

Report for: Cabinet 15th December 2015

Item number: 17

Title: Designation of the Crouch End Neighbourhood Forum and Neighbourhood Area

Report authorised by: Lyn Garner, Director, Planning, Regeneration and Development

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Ward(s) affected: Crouch End, Hornsey and Stroud Green

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1 The report considers the applications for the designation of the Crouch End Neighbourhood Area and Neighbourhood Forum under the provision of the Localism Act 2011 and supporting Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.2 The report summarises the content of the applications submitted to the Council and sets out the procedures and implications of designation.
- 1.3 The applications show the proposed area for which the prospective Crouch End Neighbourhood Forum intends to use neighbourhood planning powers; and provide details in respect of the proposed Forum which seeks to be designated as the 'qualifying body' responsible for preparing a Neighbourhood Plan for the area.

2. Cabinet Member Introduction

- 2.1 Legislation requires local authorities to consider applications for proposed Neighbourhood Areas and Neighbourhood Forums, and formally designate, or refuse to designate, the area and forum. This paper sets out the considerations by which the Council should make a decision to designate or refuse the proposed Crouch End Neighbourhood Area and Neighbourhood Forum.

3. Recommendations

- 3.1 It is recommended that:
 1. Cabinet note and agree the responses to the consultation on the applications for the Crouch End Neighbourhood Area and Neighbourhood Forum, as set out in Appendix A.
 2. Cabinet agree that pursuant to Section 61G and 61I of the Town and Country Planning Act 1990 to designate the Crouch End Neighbourhood Area, as set out in Appendices B and C.
 3. Cabinet agree that pursuant to section 61F of the Town and Country Planning Act 1990 to designate the Crouch End Neighbourhood Forum, as set out in the Appendices D and E.

4. Reasons for decision

- 4.1 Local authorities have a 'Duty to support' the neighbourhood planning process and the decision to designate or to not designate the Neighbourhood Area and Neighbourhood Forum is a requirement under the legislation.

5. Alternative options considered

- 5.1 No alternative options. Local authorities are required to facilitate the Neighbourhood Planning process.

6. Background information

- 6.1 Neighbourhood Planning was introduced by the Localism Act 2011 which amended current planning legislation by adding new sections and schedules. Regulations have also been made which specify the procedures which must be undertaken when implementing the new arrangements.
- 6.2 This change in the planning system allows communities to influence the development and growth of their local area through the production of a neighbourhood development plan, a neighbourhood development order or a community right to build order.
- 6.3 Neighbourhood plans are required to meet a set of basic conditions, including that they:
- Must be appropriate having regard to national policy;
 - Must contribute to the achievement of sustainable development; and
 - Must be in general conformity with the strategic policies in the development plan for the local area.
- 6.4 Neighbourhood planning will be taken forward by designated 'Neighbourhood Forums' that will prepare plans for a designated 'Neighbourhood Area' in which to focus their proposals. Under current legislation the determination of applications for the designation of a Neighbourhood Area and Neighbourhood Forum is an executive function and must be made by Cabinet.
- 6.5 The Crouch End group are the second community group in Haringey to seek to make use of the new legislation. The Highgate Neighbourhood Forum has already been designated by the Council as the 'qualifying body' for leading on the preparation of a plan for the Highgate Neighbourhood Area. The Highgate neighbourhood plan is still in the preparation stage.

Summary of the Applications

- 6.6 In line with the Neighbourhood Planning (General) Regulations 2012 (as amended) the Crouch End group submitted two applications to Haringey Council on the 28th September; one for the proposed Neighbourhood Area and one for the proposed Neighbourhood Forum.
- 6.7 The applications state that the purpose of establishing a Crouch End Neighbourhood Forum is to promote and improve the social, economic and environmental well-being of the proposed Neighbourhood Area.

- 6.8 Under Regulation 5, relating to the **designation of a Neighbourhood Area**, the group submitted the following relevant information;
- A map identifying the proposed Neighbourhood Area (Appendix B)
 - An application for the Crouch End Neighbourhood Area (Appendix C)
 - A Statement that the organisation is a relevant body (as set out in Appendix D)
- 6.9 The group identified the proposed Neighbourhood Area through consultation with local people, businesses and organisations, and through the following principles and precedents:
- taking account of the boundaries of adjoining Neighbourhood Areas, and to offer a coherent boundary avoiding pockets of land between Neighbourhod Areas;
 - respecting borough boundaries, i.e. the proposed Neighbourhood Area is contained within the London Borough of Haringey;
 - taking note of other administrative boundaries where offering useful precedent, such as postcodes and CPZs; and
 - taking account of topography and land use including shopping centres, open space, schools and housing.
- 6.10 Overall, the application states that the proposed area is appropriate to be designated as a Neighbourhood Area as it is the locality widely recognised as 'Crouch End' by those who live or work here, and has an identity well defined and of long standing.
- 6.11 Officers are satisfied that the application submitted for designation of a Neighbourhood Area meets the minimum requirements set out in Regulation 5 and section 61G of the Town and Country Planning Act 1990.
- 6.12 Under Regulation 8, relating to the **designation of a Neighbourhood Forum**, the group submitted the following information;
- Application for the Crouch End Neighbourhood Forum (Appendix D)
 - Draft constitution of the proposed Neighbourhood Forum (Appendix E)
- 6.13 Officers are satisfied that the application submitted for designation of a Neighbourhood Forum meets the minimum requirements set out in Regulation 8 and section 61F(5) of the Town and Country Planning Act 1990.
- 6.14 The proposed Crouch End Neighbourhood Forum membership is in excess of the minimum requirement of 21 and is made up of individuals, businesses and local representatives. The elected Members who support the application are Cllrs Jason Arthur, Mark Blake, Pippa Connor, Natan Doron, Sarah Elliott, Tim Gallagher, Kirsten Hearn, Raj Sahota, and Catherine West, MP.
- 6.15 The Crouch End community group engaged with local residents and businesses in establishing the prospective Neighbourhood Forum and the proposed Neighbourhood Area, through emails, social media, publicity in local papers, public meetings and a stall at Crouch End Festival. In addition, the group carried out walking tours and map-plotting exercises and community workshops. The prospective Crouch End Neighbourhood Forum endeavours to reach all sectors of the community from across all geographical areas as part of the preparation of a future Neighbourhood Plan.
- 6.16 The Crouch End community group has so far engaged with various sub groups in the area including schools, faith groups, older people and businesses.

Public Consultation

- 6.17 The Council carried out a public consultation on the Crouch End applications for a Neighbourhood Area and Neighbourhood Forum from 19th October – 27th November 2015.
- 6.18 The Council sought the views of the public in relation to the proposed Neighbourhood Area, e.g. Do residents feel that the proposed boundary accurately reflects their neighbourhood? Do residents feel they were adequately and fairly engaged in the process of drafting the Neighbourhood Area and Neighbourhood Forum?
- 6.19 The consultation was publicised through advertisements in the Haringey Independent; the Ham and High; site notices around the proposed area; web site updates; email and postal mail out; and Tweets from the Haringey Twitter account.
- 6.20 A total of 14 responses were received. The individual comments and the officers' responses thereto are set out in Appendix A. The majority of the representations express support for the designation of the Neighbourhood Area and the Neighbourhood Forum.
- 6.21 Sports England, Natural England and Highways England had no comments specific to these applications but offered general guidance and advice for a future neighbourhood plans.
- 6.22 Historic England highlighted the fact that the proposed boundary of the Crouch End Neighbourhood Area excludes a small part of the Crouch End Conservation Area at the west side of Stanhope Road. Historic England generally advises that boundaries reflect or encompass the conservation area boundary, ensuring that the conservation area policies are operated in a consistent manner. The small section referred to is part of the Highgate Neighbourhood Area and in line with regulations, Neighbourhood Areas cannot overlap. If the Crouch End Neighbourhood Area is designated, the Council would recommend that the future Crouch End neighbourhood plan must take into account any cross Neighbourhood Area issues, and will be recommended that the forum consult with Historic England on conservation issues when relevant.
- 6.23 Two objections were received from local residents in relation to the proposed Neighbourhood Area boundary. These responses question the extent of the boundary in some cases and also the omission of some areas which they feel should be included. However, officers are satisfied that the proposed Neighbourhood Area is sufficiently justified and meets the requirements set out in Regulation 5 and section 61G of the Town and Country Planning Act 1990. The justification as set out in the Neighbourhood Area application shows that the boundary does not overlap another Neighbourhood Area and the consultation methods employed in establishing the proposed boundary were inclusive and fair.
- 6.24 One objector questions the purpose and role of the prospective Neighbourhood Forum stating that the group is 'unelected' and is not representative. Despite this objection, the Crouch End group has met the statutory requirements in establishing the Neighbourhood Forum. If designated, the Crouch End Neighbourhood Forum will be advised and supported by the Council in the preparation of a Neighbourhood Plan. Throughout this process the Council will advise on continuous and transparent consultation with local residents and relevant stakeholders.

- 6.25 A further comment seeks clarity on two points in the draft constitution. The prospective Neighbourhood Forum will be asked to take note of these comments and amend accordingly to ensure clarity.
- 6.26 Officers are satisfied that the applications meet the requirements of the Neighbourhood Planning regulations. The Council's response to the objector offers additional information on the process to ensure a full understanding.

Next Steps

- 6.27 If designated, the Neighbourhood Forum can proceed to preparing a Neighbourhood Plan. The plan must be in line with, and not repeat national, regional and local policy.
- 6.28 The Neighbourhood Forum will develop the proposed Neighbourhood Plan to pre-submission stage, and will consult on the proposals with the wider community and other key stakeholders.
- 6.29 The final Neighbourhood Plan and accompanying material will be submitted to the Council, which the Council will then publicise for six weeks.
- 6.30 The Neighbourhood Plan will be assessed by an independent examiner using the relevant tests of soundness.
- 6.31 The Council will use the examiner's report to assess the Neighbourhood Plan and to approve or reject the proposal. This decision will then be publicised to stakeholders and all relevant information will be made available.
- 6.32 A referendum on the proposed plan will be held and all of those registered to vote in the Neighbourhood Area will be entitled to vote. A majority of votes in favour of the proposal is needed for the plan to be accepted.
- 6.33 If there is a majority vote in favour of the plan, the Council will then adopt the plan and publish all relevant information.
- 6.34 The adopted plan will become part of Haringey's statutory Development Plan and will be a material consideration in planning decisions.

The Council's Role

- 6.35 The Local Authority has a duty to support in the neighbourhood planning process. This includes providing technical advice; facilitating consultation; meeting with the group to provide guidance on the process and issues; provide, where possible, data and evidence; and comment on draft proposals.
- 6.36 The Council is also required to organise and fund the examination and referendum of a proposed Neighbourhood Plan.
- 6.37 Funding is available for the Local Authority to cover costs of staff, the examination and referendum. Funds can be claimed following designation of a Neighbourhood Area and forum; following notification of a draft plan; and following examination of a plan.

7. Contribution to strategic outcomes

7.1 If the Neighbourhood Forum is designated, the Planning Policy team will continue to advise the group when developing their proposed Plan to ensure that it brings forward robust policies which complement national, regional and local policies.

7.2 If adopted, a Crouch End Neighbourhood Plan will be used to determine planning applications in the Crouch End Neighbourhood Area along with other relevant policies.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

8.1.1 The costs of supporting the process and providing advice can be contained within the existing Planning department budgets, If the Neighbourhood Plan proceeds to examination and referendum the Council is able to reclaim costs from DCLG, upto a maximum of £35,000. It is expected that costs will be within the available funding.

Legal

8.1.2 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.

8.1.3 The Council's duties in respect of these applications are set out in the Localism Act 2011, the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 and are specifically addressed in the body of the report.

Equality

8.1.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

8.1.2 The Council has consulted with residents on the designation of the boundary and forum and the outcome of the consultation is summarised in this report.

8.1.3 As part of the statutory requirements for neighbourhood planning the Crouch End group has had to engage with and secure membership from different sections of the community and from across the proposed area. The engagement process was assessed against the requirements set out in the Neighbourhood Planning Regulations and against the Council's statement of Community Involvement. The methods and outcomes of the consultation are clearly set out in the neighbourhood forum application. The Crouch End Group made every effort to engage with residents across

the proposed neighbourhood areas through a variety of methods and gave particular attention to contacting and engaging with hard to reach groups.

- 8.1.4 If designated, the neighbourhood forum can proceed to preparing a neighbourhood plan. The neighbourhood plan must be inclusive and will therefore need to include ongoing community consultation with all sections of the community. The Council's role in the preparation of the potential Crouch End neighbourhood plan will be to support and guide the process. The Council will advise on consultation requirements throughout the process, including ensuring the group engage with relevant statutory bodies as well as the community.

9. Use of Appendices

Appendix A: Consultation responses

Appendix B: Proposed Neighbourhod Area - Map

Appendix C: Application for Crouch End Neighbourhod Area

Appendix D: Application for Crouch End Neighbourhod Forum

Appendix E: Draft constitution of the proposed Neighbourhod Forum

10. Local Government (Access to Information) Act 1985

Localism Act 2011

Neighbourhood Planning (General) Regulations 2012 (as amended)

This report is not exempt from publication under Schedule 12 of the Local Government Act 1972.