

MUNICIPAL YEAR 2015/2016 REPORT NO.

ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

PORTFOLIO DECISION OF:
Cabinet Member for Economic
Regeneration & Business
Development

REPORT OF:
Director – Regeneration &
Environment

Agenda – Part: 1	KD Num: 4191
Subject: Application by Residents in Edmonton Angel Community Together (REACT) for designation of a neighbourhood forum and neighbourhood area within Upper Edmonton	
Wards: Upper Edmonton	

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1. EXECUTIVE SUMMARY

This report seeks approval to consult on the applications made by residents in Edmonton Angel Community Together (REACT) to establish a neighbourhood area and neighbourhood forum in part of the Upper Edmonton Ward.

2. RECOMMENDATION

That the Cabinet Member for Economic Regeneration & Business Development agrees that public consultation be undertaken on the application to seeking approval for a neighbourhood forum and neighbourhood area in Upper Edmonton.

3. BACKGROUND

- 3.1 The Localism Act 2011 enables local community groups, subject to specified procedures, to apply to the Council for designation as neighbourhood forums and for the designation of neighbourhood areas. Should approval be given for both, then the forum is entitled (although not obliged) to commence the preparation of Neighbourhood Development Plans and/or Neighbourhood Development Orders.
- 3.2 The principle of neighbourhood planning is that the local community is given more control over development in their area. An adopted neighbourhood plan would form a part of the Council's own local plan, with which it is required to be consistent. The neighbourhood forum would lead on the preparation of the plan/order, but the Council is required to support and facilitate the process in specified ways.
- 3.3 On receipt of a formal submission Council must consider whether the application is valid and therefore able to proceed to public consultation.
- 3.5 Once public consultation has been carried out any representations received will be considered alongside an assessment of the proposals against the relevant legal requirements. This will be subject to a report to Local Plan Cabinet Sub Committee (LPCSC) to determine this matter. As indicated under Legal Implications 9.2.3 below the decision must be made within 13 weeks of publication. This means that if consultation takes place in September the decision will need to be made by the 26th November LPCSC at the latest.

4. ANALYSIS

- 4.1 At this stage the analysis provides a validation check to see that sufficient information has been submitted to permit the carrying out of public consultation. A full assessment of the applications will be carried out after the consultation has taken place.

The Forum

- 4.2 The Neighbourhood Planning regulations provide that specific information should be supplied in making an application for a neighbourhood forum. These are itemised below with a comment indicating what information has been supplied.

1. Name of the proposed neighbourhood forum

The Forum is named REACT Neighbourhood Planning Forum.

2. Copy of its written constitution

A copy of the constitution has been supplied setting out matters such as the name, purpose, membership and term of the organisation.

3. Name of the neighbourhood area to which application relates and a map which identifies the area.

The name for the neighbourhood area is Angel Edmonton Neighbourhood Planning Area.

4. Contact details of at least one member that can be made public

Grace Coiffic-Kamall (Chair of REACT) has supplied details as the main contact for this purpose.

5. Statement explaining how the proposed forum meets the following conditions:

a) Is established to promote or improve the social, economic and environmental well being of an area that consists of or includes the neighbourhood area for the neighbourhood development plan (this can also relate to businesses)

This objective is expressly referred to in the constitution as the purpose of the forum.

b) Has 21 individual members and membership is open to the following groups :

- **people living in the area;**
- **people who work there; and**
- **County council, district or London borough councillors for the area.**

There are at least 21 members in total and the criteria for membership is open to the groups set out above. Details of 75 individual members have been supplied made up primarily of residents but includes a number of businesses. Ward Councillors have been approached and although supportive are not members.

c) Has a written constitution

The constitution has been supplied with the application and appears to cover each of the basic requirements in the Regulations. A fuller analysis will be provided after the consultation stage.

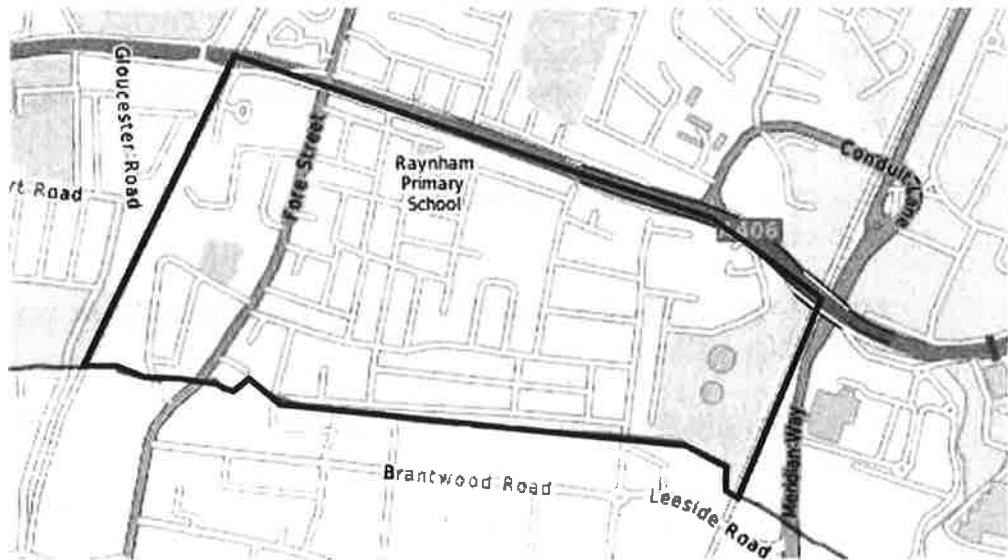
It is considered that sufficient detail has been supplied for this to be regarded as a valid application on which to consult. An analysis of the merits of the application will be undertaken at the next stage including consideration of any representations received.

The Neighbourhood Area

- 4.3 As above the Neighbourhood Planning Regulations required prescribed information be submitted to the local planning authority in order to constitute a valid application :

a) A map identifying the area

A plan has been supplied identifying the area. The area proposed is located south of the A406 and extends to the borough boundary with Haringey. It lies between the Southbury Loop¹ and Hertford East Branch² of the Lee Valley Lines.



b) Statement explaining why it is considered an appropriate neighbourhood area

The application includes a detailed discussion of how the area was chosen and why it is considered appropriate.

c) Statement that the organisation making the application is a relevant body.

The application includes a statement confirming that the organisation is a relevant body in the context of Section 61 G of the Town and Country Planning Act 1990 (as amended).

5. OTHER MATTERS

Under the Community Infrastructure Regulations communities will benefit from the 15% neighbourhood portion of the Community Infrastructure Levy. The Council will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. If the applicant completes the process of producing a Neighbourhood Plan

¹ London Liverpool Street to Cheshunt via Seven Sisters

² London Liverpool Street to Hertford East via Tottenham Hale

or Order they will benefit from an uplift in that neighbourhood portion to 25%

6. NEXT STEPS

6.1 Statutory requirements for consultation are as follows:

- placing details of the application on the website and publicising through other means in order to bring it to the attention of people who live, work or carry out business in the neighbourhood area and invite representations for a period of not less than 6 weeks.
- the information to be publicised is;
 - i. a copy of the area and forum application;
 - ii. details of how to make representations;
 - iii. details of the deadline for representations, not less than 6 weeks after the date of publication; and
 - iv. statement that once a neighbourhood forum has been designated for the area, another cannot be designated for the area until the existing one expires or is withdrawn.

6.2 Notification will take the form of written notification of all entries on the local plan consultation database. Local notification will take the form of site notices and/or a 'leaflet drop' of addresses in the local area. Arrangements will be made to notify neighbouring authorities and areas.

7. ALTERNATIVE OPTIONS CONSIDERED

There are no alternatives to consider as the Council has a statutory obligation to consult on these proposals on receipt of a valid application.

8. REASONS FOR RECOMMENDATIONS

The applicant has provided all of the details required to make a full application for a neighbourhood area and a neighbourhood forum and therefore the Council is obliged to publicise this matter in accordance with the Neighbourhood Planning Regulations.

9. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES, AND OTHER DEPARTMENTS

9.1 Financial Implications

9.1.1 The estimated cost to process and designate a Neighbourhood Forum and Neighbourhood Area will be approximately £10k; this can be funded from the strategic Planning revenue budget.

- 9.1.2 As an incentive the government has identified over successive years a fund which will grant money to Local Authorities on the basis of designated neighbourhood forums and neighbourhood areas. Subject to an overall cap the current rate is £5,000 for each forum and for each area (i.e. £10k total). The government has confirmed this has been extended to the 2015/16 financial year. This would allow the costs in 9.1.1 to be offset. The Strategic Planning and Design team will be responsible for claiming this grant.
- 9.1.3 The Community Infrastructure Levy Regulations require that 25% of CIL collected in an area with an adopted neighbourhood plan is allocated to that area. A neighbourhood plan must be in place to attract the 25% CIL, it is not due retrospectively and it is not subjected to an annual cap. The financial implications arising are difficult to establish at this stage as it depends on future development proposals that are likely to take place within the area.
- 9.1.4 Any future proposals arising with cost implications would need to be subject to separate reports and full financial appraisal.

9.2 Legal Implications

- 9.2.1 By virtue of s.116 of the Localism Act 2011 the Town and Country Planning Act 1990 was amended to bring into effect a power for qualifying organisations to make Neighbourhood Development Orders in Neighbourhood Areas.
- 9.2.2 The Neighbourhood Planning (General) Regulations 2012 set out the procedure for designating a Neighbourhood Forum and Area including requirement to publicise for a minimum of six weeks. Officers are satisfied that the application complies with relevant criteria, and as such, the recommendation that the application is progressed to consultation complies with the Councils duties and responsibilities under the Town and Country Planning Act 1990 as amended by the Localism Act 2011.
- 9.2.3 The Neighbourhood Planning (General) (Amendment) Regulations 2015 provides a prescribed date by which a decision must be made on a neighbourhood area i.e. "the date 13 weeks from the date immediately following that on which the application is first publicised." This is considered under '10. Key Risks' below.

9.3 Property Implications

The decision to consult has no direct property implications.

10. KEY RISKS

- 10.1. The Neighbourhood Planning (General) (Amendment) Regulations 2015 provides a prescribed date by which a decision must be made on

a neighbourhood are i.e. "the date 13 weeks from the date immediately following that on which the application is first publicised."

- 10.2 It will be necessary to ensure that the consultation is programmed so that it commences at a time that is within the 13 weeks of a Local Plan Cabinet Sub Committee.

11. IMPACT ON COUNCIL PRIORITIES

11.1 Fairness for All

The decision to consult on the neighbourhood plan and neighbourhood area are important in terms of ensuring that everyone who lives or work in the area can comment. This process can help give local people more direct control of the planning of their area.

11.2 Growth and Sustainability

The decision to consult has a negligible effect on this priority. It will facilitate planning work at the neighbourhood level which will have an effect on growth and sustainability which will be considered once progress on that stage occurs.

11.3 Strong Communities

The constitution of a forum is a positive tool in developing a strong and active community.

12. EQUALITY IMPACT IMPLICATIONS

Carrying out consultation on this subject is important in ensuring that all members of the community are engaged. There is no specific requirement for an Equality Impact Assessment/Analysis at this stage but if the Forum wishes to produce a Neighbourhood Plan that will need to be the subject of such an Assessment/Analysis. The Forum appears to have acted in an inclusive way in terms of its consultation, membership eligibility and profile.

13. PERFORMANCE MANAGEMENT IMPLICATIONS

Neighbourhood Planning work is an additional call on the services of the Planning Policy Team. It is more difficult to plan for these since they can emerge at any time and in any part of the borough and are not directly within the Council's control. As such this does not feature in the work programme as set out in the Local Development Scheme. It is often the case that potential applicants approach the Council for advice early on which does allow some resource planning to take place.

14. PUBLIC HEALTH IMPLICATIONS

None.

Background Papers

None.