



**Officer Key Decision**  
25 March 2019

**Report from the Strategic Director  
of Regeneration and Environment**

**Harlesden Neighbourhood Plan – Decision Notice**

<b>Wards Affected:</b>	Harlesden, Kensal Green, Stonebridge, Willesden Green
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	2
<b>Background Papers:</b>	Harlesden Neighbourhood Plan Examiner's Report Harlesden Neighbourhood Plan
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## 1.0 Purpose of the Report

- 1.1. Following the independent examination of the Harlesden Neighbourhood Plan, approval is sought for the Plan with the modifications set out in the examiner's report to proceed to referendum. Subject to the majority of those who vote in the referendum being in favour of the Plan, it is recommended the Plan is made (adopted) by the Council as planning policy for the neighbourhood area. This report constitutes the Council's decision notice on the Plan.

## 2.0 Recommendation

- 2.1 That the Cabinet Member for Regeneration, Highways and Planning agrees:
- That the Harlesden Neighbourhood Plan, incorporating the recommended changes of the examiner, proceed to referendum.
  - That subject to the majority of those who vote in the referendum being in favour of the Plan, the Plan is made (adopted) by the Council.

## 3.0 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'. The Harlesden Neighbourhood Forum was designated on 18 September 2015 and has prepared the Harlesden Neighbourhood Plan (hereafter referred to as 'the Plan') to guide development in their neighbourhood area.

### **The Plan**

- 3.2 The vision of the 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 27 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 4 site allocations.
- 3.3 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, and 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 Plan.
- 3.4 The draft Plan is included as Appendix A to this report. The final version of the Plan will incorporate the Examiner's modifications as set out in the report in Appendix B. The forum is in the process of making the necessary amendments.

### **The process of developing the Plan**

- 3.5 A summary of the process followed to date in developing the Plan is provided below.
- a) Pre-submission Consultation – To inform the development of the Plan the Forum undertook a series of consultation events between August 2015 and March 2017, including workshops, walkabouts and drop in sessions. A consultation on the draft Plan took place between April and May 2017.
- b) Submission - The draft Plan was formally submitted to the Council on 24 May 2018. The Council assessed the Plan and considered its production complied with statutory requirements detailed in paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990. At its meeting on 16 July 2018 Cabinet approved publication of the Plan for a 6 week period in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. At the same meeting it was agreed following this period the Council, in consultation with the Old

Oak and Park Royal Development Corporation (OPDC) and the Forum, select and appoint an independent examiner and the draft Plan and its associated documents be submitted to the appointed examiner for independent examination.

- c) Publication Stage Consultation - The Council and OPDC invited comments on the draft Plan during August and September 2018. Eighteen responses were received in total, including from residents, the Council, Beckley Group Ltd, Canal and River Trust, Environment Agency, Greater London Authority, Highways Agency, Historic England, National Grid, Natural England, OPDC, Thames Water, Transport for London (TfL) and Woodland Trust. Whilst comments were broadly supportive key issues included building heights, and the appropriateness of a 4 storey limit on development in the town centre; the need to strengthen protection for Local Employment Sites; and consistency with the emerging London Plan and OPDC Local Plan. TfL objected to the aspiration for the Willesden Bus Garage to be redeveloped.

### **The Examination**

- 3.6 Mr David Hogger BA MSc MRTPI MCiHT was appointed to undertake the independent examination of the Plan. The examination commenced in December 2018 and the examiner issued his report on 14 February 2019. The examiner concluded that subject to the policy modifications set out in the report, the Plan meets the Basic Conditions and should proceed to referendum.
- 3.7 The examiner's report is included in Appendix B. In summary the modifications set out in the report are as follows:
- a) Policy H1 to include site capacity figures.
  - b) Policy H2 reference to the London Plan density matrix, which is omitted from the draft London Plan, to be replaced with reference to optimising density.
  - c) Policy E8 to be titled tree provision rather than tree protection.
  - d) Policies E9, SA1 and supporting paragraphs amended to state buildings of over four storeys may be supported if they contribute favourably towards retaining the historic character of Harlesden town centre and respond appropriately to the existing urban design characteristics.
  - e) Policy LE1 on Local Employment Sites amended to require appropriate evidence that the current employment use is no longer viable, and that there is no reasonable prospect of a site being used for another employment use.
  - f) Policies SA1 and T2 requirement for 60 parking spaces to be reprovided at the Harlesden Plaza site removed, and level of reprovision to be arrived at in consultation with the London Borough of Brent.
  - g) Policies SA1 and SA4 to state it must be demonstrated water supply and drainage requirements for these sites can be appropriately addressed.
  - h) Throughout update referencing and add reference to figures.
  - i) Include definition of what constitutes a gateway.

- j) Include an additional requirement that Harlesden Neighbourhood Forum will monitor the Plan and keep policies under review.

### **The Referendum**

- 3.8 Upon receipt of the examiner's report, the Council has to outline what actions it will take in response to the recommendations and within 5 weeks (unless the Council agrees another time period with the Forum) publish a 'decision notice' setting out whether the Plan should proceed to referendum. At its meeting on 16 July 2018 Cabinet agreed that following receipt of the examiner's report that the Strategic Director of 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 Plan, undertake a referendum and, subject to the outcome, that the Plan is made. This report will therefore constitute the Council's decision notice. The OPDC, as local planning authority for part of the neighbourhood area, will take its decision notice to OPDC Board for approval on 28 March 2019.
- 3.9 As it covers more than one local planning authority boundary, the referendum will have to be within 84 working days of the decision. The referendum is organised by the Council and funded from the Government grant of £20,000. Discussions with the Council's Electoral Services Team indicate, subject to approval, the referendum could take place in May 2019.
- 3.10 A person is entitled to vote if at the time of referendum, they live in the neighbourhood area and if they are on the electoral register by the registration deadline. If the majority of those who vote in a referendum are in favour of the Plan then the Plan becomes part of the statutory development plan and is subsequently made (brought into legal force) by the local planning authority. Once the Plan is part of the development plan, planning applications in the neighbourhood area will be determined in accordance with it unless material considerations indicate otherwise.
- 3.11 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, EU or human rights obligations. The Plan is compatible with EU and human rights obligations, as confirmed in the examiner's report, therefore it is recommended subject to the majority of those voting in the referendum supporting the Plan, the Plan is made (adopted) by the Council.

### **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. Contributions towards officer time are to be split with the OPDC. 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 process which includes consideration of bids against criteria covering: being in accordance with the CIL Regulations, having community support, addressing the demands that development places 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.

## **5.0 Legal Implications**

- 5.1 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.
- 5.2 Paragraph 13B of Schedule 4B of the Town and Country Planning Act 1990, inserted by section 141 of the Housing and Planning Act 2016, gives the Secretary of State power to intervene, where requested by a qualifying body where the local planning authority has failed to take a decision to send a plan to referendum within 5 weeks of receipt of the examiner's report.
- 5.3 The rules covering all aspects of organising and conducting the referendum are set out in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the Neighbourhood Planning (Referendum) (Amendment) Regulations 2013 and 2014) and the Neighbourhood Planning (Prescribed Dates) Regulations 2012. If the majority vote in favour of the Plan at referendum there are narrow circumstances where the local planning authority is not required to make (adopt) the Plan. As set out in section 61E(8) of the Town and Country Planning Act 1990 Act as amended, these circumstances are where it considers that the making of the Plan would breach, or otherwise be incompatible with, any EU or human rights obligations. The Neighbourhood Planning Act 2017 (Commencement No 1) Regulations 2017 made amendments to the Planning and Compulsory Purchase Act 2004 so that once approved at referendum, a Neighbourhood Plan will form part of the development plan for the borough. An Order must still be made by the local authority before it has effect.

## **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. 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 Forum and neighbourhood area status, those applying are representative of the area

covered. The Forum has satisfied this requirement. An Equality Analysis Assessment was initially undertaken when the Forum and neighbourhood area were designated which showed no adverse impacts.

- 6.3 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 In developing the Plan the Forum undertook consultation with Ward Members and Members were invited to be members of the Forum. Ward Members have been updated on the examiner's report and next steps.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 The Council's Electoral Services Team undertake the referendum. Poll clerks and a presiding officer will be funded from the £20,000 Government funding.
- 8.2 The draft Plan identifies an aspiration (not formal planning policy) that the Forum will put forward an application for Challenge House (a Council asset) 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.

**Report sign off:**

**AMAR DAVE**

Strategic Director of Regeneration and Environment.