brian Regan, Planning Policy Manager, 3th floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774.

Annex 1: Grove Park Neighbourhood Area Application Forum

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/Neighbourhood-plans/Documents/Grove%20Park%20Neighbourhood%20Area%20application%20June%202014.doc>

Annex 2: Grove Park Proposed Neighbourhood Area Map

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/Neighbourhood-plans/Documents/Grove%20Park%20Neighbourhood%20Area%20map%20June%202014.pdf>

Annex 3: Grove Park Neighbourhood Forum Application Form

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/Neighbourhood-plans/Documents/Grove%20Park%20Neighbourhood%20Forum%20application%20June%202014.doc>

Annex 4: Grove Park Neighbourhood Forum Constitution

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/Neighbourhood-plans/Documents/Grove%20Park%20Neighbourhood%20Forum%20constitution%20June%202014.doc>

Annex 5: Grove Park Neighbourhood Area and Forum Application Statement

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/Neighbourhood-plans/Documents/Grove%20Park%20Neighbourhood%20Forum%20and%20Area%20application%20statement%202014.docx>

Annex 6: Summary of consultation responses