

 Brent	Cabinet 19 May 2025
	Report from the Corporate Director Neighbourhoods and Regeneration
	Lead Member - Cabinet Member Regeneration, Planning and Property (Councillor Teo Benea)
Kilburn Neighbourhood Plan – Publication Consultation and Next Stages	
Wards Affected:	Brondesbury Park, Kilburn and Queens Park
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	One Appendix A: Draft Kilburn Neighbourhood Plan
Background Papers:	Kilburn Neighbourhood Plan Consultation Statement Kilburn Neighbourhood Plan Basic Conditions Statement
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1.0 Executive Summary

- 1.1. This report provides an overview of the process which Kilburn Neighbourhood Plan Forum has followed in producing the draft Kilburn Neighbourhood Plan and a 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 that 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 can proceed to referendum it recommends that this is done via a delegated decision of Corporate Director Neighbourhoods and Regeneration, in consultation with the Cabinet Member for Regeneration, Planning and Property and, if it attains a favourable result, that the Kilburn Neighbourhood Plan is made (the term for adopted as set out in regulations).

- 1.3. It also recommends that the Council's formal response to the Plan as a consultee be delegated to Corporate Director Neighbourhoods and Regeneration, in consultation with the Cabinet Member for Regeneration, Planning and Property.

2.0 Recommendation

- 2.1 That Cabinet agree that:

- (a) the draft Kilburn Neighbourhood Plan as set out in Appendix A of this report is published for public consultation for a minimum of 6 weeks;
- (b) the Corporate Director Neighbourhoods and Regeneration, in consultation with the Cabinet Member for Regeneration, Planning and Property responds to the formal public consultation on behalf of the London Borough of Brent;
- (c) in consultation with the London Borough of Camden and the Kilburn Neighbourhood Plan Forum, an independent examiner is appointed;
- (d) following public consultation, the draft Plan and representations received are submitted for independent examination;
- (e) following receipt of the examiner's report, the Corporate Director Neighbourhoods and Regeneration, in consultation with the Cabinet Member for Regeneration, Planning and Property be authorised to publish the Council's decision notice, update the Kilburn Neighbourhood Plan, undertake a referendum and, subject to a majority of votes cast in favour, that the Kilburn Neighbourhood Plan is made by the Council.

3.0 Detail

Cabinet Member Foreword

- 3.1 Neighbourhood planning is an opportunity for residents and businesses in an area to identify their own policies at a very localised level to be applied to development in their areas. It is supported by the Council, as a means of actively engaging residents and businesses in thinking about how their area can positively adapt to the change that development can bring. The policies that neighbourhoods can take forward are very much at their discretion but arguably could encompass some or all the five strategic priorities set out in the borough plan.

- 3.2 The Kilburn Plan sets out policies for Kilburn High Road which through supporting the town centre seek to deliver the Borough Plan's priority of 'Prosperity and Stability in Brent', identified improvements to the public realm will help to deliver the priority for 'A Cleaner, Greener Future' and health benefits for the priority 'A Healthier Brent'. The Plan acts as a focus for the Kilburn community to meet the priority of 'Thriving Communities', through enabling communities to set out and plan for their vision for their area.

Background

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

Kilburn Neighbourhood Plan Forum

- 3.4 The Kilburn Neighbourhood Plan Forum covers a neighbourhood area within both the London Boroughs of Brent and Camden. It was designated on 2nd June 2016 by the Council and 3rd June 2016 by the London Borough of Camden. The Forum was redesignated for a further five years in Brent on 21st January 2022 and in Camden on 28th January 2022.

Kilburn Neighbourhood Plan

Stages so far

- 3.5 The Forum (and its predecessor 'the steering group') have been involved in neighbourhood planning since 2014. Appendix 10 of the [Kilburn Neighbourhood Plan Consultation Statement](#) sets out a timeline of key meetings, events and publications between 2014 and 2023. These were prior to the formal 6-week statutory pre-submission consultation period required in accordance with Regulation 14 of The Neighbourhood Planning Regulations 2012, which took place from 1 October 2023 to 31 January 2024. The Consultation Statement details consultation events and actions including engagement at One Kilburn network meetings, a drop-in session at the Kiln Theatre, visits to businesses, and sharing publicity material online and through nurseries, schools, family centres, pubs, places of worship and Kilburn Kitchen free meal stalls. 348 questionnaire responses were received. As a result of the pre-submission consultation, several changes were made to the draft Plan, which are outlined in Section 4.3 of the Consultation Statement. The draft Plan as set out in Appendix A was formally submitted to Brent and Camden Councils on 6 February 2025 with a view to both Councils going through the necessary procedures for its independent examination and subsequent steps to occur.

Vision, objectives and planning policies

- 3.6 A vision for Kilburn is set out in section 4.3 of the Neighbourhood Plan. This states 'Kilburn will remain a distinctive and important part of London, an area that stitches together a community divided by an administrative boundary. The

character of Kilburn shall be strengthened, reflecting its rich legacy of architectural quality, vibrant social and commercial life, and cultural identity.' The vision statement also references design, Kilburn's history as a 'music mile', public realm improvements, attracting new businesses, the provision of facilities such as public lavatories and seating areas, improved disabled access, improved drainage and enhanced street greening. The Plan identifies four key objectives which build upon the vision and provide a framework for policies in the Neighbourhood Plan. These are 'A welcoming Kilburn', 'A characterful Kilburn', 'A distinct Kilburn' and 'A coordinated Kilburn'.

- 3.7 The Plan contains nine planning policies addressing a variety of subjects including public realm, mobility hubs, design principles, shopfronts, streets for people, land use of retail frontage, creative industries, markets and outdoor stalls and social and community facilities.

'Project boxes'

- 3.8 Six 'project boxes', which are separate to the formal planning policies, are also included within the draft Plan. These cover projects that the community are seeking, which will need to be explored further and developed with other organisations and delivery partners. The Neighbourhood Plan envisages that any funding made available through Neighbourhood Community Infrastructure Levy (NCIL) funds or other sources of funding might be directed towards these areas. Topics covered include public realm initiatives, delivery of a green corridor, Kilburn shopfront design, active, healthy, clean and safer neighbourhoods, gallery space and the establishment of a standing committee to monitor implementation of the Neighbourhood Plan. These project boxes will not be formally adopted planning policies of the Neighbourhood Plan.

Council's Role and Procedural Steps

- 3.9 The Council's role prior to submission has been to provide Kilburn Neighbourhood Plan 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 2011 and associated Neighbourhood Planning regulations. The Council jointly with Camden has provided comments on the draft Plan and sought to ensure that whilst seeking to deliver local community priorities the Neighbourhood Plan positively addresses development and growth.
- 3.10 Following the formal submission of the draft Kilburn 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 and to comply 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.

- 3.11 It should also be noted that work towards a new Camden Local Plan and a new London Plan is in progress and the Council may reserve the right to comment on the draft Kilburn 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.
- 3.12 Brent Council and Camden Council 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.
- 3.13 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 Forum to consider fully any consultation comments made and suggest any necessary 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.
- 3.14 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 referred to in the consultation statement via email or letter. Where appropriate, the consultation will be publicised by press release and social media. Following this period the Council, in consultation with the Camden Council and the Neighbourhood 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.
- 3.15 Due to the Neighbourhood Plan area also falling within the administrative boundaries of the London Borough of Camden, it too will go through a similar approval process for consultation and subsequent stages.

The Examination and Subsequent Stages

- 3.16 Examination of a Neighbourhood Plan usually takes the form of written representations, unless in the opinion of the examiner hearings are required. 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

- 3.17 Upon receipt of the examiner's report, the Council must 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 timescale with the Neighbourhood Forum) after deciding, 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 held within 84 working days of the decision to hold one having taken place.
- 3.18 The referendum is organised by the Councils. 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 (adopted/ given legal effect) by the local planning authority. It must 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

- 3.19 The examination of a Neighbourhood Plan by the examiner may recommend changes, although significant changes are likely to be few. The Kilburn Neighbourhood Plan has been subject to professional advice and extensive consultation.

Post adoption

- 3.20 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. The Plan will remain in place until it is either amended, replaced or revoked by a forum that covers the area. If remaining unchanged in the future, over time its weight as a material consideration will diminish, particularly if it is superseded by relevant London, borough and national planning policies.

Cabinet decision-making and suggested delegation

- 3.21 The Council's constitution does not specifically address neighbourhood planning, albeit that legislation sets out and expects Councils to deal with neighbourhood planning processes in an expeditious manner. The

recommendations for Cabinet are therefore in the spirit of supporting proportionate oversight and timely implementation of the Council's statutory role in the process of plan making. The Plan has had a good level of engagement and at this stage is considered by officers to be relatively uncontroversial in its content and consistent with regulations in terms of necessary processes undertaken.

- 3.22 Cabinet's approval is sought for the necessary next stages now, rather than having to bring each stage back to Cabinet. Safeguards to ensure appropriate oversight of for example the Council's response as Local Planning Authority and in the consideration of the examiner's report and the Forum's amendment of the Plan prior to referendum have been addressed through recommending that Cabinet delegate the appropriate actions to the Corporate Director Neighbourhoods and Regeneration, in consultation with the Cabinet Member for Regeneration, Planning and Property. Should circumstances change and the Plan process not be as simple as anticipated, decision making would be expected to revert to Cabinet at the appropriate stage.

Timescales

- 3.23 It is anticipated that consultation will occur in late May to July 2025, the examiner will undertake the examination in Autumn/Winter 2025, and the examiner's report will be received late 2025 or early 2026. The Councils will then consider the report's findings and decide whether to proceed to referendum. If the referendum proceeds, this is likely to take place in Spring 2026. If successful, the Plan could then be 'made'.

- 3.24 A summary of the timescales is set out below:

- May to July 2025 – Brent Council and Camden Council publish the draft Plan on behalf of the Neighbourhood Forum for public consultation for a minimum of 6 weeks
- July 2025 – The Council formally responds in its role as a consultee on the draft Kilburn Neighbourhood Plan via a delegated approval of the Corporate Director Neighbourhoods and Regeneration, in consultation with the Cabinet Member for Regeneration, Planning and Property
- Summer/Autumn 2025 – The Council appoints an independent examiner in consultation with Camden Council and the Neighbourhood Forum
- Summer/Autumn 2025 – Draft Plan and consultation representations are submitted for independent examination
- Autumn/Winter 2025 - Examination takes place through written representations and/or hearings – modifications may be proposed throughout this process
- Late 2025/early 2026 - Examiner's report received
- Usually within 5 weeks – The Corporate Director in consultation with the Cabinet Member publishes the Council's decision notice and updates the Kilburn 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 and Camden Council

4.0 Options

4.1 There are essentially three options:

- a) Proceed with the publication and associated steps as set out in the recommendations.
- b) Proceed with the publication and for Cabinet to suggest alternatives to the level of delegation proposed, and
- c) Do not proceed with the publication and associated steps for the making of the Plan as set out in the recommendations.

Option a)

- 4.2 The Council is required to support neighbourhood planning. Where a draft neighbourhood plan has been submitted to the Council and meets the basic conditions, the Council is required through legislation to proceed to consultation. The same is true for the subsequent steps. As such, the Council effectively has no choice and is required to undertake its duties in a timely manner.
- 4.3 The level of delegation set out in the recommendations, rather than reverting to Cabinet to approve subsequent stages, is considered appropriate, balancing necessary and appropriate oversight with Government’s requirements for the neighbourhood planning process to be undertaken in a timely manner. As such, Option A is recommended.

Option b)

- 4.4 Whilst accepting the position set out in paragraph 4.2 of this report, Cabinet may consider that it wishes to have greater oversight of the neighbourhood plan in the following stages, with it receiving reports for its consideration prior the Council making the plan. Notwithstanding the potential delays to the next stages compared to option a) this option could be supported if there are sound reasons put forward by Cabinet to justify any changes to processes.

Option c)

- 4.5 As set out in paragraph 4.1 of this report, legislation sets out what the Council is expected to do in association with neighbourhood planning. If Cabinet consider that further overview is required by them or Full Council of the decisions in making the Plan, then this can be addressed as set out in Option b). However, not proceeding in a manner consistent with legislation would potentially mean the Plan or Council could be subject to legal challenge and therefore is not the recommended option.

5.0 Stakeholder and ward member consultation and engagement

- 5.1 Consultation the Neighbourhood Forum has undertaken to date with stakeholders including with Ward Members is set out in the Kilburn Neighbourhood Plan Consultation Statement. Ward Members and the Cabinet Member for Regeneration, Planning and Property have been briefed in earlier stages and will be in subsequent stages.

6.0 Financial Implications

- 6.1 Some funds are available to the Council to support Neighbourhood Planning from Government. To date £10,000 has been awarded (following approval of the Forum and Neighbourhood Area) which contributed towards planning policy's revenue budget at that time. Historically, a budget has been available from MHCLG to support the costs of the examination and referendum (£20,000). If this budget remains available, a claim will be made, with the funds added to planning policy's revenue budget. The most significant cost to the Council will be the referendum (estimated to be £12,500 for Brent), with a smaller cost for the examiner's fee (£2.5k for Brent). Should the MHCLG grant not be available or if not able to cover the examination/referendum, the costs will be covered by revenue budget underspend related to current vacant posts.
- 6.2 The six 'project boxes' within the Neighbourhood Plan set out projects towards which Neighbourhood Community Infrastructure Levy (NCIL) funds might be directed. Final decisions on spending of NCIL funds are still made by the Council through the established NCIL process.

7.0 Legal Implications

- 7.1 All stages to date have followed the legislation and guidance when it comes to the preparation of neighbourhood plans. Given the relative uncontroversial nature of the draft Kilburn Neighbourhood Plan and the quality of the Plan, it is anticipated that the Council's role is effectively administrative, appointing an examiner, ensuring the forum takes account of the examiner's report and if necessary amends their draft Plan to be able to proceed to referendum. The Council will administer the referendum and if residents vote in its favour the plan can be 'made' and become part of the development plan for the borough.

8.0 Equity, Diversity & Inclusion (EDI) Considerations

- 8.1 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.
- 8.2 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. The Kilburn Neighbourhood Plan 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. When the Kilburn Neighbourhood Forum applied for re-designation in 2021, the Forum's submission to the Council confirmed that those active in the Forum represent a wide range of residents and amenity groups, and they continued to attract new members from across the Neighbourhood Area.
- 8.3 The content of the Plan is a matter for Kilburn Neighbourhood Plan Forum. The Plan's focus on improving opportunities for Kilburn'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.

9.0 Climate Change and Environmental Considerations

- 9.1 Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011) sets out 'basic conditions' that must be met by a Draft Neighbourhood Plan which include contributing to the achievement of sustainable development. A Kilburn Neighbourhood Plan 'Basic Conditions Statement' has been submitted to the Council which includes an analysis of the Plan's contribution to sustainable development against the National Planning Policy Framework (NPPF) Overarching Objectives. This identifies that the policies would contribute towards sustainable goals for example by encouraging the delivery of biodiversity net gain through greening initiatives in the public realm. Policy WK2 and Policy CK3 promote car free development, active travel and cycle parking in line with climate change action. Policy WK1 and Project box A encourage greening and street tree-planting while Project box B promotes delivery of a connected green corridor and a new linear park including new tree-planting.

10.0 Communication Considerations

- 10.1 The main engagement processes related to the development of the Kilburn Neighbourhood Plan have been set out in the stakeholder and ward member consultation and engagement section above.

Report sign off:

Alice Lester

Corporate Director Neighbourhoods and
Regeneration