

	Cabinet 16 July 2018
	Report from the Strategic Director Regeneration & Environment
Harlesden Neighbourhood Plan – Consultation and Examination	

Wards Affected:	Harlesden, Kensal Green, Stonebridge, Willesden Green
Key or Non-Key Decision: (only applicable for Cabinet, Cabinet Sub Committee and officer decisions)	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	1 - draft Harlesden Neighbourhood Plan
Background Papers:	None
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1.0 Purpose of the Report

- 1.1. This report provides an overview of the process which Harlesden Neighbourhood Forum has followed in producing the draft Harlesden Neighbourhood Plan and a brief summary of its content. It sets out the next stages that the Plan will have to go through to become part of the development plan and seeks authority from Cabinet to undertake these.
- 1.2. It recommends the draft Plan is published for consultation for a minimum of 6 weeks; that an independent examiner is appointed and subsequently the draft Plan is submitted along with responses received for examination. If the independent examiner's report concludes the plan meets the basic conditions and is capable of proceeding to referendum it recommends that this is done and if it attains a favourable result that the Harlesden Neighbourhood Plan is made (the term for adopted as set out in regulations).

2.0 Recommendation

2.1 That Cabinet agree that:

- a) the draft Harlesden Neighbourhood Plan as set out in Appendix A of this report is published for public consultation for a minimum of 6 weeks;
- b) the Strategic Director Regeneration and Environment be authorised to appoint an independent examiner in consultation with the Old Oak and Park Royal Development Corporation (OPDC) and Neighbourhood Forum
- c) following public consultation, the draft Plan and representations received are submitted for independent examination
- d) that following receipt of the examiner's report that the Strategic Director Regeneration and Environment, in consultation with the Cabinet Member for Regeneration, Highways and Planning, be authorised to publish the Council's decision notice, update the Harlesden Neighbourhood Plan, undertake a referendum and, subject to the outcome, that the Harlesden Neighbourhood Plan is made.

3.0 Detail

Background

- 3.1 Neighbourhood planning was introduced through the Localism Act 2011. It enables communities to develop planning policies that will become part of the statutory development plan for their area. Neighbourhood planning is delivered by 'neighbourhood forums' for their 'neighbourhood area'.

Harlesden Neighbourhood Forum

- 3.2 The Harlesden Neighbourhood Forum was designated on 18 September 2015.

Harlesden Neighbourhood Plan

Stages so far

- 3.3 The Forum undertook a series of consultation events between August 2015 to March 2017, as outlined in the Harlesden Neighbourhood Plan Consultation Statement (May 2018). This included forming five topic working groups, holding 2 workshops and undertaking an extended pre-submission consultation in April 2017 on the draft Neighbourhood Plan. As a result of the pre-submission consultation a number of amendments were proposed to the Plan, and further consultation took place on the following issues: Harlesden Plaza Site; impact of tall buildings; impact of development on the character and context of the area, including the conservation area; parking opposite Willesden Junction bus depot; site allocations; and strength of the Plan. The draft Plan as set out in Appendix A was formally submitted to the Council on 24th May 2018 with a view to the Council and OPDC going through the necessary procedures for its independent examination to occur.

Vision, planning policies and site allocations

- 3.4 The vision of the Neighbourhood Plan is to 'build a collaborative community that embraces the evolving cultural identity of Harlesden, while celebrating its rich history and heritage. The Harlesden Neighbourhood Forum aims to combat deprivation and increase the wellbeing of its residents by addressing the importance of affordable housing, a thriving local high street and local economy with increased access to opportunities in a safe and clean environment'. The Plan contains 24 planning policies addressing a variety of subjects such as sustainable development, housing matters, design, green infrastructure, heritage, community facilities, sites identified for development and priority infrastructure projects. These are set out in Chapter 3. Chapter 11 identifies 7 site allocations.

'Community Aspirations'

- 3.5 In addition, 'community aspirations' which are separate to the formal planning policies, are identified in Chapter 5 of the draft Plan. This includes aspirations on a community land trust, Assets of Community Value (ACVs), park improvements, funding for shop front improvements, town centre promotion, bus route improvements etc. These aspirations will not represent formally-adopted planning policies and may be sought by the Forum through separate statutory or non-statutory processes to the Neighbourhood Plan.

Council's Role and Procedural Steps

- 3.6 The Council's role prior to submission has been to provide Harlesden Neighbourhood Forum with guidance in meeting the statutory requirements and following the correct process in producing a Neighbourhood Plan. It is required to do this by the Localism Act and associated Neighbourhood Planning regulations.
- 3.7 Following the formal submission of the draft Harlesden Neighbourhood Plan and supporting documents (background papers), the Council is required to assess the Plan against the relevant statutory requirements prior to its publication and its independent examination. This has been undertaken and the draft Neighbourhood Plan is considered to satisfy the necessary processes followed in respect of its production complying with the basic conditions detailed in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). Through undertaking this role, it is considered that the draft Plan's policies are consistent with Brent's existing strategic policy as well as London Plan and national policy; this however ultimately is to be formally determined by an independent examiner. It should also be noted that work towards a new Brent Local Plan, OPDC Local Plan and London Plan is in progress and the Council may reserve the right to comment on the draft Harlesden Neighbourhood Plan to ensure it is future-proofed and remains consistent with these strategic policies in the longer term. Taking this into account, regulation 16 of the Neighbourhood Planning (General) Regulations 2012 states that the Council must as soon as possible publish the plan for consultation after its receipt.

- 3.8 The Council and OPDC have been regularly consulted during the draft Plan's production and advice so far has mostly been taken on board by the Forum, however, the Council reserves the right to provide further feedback on the draft Plan during the formal consultation stage. What has been included in the draft Plan is ultimately a matter for the Forum. The Council's role is to ensure that the Plan has followed the necessary statutory processes.
- 3.9 In terms of the Plan's content, approval of publication does not imply that the Council fully accepts and agrees with its content. The Council will also be a consultee on the Plan and if it has any objections and proposed amendments to the Plan, it has the same rights as any other party to make representations. The Council strongly encourages and expects the Neighbourhood Forum to consider fully any consultation comments made and suggest modifications to the Plan during the examination process in the spirit of good consultation and engagement. These will be taken account of through the independent examination.
- 3.10 To allow the Neighbourhood Plan to progress, Cabinet's approval is sought to publicise the Plan for a minimum 6 week period in accordance with Regulation 16. The Council must publicise details of the plan and how to make representations on its website, as well as make it available for inspection at its offices to ensure that people who live, work and carry out business in the neighbourhood area are able to view it and make representations accordingly. As identified in the Council's Statement of Community Involvement (SCI), the Council is also responsible for publicising the consultation period to those on the Local Plan consultation database and any consultee which are referred to in the consultation statement via email or letter, and where appropriate, by press release and social media. Following this period the Council, in consultation with the OPDC and the Forum, must select and appoint an independent examiner. Cabinet's approval is also sought for this to be undertaken and for the draft Plan and its associated documents, plus consultation representations to be submitted to the appointed examiner for independent examination.
- 3.11 Due to the Neighbourhood Plan area also falling within the administrative boundaries of the OPDC, it too is going through a similar approval process for consultation through its Planning Committee.

The Examination and Subsequent Stages

- 3.12 Examination of a Neighbourhood Plan usually takes the form of written representations. Following the examination the examiner will provide a report. The report will include conclusions on whether the Plan meets the basic conditions, if any modifications are needed and whether the Plan should progress to referendum.

Referendum

- 3.13 Upon receipt of the examiner's report, the Council has to outline what actions it will take in response to the recommendations and as soon as possible (within 5 weeks unless the Council decides not to follow the Examiner's recommendations, or agrees another time period with the Neighbourhood

Forum) after making a decision publish a 'decision statement' setting out whether the Plan should proceed to referendum. As it covers more than one Local Planning Authority boundary, the referendum will have to be within 84 working days of the decision to hold one having taken place.

- 3.14 The referendum is organised by the Council and funded using a grant of £20,000 from the Government. A person is entitled to vote if at the time of referendum, they live in the neighbourhood area and meet the eligibility criteria to vote in a local election. If more than 50% of people voting in the referendum are in favour of the Plan then the Plan can be made (given legal effect) by the local planning authority. It has to do this within 8 weeks of the referendum. The only circumstance where the local planning authority is not required to make the Plan is where it would breach, or otherwise be incompatible with, European or Human Rights obligations.

Other processes towards adoption

- 3.15 Once the Neighbourhood Plan is 'made' (adopted) it will form part of the development plan. Planning applications in the Neighbourhood Area will be determined in accordance with the Plan unless material considerations indicate otherwise.
- 3.16 The examination of a Neighbourhood Plan by the Inspector may recommend changes, although significant changes are likely to be few in number. The Harlesden Neighbourhood Plan has been subject to professional advice and extensive consultation.
- 3.17 The recommendations are in the spirit of supporting neighbourhood planning through expeditious implementation of the Council's statutory role in the adoption process, Cabinet's approval is sought to publish the decision notice, undertake the referendum and to ultimately make the Harlesden Neighbourhood Plan if the majority vote in favour.

Timescales

- 3.18 It is anticipated that consultation will occur in July – September, the Inspector will undertake the examination in late 2018, and the report will be received towards the end of the year. The Council will then consider the report's findings and decide whether to proceed to referendum. If the referendum proceeds this will take place in Spring. If successful, the Plan could then be 'made'.
- 3.19 A summary of the timescales is set out below:
- Late July 2018 – Council and OPDC publish the draft Plan on behalf of the Neighbourhood Forum for public consultation for a minimum of 6 weeks
 - Summer/Autumn 2018 – Council's response to the draft Harlesden Neighbourhood Plan will come to Cabinet for approval
 - Autumn 2018 – The Strategic Director appoints an independent examiner in consultation with OPDC and the Neighbourhood Forum
 - Autumn 2018 – Draft Plan and consultation representations are submitted for independent examination

- Examination takes place through written representations and/or hearings – modifications may be proposed throughout this process
- Examiner's report received
- Usually within 5 weeks – Strategic Director in consultation with Cabinet Member publishes the Council's decision notice and updates the Harlesden Neighbourhood Plan
- Within 84 working days – The Council undertakes a referendum
- Within 8 weeks – Subject to a positive referendum result, the Neighbourhood Plan is 'made' (i.e formally adopted) by the Council (delegated to Strategic Director through this report) and OPDC

4.0 Financial Implications

- 4.1 Funds are available to support Neighbourhood Planning from Government. The Council has to date been awarded £10,000 to support the preparation of the Plan. A further £20,000 will be paid when a referendum date has been set. This will cover the cost of the examination, referendum and provide a small contribution towards officer time expended. The budget is managed by the Planning Policy Team within Spatial Planning and has been taken account in budget planning.
- 4.2 Policy D1 sets out the Neighbourhood Plan's priorities for the use of Neighbourhood Community Infrastructure Levy (NCIL) funds. Final decisions on spending of NCIL funds are still made by the Council through the established NCIL process¹ which includes consideration of bids against criteria covering: being in accordance with the CIL Regulations, having community backing, supporting and mitigating the impact of development on the area, being in accordance with Council and CIL Neighbourhood priorities, being one-off and not requiring ongoing revenue funding from the Council, benefiting the broadest section of the community and offering value for money. The Head of Planning and the Cabinet Member for Regeneration, Highways and Planning make up the shortlisting panel. A separate review of the NCIL process has been initiated by the Council which may propose changes to the criteria and the panel membership.

5.0 Legal Implications

- 5.1 Once adopted a Neighbourhood Plan will form part of the development plan for the borough. There is a duty upon the Council to provide support and advice to communities wishing to bring forward a Neighbourhood Plan in accordance with The Neighbourhood Planning (General) Regulations 2012 as amended.

6.0 Equality Implications

- 6.1 The Equality Act 2010 introduced the public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:

¹ www.brent.gov.uk/cil

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 3. Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 There is a requirement for the Council to ensure that, in granting Neighbourhood Forum and neighbourhood area status, those applying are representative of the area covered. Harlesden Neighbourhood Forum have satisfied this requirement. An Equality Analysis Assessment was initially undertaken when the Neighbourhood Forum and neighbourhood area were designated which showed no adverse impacts.
- 6.3 The content of the Plan is a matter for Harlesden Neighbourhood Forum. The Plan's focus on improving opportunities for Harlesden's population however is likely to ensure better outcomes for those with protected characteristics, particularly ethnic minorities who have very high levels of representation in the Neighbourhood Area.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Consultation the Forum has taken to date with stakeholders including with Ward Members is set out in the Harlesden Neighbourhood Plan Consultation Statement (May 2018). Ward Members in association with the Cabinet Member for Regeneration, Highways and Planning have been briefed subsequent to the Plan's submission on contents and the next stages.

8.0 Human Resources/Property Implications

- 8.1 None specifically arising as a result of this report.
- 8.2 The Neighbourhood Plan contains a proposal to designate Harlesden Branch Library as a locally listed building. The Council is keen to ensure this designation will not undermine the building's potential role in providing library/community services.
- 8.3 In addition the draft Plan also identifies an aspiration (not formal planning policy) that the Forum will put forward an application for Challenge House to be an Asset of Community Value (ACV). This is a separate statutory process to the Neighbourhood Planning Regulations upon which its incorporation in the Plan has no bearing, however, the Council as the landowner will object to any such application should it be forthcoming.

Report sign off:

AMAR DAVE

Strategic Director of Regeneration & Environment.