

	Delegated Decision: Corporate Director of Neighbourhoods and Regeneration
	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:	<p>Three</p> <p>Appendix A: Harlesden Neighbourhood Area Boundary Change submission material</p> <p>Appendix B: Map of Unity Neighbourhood Area boundary alongside proposed Harlesden Neighbourhood Area Boundary</p> <p>Appendix C: Consultation Statement.</p>
Background Papers:	None.
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	<p>Jordan Henderson, Planning Policy Officer 020 8937 3819 Jordan.henderson@brent.gov.uk</p>

1.0 Executive Summary.

- 1.1. To consider the representations made, which have been summarised in Appendix C of this report, and to approve the designation of the new Harlesden Neighbourhood Forum Area.

2.0 Recommendation(s).

- 2.1 That the Corporate Director of Neighbourhoods and Regeneration considers the responses to the Harlesden Neighbourhood Area consultation as set out in Appendix C.

2.2 That the Corporate Director of Neighbourhoods and Regeneration approves the application for a revised Harlesden Neighbourhood Forum Neighbourhood Area.

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 of Appendix A to this report, 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 to 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. The consultation ran for the required 6 week period from 6th June 2024 to 18th July 2024. The consultation was publicised through notification to those on the planning policy database and statutory consultees, site notices within the proposed area, the Council's web-based consultation platform, within the Brent 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 was joint with the OPDC, although given the vast majority of the area is located within the LB Brent, Brent Council took the leading role. OPDC also notified who they considered relevant in publicising the consultation.

Consultation Responses

3.2.17 The consultation responses have since been collated within the attached consultation statement in Appendix C of this report. There were 18 replies to the consultation, including from local residents, organisations and statutory consultees. 13 of these comments were in support of the proposed boundary changes, whilst 5, all of which were from statutory consultees, had no comments given their more strategic positions. Supporting comments referenced how the new area is more logical given it is part of Harlesden, and that it was only not included previously due to the presence of the Unity Forum. Comments noted how this will now allow the residents from the newly included areas to fully participate in the forum's activity, including helping to shape new development. There were no objections or concerns raised.

Notice of determination.

3.2.18 In recognition that the neighbourhood area application crosses into two local planning authority areas the Council and OPDC statutorily have 20 weeks from initial publication to make a formal decision on the application. The deadline for this will be 24th October 2024. OPDC will also have to formally consider the consultation responses and decide whether to approve the neighbourhood boundary. The Council will write to the Harlesden forum once both it and the OPDC have determined the application.

Options

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

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

Option a) approve the Harlesden neighbourhood area application

3.2.20 As a valid application consistent with the minimum requirements set out within the Act and regulations has been submitted and as a result of consultation responses is supported by local residents with no objections raised, approving the Harlesden neighbourhood area is recommended. This will allow the Forum to take forward their plans to produce a new and more inclusive Neighbourhood Plan for the expanded area. On this basis this is the recommended option.

Option b) to refuse the Harlesden neighbourhood area application

3.2.21 As a valid application consistent with the minimum requirements set out within the Act and regulations has been submitted and as a result of consultation responses is supported by local residents with no objections received, refusing the Harlesden neighbourhood area application is not recommended. It is considered that there is no justifiable basis on which the Council could refuse the request whilst operating within the general duty of supporting neighbourhood planning and it is considered that there would be a risk of judicial review by the Neighbourhood Forum if there is no lawful basis on which to refuse the application. The Forum would have six weeks from the date of the refused decision to bring a judicial review claim.

4.0 Stakeholder and ward member consultation and engagement

4.1 This is set out above in the consultation process section.

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 MHCLG as to if this can be claimed.

6.0 Legal Considerations

6.1 The risk of a legal challenge if the application is refused is noted above. If the application is approved as per the recommendation, the Council will follow the necessary statutory processes associated with approving amendments to a neighbourhood forums boundary application as required.

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 Forum have provided a map at Appendix 6 of their application (in Appendix A of this report) identifying the locations of the new prospective members which demonstrates that there will be a number of members drawn from this area in addition to the existing area. This demonstrates that the new areas are also being represented. Nothing has been provided regarding how 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 with a small sample size, and that you have previously demonstrated that your membership has been drawn from a wide demographic, that it is not considered necessary to demonstrate how your new members are representative of the new area. In any case, 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 The decision will be made available on the Council's website. As a key decision, once the call-in period has been observed, and no prospective call in of the decision confirmed, and OPDC has similarly decided, the Council will notify the Forum of the decision.

Report sign off:

Alice Lester

Corporate Director Neighbourhoods &
Regeneration