



Report of: Executive Member for Housing and Development

Executive	Date: 26.11.2015	Ward(s): All
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SUBJECT: Designation of Crouch Hill and Hornsey Rise Neighbourhood Area

1. Synopsis

- 1.1 This report considers an application for the designation of a Neighbourhood Area to be known as the Crouch Hill and Hornsey Rise Neighbourhood Area (CHHRNA) with a boundary as shown at Appendix 1; and summarises the results of the related consultation (see Appendix 2)
- 1.2 This is the first Neighbourhood Area application to be publicised by the Council. A Neighbourhood Forum must be designated for the Neighbourhood Area before any formal work on a Neighbourhood Plan can begin.
- 1.3 Legislation requires local authorities to consider and determine applications for proposed neighbourhood areas; they are to consider whether the area is appropriate for designation as a Neighbourhood Area.

2. Recommendations

- 2.1 To consider the summary of responses to the consultation on the application for the Crouch Hill and Hornsey Rise Neighbourhood Area, as set out in Appendix 2.
- 2.2 To agree to designate a Neighbourhood Area with a boundary, as identified on the map in the submitted Neighbourhood Area application at Appendix 1, and to be known as the Crouch Hill and Hornsey Rise Neighbourhood Area pursuant to Section 61G of the Town and Country Planning Act 1990.

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 strategy for the physical development of an area, and form part of the borough's Development Plan once adopted.
 - 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, neighbourhood planning will be taken forward by Neighbourhood Forums. These bodies will operate within a designated Neighbourhood Area. The proposed Crouch Hill and Hornsey Rise Neighbourhood Area is the first neighbourhood area to be publicised by the Council under the neighbourhood planning legislation. The application was submitted by a community group working towards designation as Crouch Hill and Hornsey Rise Neighbourhood Forum (CHHRNF) in February 2014.

Summary of CHHRNF Neighbourhood Area application

- 3.4 CHHRNF began work on the Neighbourhood Area application in 2013. The Council provided feedback on several iterations of this application, before a valid (i.e. consistent with relevant regulations) application was submitted in February 2014. This application includes the following relevant information, as required by Section 5 of the Neighbourhood Planning (General) Regulations 2012 (see Appendix 1):
- A map of the area to which the area application relates to;
 - A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - A statement that the organisation is a relevant body for the purposes of section 61G of the 1990 Act (i.e. an organisation or body which is, or is capable of being, designated as a Neighbourhood Forum).
- 3.5 The Council's guidance note on neighbourhood planning sets out that Neighbourhood Area and Forum applications can be consulted on together, as they are intrinsically linked. In light of this guidance, officers liaised with CHHRNF representatives and agreed not to consult on the Neighbourhood Area application. This was to enable the group to finalise the forum application and then consult on both applications together in the future.
- 3.6 Subsequently, the person who originally submitted the February 2014 area application on behalf of the group contacted the Council requesting that the area application be publicised on the basis of the Neighbourhood Planning (General) Regulations. Following further consideration and Counsel's advice, the Council proceeded with the consultation of the February 2014 area application.
- 3.7 The proposed Neighbourhood Area boundary was identified following community consultation events convened by CHHRNF. The boundary was also discussed with the emerging Neighbourhood Forum for Archway ('Plan Archway') as the proposed Archway Neighbourhood Area shares a boundary with the proposed CHHRNA. Based on Neighbourhood Area applications for these areas (an emerging application in the case of Archway), boundaries have been determined by contingent neighbourhood Areas and it is intended that the boundaries join up exactly.
- 3.8 The proposed boundary is described in section 2 of the Neighbourhood Area application (see Appendix 1). The proposed area includes several housing estates; Sites of Importance for Nature Conservation (SINCs); the Hornsey Road (North) Local Shopping Area; Parkland Walk Metropolitan Open Land (MOL); and one allocated site for development on Courtauld Road. This allocated site is split into east and west; both parts have planning permission, with over 50 residential dwellings proposed in total. Work has commenced on site for both permissions.

- 3.9 The Town and Country Planning Act 1990, Section 61G(5)(c) allows the local planning authority (LPA) to refuse to designate a proposed Neighbourhood Area if it is considered to be inappropriate; however, section 61G(5) also requires the Council exercise their 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. Section 61G(9) requires LPA to give reasons for refusing to designate a Neighbourhood Area application.
- 3.10 National Planning Practice Guidance (PPG) gives guidance on Neighbourhood Areas. Of particular relevance in this case is the following guidance on what considerations could be taken into account when deciding the boundaries of a Neighbourhood Area:
- 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
 - 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
- 3.11 The PPG also states that, when deciding whether to designate a Neighbourhood Area, a LPA should avoid pre-judging what a qualifying body may subsequently decide to put in its draft Neighbourhood Plan or Order; and it should not make assumptions about the Neighbourhood Plan or Order that will emerge from developing, testing and consulting on the draft Neighbourhood Plan or Order when designating a Neighbourhood Area.
- 3.12 The decision whether to designate the proposed Neighbourhood Area should be based on whether the proposed area is appropriate, this appropriateness must be determined on the merits of the application, rather than any potential future policies which may emanate from any designated Neighbourhood Area.
- 3.13 In the case of R (Daws Hill Neighbourhood Forum) v Wycombe 2014 the Court of Appeal supported the view of the High Court judge that the LPA has a broad discretion when considering whether a specified area is an appropriate area to be designated as a Neighbourhood Area; and that in exercising that discretion the LPA should have regard to the particular circumstances existing at the time the decision is made. The character of the area proposed for designation as a Neighbourhood Area is bound to be a relevant consideration when an LPA is deciding whether its designation is appropriate.

Consultation and discussion of responses

- 3.14 Consultation on the proposed Neighbourhood Area took place for 6 weeks from 28 August to 9 October 2015. In line with the requirements of Neighbourhood Planning (General) Regulations 2012, a copy of the Neighbourhood Area application was made available on the Council's website, along with information on how representations could be made. A copy of the application was also made available for inspection at the Council's offices and at Archway Library (the nearest library to the proposed Neighbourhood Area). Notices were also placed in local newspapers; and displayed at various locations throughout the proposed Neighbourhood Area.
- 3.15 Letters and e-mails were sent to individuals and organisations on the Planning Policy database, providing information on the application.
- 3.16 Seventeen responses were received in total during the consultation period. A summary of all responses received, and the Council's response to these, is provided at Appendix 2. The majority of responses

offered no specific support/objection. There were 3 supportive responses (one of which was signed by a number of local businesses; and which the Council have subsequently been asked to treat as a petition) and 5 objections to the proposed Neighbourhood Area from residents in the area. In addition, the response from Historic England offered a recommendation regarding Conservation Areas.

- 3.17 Several residents of the area did raise concerns about the suitability of the area proposed, namely that:
- There is little justification for the proposed area;
 - No methodology for determining the boundary has been outlined;
 - Application is out-of-date and doesn't reflect recent decisions by CHHRNF;
 - No concurrent Neighbourhood Forum application is being consulted on; and
 - The proposed boundary includes areas which do not relate to the wider neighbourhood, and also arbitrarily excludes areas due to the railway line boundary.
- 3.18 Regarding the justification for the proposed area and lack of a methodology, legislation provides limited steer on what a neighbourhood area should look like, and only requires a statement of why this area is considered appropriate to be designated as a Neighbourhood Area. Such a statement has been provided.
- 3.19 The PPG provides some additional guidance, and identifies potential considerations which could be taken into account when deciding boundaries (see above). These considerations include infrastructure or physical features such as a major road or railway line or waterway; and the existence of formal or informal networks (plural) of community groups.
- 3.20 With regard to the application being out-of-date, this stems from the issue discussed in paragraph 3.6 above, and the recent decision to consult on the February 2014 Neighbourhood Area application. It should be noted that in dealings with CHHRNF post February 2014 to present, no mention has been made of an alternative boundary, nor has any indicative alternative boundary been demonstrated.
- 3.21 Regarding the lack of a concurrent Neighbourhood Forum application, there is no requirement in Neighbourhood Planning regulations to consult on Area and Forum applications at the same time. The Council does prefer that consultation take place at the same time, as it only requires one combined consultation exercise instead of two separate exercises; however, separate consultations are consistent with legislation.
- 3.22 A response from Historic England noted that they normally advocate ensuring that Neighbourhood Area boundaries follow Conservation Area boundary lines, i.e. that they are within one Neighbourhood Area; however, there is no regulatory basis for this. The proposed boundary does include a small part of the Whitehall Park Conservation Area, with the remainder included in the emerging Archway Neighbourhood Area. While the CHHRNA application refers to the aim of ensuring that the Conservation Area is entirely within the Archway Neighbourhood Area, the boundary as submitted is not fully consistent with that described in the application. As regards the justification for the proposed boundary set out in the Neighbourhood Area application, whilst this does not consider the small part of the area which was intended to be excluded from the proposed Neighbourhood Area boundary, it is considered that it is appropriate justification overall, in line with regulatory requirements and the fact that Historic England raised no objection.
- 3.23 Historic England's response requested that the merits of the proposed boundary be discussed with Council's own Design and Conservation colleagues. This was done and no specific concerns about the proposed boundary and the split of the conservation area between two Neighbourhood Areas were highlighted. Considering this, and the fact that there is nothing in legislation to preclude the split of a Conservation Area across multiple Neighbourhood Areas, officers consider it unnecessary to suggest an amendment to remove the small element of the Conservation Area from the proposed CHHRNA. Even if the boundary were to be amended to exclude this small element, there is no guarantee that the emerging Archway Neighbourhood Area would be amended to add in this small element; the most recent proposed boundary for the emerging Archway Neighbourhood Area boundary immediately abuts the proposed CHHRNA along Hazelville Road, i.e. it does not include this small part of the Conservation Area.

Next steps

- 3.24 The Neighbourhood Planning (General) Regulations 2012 (as amended) sets a prescribed date for the determination of an area application. In this case, the prescribed date is 13 weeks from the date immediately following that on which the application is first publicised, which is 28 November 2015.
- 3.25 If members are minded to refuse to designate the Neighbourhood Area boundary as proposed, the provisions of the Town and Country Planning Act 1990 (as amended), Section 61G(5) would apply. This requires the Council to 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. This means that a smaller Neighbourhood Area would need to be designated (removing any areas which instigated refusal).
- 3.26 Once a Neighbourhood Area is designated, no particular group has 'ownership' of the Neighbourhood Area until a Neighbourhood Forum is designated for the area in question. The next step would be for a community group to apply to be designated as the Neighbourhood Forum. A Neighbourhood Forum application needs to address the prescribed conditions set out in section 61F of the Town and Country Planning Act 1990 (as amended), including having a written constitution and a membership made up of at least 21 individuals who live or, work within, or act as an elected member for the Neighbourhood Area.
- 3.27 If and when a Neighbourhood Forum is designated, work on a Neighbourhood Plan can then officially proceed (if the Forum is intent on producing a Plan). A Neighbourhood Plan needs to progress through several stages before it can be adopted, including examination and a referendum. The Council will set out expectations of the Neighbourhood Plan process following a Forum designation; this will include setting milestones and strong encouragement of ongoing dialogue between the Forum and local communities and councillors.

4. Implications

Financial implications:

- 4.1 The cost of assessing the Neighbourhood Area application and consultation costs have been met through existing budgets within the Planning and Development division; costs associated with publicising any decision to designate a neighbourhood area will also be met through existing budgets.
- 4.2 Likewise, any costs associated with consultations on future Neighbourhood Forum applications will be met through existing budgets.
- 4.3 The Government provides funding to help local authorities meet the cost of their Neighbourhood Planning responsibilities and to support local communities. LPAs can claim £5,000 for each Neighbourhood Area designated, up to a maximum of 20 areas per year. They can also claim a further £5,000 for each Neighbourhood Forum designated.

Legal Implications:

- 4.4 The consultation on the Neighbourhood Area has been conducted in line with the relevant planning regulations.
- 4.5 The Neighbourhood Planning (General) Regulations 2012 (as amended) sets a prescribed date for the determination of an area application. In this case, the prescribed date is 13 weeks from the date immediately following that on which the application is first publicised, which is 28 November 2015.
- 4.6 Section 61G(5) of the Town and Country Planning Act states that the council must exercise their 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. This means that a smaller Neighbourhood Area would need to be designated (removing any areas which instigated refusal).
- 4.7 Other legal implications are included within the body of the report.

Environmental Implications

- 4.8 There are not deemed to be any significant environmental implications from the designation of Crouch Hill and Hornsey Rise Neighbourhood Area. Future decisions related to the Neighbourhood Area may be assessed for their environmental implications, although these are only likely to arise if and when a designated Neighbourhood Forum proceeds with production of a Neighbourhood Plan for the area.

Resident Impact Assessment:

- 4.9 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.
- 4.10 A Resident Impact Assessment (RIA) has been completed and has shown that there are no specific equalities implications relating to a Neighbourhood Area consultation and designation. Future decisions related to the Neighbourhood Area may be accompanied by an updated RIA. For example, consideration of whether to designate a Neighbourhood Forum, which would take responsibility for the area, requires consideration of whether the proposed forum is representative of the area; assessment of this could include equalities considerations.

5. Conclusion and reasons for recommendations

- 5.1 An application for the designation of a Neighbourhood Area, as identified on the map in the submitted Neighbourhood Area application at Appendix 1, has been made to the Council and the proposal has been subject to consultation. The application meets the relevant regulations.
- 5.2 Seventeen consultation responses were received. Officers consider that these representations do not raise any issues which render the proposed area inappropriate for designation as a Neighbourhood Area.
- 5.3 Given the provisions of Section 61G of the Town and Country Planning Act 1990 (as amended); and guidance in the PPG, the proposed Neighbourhood Area boundary is considered appropriate to be designated. The boundary runs largely along the borough boundary and the railway line, hence this is consistent with the PPG which identifies infrastructure, physical features and settlement boundaries as factors which could inform the drawing of boundaries. The remaining part of the boundary reflects discussions with the emerging Neighbourhood Area and Forum in Archway; both groups have reached agreement on the route of their shared boundary.
- 5.4 For this reason it is recommended that the Executive agrees to designate the Crouch Hill and Hornsey Rise Neighbourhood Area.

Signed by:



11.11.15

Executive Member for Housing and Development

Date

Appendices

1. Crouch Hill and Hornsey Rise Neighbourhood Area application
2. Summary of responses to Crouch Hill and Hornsey Rise Neighbourhood Area consultation

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