



Mayor and Cabinet

DNA re-designation

Date: 6th October 2021

Key decision: Yes

Class: Part 1

Ward(s) affected: Evelyn, New Cross and Brockley

Contributors: Emma Talbot, Director of planning

Outline and recommendations

This report sets out the background and timeline for the Deptford Neighbourhood Action forums designation and production of its Reg 14 neighbourhood plan, provides a detailed summary of the re-designation consultation and outlines officer's key considerations in assessing the re-designation of the forum.

Mayor and Cabinet are recommended to:

- a. Refuse the application for the re-designation of Deptford Neighbourhood Action forum.
- b. Direct officers to work with community groups within the neighbourhood area to establish whether a viable neighbourhood planning or masterplanning process can be established to incorporate the views of all community groups and the general public.

Timeline of engagement and decision-making

17th February 2016 – Deptford Neighbourhood Action forum and area are designated by M&C

Autumn 2019 to early 2021 – Regulation 14 public consultation held by the forum

12th February 2021 – Re-designation application submitted

18th March to 6th May 2021 – Public consultation on re-designation application held

1. Summary

- 1.1. Deptford neighbourhood Action neighbourhood forum (the forum) are a community organisation based primarily in the Evelyn ward of London Borough of Lewisham who have been formally designated as the qualifying body for the purposes of neighbourhood planning.
- 1.2. The forum was formally designated by Mayor and Cabinet for a 5 year period on 17th February 2016 in accordance with:
 - Section 65F (5) of the Town and Country planning Act 1990 as applied to section 38A of the planning and Compulsory Purchase Act 2004,
 - Localism Act (2011)
 - Neighbourhood Planning Regulations (2012) “the Regs”
- 1.3. The forum have progressed the neighbourhood plan to Reg 14 public consultation stage and have received 198 representations relating to the draft plan. During the Reg 14 consultation the forum are required to engage with local residents, business owners, council officers, members of the public, land owners and statutory consultees.
- 1.4. As the 5 year designation of the forum lapsed in February 2021 an application was made to formally re-designate the forum and therefore retain their status as the qualifying body for the purposes of neighbourhood planning within the designated neighbourhood area.
- 1.5. The Council held a 6 week public consultation from 18th March 2021 to 6th May 2021 on the re-designation application to identify what level of support there was within the designated neighbourhood area regarding the re-designation of the forum.
- 1.6. The public consultation on the re-designation application had 34 respondents. 17 respondents were supportive of the re-designation of the forum and 17 respondents objected to the re-designation.
- 1.7. The results of the consultation are considered to be highly unusual compared to similar forum re-designation consultations held by the council for the reasons set out below at paragraph(s) 5.9 – 5.11. Officers are also concerned regarding the nature of the

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objections outlined in Section 5. In response to these concerns and prior to any decision on the re-designation being made Council officers asked the forum to respond to the points raised and provide supporting evidence where appropriate. See Section 6.

- 1.8. Having considered the representations received during the re-designation consultation and the further evidence provided by the forum it was concluded that the decision to re-designate the forum could not be delegated to officers and should be made by Mayor and Cabinet given the level of objection and seriousness of some of the issues raised.
- 1.9. This report therefore sets out the background and timeline for DNAs designation and production of its Reg 14 neighbourhood plan, provides a detailed summary of the re-designation consultation and outlines Officer's key considerations in assessing the re-designation of the forum.

2. Recommendations

- 2.1. Mayor and Cabinet are recommended to:
 - a. Refuse the application for the re-designation of Deptford neighbourhood Action forum for the reasons set out in paragraphs 8.1 and 8.2. .
 - b. Direct officers to work with community groups within the neighbourhood area to establish whether a viable neighbourhood planning or masterplanning process can be established to incorporate the views of all community groups and the general public.

3. Policy Context

Planning

- 3.1. The forum were designated by the Council as the qualifying body, pursuant to the provisions of 61F(5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the planning and Compulsory Purchase Act, to lead the neighbourhood planning process including the drafting of a neighbourhood development plan
- 3.2. A neighbourhood area was designated by the Council in which the forum would be responsible for neighbourhood planning matters pursuant to the provisions of Section 61G and 61I (1) of the Town and Country planning Act 1990 as applied to section 38A (12) of the planning and compulsory Purchase Act and Reg 5 of the Neighbourhood Planning (General) Regulations 2012.
- 3.3. The re-designation of the forum is subject to the same statutory requirements found in 3.1.
- 3.4. The forum had, before their formal status had "lapsed" undertaken a public consultation on their draft neighbourhood plan as required by Reg 14 of the Neighbourhood Planning (General) Regulations 2012.

Corporate strategy

- 3.5. The Council's Corporate Strategy (2018-2022) outlines the Council's vision to deliver for residents over the next four years. Building on Lewisham's historic values of fairness, equality and putting our community at the heart of everything we do, the Council will create deliverable policies underpinned by a desire to promote vibrant communities, champion local diversity and promote social, economic and environmental sustainability.
- 3.6. neighbourhood planning contributes to the following corporate priorities:
 - **Open Lewisham** – Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us

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- **Tackling the Housing Crisis** – Providing a decent and secure home for everyone;
- **Building an Inclusive Economy** – Ensuring every resident can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy; and
- **Making Lewisham greener**- Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment.

4. Background

- 4.1. In August 2015 the forum submitted applications to the Council to designate both a neighbourhood forum and neighbourhood area. Both applications although separate in process can be submitted and decided on simultaneously.
- 4.2. In accordance with the Neighbourhood Planning (General) Regulations 2012 an initial statutory 6 week public consultation on the forum and area applications was held by the Council from 7th October 2015 to 19th November 2015 and received 25 representations.
- 4.3. Due to what was considered a low response rate, Council Officers decided to undertake a second period of public consultation between 11th December 2015 – 22nd January 2016 where a further 10 representations were received.
- 4.4. The initial neighbourhood area boundary extended into a small area within the Royal Borough of Greenwich (RBG) for which the forum would be responsible for neighbourhood planning matters. A separate application for both the area designation and forum designation was not approved by RBG as they concluded that “many of those responding felt that they were already part of a community with strong associations in Greenwich, that was quite separate and distinct from the community represented by Deptford neighbourhood action”
- 4.5. The forum and area designations excluding the area in RBG were formally approved by Lewisham Council through M&C on the 17th February 2016. The forum designation would run for a total period of 5 years and the area designation would last indefinitely, however the boundary of the area designation could be subject to alteration through a renewed application process.
- 4.6. From the period of forum designation to the 17th February 2021 the forum exercised their statutory right as the qualifying body responsible for neighbourhood planning matters within the designated area and began drafting a neighbourhood plan.
- 4.7. The forum held a number of workshops designed to develop the neighbourhood plan's aims and objectives as well as enlisting a consultant to assist with drafting the planning policies that would make up the neighbourhood plan.
- 4.8. In autumn of 2019, the forum began a Reg 14 public consultation on the draft neighbourhood plan by inviting members of the public to submit representations on the draft plan directly to the forum. The consultation ended in early 2021 and was held over an extended period due to restrictions caused by the General Election in 2019 and the Covid-19 pandemic.
- 4.9. The forum designation lapsed on the 17th February 2021 triggering the requirement for the group to re-apply to be formally re-designated by the council as a neighbourhood forum. The group cannot progress any further in the neighbourhood planning process without this re-designation.

5. Re-designation consultation

- 5.1. On the 10th February 2021 shortly before the forum designation lapsed the forum applied to the London Borough of Lewisham (LBL) to propose the re-designation of the neighbourhood forum.

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- 5.2. Officers started to formally discuss the re-designation process with the forum via an e-mail on the 10th December 2020 by confirming that the application would need to follow the same process as the initial forum designation application. A link to the council's neighbourhood planning webpage was provided where the application and further information could be found.
- 5.3. An e-mail was received from the forum on the 8th January 2021 requesting that the application process be simplified due to the plan objectives, constitution and neighbourhood area remaining unchanged throughout the initial 5 year forum designation. Officers responded on the 11th January 2021 confirming that this was a statutory requirement and could not be simplified
- 5.4. Officers then received an e-mail titled Re-designation of DNA on the 10th January 2021 containing a forum members list. The body of text in the e-mail stated "please forward this to Dir of Planning for the DNA re-designation". This membership list contained 149 names some of who had previously notified the council that they did not give permission for their details to be used as members of the forum. This list also included council officers, a Member of Parliament and members of the London Assembly.
- 5.5. On the 21st January 2021 officers received an e-mail stating that the aforementioned membership list was sent in error and a new membership list of 169 names was provided with the names of the MP, London assembly members and council officers removed. The names of the residents who had previously stated they did not give permission for their details to be used were still on this membership list.
- 5.6. Officers were made aware of the possibility of a competing application from a neighbouring organisation, but guaranteed to the forum that they would be given an opportunity to apply for re-designation unchallenged from competing organisations if their application was received by the Council before the 17th February 2021.
- 5.7. The formal application for the re-designation of the neighbourhood forum was received by the Council on the 10th February 2021 with a list of 28 DNA members who had given their explicit permission for their details to be given in support of the re-designation application. This was deemed by officers to have met the requirements for a forum re-designation application.
- 5.8. The consultation period for the forum re-designation took place over a statutory 6 week period from 18 March 2021 to 6 May 2021. This list was provided on the 11th March 2021 and when assessed by Council Officers the application was judged to have met the requirements set out in Regulation 9 of the Neighbourhood Planning (General) Regulations 2012.

Consultation Activities undertaken by the council

- 5.6. The consultation activities were carried out in accordance with the Neighbourhood Planning Regulations and the Councils Statement of Community Involvement. Including:
 - Consultation questionnaire on Lewisham Councils Citizen Space
 - E-mail sent informing statutory consultees
 - E-mail sent informing residents of the designated area supported by the ward assembly data base
 - Copy of application published via the forums Council webpage
 - Notification sent to Local ward Councillors

Summary of representations

- 5.7. The application questionnaire asked the respondent if they supported or objected to the re-designation of the forum and if the respondent had any comments to support

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their decision.

- 5.8. The consultation reported a total of 34 respondents which included residents, ward Cllr's, business owners and community groups. 28 representations were made through the citizen space questionnaire and 6 representations via e-mail.

Submissions and outcome of forum designation application consultation

- 34 respondents
 - 17 support (1 representation referred to supporting the re-designation if the boundary was altered)
 - 17 objections (2 representations referred to supporting the re-designation if the area boundary is altered but were listed as objections in the questionnaire)
- 5.9. The number of representations submitted (34) during this consultation represents a low turnout compared to similar forum re-designation consultations held in the borough over the previous 2 years. The responses received for similar designation/re-designation consultations being:
- 78 responses - Grove Park neighbourhood forum
 - 55 responses - Lee neighbourhood forum
 - 67 responses – Hopcroft neighbourhood forum
 - 102 responses – Sydenham Hill Ridge neighbourhood forum
- 5.10. The results of the consultation on the re-designation application for Deptford neighbourhood Action neighbourhood forum show that 50% of all respondents support the re-designation and 50% of respondents are in objection.
- 5.11. The results of the consultation are unusual compared to similar re-designation consultations held by the council. In context, the previous 3 re-designation consultations held by the council have shown a clear intention of support from the local community:
- Grove Park – 78 respondents with 75 supporting and 3 objections
 - Lee Green – 55 respondents with 51 supporting and 4 objections
 - Hopcroft – 67 respondents with 65 supporting and 2 objections
- 5.12. Below provides an overview of the representations received during the re-designation consultation. It outlines the reasons for the support/objection and should be noted that some representations highlight a number of themes within the submission. All comments are provided in full in the schedule of comments (appendix 1)

Supporting Comments

- Seven (7) responses in support of the re-designation are in favour for the need for resident representation within the area. It is noted these consultees felt that the Council are not listening to residents and are not delivering for the needs of residents within the designated neighbourhood area and see the forum as an appropriate body to do this through.
- Four (4) comments that support the re-designation specifically reference the draft neighbourhood plan and acknowledge that it provides a positive vision for the area.
- One (1) comment referred to the work that had taken place during the drafting of the neighbourhood development referring specifically to the regulation 14 consultation that

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had been recently co-ordinated by the forum and stated that the plan's policies will make a positive difference to everyone living and working in the area.

- One (1) comment in support of the re-designation clarifies that their support is subject to a boundary change believing that the neighbourhood area as currently designated is too big and could compromise the work carried out by neighbouring amenity/community groups.
- One (1) councillor who responded to the consultation supported the re-designation of the forum.

Comments of objection

- Similarly, two (2) comments that object to the re-designation of the forum do so again due to the size of the designated neighbourhood area and suggest in their comments that if the area was modified they would indeed support the re-designation of the forum.
- Ten (10) comments that object to the re-designation refer to the suggestion that there is a feeling within the community that the group are unrepresentative of the area and the views of many of the communities that exist within the area with some comments referring to volunteers within the forum not living in the designated area.
- Eleven (11) of the objections also highlight the feeling that the designated neighbourhood area is too large. Modifications to the neighbourhood boundary would normally not be considered during a forum re-designation application consultation, however due to the proportion of representations highlighting this as an issue, officers feel that some consideration should be given to this issue.
- Two (2) comments submitted as objections stated that the forum have been abusive to residents/council officials and also noted two (2) incidents of a residents name being used without permission in the original forum and area designation in 2016.
- Six (6) Councillors from Evelyn, Brockley and New Cross wards submitted comments to the consultation with five (5) submitting objections to the re-designation of the neighbourhood forum. The objections submitted by Councillors reflect the objections received from other consultees highlighting the size of the designated area being too big and there being limited engagement activities from the forum to the wider community.

6. Additional supporting information

- 6.1. The results of the consultation were presented to the Director of Planning who is the delegated officer responsible for decisions on neighbourhood planning matters that do not require decision through a cabinet referral as noted in the Lewisham Council constitution 2021.
- 6.2. Through discussions with the Director of Planning, officers highlighted their concern at the outcome of the public consultation and it was decided that an opportunity would be provided to the group to submit additional supporting information that would alleviate the issues and concerns regarding the objections that were submitted.
- 6.3. On the 25 May 2021 e-mail correspondence was sent to the group highlighting the feedback received as a result of the consultation and also highlighting the officers concerns regarding the feedback received. Including:
 - The consultation turnout which was low compared to similar consultations held in the borough such as the Grove Park, Lee and Hopcroft forum re-

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designations;

- The high number and proportion of objections to the re-designation. Again this is very unusual compared to similar consultations (as above);
- 5 out of 6 local councillors who responded to the consultation objected to the re-designation. Again this is very unusual compared to similar consultations (as above); and finally
- The nature of the comments from objectors such as a lack of inclusive engagement across all communities, the neighbourhood area being too large, abusive behaviour, a lack of activity and presence online and finally allegations of resident's names being used in member's lists who had not given their permission.

6.4. Officers therefore requested that the group provide the following evidence as supporting information to their application.

- An overview of how the forum has actively and inclusively engaged with all communities across the area including details of consultation events in the 5 year period that the 5 year plan has been in preparation
- Provide details of DNA meetings including AGMs with attendance lists, Agendas, Minutes and where these can be found online
- The number of members of DNA who actively participated in the preparation of the plan.

6.5. The group subsequently submitted numerous e-mails containing their additional supporting information (appendix 2), this included the following:

Photographs of a Design Code Meeting for Convoys Wharf

6.6. Images of the forum working group meeting to discuss Design Codes for Convoys Wharf. The production of Design Codes is supported by funding through the technical support programme via Locality.

Photographs of a Vietnamese Cultural Day March 2016

6.7. Images of a Vietnamese Cultural Day held in 2016 that the forum supported and funded through their Locality funding.

Photographs of DNA Market Stall, Deptford Market 29th July 2017

6.8. Images of a consultation event held by the forum at Deptford Market. The images show members of the public voting on what issues they would like to address through the plan by placing green balls into a box with a particular issue highlighted on it. There was no confirmation of how many residents attended this session.

Image of a tweet promoting the Reg 14 consultation

6.9. An image of a tweet sent via the Voice4Deptford twitter account on the 17th April 2021 informing followers that the Reg 14 consultation has been completed and to encourage support for the re-designation

A set of slides titled “DNA re-designation further evidence”

6.10. 31 presentation slides including photographs of physically printed e-mails that were sent to Council officers, the DNA neighbourhood plan steering group and registered forum members covering a period from 2017 -2021. It is difficult to determine the context of these e-mails as they are not organised under any particular theme and in some cases are pixelated making it difficult to determine their content, however they appear to include information on events, internal correspondence between members of the forum and some correspondence with consultants and other organisations.

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28 e-mails supporting the re-designation of the forum

- 6.11. Officers received an additional 28 e-mails that were sent directly to the forum that supported the re-designation of the forum. Out of the 28 additional e-mails:
- 9 representations made had already submitted a response through the council's formal consultation with 1 respondent submitting on 3 separate occasions
 - 1 representation was submitted by London Assembly member, Len Duvall
 - 1 representation was submitted by a resident who lived outside the neighbourhood area
 - 1 representation was made by the forum's University of Westminster contact
- 6.12. The process of how the Council should receive representations was clearly stated to the forum from the outset of the consultation. The additional 28 submissions were not brought forward by the forum until the request of additional information was made by Council officers and were therefore not included in the results of the original re-designation consultation.
- 6.13. It should also be noted that the forum stated they received 198 representations during their Reg 14 consultation on the draft plan which would be used to modify the current version of the plan.
- 6.14. At the time of drafting this report the forum sent further additional supporting information to officers stating that they had a total of 140 registered members in the forum. A YouTube video was also received by officers that provided a visual and oral presentation of the forums aims and objectives that have been set out in the neighbourhood plan which at the time of drafting this report had 201 views. Officers have included all available additional supporting information sent by the forum as of the 8th September 2021 and if any further additional supporting information is received before this report dispatches it will be added as an addendum to the report.

7. Considerations

- 7.1. When examining the redesignation of the forum officers have considered the following:

Does the re-designation of the forum have public support?

- 7.2. The results of the re-designation consultation held by the Council were inconclusive showing a 50/50 split between objection and support. Compared to similar re-designation applications held by the council this is a highly unusual result. Previous re-designation application consultations in the borough have been supported by 93 -97% of those who have submitted a representation.
- 7.3. The consultation was also subject to a low turnout with 34 representations made. As noted in 5.8 this is a lower turnout than similar re-designation consultations held by the Council from the previous 2 years.
- 7.4. The forum did provide the Council with 28 additional e-mails showing support for the forum's re-designation, 9 of which had submitted representations through the formal Council consultation. The e-mails in support were submitted directly to the forum and not the Council and were only provided when additional evidence was requested by Council officers after the consultation had closed and results reported.
- 7.5. Council officers are also aware through formal and informal discussions with their members that a number of prominent community groups in the neighbourhood plan area, including the Brockley Society, Deptford Folk and EVEREST (a group of tenant associations) have stated they do not support the forum. Officers are aware however that in the last few months the forum have reached out to Deptford Folk and Everest to try to establish a positive working relationship between the groups.

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- 7.6. Furthermore of the Councillors who responded to the consultation 5 of the 6 Councillors within the neighbourhood plan area objected to the re-designation.
- 7.7. Officers received evidence at the time of drafting this report that there were encouraging signs that that the forum were developing a positive relationship with neighbouring groups, namely EVERST and have agreed to hold discussions focusing on the possibility of collaborating in any further drafting of the neighbourhood plan policies.

Is the forum fulfilling its agreed constitution?

- 7.8. The forum published its agreed constitution when the forum was adopted in Feb 2016.
- 7.9. The constitution of the forum states their overarching objective as being “to encourage, empower and enable the involvement of all communities living and working in the defined neighbourhood area in the preparation, production and implementation of the neighbourhood Development plan” including an aim to:
 - Encourage community cohesion and active citizenship”.
- 7.10. Officers have found relationships between the forum and neighbouring organisations are often strained which was discussed in a meeting between officers and neighbouring community organisations on the 29th October 2018 and have received no evidence that the forum has sought to address these issues to ensure the process encourages, empowers and enables the involvement of all communities living and working in the area. This is further supported through the responses received in the re-designation consultation.
- 7.11. Furthermore the Council has received repeated requests from neighbouring organisations through emails, Council Questions and within the planning teams Community Group forum meetings to provide a comprehensive vision and masterplan for the Evelyn area – Creating a masterplan is not achievable through a neighbourhood plan but it can in principle be supported through planning policies found within a neighbourhood plan.
- 7.12. The forums constitution also outlines the requirements for membership, stating that “members will apply for membership” to the forum. It was first brought to the attention of officers on the 17th May 2018 through an e-mail from the Chair of Deptford Folk that the initial list of 21 or more members that was submitted with the forum application in February 2016 as a statutory requirement included residents of the area that claim they did not agree to have their details formally used in this manner.
- 7.13. On the 29th October 2018 Council officers attended a meeting at the 2000 Community Centre in Deptford made up of TRA's and groups from Evelyn. At this meeting the residents discussed how they were not supportive of the forum as they did not consult with the wider community and did not share the same vision for the area as large sections of the community. Attendees at this meeting also shared experiences of verbal abuse that was directed at them during community meetings from the forum members.
- 7.14. During the application for the re-designation of the forum in February 2021, a list of “members” was submitted with the application as a statutory requirement. On this list were the names of residents who originally informed officers that their details had been used without permission. The names of Council officers and Councillors were also on this list who had not given their permission for their details to be used in this manner.

Allegations of verbal and physical abuse

- 7.15. It is alleged through the consultation responses that members of the forum have been

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verbally and physically abusive towards members of neighbouring community groups in the area.

- 7.16. Whilst this cannot be verified the Council is aware of verbal and physical abuse by previous members of the forum directed at Lewisham Councillors and staff most notably during a ward assembly meeting on the 6th November 2018
- 7.17. Shortly after this incident the forum secretary/co-ordinator spoke to the neighbourhood planning officer to inform them that the forum member who was allegedly involved in the incident on the 6th November 2018 would play no further part in the forums steering group. Officers note that the member involved still holds a position within the forum steering group as treasurer as listed on the forum's website at the time of writing this report.

Progress on the neighbourhood plan

- 7.18. The forum have been designated by Lewisham Council for the maximum 5 year period from February 2016 – February 2021 as the qualifying body responsible for neighbourhood planning matters within their designated area.
- 7.19. During that 5 year period the forum have produced a draft neighbourhood plan and undertaken the Reg 14 consultation stage. The Reg 14 consultation is held by the forum with the aim of receiving representations regarding the draft policies in the plan by engaging with local residents, business owners, members of the public and statutory consultees. The planning polices can then be modified by the forum in response to the representations received at this stage in preparation for submission to the Council.
- 7.20. The forum have reported to the Council that they undertook a very successful Reg 14 consultation receiving 198 representations from residents and statutory consultees which have assisted in the modification of the draft policies found within the plan.
- 7.21. In the drafting of the Reg 14 version of the neighbourhood plan the forum have engaged with students from the University of Westminster and University College of London to assist with their evidence base work as well as unlocking additional technical support packages via Locality, namely the production of design codes for Convoys wharf.
- 7.22. Council officers have provided two sets of detailed comments to the forum relating to their draft neighbourhood plan. The comments informed the forum that certain planning polices presented in the draft neighbourhood plan were not considered to be in general conformity with higher level policies as required as a basic condition of neighbourhood planning. Having recently gone through the examination process with Grove Park neighbourhood forum on their neighbourhood plan this was a key issue with the policies proposed in this plan with the independent examiner making substantial changes to ensure it met those basic conditions. The plan also included policies that could not be delivered through the mechanism of neighbourhood planning and in officers' views often confused the role of neighbourhood planning with other Council functions.
- 7.23. The forum have previously argued against the detailed comments on the neighbourhood planning policies, initially through a formal letter received on the 23rd September 2019 in response to officer comments and again at a face to face meeting with the forum on the 22nd January 2020. At the time of the forum designation lapsing it is officer's view formed from their knowledge and experience of dealing with other neighbourhood plans that the draft neighbourhood plan would fail in its independent examination or require considerable alterations.
- 7.24. The forum have informed the Council that they are in a position to formally submit their

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neighbourhood plan to the Council at the Reg 15 stage. The next stages of the process would be as follows:

- Reg 15 - officers check that all relevant documents are submitted
- Reg 16 - Public consultation led by the Council
- Agreement of independent examiner
- Independent examination
- Review of examiner recommendations
- Council decision to approve independent examiner recommendations and agreement to proceed plan to referendum
- Decision notice published by council.
- Referendum to be held within 56 days of decision notice being published
- plan made (if over 50% of votes are in support)

Is the plan area too large?

- 7.25. A number of comments from the consultation questioned whether the forum was representative of all communities within the neighbourhood area and many also considered the area covered by the neighbourhood plan to be too large.
- 7.26. The neighbourhood area covers parts of Brockley ward to the south, parts of New Cross and the Evelyn ward in its entirety. It consists of the historic high street of Deptford and Deptford Creekside, several Core Strategy Strategic Sites including Convoys Wharf, Oxestalls Road and Plough Way, several adopted site allocations including Tidemill, Creekside Village, Arklow Road. It also includes Deptford High Street and St Pauls Church and Deptford Creekside conservation areas. It also includes large areas of Council owned housing.
- 7.27. The Lewisham Characterisation Study (2019) outlined the varied and distinctive character of each of the neighbourhoods represented within the designated neighbourhood area with New Cross and Evelyn being identified as belonging to the north of the borough and Brockley to the west of the borough. The study notes that a key message from the consultation events that supported the drafting of the characterisation study was that “Deptford is too large and not one place” suggesting that residents sense of place could not be defined as being represented effectively within a large homogeneous neighbourhood area.
- 7.28. Whilst not significantly larger in terms of its geographical size than the other designated neighbourhood areas in the borough, it is the largest in terms of population and density with an eligible electorate of 20,489 residents listed on the electoral register. In context of population the recent Grove Park neighbourhood plan, had a referendum area with an eligible electorate of 11,629. This area also represents one of the most complex in terms of growth and regeneration, urban character, historic legacy and demographic profile.

8. Conclusion

- 8.1. Whilst officers acknowledge the commitment and hard work carried out by the forum to date Officers are not convinced that the purpose of the forum continues to reflect, in general terms the character of the neighbourhood planning area under section 61F(7)(a)(iii) of the TCPA 1990 as found through the public consultation held on the

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forum re-designation application where 50% of the representations made objected to the re-designation of the forum..

- 8.2. Furthermore with competing community groups in the area and strained relationships between the forum and other prominent groups Officers remain unconvinced that proceeding with the process will fulfil the forums agreed constitution “to encourage, empower and enable the involvement of all communities living and working in the defined neighbourhood area in the preparation, production and implementation of the neighbourhood Development plan” or to “Encourage community cohesion and active citizenship” therefore concluding that the forum have not fulfilled the criteria of having membership drawn from different places in the neighbourhood area concerned and from different sections of the community in that area as outlined under section 61F(7)(a)(ii) of the TCPA 1990
- 8.3. The options that are considered available to the Council through the re-designation process are:
 - **Delay the decision and re-consult on the re-designation** of the forum to establish more definitively if there is widespread public support or not. Whilst this may address one of the issues outlined above it would not address the others. Officers are also unconvinced that a further consultation process is likely to change the views of neighbouring groups and Councillors.
 - **Re-designate the forum and proceed with neighbourhood plan.** This will not address the fundamental concerns outlined above.
 - **Re-designate the forum with the condition that the forum have to work collaboratively to neighbouring groups and demonstrate effective public participation.** As a community lead process the Council is limited in its legal right to be involved in the plan making process, making this a difficult option to monitor and assess the success. Officer's understanding is that neighbouring groups are likely to want to revisit fundamental components of the plan like the vision and policies which may not be palatable to the forum.
 - **Refuse to re-designate the forum and welcome new applications for smaller more focused areas.** Whilst this may address some of the issues outlined above. It is likely to result in two or more applications which will overlap. As this is prohibited under the neighbourhood planning Regulations the Council would have to mediate between the groups and either agree revised boundaries or refuse the applications
 - **Refuse to re-designate the forum and direct officers to work with all community groups within the neighbourhood area to establish whether a viable neighbourhood planning or masterplanning process can be established to incorporate the views of all community groups and the general public.** It is notable that during the period that the Council has been considering the re-designation, the forum has reached out to neighbouring groups in a positive manner. Officers are therefore encouraged that this could be an option that may see a positive outcome where the community can come together more successfully. During this period the Council would delay any decisions on applications for any new Forum applications received within the Neighbourhood Area.
- 8.4. Mayor and Cabinet are recommended to:
 - a. Refuse the application for the re-designation of Deptford neighbourhood Action forum for the reasons set out in paragraphs 8.1 and 8.2

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- b. Direct officers to work with community groups within the neighbourhood area to establish whether a viable neighbourhood planning or masterplanning process can be established to incorporate the views of all community groups and the general public.

9. Financial implications

9.1. There are no direct financial implications arising from this report.

10. Legal implications

10.1 A LPA may designate an organisation or body as a neighbourhood forum if it is satisfied that the following conditions set out in [TCPA 1990, s 61F](#) are met,

(a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being 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.

10.2 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

10.3 A local planning authority—

(a) must, in determining 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—

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- (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 10.1 (b) above,
 - (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

10.4 A designation ceases to have effect at the end of the period of 5 years beginning with the day on which it is made.

10.5 Therefore whilst the LPA has to consider certain issues in determining whether to designate a forum it has discretion whether or not to designate the forum as a relevant body. If it decides not to do so The Neighbourhood Planning (General) Regulations 2012 require it to publish a statement setting out the decision and the reasons for making that decision ("the refusal statement") and details of where and when the refusal statement may be inspected.

Those Regulations also sets out the other main steps in the procedure for the designation of neighbourhood forums, as explained in the report.

- 10.1. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 10.2. 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.
- 10.3. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 12.4 above.
- 10.4. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for Mayor and Cabinet,

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bearing in mind the issues of relevance and proportionality. Mayor and Cabinet must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

- 10.5. 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:
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 10.6. 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: A guide for public authorities
 4. Objectives and the equality duty. A guide for public authorities
 5. Equality Information and the Equality Duty: A Guide for Public Authorities
- 10.7. 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:
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

11. Equalities implications

- 11.1. The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 11.2. Officers have prepared an Equalities Analysis (Appendix 3) considering the impact of the above recommendation.
- 11.3. It is considered that the recommendation for consideration by Mayor and Cabinet on the 6th October 2021 on the re-designation of the Forum will have no impact on those with protected characteristics who are potentially affected by the decision.

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12. Climate change and environmental implication

- 12.1. There are no direct environmental impacts arising from this report.

13. Crime and disorder implications

- 13.1. There are no direct implications relating to crime and disorder issues.

14. Health and wellbeing implications

- 14.1. There are no direct implications relating to health and wellbeing issues.

15. Background papers

DNA neighbourhood forum application form 2016 –

<https://councilmeetings.lewisham.gov.uk/documents/s51877/Annex%202%20DNA%20Neighbourhood%20Forum%20Application%20WEB%20August%202017.pdf>

Deptford neighbourhood Action neighbourhood area map –

<https://councilmeetings.lewisham.gov.uk/documents/s41401/Annex%204%20DNA%20Neighbourhood%20Area%20with%20borough%20boundary.pdf>

DNA neighbourhood forum constitution (included in the forum application) –

<https://councilmeetings.lewisham.gov.uk/documents/s51877/Annex%202%20DNA%20Neighbourhood%20Forum%20Application%20WEB%20August%202017.pdf>

Appendix 1 - Schedule of comments for Re-designation consultation May 2021 – attached as PDF

Appendix 2 - Additional supporting information sent by forum – attached separately

Appendix 3 – Equalities Analysis

16. Report author and contact

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17. Comments for and on behalf of the Executive Director for Corporate Resources

- 17.1. Shola Ojo Strategic Finance Business Partner, Corporate Resources, Shola.Ojo@lewisham.gov.uk

18. Comments for and on behalf of the Director of Law, Governance and HR

- 18.1. Paula Young, Senior planning Lawyer, Paula.Young@Lewisham.gov.uk

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