

Committee(s)	Dated:
Planning and Transportation Committee	18/07/2023
Subject: Proposed Barbican and Golden Lane Neighbourhood Forum and Area	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	3, 4
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Gwyn Richards, Planning & Development Director, Environment Department	For Decision
Report author: Michelle Rowland, Environment Department	

Summary

A group of residents living in the Barbican and Golden Lane estates have come together to propose a neighbourhood forum and neighbourhood area and have submitted an application for formal designation (Appendix 1). Responsibility for considering and designating neighbourhood areas and forums in the City rests with the City of London Corporation. If designated, this would be the first neighbourhood forum and area within the City of London.

The City Corporation undertook public consultation from 9 May to 12 June 2023 to gather public feedback on the proposal (Appendix 2). We received 122 responses to the consultation which were mainly positive and supportive. Two objections were received on the forum and three objections on the area. These objections are not considered to be sufficient to recommend changes to the area or to reject the designation of the forum.

The applications meet the requirements for approval as defined in the Neighbourhood Planning (General) Regulations 2012 and the Town and Country Planning Act 1990 (as amended). This report sets out a recommendation to approve the applications as submitted.

Recommendation(s)

Members are asked to:

- Designate the proposed neighbourhood forum.

- Designate the proposed neighbourhood area.

Main Report

Background

1. Neighbourhood planning was introduced in the Localism Act 2011. It is a tool that gives communities statutory powers to shape their community. Neighbourhood planning allows communities to develop a shared vision for the neighbourhood and shape development and growth of their local area. Neighbourhood planning is not a legal requirement, but a right that communities in England can choose to use.
2. The legislative provisions regarding neighbourhood planning forums and neighbourhood areas are set out within the Town and Country Planning Act 1990 (“the TCPA 1990”) and the Neighbourhood Planning (General) Regulations 2012 (“the 2012 Regulations”).
3. Officers have been engaging with a group of residents living in the Barbican and Golden Lane estates since January 2023 following an initial request to designate a neighbourhood forum and neighbourhood area, providing advice on process and respective roles of the City Corporation and local residents.
4. Neighbourhood planning can be undertaken by three types of organisations, known as qualifying bodies: parish or town councils, neighbourhood forums or community organisations. As the City of London does not contain any town or parish councils, a neighbourhood forum must be designated if a neighbourhood plan is to be produced. Neighbourhood planning is undertaken by a designated neighbourhood forum in a defined neighbourhood area.
5. The application before the Planning and Transportation Committee is for a neighbourhood area and forum. This is the first formal step (of many) towards the possible creation of a neighbourhood plan. A neighbourhood forum has the ability to create a neighbourhood plan which contains policies for the development and use of land. A neighbourhood plan must go through statutory stages of preparation, including public consultation on draft proposals, a public examination of the plan before an independent planning inspector, and a referendum within the plan area, before it can be adopted. Once adopted, a neighbourhood plan forms part of the development plan and sits alongside the Local Plan prepared by the Local Planning Authority. A neighbourhood plan must conform to the strategic policies of the local plan in force. During the neighbourhood plan process, there are significant opportunities for stakeholders within and outside of the area to influence and comment on the neighbourhood plan, if it were to be brought forward. Once a neighbourhood plan has been adopted, the determination of planning applications should be made in

accordance with the policies in the local plan and the neighbourhood plan and any other material considerations.

6. The local planning authority must take decisions at key stages in the neighbourhood planning process, ie. assessment of the neighbourhood plan area or forum. The local planning authority must fulfil its duties and take decisions as soon as possible, and within statutory time periods where these apply. Although the neighbourhood forum is responsible for drafting the neighbourhood plan, the local planning authority is responsible for organising and funding a public examination into the plan and for a referendum amongst residents in the forum area to ask whether they want to adopt the plan.
7. Once a neighbourhood forum is designated, it becomes a statutory consultee to be consulted on for local plan matters and development management in relation to applications that affect the area. The Local Authority also consult with the forum on how best to spend 15% of the collected Community Infrastructure Levy (CIL) from within the neighbourhood area. If a neighbourhood forum has a neighbourhood plan in place, this rises to 25%.
8. Local authorities must consult for a minimum of 6 weeks on the proposed forum and area. Consultation on the Barbican and Golden Lane forum and area took place from 9 May to 21 June 2023. The forum and area applications were published on the City Corporation's website, on [Commonplace](#) (an engagement platform), displayed on posters in estate offices, physical copies of the application were available at Guildhall North Wing and the City's lending libraries, and mailouts went to all postal addresses in and adjacent to the proposed area.
9. Of all the responses, 93% were from people who responded from within the neighbourhood area. Only 10 of the 122 respondents (seven per cent) were representing an organisation.

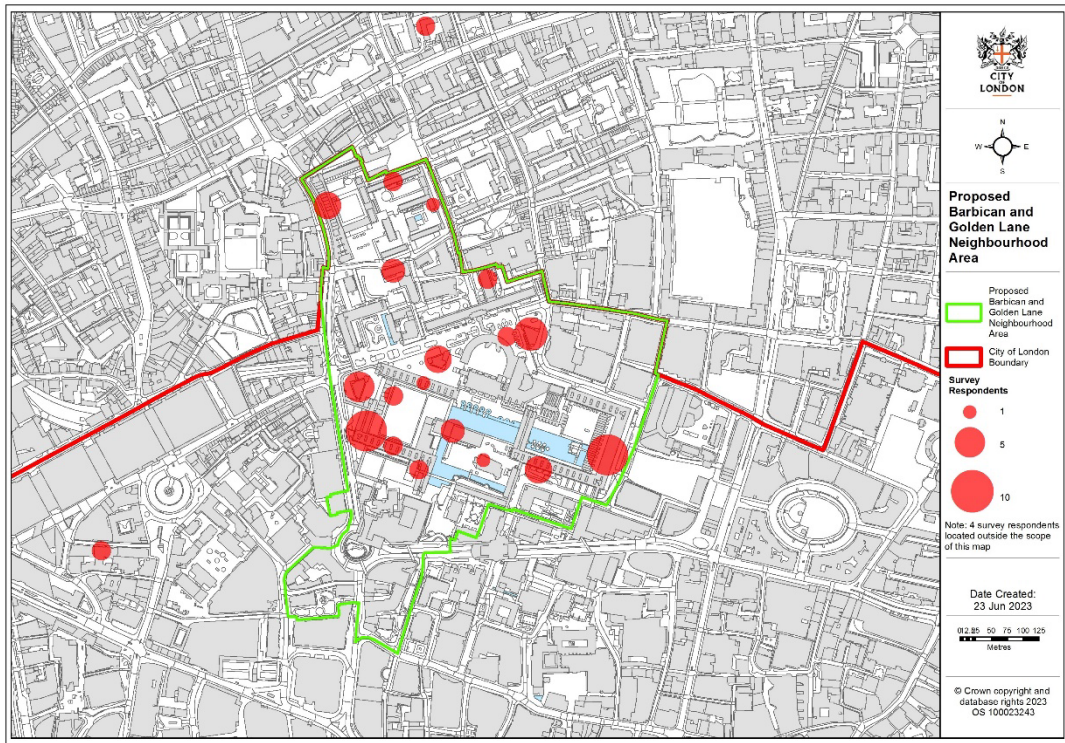


Figure 1 Locations of respondents

10. Applications for a neighbourhood forum and area must be determined within 13 weeks of first being publicised. This date is 8 August 2023.

Proposed Forum

11. A designated neighbourhood forum is an organisation or group tasked with leading the neighbourhood planning process. A group must apply to the local planning authority to be designated as a neighbourhood forum. The forum application must show how they have sought to comply with the conditions for neighbourhood forum designation as set out in section 61F(5) of the TCPA 1990 (as amended). The conditions require that:

- The forum 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
- Its membership is open to:
 - Individuals who live in the neighbourhood area
 - Individuals who work there
 - Individuals who are elected members of a London borough council whose area falls within the neighbourhood area concerned
- Its membership must include a minimum of 21 individuals who either:
 - Live in the neighbourhood area concerned, or
 - Works there, or

- Is an elected member of a London borough council whose area falls within the neighbourhood area
 - It has a written constitution
12. Section 61F(5) of the TCPA 1990 provides that a local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the above conditions. In respect of the current application for designation, the conditions for neighbourhood forum designation have been met and this is demonstrated in the application and submitted constitution.
 13. The City as local planning authority must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, 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 who lives in the neighbourhood area, one individual who works in the area, and one elected member for the area,
 - (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.
 14. The proposed Barbican and Golden Lane forum has submitted a constitution based on its incorporation as a Limited Company. The forum became registered under Companies House on 27 June 2023. The proposed neighbourhood forum has submitted a list of 35 individuals, whose homes and workplaces are geographically spread across different parts of the area. The membership also includes elected members for the area. The forum has demonstrated through the objects which are set out in their constitution, that its purpose reflects the character of the area and that the forum has been established for the express purpose of promoting or improving the social, economic and environmental well-being of the neighbourhood area.
 15. If a local authority decides to refuse a designation of a neighbourhood forum, the local authority must publish a statement setting out the decision and reasons for making the decision.
 16. If a designation of the neighbourhood forum is made, no other body may be designated for the neighbourhood area until the designation expires or is withdrawn.
 17. Through consultation on the proposed neighbourhood forum, the majority of comments were in support of the application. 93% of respondents agreed with the neighbourhood forum, 5% disagreed, and some people suggested minor amendments.
 18. The key reasons for support for the forum were that it would:
 - ensure that voices are heard;
 - potentially develop a neighbourhood plan which would address a wide range of planning issues; and,

- bring together the Barbican and Golden Lane areas.
19. The key reasons for objection to the forum were that:
- it would be undemocratic, due to the way that directors of the forum would be appointed;
 - the Barbican and Golden Lane estates should be separate;
 - the group is not representative;
 - there are many non-residential stakeholders and their voices may not be considered;
 - inadequate consultation process; and,
 - there is a lack of justification for creation of the forum.
20. In response to these objections, it is noted that the consultation process undertaken follows the legal requirements and accorded with the City Corporation's Statement of Community Involvement. The ability to create a neighbourhood forum, the requirements for doing so, and the position that the forum has within the planning system, are set out in primary legislation and regulation. The Barbican and Golden Lane forum application accords with this national legislation. Having the two areas as a single forum complies with the requirements of the legislation. It is required that membership of the forum is open to individuals who live or work in the neighbourhood area and any elected members for the neighbourhood area.
21. It is recommended that the Grand Committee approve the neighbourhood forum.
22. Once designated, Section 61F(8) of the TCPA 1990 states that the forum designation ceases to have effect at the end of the period of 5 years beginning on the day on which the designation is made. A local planning authority may withdraw a designation if they consider that the organisation or body is no longer (a) meeting the conditions by reference to which it was designated; or (b) any other criteria to which the authority were required to have regard to in making the designation, and where an organisation or body's designation is withdrawn, the authority are required to give reasons to the organisation or body.

Proposed Area

23. The neighbourhood forum has proposed an area which covers the Barbican and Golden Lane estates and neighbouring areas. The neighbourhood contains a wide range of uses including residences, businesses (including SMEs and creative enterprises), cultural uses, and green spaces. The entirety of the Barbican and Golden Lane estates are included; other residential buildings include Roman House, Milton Court, London House, and Little Britain. Cultural uses, such as the Barbican Centre and Guildhall School of Music and Drama, are included in the proposed neighbourhood area.
24. To submit an area application, the application must include a map which identifies the area, a statement explaining why this area is considered appropriate to be designated a neighbourhood area and a statement that the organisation is a relevant body (i.e. that they are an organisation or body which

is, or is capable of being designated as a neighbourhood forum, on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).

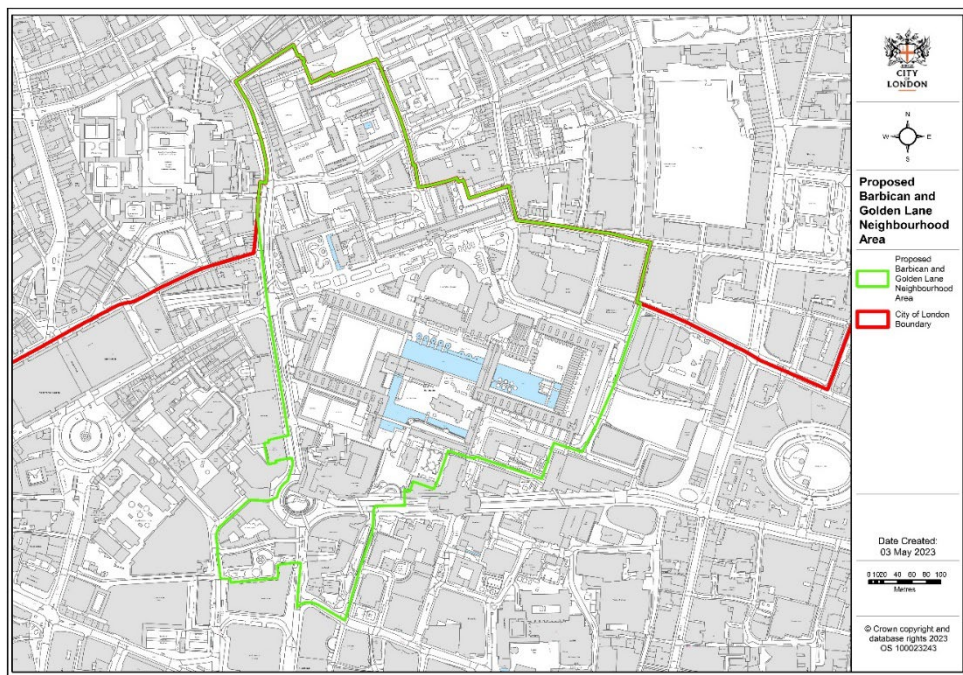


Figure 2 Proposed neighbourhood area

25. The application provides a justification for the boundaries and details the cohesion of the proposed area, including how community-based groups operate together, common physical features defining a natural boundary, the natural setting and relationship to existing planning policies.
26. A local planning authority must designate a neighbourhood area if it receives a valid application and some or all of the specified area has not been designated as a neighbourhood area. If the local authority does not determine a neighbourhood area within 13 weeks of first being publicised, then the area becomes automatically designated. The local authority should take into account the proposed forum's statement explaining why the area they applied for is considered appropriate. A local planning authority can refuse to designate the specific area applied for, if it considers the area is not appropriate. The local authority may, in determining any application, modify the proposed area. If the authority proposes modifications or refuses an application, they must give reasons to the applicant for this.
27. The national Planning Practice Guidance at paragraph 33 provides that the following could be considerations 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 that 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 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.

28. In response to consultation on the proposed neighbourhood forum, the majority of comments were in support of the application. 77% of respondents agreed with the neighbourhood area as proposed, 10% disagreed, and some people suggested minor amendments.
29. The key reasons for support for the area were that it:
- focuses on an area with important issues to residents such as traffic, environment, and development;
 - recognises geographically tight relationships between the residential and cultural areas;
 - contains Postman's Park and Barbican Wildlife Garden as important local green spaces; and,
 - follows the ward boundaries.
30. The key reasons for objection to the area were that:
- Barts Square and Bartholomew Close were excluded;
 - there is no need for an additional strategy for the area;
 - Barbican and Golden Lane should be considered separately;
 - it emphasises residents over businesses and cultural uses;
 - it should align with the conservation area boundary as proposed by the Golden Lane Residents Association and Barbican Association; and,
 - it would undermine the Development Plan requirements to optimise One Silk Street.
31. In response to these objections, officers consider that the proposed area does identify a functionally coherent neighbourhood, including residential areas, commercial and cultural uses and open spaces that are well related to the area. Area boundaries, in particular along Aldersgate Street, align with established ward boundaries and the City of London boundary. Over 4,100 people live in the proposed area, similar in size to the recommended 5,500 from the Planning Practice Guidance. In relation to concerns from the owners of One Silk Street, the proposal before the Committee is to designate a neighbourhood area and not to consider or approve any proposals which would impact on development within

that area. If the proposed forum take forward the opportunity to develop a neighbourhood plan, this would be required to conform to the City Plan and there will be significant opportunities for stakeholders to influence and comment on plan policies and proposals as they develop, including the opportunity to participate in the formal public examination into these proposals during the consideration of it by an independent planning inspector.

32. Where a local planning authority exercises their powers to designate an area as a neighbourhood area, they must consider whether they should designate the area concerned as a business area. A local authority can only designate an area as a business area if the authority consider that the area is wholly or predominately business in nature. This is not considered to be the case here.
33. Although there are objections regarding the neighbourhood area, officers do not recommend an amendment is made due to the reasons outlined above and recommend that the Planning and Transportation Committee approve the neighbourhood area as proposed.

Corporate & Strategic implications

34. The neighbourhood forum will be required to ensure that any neighbourhood plan is aligned with City Corporation's Local Plan, which itself supports the delivery of key Corporate priorities.

Financial implications

35. Once a neighbourhood forum is designated, the Local Authority must consult with the forum on how best to spend 15% of the collected CIL from within the neighbourhood area. If a neighbourhood forum has a neighbourhood plan in place, this rises to 25%.
36. In 2022/23, the Department for Levelling Up, Housing and Communities made grants available to local authorities to partially address the costs of undertaking neighbourhood planning functions, including £5,000 on designation of a forum, £5,000 on designation of an area, and £20,000 on the submission of a neighbourhood plan for referendum. No confirmation has been provided as to whether these grants will be available for 2023/24 or beyond.

Staff Resource implications

37. It is the responsibility of the City Corporation to provide support, in both materials and staff time, to the neighbourhood forum. Officer time will be required from the City Plan team and by other services as appropriate. Production of the neighbourhood plan, and the work to produce it, falls on the neighbourhood forum.

Legal implications

38. All relevant statutory processes have been complied with during consideration of the neighbourhood forum and area applications. The legal framework is set out in the body of the report.

Equalities implications

39. Regard has been had to the Equality Act 2010 (in particular Section 149) which sets out the public sector equality duty. Officers have considered whether the declaration of the neighbourhood area and neighbourhood forum could have any equality implications and no impacts have been identified. The consultation responses did not give rise to any equality concerns. Membership of a neighbourhood forum is required to be open to individuals who live or work in the neighbourhood area and any elected members for the neighbourhood area.

Risk implications

40. None

Climate implications

41. None.

Security implications

42. There are no direct security implications.

Conclusion

43. The applications for the proposed neighbourhood forum and area meet the requirements for approval as set out in the 2012 Regulations and the TCPA 1990. Public consultation gathered feedback on the applications and on the whole was positive and supportive.

44. Officers recommend that the Grand Committee designate the neighbourhood area as applied for (unaltered) and the Barbican & Golden Lane Neighbourhood Forum as the forum for that area.

Background Papers

- None

Appendices

- Appendix 1: Barbican and Golden Lane neighbourhood forum and area application
- Appendix 2: Barbican and Golden Lane neighbourhood forum and area consultation responses

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