

**Executive Member for Housing & Development**

<b>Meeting of:</b>	<b>Date:</b>	<b>Ward(s):</b>
Executive	18 June 2020	Caledonian

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## **SUBJECT: DESIGNATION OF TILEYARD ROAD AND VALE ROYAL CREATIVE QUARTER NEIGHBOURHOOD AREA AND FORUM.**

### **1. Synopsis**

- 1.1 Neighbourhood Planning was introduced under the Localism Act 2011. It allows a community to self-define their neighbourhood and prepare a Neighbourhood Plan for their area which then forms part of a local authority's development plan. The primary function of a Neighbourhood Plan is to provide localised planning policies that should accord with relevant strategic policies in the development plan (in this case, Islington's Local Plan) and the National Planning Policy Framework. Neighbourhood Planning policies must be created as the result of robust evidence and engagement practices. The first steps in the Neighbourhood Planning process are for the Local Authority to designate a proposed Neighbourhood Forum and Neighbourhood Area.
- 1.2 This report considers the application for designation of Tileyard Road and Vale Royal Creative Quarter (TRVRCQ) Neighbourhood Forum and Tileyard Road and Vale Royal Creative Quarter Neighbourhood Area. The application was submitted by the business group - the Tileyard Road and Vale Royal Creative Quarter Neighbourhood Plan Working Group (referred to as the Working Group in this report). The application submissions identify the area within which the Working Group intends to operate and provides summaries of the group's membership and constitution in line with the regulations and requirements. This report also summarises the content of the Neighbourhood Forum and Area applications (Appendix 1 and Appendix 2), and the results of consultation on both the Forum and Area applications (paragraphs 3.45–3.51).

- 1.3 The designation of a Neighbourhood Forum and Area are the first steps in the neighbourhood planning process. Following designation, a Neighbourhood Forum has the opportunity to utilise planning powers to shape their Neighbourhood Area, for example through the production of a Neighbourhood Plan.
- 1.4 The proposed Neighbourhood Area is located on the north-west boundary of Caledonian ward, within the Vale Royal and Brewery Road Locally Strategic Industrial Site (LSIS). The LSIS is Islington's largest concentration of industrial uses accommodating a wide range of businesses. Islington's adopted Local Plan protects the industrial activities and uses present in this area. The proposed Neighbourhood Area covers approximately 38% of the land area of the LSIS.
- 1.5 The proposed area is part of the only designated LSIS in the current Local Plan, which falls within the King's Cross key area as set out in the Core Strategy (2011). The draft Local Plan designates the Vale Royal and Brewery Road LSIS as a separate Spatial Strategy Area, recognising its specific function as a cluster of industrial activities and its important role in supporting Central London's economy. The Area Spatial Strategy for the Vale Royal and Brewery Road LSIS recognises the significant losses of industrial land to other uses in Islington and is seeking to strengthen policy to avoid further losses to the borough's limited industrial stock. In recent years the LSIS area has seen a number of applications seeking to introduce large quanta of office floorspace, particularly in the southern parts of the LSIS. Most of the office development proposals are by City and Provincial Property Investment Ltd (CPP), who owns the buildings occupied by Tileyard Studios as well as other parcels of land in the area, or proposals by other companies owned by or linked to CPP.
- 1.6 In determining applications for designation as a neighbourhood forum, the Council is required to have regard to the desirability of designating an organisation whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area. It is considered that the proposed TRVRCQ Neighbourhood Forum will not act as a representative voice for businesses within the proposed area as the majority of the forum members operate from the business entity known as Tileyard Studios, and forum members and the Working Group are almost entirely drawn from music and entertainment businesses from within the Tileyard "family". The proposed TRVRCQ Neighbourhood Area remains a predominantly industrial and warehousing area with no representation from many of the businesses in the buildings outside Tileyard Studios, within the proposed Neighbourhood Area.
- 1.7 In addition, when determining applications for designating a neighbourhood forum, the Council is required to have regard to the desirability of designating an organisation or body whose purpose reflects (in general terms) the character of that area. Although the legislation does not specifically indicate that the character of the area is also relevant when considering applications for the designation of a neighbourhood area, case-law establishes that these two questions are intrinsically linked, and that the character of an area is a relevant consideration when considering designation of the area. The area is characterised by industrial/warehousing built form. The area still retains industrial activities and occupiers although there have been changes away from industrial uses over time.

## **2. Recommendations**

- 2.1 To consider the summary of responses to the consultation on the applications for the TRVRCQ Neighbourhood Area and Neighbourhood Forum (paragraphs 3.45 – 3.51).

- 2.2 To agree to refuse the proposed TRVRCQ Neighbourhood Forum, as set out in Appendix 1, and to decline to determine the proposed TRVRCQ Neighbourhood Area as shown in Appendix 2 (for details see paragraphs 3.9 and 5.5 below).

### **3. Background**

- 3.1 Neighbourhood planning was introduced by the Localism Act (2011), which amended the Town and Country Planning Act (1990). The Neighbourhood Planning (General) Regulations, specifying the procedures to be undertaken when implementing the new provisions, came into force on 6 April 2012 and have since been subject to several amendments.
- 3.2 Neighbourhood planning allows communities to influence the development and growth of their local area through the production of a Neighbourhood Plan, a Neighbourhood Development Order or a Community Right to Build Order:
- Neighbourhood Plans set out a vision for the physical development of an area, and contain planning policies that form part of the borough's Development Plan once adopted. This means a Neighbourhood Plan, if and when adopted, would have legal weight in considering planning applications in the relevant area.
  - Neighbourhood Development Orders allow specified types of development to be built within an area without the need for planning permission.
  - Community Right to Build Orders allow community organisations to bring forward small-scale development without the need for planning permission
- 3.3 In Islington, given that there are no Parish Councils, all neighbourhood planning will be taken forward by Neighbourhood Forums, these bodies operating within a designated Neighbourhood Area.
- 3.4 In order to bring forward a neighbourhood plan, an organisation must be authorised to act in relation to a neighbourhood area. This requires:
- Designation by the Council of the organisation as a Neighbourhood Forum
  - Designation by the Council of the area as a Neighbourhood Area.
- 3.5 There are separate legislative provisions governing both these matters.
- 3.6 Under Section 61F of the Town and Country Planning Act 1990, the Council has a discretion to designate an organisation or body as a neighbourhood forum if it is satisfied that the organisation or body meets the following conditions:
- It is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned
  - Its membership is open to individuals who live in the neighbourhood area, individuals who work in the neighbourhood area, and (in London) individuals who are elected members of a London borough any of whose area falls within the neighbourhood area,

- Its membership includes a minimum of 21 individuals each of whom lives or works in the area, or (in London) is an elected member of a London borough council, any of whose area falls within the neighbourhood area,
- It has a written constitution.

3.7 In exercising that discretion, the Council must have regard to the desirability of designating an organisation:

- which has secured, or taken reasonable steps to secure, that its membership includes at least one individual who lives within the neighbourhood area, one who works within it, and one who is an elected member of the Council;
- whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area; and
- whose purpose reflects (in general terms) the character of the area.

3.8 Under Section 61G of the Town and Country Planning Act 1990, the Council also has a discretion to determine the boundary of the neighbourhood area.

3.9 Case-law establishes that the power to designate a neighbourhood area is inextricably linked to the power to designate a neighbourhood forum. An application for area designation can only be made by an organisation or body which is, or is capable of being designated as a neighbourhood forum. This provision allows the Council to consider an area application which has been made by a body wishing to become a neighbourhood forum at the same time as the Council considers that body's application to be designated as a neighbourhood forum. It also means that, if the Council exercises its discretion under section 61F to refuse the application for designation as a neighbourhood forum, it may then decline to determine the application for designation of the specified area as a neighbourhood area on the basis that the applicant is not a "relevant body" because it is not "capable of being designated as a neighbourhood forum".

3.10 However, if a valid area application is made to the authority by an organisation which the Council decides to designate as a neighbourhood forum, and the Council refuses the area application because it considers that the specified area is not an appropriate area to be designated as a neighbourhood area, it must exercise its power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas.

3.11 National Planning Practice Guidance (PPG)<sup>1</sup> provides guidance on what considerations could be taken into account when deciding the boundaries of a Neighbourhood Area. This includes:

- 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 forms all or part of a coherent estate either for businesses or residents;
- whether the area is wholly or predominantly a business area;

<sup>1</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2>

- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway;
- the natural setting or features in an area;
- size of the population (living and working) in the area;
- electoral ward boundaries, which can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.

3.12 Under Section 61H, where the Council designates an area as a neighbourhood area, it must consider whether it should also designate that area as a “business area”. The power to designate an area a business area is only exercisable if the Council considers that the area is “wholly or predominantly business in nature”.

### **History of the applications**

- 3.13 The Working Group first submitted a neighbourhood planning application for the Tileyard Creative Quarter Forum and Area on 26 June 2019 (the name was later changed to Tileyard Road and Vale Royal Creative Quarter Forum and Area in the amended application which is currently under consideration).
- 3.14 The Working Group did not seek prior engagement with Islington Council officers to discuss the applications and the submission was unannounced. This is unlike the Council’s experience with other neighbourhood forums and it is inconsistent with PPG which states that the community organisation or neighbourhood planning body should consult the local planning authority before making an area application. Officers provided a response to the Working Group sent by email on 18 September 2019 – see Appendix 3. In that response, officers advised the Working Group to resolve issues relevant to the relevant statutory provisions, in order to make the application acceptable for publication. This included multiple suggested amendments to the forum constitution. A meeting took place with the Working Group on 16 October 2019 to discuss in detail the Council’s assessment of the initial application.
- 3.15 An amended application for the Forum and Area was submitted by the Working Group on 20 December 2019 and an updated forum membership list was submitted on 15 January 2020. Officers notified the Working Group on 13 March 2020 that the consultation of the TRVRCQ Neighbourhood Area and Forum applications was due to start on 20 March 2020. A further updated forum membership list was submitted on 13 March 2020. During this period (September 2019 to February 2020) the Planning Policy team had been managing the Regulation 19 consultation of the draft Local Plan and subsequent submission for independent Examination. The Forum had been advised of the resourcing constraints the council was under during this period in response to two letters of complaint and a number of emails received expressing concern over a perceived delay in publication of the forum and area applications.
- 3.16 The Neighbourhood Forum and Area applications have been assessed against the Neighbourhood Planning (General) Regulations 2012, Part 2, Section 5; and Section 61G of the Town and Country Planning Act 1990 and Neighbourhood Planning (General) Regulations 2012, Part 3, Section 8; and Section 61F of the Town and Country Planning Act 1990.
- 3.17 The application submissions include the following documents (appended to this report):
- Appendix 1: Tileyard Road and Vale Royal Creative Quarter Forum Application

- Appendix 2: Tileyard Road and Vale Royal Creative Quarter Area Application

The sections below provide a more detailed explanation on the assessment of the area and forum applications.

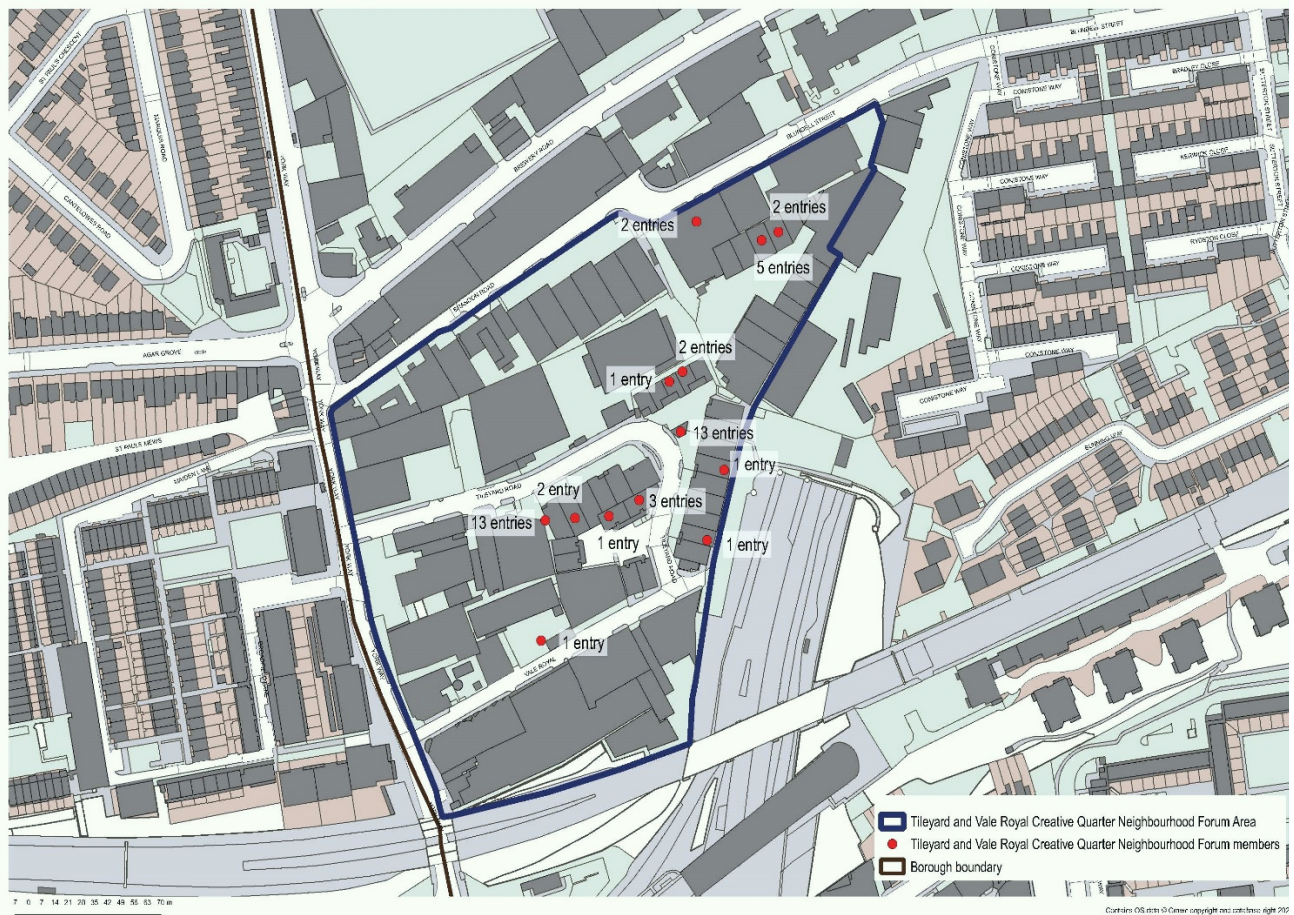
**Neighbourhood Forum Application**

- 3.18 The minimum requirements for a Neighbourhood Forum application are set out in the Neighbourhood Planning (General) Regulations 2012, Part 3, Section 8; and Section 61F(5) of the Town and Country Planning Act 1990. The application (Appendix 1) contains all the minimum requirements referred to in the legislation such as:
- the name of the forum and area and contact details of at least one member
  - a copy of the written constitution
  - a statement which explains how the forum meets the conditions set out in section 61F (5) of the Town and Country Planning Act (1990) which requires that:
    - the organisation must be established for the express purpose of promoting or improving the social, economic and environmental well-being of the area.
    - the membership of the forum to be open to individuals who live, work or are elected members in the area
    - the membership includes at least 21 individuals each of whom falls within one of these categories.
- 3.19 If a decision is made to refuse to designate a Neighbourhood Forum the Local Planning Authority must publicise their decision and set out their reasons for making that decision in a “refusal statement”, as required under Regulation 10 of the Neighbourhood Planning (General) Regulations (2012) and consistent with Section 61F(7) of the Town and Country Planning Act (1990).
- 3.20 In addition to ensuring, or taking reasonable steps to ensure membership from each category, section 61F(7) of the Town and Country Planning Act (1990) requires that, in determining whether to designate a Neighbourhood Forum for a Neighbourhood Area, a Local Planning Authority must have regard to the desirability of designating an organisation whose membership is drawn from different places and different sections of the community in the Area, and whose purpose reflects (in general terms) the character of the Area.
- 3.21 Officers raised initial concerns about the name of the forum which was originally proposed to be Tileyard Creative Quarter Neighbourhood Forum. It was considered that the forum name reflected a business entity without taking into account the locational context of the Neighbourhood Area, which could potentially lead to other businesses based within the Area feeling excluded. The name was changed to Tileyard Road and Vale Royal Creative Quarter in the subsequent Forum and Area applications (Appendix 1 and Appendix 2) submitted.
- 3.22 The application states that a meeting was organised to establish the forum on 18 June 2019. The meeting was attended by 36 individuals of whom 11 agreed to form the Working Group. On 20 June 2019 a subsequent Working Group meeting was held where the positions of Chair, Vice-Chair, Secretary and Treasurer were voted in. The Council is not aware of any further forum meetings having taken place. In addition to the subsequent submissions of the Neighbourhood Area and Forum applications and forum membership between December 2019 and January 2020, an additional document was submitted to the Council on 13 March to confirm that the forum membership has been established by 48 individuals who live or work in the Area.

- 3.23 The forum application (Appendix 1) contains a statement explaining that the forum has been established for the express purpose of promoting the social, economic and environmental well-being of the Neighbourhood Area. The statement also indicates that the Area is predominantly occupied by creative industries, and state that the Forum has sought to draw its membership from business and residents across the entire Area to reflect its character and diversity.
- 3.24 The forum application includes an explanation about how the forum has endeavoured to reach all sectors and communities represented in the Area. The Working Group used various ways for advertising the forum membership throughout the Area such as posters, leaflets and social media (Facebook and LinkedIn). A website was also created for the purpose of promoting the forum ([www.tileyardcreativequarter.co.uk](http://www.tileyardcreativequarter.co.uk)). The Working Group anticipate continuous engagement with local business and residents in the Area and new memberships. The membership is open to all who live or work within the Area, including elected members for the Caledonian ward.
- 3.25 Section 61F(7) of the Town and Country Planning Act (1990), requires the Council to have regard to the desirability of designating an organisation whose membership is drawn from different places and different sections of the community.
- 3.26 It is considered that the proposed forum has not sufficiently demonstrated that membership is drawn from different places and different sections of the community in the Area or that its purpose reflects (in general terms) the character of the Area. A detailed geographical analysis of the proposed forum membership is provided below.
- 3.27 The Forum membership document submitted by the Working Group on 13 March 2020 shows a list of 48 forum members who either own or work from a business located within the area. The breakdown below shows that:
- 39 members own a business or work from postcode N7 9AH.
  - 7 members own a business or work from postcode N7 9BN.
  - 1 member owns a business or works from postcode N7 9AP.
  - 1 elected member who represents the Caledonian ward.
- 3.28 The map below shows geographical pins representing the business location (owned or/and regular place of work) of each forum member. These are based on the addresses provided in the forum membership list included in the forum application (Appendix 1). The general postcode N7 indicated above has not been mapped as it represents the Caledonian ward and wider area beyond the proposed Neighbourhood Area boundaries.



Tileyard and Vale Royal Creative Quarter Working Group members



3.30 As observed on the map, the majority of forum members are concentrated within the Tileyard Studios buildings complex, where the map shows a total of 37 entries. There are 9 entries located within Acorn Production Centre and 1 entry in Vale Royal. Acorn Production Centre is part of the Tileyard family of companies. Although the proposed Neighbourhood Area boundary extends beyond the named locations, there are no forum members represented beyond these areas.

3.31 An analysis of the 20 companies represented by the forum membership (using information available on Companies House) shows that 19 companies have various business interests in the music production, related industries or businesses which are ancillary to the function of this cluster. Almost all of the Forum members are either owners, co-owners or employees of these 19 companies. This is a narrow sector of businesses, which do not represent different sections of the community.

The majority of forum members work for or own companies, between which there are close ownership and/ or directorship links.

3.32 As noted above, with the exception of the single business at N7 9AP, all of these businesses operate from premises within either the Tileyard Studio buildings complex or the Acorn Production Centre.

3.33 It is considered that the forum is not representative of the businesses in the proposed Area and therefore does not reflect in general terms the purpose and character of the area. The



geographical location of forum members' addresses indicates that their regular workplace is Tileyard Studios and Acorn Production Centre.

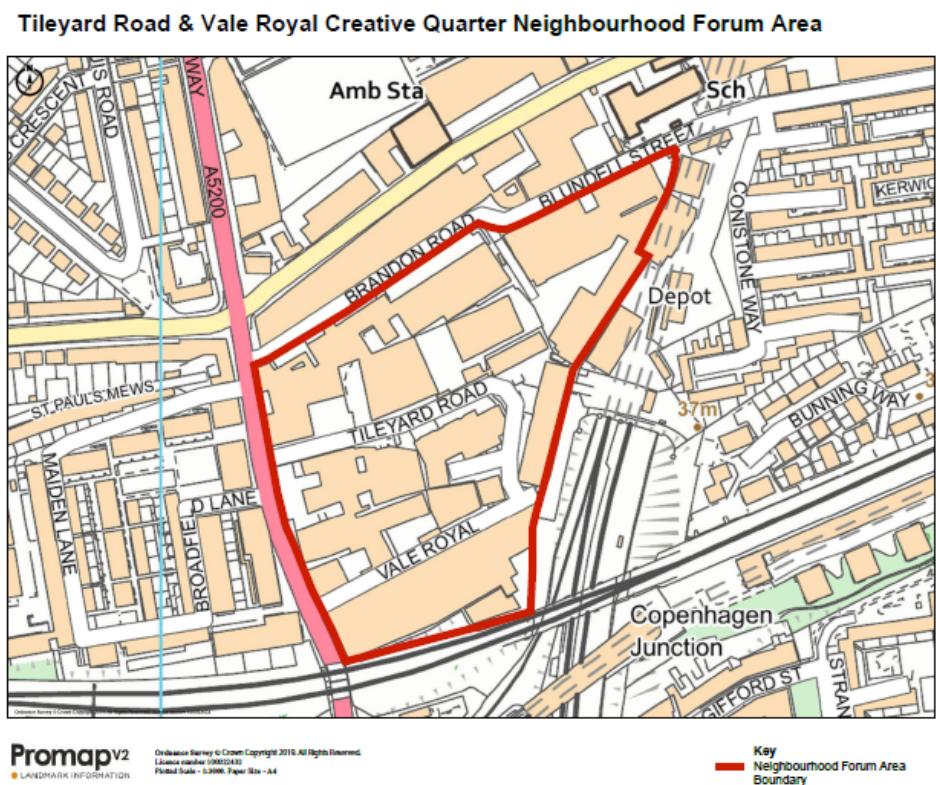
- 3.34 Also, the membership of the forum is dominated by music production and related support and performing arts companies, whilst on the ground there is a wider range of businesses including industrial businesses. There is no representation from businesses operating in other parts of the proposed area that are not related to music and the associated sectors, and comprise other activities including self-storage, warehousing and distribution.
- 3.35 In order to ensure that the purpose of the Forum reflects the character of the area as required by Section 61F(7) of the Town and Country Planning Act (1990), the option of reducing the size of the Neighbourhood Area to an area within which the majority of the forum membership is concentrated has been explored. However, if the Neighbourhood Area were to be reduced in size to represent the area where forum membership is concentrated, this would effectively result in a small and incoherent area being identified. It is considered that such a significant reduction would call into question the purpose of the forum to promote or improve the social, economic and environmental wellbeing of an area.
- 3.36 For the reasons set out above it is considered that the Neighbourhood Forum application should not be approved.

### **Neighbourhood Area Application**

- 3.37 Under section 61G(1)(a) of the Act, the power to designate a neighbourhood area is only exercisable where the application has been made by a relevant body (i.e. a body which is capable of being designated as a neighbourhood forum). For the reasons set out above it is considered that the application fails the test.
- 3.38 The Neighbourhood Area application includes the following relevant information as required under Regulation 5 of the Neighbourhood Planning (General) Regulations (2012) (see Appendix 2):
- A map identifying the proposed Neighbourhood Area (the area to which the application relates)
  - A statement explaining why the area is considered to be appropriate to be designated; and,
  - A statement that the organisation is a relevant body (i.e. an organisation or body, which is, or is capable of being, designated as a Neighbourhood Forum as defined in section 61G of the Town and Country Planning Act (1990)).
- 3.39 The Neighbourhood Area is located entirely within the Caledonian ward in Islington. The proposed Area forms part of the Vale Royal and Brewery Road LSIS Locally Significant Industrial Site (LSIS) designated in the Development Management Policies DPD (2013). This is an area of predominantly industrial businesses. The proposed Neighbourhood Area covers approximately 38% of the area of the LSIS.
- 3.40 The western boundary of the Neighbourhood Area comprises York Way (A5200), which runs north to south adjacent to the proposed area. This also forms the boundary of both the borough of Islington and the LSIS, beyond which lies a predominantly residential development within LB Camden. It thus forms a natural boundary to the Neighbourhood Area. The boundary to the south comprises elevated railway lines, which also form a physical boundary to the Neighbourhood Area. To the north, the boundary runs along the

centre of Brandon Road and Blundell Street and includes the properties to the south of Brandon Road/ Blundell Street. The boundary to the east runs parallel to the railway tracks running from south-west to north-east and excludes the timber yard and Council depot which lie to the east and sit above the railway tracks and tunnel.

3.41 The boundary of the proposed Neighbourhood Area by the Working Group is shown below;



3.42 The Working Group do not refer to other neighbourhood planning forums and areas nearby. The proposed designation does not overlap and is not adjacent to other neighbourhood areas.

3.43 The Working Group have not produced a detailed explanation of the proposed boundary chosen, particularly against the criteria in the PPG and legislation. They merely consider that it reflects most appropriately the area within which a cluster of creative businesses from the music, fashion, film, TV and associated digital and technology industries (amongst others), is located.

3.44 The Working Group acknowledge that the proposed Neighbourhood Area is located within Vale Royal and Brewery Road LSIS and that this area is designated in the Council's Core Strategy (2011). The application refers to evidence base documents commissioned by the Council that have informed the draft Local Plan: The Vale Royal/Brewery Road Locally Significant Industrial Site Height Study, prepared by the Urban Initiatives Studio (2016) for the Council; and the LB Islington Employment Land Study, prepared by Ramidus Consulting Ltd (2016). Both documents identify that the Tileyard Road/Vale Royal area is distinctive within the wider LSIS, occupied by a cluster of industrial businesses, some of which specialise in creative production (music production, photography, etc.).

## Consultation responses

- 3.45 The Council carried out a consultation on the designation of TRVRCQ Neighbourhood Area and Forum applications which ran for a period of six weeks from Friday 20 March to Friday 1 May. Consultation included site notices, a dedicated consultation page in the Council's website and a mail out to the planning policy consultation database.
- 3.46 During the consultation period, a total of 14 responses were received, of which seven expressly support the designation of the proposed Neighbourhood Area and Forum. Four of the support responses received were identical, and two of these were sent by forum members. The template letter contained the following reasons for supporting the designation:
1. We strive for the retention of local design and heritage characteristics.
  2. It will help us protect Tileyard's vibrant creative character that has sprung up over the last 10 years, by supporting the increase of mixed and hybrid developments.
  3. It will help us make it easier for pedestrians and cyclists to move freely and safely in Tileyard and Vale Royal.
  4. It will encourage civic pride and local involvement of individuals and organisations in Islington's planning process and mean we have a seat at the table.
  5. It will help us maintain a mix of uses and ensure we have the best opportunity to protect the important cultural character of this area, alongside industrial uses.

The response also makes reference to the Coronavirus Pandemic and claims that having a neighbourhood forum would help the future of this cluster of businesses respond to the crisis.

- 3.47 In addition to the template responses above, a letter was received from a business based within the area which is also a member of the TRVRCQ Working Group and Forum. The letter outlines the benefits that the designation of the proposed area would have for creative industries and the wider borough to help facilitate dialogue between the Council and businesses based within Tileyard London. The response acknowledges Tileyard London, whom the company representative work with as a client, as an important music hub and the partnerships that the company has been able to form in recent years by moving to the area. The response also makes reference to the benefits of the hybrid nature of recent development coming forward in the area, and refers to the importance of protecting the area's cultural cluster and heritage.
- 3.48 Further, an endorsement letter was also received from the chair of TRVRCQ Neighbourhood Forum to reiterate the world-renowned nature of the music cluster in the proposed area, and the collaborative nature of the cluster with artists and tech start-ups. The letter also outlines civic engagement in the planning process as a benefit of the proposed designation.
- 3.49 A response letter was received from Historic England stating that while the majority of buildings within the proposed area are functional post-war industrial in character, a desk based assessment indicates the potential for a few older industrial buildings which might create a historic link to the wider industrial heritage of the area.
- 3.50 A further response letter was received from TfL stating no objection but suggesting that the area boundary could be extended to the east to include commercial units and hardstanding that extend above the East Coast railway.

3.51 The responses received are set out in full in Appendix 5.

## **4. Implications**

### **4.1 Financial implications:**

There are no financial implications. Any associated costs will be met from existing revenue budgets within Planning and Development.

### **4.2 Legal Implications:**

The matters which must be included in an application for a Neighbourhood Forum and Neighbourhood Area are set out above within the main body of the report.

The consultation on the Neighbourhood Area and Neighbourhood Forum has been conducted in accordance with the Regulations.

Section 61F (F) (5) of the Act provides that a local planning authority may designate a body as a neighbourhood forum if it is satisfied that the body meets the following conditions—

- (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 S 61F(7) says that in making that determination the authority

- (a) must have regard to the desirability of designating an organisation or body—
  - (i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of sub-paragraphs (i) to (iii) of subsection (5)(b),
  - (ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and

(iii) whose purpose reflects (in general terms) the character of that area,

(b) may designate only one organisation or body as a neighbourhood forum for each neighbourhood area.

Section 61G(1) (a) of the Act states that the power to designate a neighbourhood area is only exercisable where a body capable of being designated as a neighbourhood forum has made the application. If the application has not been made by such body, then there is no power to designate a Neighbourhood Area. If Members consider that the Forum application should not be approved for the reasons set out in this report, then it would follow that the council does not have power to designate the Neighbourhood Area applied for.

If an application had been made by a body that could have been designated as a forum, then Section 61G(5)(c) of the Town and Country Planning Act 1990 allows the Local Planning Authority (LPA) to refuse to designate a proposed Neighbourhood Area if it is not considered appropriate. In the Daws Hill case the Court of Appeal stated that this gave the local planning authority a broad discretion to be exercised having regard to the particular factual and policy matrix that existed at the time the determination was made.

However, if the area applied for is refused then the authority must exercise their power of designation so as to secure that some or all of the area applied for forms part of one of more area designated or to be designated as neighbourhood areas. The local authority would need to provide reasons for designating a different area to that applied for. A justification would also need to be provided for the changes to the boundary.

The Regulations set a prescribed date for the determination of forum and area applications. In this case, the prescribed date is 13 weeks from the date immediately following that on which the application is first publicised.

If a decision is made to refuse to designate a neighbourhood area /or forum the Local Planning Authority must publicise the decision in accordance with the Regulations including a statement of their reasons for making that decision

The council's decisions whether or not to designate a Neighbourhood Area / Neighbourhood Forum may only be challenged by an application for judicial review on public law grounds. There is no right of appeal under the neighbourhood planning regime.

Other legal implications are included within the body of the report.

#### **4.3 Environmental Implications and contribution to achieving a net zero carbon Islington by 2030**

The creation of a neighbourhood area and forum has no significant environmental impacts or contribution to achieving net zero carbon. Only at the stage of producing a Neighbourhood Plan – were the forum to be approved – would there be any potential impacts, and these would be assessed in due course.

#### **4.4 Resident Impact Assessment:**

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have



due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

It is important to note that neighbourhood planning activities are carried out by local communities and not by the Council. Nevertheless, the Council can work with local community groups and encourage them to consider resident/equality impacts at relevant stages if and when the draft Neighbourhood Plan is developed. RIAs will only inform Council's decision making. However, where equalities implications are identified the Council can raise these and encourage community groups to consider social/equalities impacts as part of the evidence for more detailed proposals – for example, as part of a wider Sustainability Appraisal if one is required for the Neighbourhood Plan.

In this case, the Working Group has not provided any assessment of groups with protected characteristics. There is not a strict requirement to provide an equalities assessment of groups with protected characteristics on applications for Neighbourhood Area and Forum, however, it is considered that a good understanding of the area's key demographic and socio-economic aspects is key to ensure representativeness.

A Resident Impact Assessment (RIA) of the Council's decisions on the Neighbourhood Area and Forum designations has been completed and is attached at Appendix 6. It showed that there are no specific equalities implications arising from the decisions set out in this report.

## **5. Reason for recommendations**

- 5.1 An application for the designation of the Tileyard Road and Vale Royal Creative Quarter (TRVRCQ) Neighbourhood Area and Tileyard Road and Vale Royal Creative Quarter Neighbourhood Forum which falls within the Caledonian ward, has been made to the Council and the proposal has been subject to consultation.
- 5.2 The minimum requirements for a Neighbourhood Forum application are set out in the Neighbourhood Planning (General) Regulations 2012, Part 3, Section 8; and Section 61F(5) of the Town and Country Planning Act 1990. The application contains all the minimum requirements. In addition, Section 61F(7) *of the Town and Country Planning Act (1990)*, requires that the Council has regard to the desirability of designating an organisation whose membership is drawn from different places and different sections of the community.
- 5.3 It is considered that the forum is not representative of the businesses in the proposed Area and therefore does not reflect in general terms the purpose and character of the area. There is no representation from the businesses operating in the wider area. The majority of forum members work for or own companies, between which there are close ownership and/ or directorship links.

With the exception of the elected member and the single business at N7 9PA, all the members operate from one of two sites/complexes within the proposed Area.

- 5.4 It is considered that the proposed TRVRCQ Neighbourhood Forum will not act as a representative voice for businesses within the proposed area.

5.5 It is recommended that:

- the Executive exercises its discretion under section 61F to refuse to designate the proposed Neighbourhood Forum, on the grounds that membership of the organisation is not drawn from different places in the neighbourhood or from different sections of the community in that area, and is not representative of businesses in the proposed area;
- Having regard to its decision on the proposed Neighbourhood Forum, the Executive declines to determine the application for designation of the specified area as a neighbourhood area on the basis that the applicant is not a "relevant body" because it is not "capable of being designated as a neighbourhood forum"

5.6 In an attempt to overcome the concerns which lead to the above recommendations, the option of reducing the Neighbourhood Area to represent an area where forum membership is concentrated has been considered. However, this would result in a small and incoherent area being identified. It is considered that such a significant reduction to the proposed area would call into question the purpose of the forum to promote or improve the social, economic and environmental wellbeing of an area.

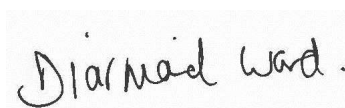
**Appendices:**

- Appendix 1: Tileyard Road Vale Royal Creative Quarter Neighbourhood Forum Application.
- Appendix 2: Tileyard Road Vale Royal Creative Quarter Neighbourhood Area Application.
- Appendix 3: LBI response to the Working Group sent by email on 18 September 2019.
- Appendix 4: Redacted forum membership document submitted on 13 March 2020.
- Appendix 5: Table of consultation responses - Redacted.
- Appendix 6: RIA

**Background papers:** none

Final report clearance:

**Signed by:**



Executive Member for Housing &  
Development

Date

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