



Recordable Decision by Corporate Director of Neighbourhoods and Regeneration

20 May 2024

Report from the Director of Inclusive Regeneration and Employment

**Lead Cabinet Member
Regeneration, Planning and Growth**

Application for a revised Harlesden Neighbourhood Area Boundary

Wards Affected:	Roundwood, Harlesden and Kensal Green, and Stonebridge.
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:	Appendix A - Harlesden Neighbourhood Area Boundary Change submission material Appendix B - Map of Unity Neighbourhood Area boundary alongside proposed Harlesden Neighbourhood Area Boundary
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Jordan Henderson Planning Policy Officer Jordan.henderson@brent.gov.uk

1.0 Executive Summary.

1.1. To consider and approve consultation on the application for a revised Harlesden Neighbourhood Area.

2.0 Recommendation(s).

2.1. That the Corporate Director of Neighbourhoods and Regeneration approves the issuing of the application for a revised Harlesden Neighbourhood Area for consultation.

3.0 Detail

Contribution to Borough Plan Priorities & Strategic Context

- 3.1.1 A good neighbourhood forum as a local democratic body provides a voice for local communities, consistent with the Thriving Communities Priority: Desired Outcome 1 of 'Enabling our Communities'. The Council works with and encourages forums where communities wish to set them up, ensuring that they meet their statutory requirements. The area's expansion will enable more residents who identify as living within Harlesden to get involved in local planning.

3.2 Background

Neighbourhood Planning

- 3.2.1 The Localism Act 2011 introduced greater statutory provisions for local communities to shape development outcomes in their area through the planning system. Principally through this act, but also through subsequent legislation, provisions within the 1990 Town and Country Planning Act (as amended) (the Act) and the Neighbourhood Planning (General) Regulations 2012 (as amended) (the Regulations) allow communities to:
- A) set planning policies through a neighbourhood plan that forms part of the development plan used in determining planning applications, and
 - B) grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.
- 3.2.2 Where a community wants to take up the opportunities offered by neighbourhood planning, they can only do so where there is a 'qualifying body'. In non-parish areas, for the delivery of Neighbourhood Plans or Neighbourhood Development Orders, the relevant qualifying body is a neighbourhood forum. The qualifying criteria and processes for establishing a neighbourhood forum are set out in the Act and Regulations. A forum operates within a neighbourhood area, which can be defined separately, or is more typically submitted as part of a neighbourhood forum application and consulted upon at the same time.
- 3.2.3 The Act sets out that where designated a forum ceases to have effect at the end of the period of 5 years beginning with the day on which it is made. To maintain forum status, or if it has lapsed, to regain forum status, the process is the same as that for an application for a new forum. The same however is not true of a neighbourhood area. There is no specified time limit following designation, which stays in place until a new neighbourhood area covering all or part of an existing area supersedes it.

Harlesden Neighbourhood Area and Forum

- 3.2.4 Harlesden Neighbourhood Area and Forum (HNF) were initially designated on 28th September 2015. Subsequently the HNF produced the Harlesden

Neighbourhood Plan. This was formally adopted on 30th May 2019 following a successful local referendum. The forum status was renewed on 26th March 2021.

Application to amend Harlesden Neighbourhood Area

- 3.2.5 The proposed neighbourhood area includes both extensions to and removals from the current boundary. It has been informed via informal public consultation with members, local residents, businesses and community groups.
- 3.2.6 The existing northern boundary of the neighbourhood area was determined by the neighbourhood area of the Unity (Church End and Roundwood) Neighbourhood Forum designated in 2013. This boundary is shown in Appendix B alongside the proposed Harlesden Neighbourhood Area boundary. Places cannot be covered by more than one neighbourhood area designation, and as such, this served to restrict the extent of the Harlesden neighbourhood area. The Unity Neighbourhood Forum, was not renewed, and has been lapsed since 2018. As there is no longer a designated neighbourhood forum operating within this area, the HNF are seeking to extend their boundary northwards.
- 3.2.7 The extension to the north includes properties within the Roundwood, and Harlesden and Kensal Green wards. This area is ~34.5ha in size, and includes primarily housing, but also a range of social infrastructure, including schools, community facilities and the Harlesden Police Station. The HNF state residents within this area identify as being part of Harlesden and its inclusion within an area in which HNF have indicated they wish to represent will allow them to contribute towards the planning of the area, including through producing a new Neighbourhood Plan.
- 3.2.8 Within their submission material at Appendix 6, the Forum have identified where the associate members (currently not allowed to have voting rights on neighbourhood planning matters) have been drawn from within the proposed extension areas, but also where members have been drawn from the wider area. This is helpful in demonstrating that residents from the proposed areas of extension are already being included in the activities of the forum. This is confirmed in the submission material which identifies that all residents in the proposed area will be encouraged to join and therefore increase their representation within the membership.
- 3.2.9 No material has been provided demonstrating that the associate members have been drawn from different sections of the community, and how they are representative of that community. However, as this is a relatively small area of extension and the HNF have previously demonstrated that the membership has been drawn from a wide demographic, plus further encouragement of residents to become members will occur, this is considered acceptable.
- 3.2.10 Amendments to the boundary are also being made along the south. Currently, it follows the borough boundary, which cuts through Willesden Junction station

and a number of buildings at the junction of Harrow Road and Scrubs Lane. Amendments will exclude the station buildings, and include buildings to the south west of the junction under the planning jurisdiction of the Old Oak and Park Royal Development Corporation (OPDC). It will be for the OPDC to consider whether to approve the boundary within their area and engagement with them has occurred to ensure a decision will be made in a timely manner to allow its consultation.

3.2.11 If the new boundary is ultimately approved post consultation, it does not alter the area covered by the Harlesden Neighbourhood Plan (2019). The Plan's area can only be amended through a formal review.

Information required to support an application for a neighbourhood area

3.2.12 The Town and Country Planning Act 1990, Section 61G, paragraph 6A identifies the power to modify existing designations, including to change the boundary of an existing neighbourhood area (sub paragraph a).

3.2.13 NPPG guidance on neighbourhood planning, paragraph 037 identifies that section 5 of the Neighbourhood Planning Act 2017 facilitates the amendment of neighbourhood areas. This includes the below requirements upon submission of any such amendments:

- a) *map which identifies the area to which the area application relates;*
 - See maps in Appendix 2 of the submission material in Appendix A.
- b) *a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and*
 - See area change application in Appendix A, including the application, boundary description, proposed boundary extension maps, and supporting information in appendices 3-7.
- c) *a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.*
 - The Harlesden Neighbourhood Forum was designated Neighbourhood Forum status in 2021, and lasts 5 years, expiring 7th April 2026. It is therefore a 'relevant body' for the purposes of section 61G of the Town and Country Planning Act 1990. The Forum have also verified this in their application in Appendix A.

(2) A local planning authority may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.

-There are no outstanding decisions regarding the status of the Harlesden Neighbourhood Forum, and therefore this does not apply.

3.2.14 In summary, it is considered that each of the required criteria have been met within the submission material appended to this report (Appendix A). This includes the application letter which addresses points B and C as noted above. Appendix 1 within the submission material includes a detailed description of the proposed boundary extension, which is also laid out in map form in appendix 2 of the submission material, which satisfies point C as

noted above. Separate information has also been provided including the meeting minutes of the HNF AGM which identifies agreement amongst the members for the proposed boundary extensions to be taken forward at appendix 3 of the submission material. Appendix 4 of the submission material includes a proposed schedule of milestones for the HNF to meet going forward. Appendices 5-7 of the submission material include supplementary material which assists in satisfying the Council's requirements for ensuring effective consultation and inclusion in the HNF's activities.

3.2.15 The HNF note that 'If the extension proposal succeeds, we will amend the current constitution', which is welcome. This will need to include amendments to its paragraph 3.1 and the associated map in the Appendix of the constitution. The decision to approve the revised constitution will also need be undertaken in accordance with part 10 (Members' decisions) of the HNF constitution.

Consultation process

3.2.16 The regulations state that consultation has to take place for a minimum of 6 weeks. Subject to the period for call in of the decision to approve the application for consultation successfully being passed, it is anticipated consultation will commence by late May or early June 2024. The consultation will be publicised through notification to those on the planning policy database and statutory consultees, through the Council's media outlets, the Council's web-based consultation platform, within the members' bulletin, e-mail to the respective ward councillors and making the documents attached in the appendices to this report available at Harlesden Library. The consultation will be joint with the OPDC, although given the vast majority of the area is located within the LB Brent, Brent Council will take a leading role.

3.2.17 The consultation responses will then be summarised within a consultation statement. The Council then has 20 weeks from initial publication to make a formal decision on the proposal.

Options

3.2.18 There are two options reasonably considered to be open to the Council. These are to:

- a) approve the consultation, or
- b) not to approve the consultation.

Option a) approve the consultation

3.2.19 As a valid application consistent with the minimum requirements set out within the Act and regulations has been submitted, this is recommended. The sooner it is consulted upon, the sooner the Council will be in a position to make a decision. On this basis it is considered this is the best option.

Option b) not to approve the consultation

3.2.20 As a valid application consistent with the minimum requirements set out within the Act and regulations has been submitted, this is not recommended. It will cause unnecessary delay to the determination of the application, which is inconsistent with legal requirements on determination times and of the general duty of supporting neighbourhood planning.

4.0 Stakeholder and ward member consultation and engagement

4.1 This is set out above in consultation process.

5.0 Financial Considerations

5.1 It is not anticipated that making the recommended decision will result in any immediate budgetary impact, as the consultation process will be accommodated within the existing revenue budget.

5.2 Historically, £5,000 has been available for each of the first five neighbourhood area boundary designations/ amendments within each local planning authority area. Clarification is being sought on this from DLUHC as to if this can be claimed.

6.0 Legal Considerations

6.1 The Council will follow the necessary statutory processes associated with consultation on the application as required and as set out above.

6.2 It is considered that there would be a low risk of a legal challenge being brought against the decision to consult on the Application as the consultation is a statutory requirement.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1 The Equality Act 2010 introduced a new 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.

7.2 The neighbourhood forum membership would be expected to be as representative as possible of the diversity of the local population it represents. The Council has sought additional evidence that statutory tests for a Neighbourhood Forum have been complied with, although this is not strictly required for an application to extend a neighbourhood area.

8.0 Climate Change and Environmental Considerations

- 8.1 None directly relevant to this decision. Neighbourhood forums can progress neighbourhood plans which might set out policies or neighbourhood development orders that impact on climate or environmental considerations. Any such work would be subject to Council scrutiny and decision-making with any such impacts likely to be subject to Strategic Environmental Assessment where significant impacts might be anticipated.

9.0 Communication Considerations

- 9.1 As indicated, the decision is likely to be publicised in accordance with the methods set out in 3.2.12. Engagement will occur with the communications team regarding any wider social media items/ press releases.

Report sign off:

GERRY ANSELL

Director of Inclusive Regeneration and Employment