

Information Report

Title: Neighbourhood Planning in Haringey.
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1. Introduction

1.1 At the July 2018 meeting of Regulatory Committee, the Chair requested a report on Neighbourhood Forums. This report has been prepared in response and provides an explanation of Neighbourhood Forums and Areas; Neighbourhood Plans; and the Council's role in Neighbourhood Planning. It also provides an update on Neighbourhood Planning currently happening in Haringey.

2 What is a Neighbourhood Forum and Area?

2.1 Neighbourhood planning was introduced in the Localism Act 2011. It gives communities statutory powers to shape how their communities develop through the production of a Neighbourhood Plan or Neighbourhood Development Orders.

2.2 In areas without a parish or town council (all of London), communities or businesses can seek to establish a Neighbourhood Forum ("Forum"), which is a group specially set up to develop a neighbourhood plan. Communities will also need to decide on the neighbourhood area (i.e. the area within which the neighbourhood plan policies will apply). The boundaries of a neighbourhood area can be decided in a number of ways. Government guidance puts forward the following considerations when deciding on the neighbourhood area boundary:

- village or settlement boundaries, which could reflect areas of planned expansion;
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities;
- the area where formal or informal networks of community-based groups operate;
- the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style;
- whether the area is wholly or predominantly a business area; and
- where infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway.

2.3 There are a number of legislative requirements that must be met in seeking to establish a neighbourhood forum and a neighbourhood area. These requirements are detailed in the Neighbourhood Plan Regulations, and are used by the Council to assess and determine whether applications to designate a neighbourhood forum and area qualify.

- 2.4 The process of establishing the Forum is usually led by a community group or local businesses. The tests as to whether a Forum should be designated include:
- Whether it has been established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of the area concerned;
 - Membership would be open to people living and working in the area, and elected members for the area; and
 - There are a minimum of 21 members from the above groups and membership is drawn from different places in the area and different sections of the community.
- 2.5 Council Officers work with these proposed Forums to help them meet the above tests, and develop a constitution to ensure that the Forum remains open and accountable to the local community. However, there is a limited amount of financial support from the Government for council's undertaking this work - a total of £30,000 for the designating the first three Neighbourhood Areas and Forums within a borough.
- 2.6 The Forum's constitution should clearly define the objectives of the Forum especially those required by legislation, and it should demonstrate a commitment to equality. It can also include details of affiliate membership if desired, such as connections to other organisations. The constitution must also set out the powers that the Forum needs to carry out its activities such as how it will spend money for research or work with consultants. Finally it needs to be clear who can be a member (with regard to legislative requirements to be open to all in the area) and include other detailed matters such as voting rights, conflict of interest resolution and committee management.
- 2.7 The Council is required, upon receipt of an application a Forum and Area designation, undertake a public consultation on the application proposals and, taking into account the responses received, formally determine whether the Forum meets the tests for designation and that the Area proposed is suitable and reflects an area's community / businesses. Once designated, the Forum can commence work on a Neighbourhood Plan for its area.
- 2.8 Where a neighbourhood area includes land in more than one local authority area, the Neighbourhood Area and Neighbourhood Forum applications have to be submitted to each one of the local authorities for approval and each will have to decide on the merits area to be designated within its boundaries.
- 2.9 The designation of a Forum with the power to produce a Neighbourhood Plan lasts for 5 years. Any Forum wishing to continue after 5 years must apply to be re-designated and provide the same evidence and meet the same tests as set out above.

What is a Neighbourhood Plan?

- 2.10 A neighbourhood plan is:

- A document that sets out planning policies for the neighbourhood area – planning policies are used to decide whether to approve planning applications
 - Written by the local community rather than the Local Planning Authority
 - A mechanism to help the community get the right types of development, in the right place
- 2.11 A Neighbourhood Plan is drawn up in consultation with the Local Authority, and crucially it must be in conformity with the Council’s adopted Local Plan. This means it cannot include policies or site allocations that would conflict with policies or allocations in the Council’s Local Plan. Similarly, it cannot limit development that is proposed for the area in a Local Plan.
- 2.12 Neighbourhood Plans are intended to promote growth and development, and can therefore allocate land and sites for additional development over and above that planned for by the Council. It can provide more ‘fine-grain’ policies than those contained in Council’s Local Plans, including very locally specific policies and site requirements, in particular on the design, layout, scale and massing of development.
- 2.13 A Neighbourhood Plan must meet certain specified ‘basic conditions’. These ensure plans contribute to the achievement of sustainable development; have regard to national policy and guidance; and are in general conformity with the adopted strategic local planning policies. Despite the current negotiations on leaving the EU, the requirements to comply with EU obligations will continue to apply for the time being, but may be replaced with a requirement to meet UK law at some point in the future.
- 2.14 In addition, neighbourhood plans must comply with human rights legislation.
- 2.15 One of the requirements of national policy is that neighbourhood plan policies must be evidence based. Therefore a robust programme of community engagement and proportionate evidence base need to be undertaken by the Neighbourhood Forum to make sure that its Neighbourhood Plan is based on a proper understanding of the area and of the views, aspirations, wants and needs of local people.
- 2.16 Once a Neighbourhood Plan has been completed, it has to be submitted to the local planning authority who arranges for it to be subject to an independent examination. This will make sure that the proper legal process has been followed and that the plan meets the basic conditions described previously.
- 2.17 Whilst the Council often assists with the consultation and the independent examination of a proposed Neighbourhood Plan, the Council is also a consultee and can make representation on the proposals in the Plan if it considers it necessary to do so.
- 2.18 Neighbourhood plans are subject to an independent examination, where the appointed assessor considers the document alongside the evidence and representations received and makes recommendations as to any necessary

modifications that are required to be made to ensure the Plan meet legal requirements.

- 2.19 Following the examination process, the Plan, including the recommended modifications is referred to the Council, who's responsibility it is to ensure that the plan meets the basic conditions, prior to determining whether or not it proceeds to referendum, with or without modifications.
- 2.20 If the local planning authority can make modifications to a neighbourhood plan to meet the basic conditions, so that it can proceed to referendum, then they must make those modifications. They will normally follow the independent examiner's recommendations, but may make a different judgement. Clear reasons need to be given, if departing from the examiner's recommendations. Also, additional consultation would need to take place.
- 2.21 There are exceptional circumstances where the Secretary of State may be asked to intervene, where the local authority fails to submit a plan for referendum or departs from an examiner's recommendations.
- 2.22 The Council will then arrange notification of a public referendum. It is necessary that more than 50% of those voting in the referendum vote "yes" in order to bring the plan into force.
- 2.23 If successful at referendum, a Neighbourhood Plan has to be formally adopted by the Council and will then form part of the statutory development plan for the area for use in the determination of planning applications within the Forum area.

Council's Duty to Provide Support

- 2.24 There is a legal requirement for the Council to provide support for Forums preparing neighbourhood plans. The Council are required to take a proactive and positive approach, working collaboratively with a neighbourhood planning body particularly sharing evidence and seeking to resolve any issues to ensure the draft Neighbourhood Plan has the greatest chance of success at independent examination. Officers from the Planning Policy team therefore liaise closely with the Forum throughout the process of preparing a Neighbourhood Plan.
- 2.25 In addition recent changes to law require Councils to set out in a statement of community involvement ("SCI") how they intend to provide support for neighbourhood planning bodies. Haringey has done this in the most recent SCI (2017), which can be viewed at https://www.haringey.gov.uk/sites/haringeygovuk/files/statement_of_community_involvement_2017.pdf
- 2.26 Within this SCI, Haringey Council has committed to provide advice and assistance to the Forum including involving a ward Councillor and relevant Council Officers who will liaise with the Forum. At specific stages the SCI commits the Council to undertake a number of activities on behalf of the Forum that are detailed below.

Examination Support

2.27 The Council will facilitate community involvement in the examination process by:

- Publicising the Examination dates in the local press
- Providing a web page with all relevant information on it
- Organising the Examination venue
- Making available key documents at accessible locations in the area affected e.g. local libraries

Referendum Support

2.28 To facilitate full participation in the referendum process the Council will:

- Advertise the referendum in the local press
- Place all content and information on the Council's website and, where possible and appropriate, use new online social media such as blogs or social networks
- Send notification emails / letters to affected residents / businesses
- Facilitate meetings with interested parties to ensure that the referendum is understood
- Provide summary information / web based guides on the key issue

2.29 In addition, Officers work with the Forums throughout the preparation process and will generally provide help with mapping, for example showing the neighbourhood area and as a basis for making site allocations or Local Green Space designations. Officers also provide more technical advice, such as conformity with the Council's Strategic Policies, and screening the emerging Neighbourhood Plan for strategic environmental assessment (SEA) or habitat regulations assessment (HRA). The Council also routinely shares any existing evidence base studies and will help with organising community meetings and providing advice on legal requirements under the Town and Country Planning Act (1990). Officers will also check the Plan prior to formal submission and may attend steering group meetings by request.

Neighbourhood Planning in Haringey

2.30 Haringey currently has three designated Forums and Areas. These are Highgate Forum, Crouch End Forum, and Finsbury Park and Stroud Green Forum.

2.31 The Highgate Neighbourhood Forum and Area was the first to be designated in December 2012. This forum area is located in both Haringey and Camden authorities. Following designation, the Forum produced a Neighbourhood Plan that was adopted in July 2017 following a successful examination and referendum. The Forum successfully applied to be re-designated as the Forum for the area in March 2018.

2.32 The Crouch End Neighbourhood Forum and Area was designated in December 2015. The Forum are currently considering what they want a Neighbourhood Plan to focus on following the granting of the Hornsey Town Hall redevelopment.

2.33 The Finsbury Park and Stroud Green Neighbourhood Forum and Area crosses the boundary of Haringey, Islington and Hackney. It was approved by all three Councils in September 2018, although Haringey Council resolved to remove Finsbury Park from the Forums area. Officers from all three Boroughs will now begin to work with the Forum to help them develop a Neighbourhood Plan. The first meeting has yet to be arranged but is anticipated for later this year.

3 Use of Appendices

None

4 Local Government (Access to Information) Act 1985

None