

	<p align="center"><b>Corporate Director Neighbourhoods and Regeneration Delegated Decision</b> 22 October 2025</p>
	<p align="center"><b>Report from the Director Inclusive Regeneration and Climate Resilience</b></p>
	<p align="center"><b>Cabinet Member Regeneration, Planning and Property (Councillor Teo Benea)</b></p>
<p><b>Kilburn Neighbourhood Plan</b></p>	
<b>Wards Affected:</b>	Kilburn, Queens Park and Brondesbury Park
<b>Key or Non-Key Decision:</b>	Key decision
<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>List of Appendices:</b>	Appendix A: Kilburn Neighbourhood Plan Examiner's Report Appendix B: Kilburn Neighbourhood Plan Decision Statement Report Appendix C: Kilburn Neighbourhood Plan
<b>Background Papers:</b>	<a href="#">Cabinet Report 19<sup>th</sup> May 2025: Kilburn Neighbourhood Plan Public Consultation and Next Stages</a>
<b>Contact Officer(s):</b>	Paul Lewin Spatial and Transportation Planning Manager <a href="mailto:paul.lewin@brent.gov.uk">paul.lewin@brent.gov.uk</a>  Hilary Seaton Principal Planning Policy Officer <a href="mailto:hilary.seaton@brent.gov.uk">hilary.seaton@brent.gov.uk</a>

## 1.0 Executive Summary

- 1.1. This report provides an overview of the conclusions of the report for the submitted draft Kilburn Neighbourhood received from the appointed Examiner Plan. It sets out the modifications necessary to the Plan to ensure it meets the basic conditions test, seeks approval of the Council's decision statement and the modified Plan proceeding to referendum. If the majority of referendum votes

cast are in favour, the Plan will come into immediate effect. Should this occur, approval is sought to proceed to issue the necessary adoption statement.

## **2.0 Recommendation**

- 2.1 That the Corporate Director Neighbourhoods and Regeneration in Consultation with Cabinet Member Regeneration, Planning and Property:
- a) Consider the report of the person appointed to examine the submitted Kilburn Neighbourhood Plan as set out in Appendix A.
  - b) Approve the Council's decision statement which sets out the necessary modifications to the Kilburn Neighbourhood Plan as set out in Appendix B.
  - c) Approve the modified Kilburn Neighbourhood Plan as set out in Appendix C (subject to further amendments to be made as set out in Table 1 of Appendix B) proceeding to referendum.
  - d) Approve, subject to a positive referendum, the making of the Kilburn Neighbourhood Plan and the Council issuing a decision notice to that effect.

## **3.0 Detail**

### **Borough Plan Strategic Priorities**

- 3.1 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 The [Cabinet Report 19<sup>th</sup> May 2025: Kilburn Neighbourhood Plan Public Consultation and Next Stages](#) set out the history of the Kilburn Neighbourhood Forum, the stages the draft Kilburn Neighbourhood Plan had gone through, its content and the Council's role in supporting it. It also set out the next stages that the Plan would have to go through in respect of it being 'made' (adopted).
- 3.4 Cabinet approved the publication of the draft Kilburn Neighbourhood Plan for consultation, and the next steps of moving to appoint an Examiner and submit the Plan and representations received for independent examination.
- 3.5 Cabinet also delegated to the Corporate Director Neighbourhoods and Regeneration, in consultation with the Cabinet Member for Regeneration,

Planning and Property following receipt of the examiner's report, authorisation 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.

- 3.6 Brent Council and Camden Council, in consultation with the Kilburn Neighbourhood Forum appointed Derek Stebbing BA (Hons) DipEP MRTPI as the examiner. The examination did not have any public hearings sessions and was dealt with through written representations.

### **Examiner's Report Summary**

- 3.7 The examiner's report, as set out in Appendix A has been received. It concludes that, subject to some modifications, the Plan meets the basic conditions tests that are required to be applied and can proceed to referendum and that it should apply to those that are qualified to vote within the Kilburn Neighbourhood Area.
- 3.8 The recommended modifications (PMs) are listed in full in the Appendix of the examiner's report. In summary the modifications set out in the report are as follows:
- a) **Paragraph 4.9.** Rename section 'Monitoring and Review' and amend text to address the future monitoring of the effectiveness of the Plan's policies (PM1)
  - b) **Paragraph 5.18.** Amend wording to reference rain gardens and other sustainable drainage features, such as permeable surfacing in helping to address localised flooding risks. (PM2)
  - c) **Figure 3.** Identify Kingsgate Place, NW6 as an 'Area for Intervention' on Figure 3 and add to list as area 12. highlighting 'potential for environmental and public realm improvements to alleviate the adverse impacts of vehicular traffic.' (PM2)
  - d) **Figure 6.** Update to show the latest available flood risk data for the Plan area. (PM2)
  - e) **Policy WK1.** Amend text to clarify which of criteria a)-f) must be met for development proposals to be supported and to include appropriate text regarding the management of surface water flood risk and to address the quality and future maintenance of the public realm as well as other minor changes. (PM3)
  - f) **Policy WK2.** Amend text to provide additional guidance on the potential location of mobility hubs, for example as part of wider public realm and street scene improvements. (PM4)
  - g) **Policy CK1.** Amend text to add cross-references to Figures 7 and 8 and Table 1, promote conformity with London Plan Policy D3 and correct textual errors. (PM5)
  - h) **Policy CK2.** Delete the final paragraph of the policy text as unnecessary. (PM6)
  - i) **Policy CK3.** Amend text to clarify support for proposals that are 'car free'. (PM7)
  - j) **Policy DK1.** Amend title, reframe policy criteria to provide clarity for users of the Plan and add reference to Figure 9. (PM8)

- k) **Policy DK2.** Amend text to improve clarity. (PM9)
- l) **Policy DK3.** Add criterion to require that new market stalls do not result in significant detrimental impact upon residential amenities. (PM10)
- m) **Policy DK4.** Amend text to improve clarity. (PM11)
- n) **Paragraph 6.10 and Appendix 2.** Amend text in Appendix 2 to ensure accuracy and update paragraph 6.10 accordingly. Ensure that Map at Figure 5 is accurate. (PM12)
- o) **Various.** Make a variety of minor corrections to ensure that the Plan is accurate and fully up to date. (PM13)

3.9 The modifications required are minor and improve the clarity of the Plan's policies and update background information and facts. They are supported by the Kilburn Neighbourhood Forum.

### **Decision Statement**

3.10 Now that the examiner's report has been received, 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. The decision statement in Appendix B sets out the modifications to the Plan it will implement and that the modified Plan will proceed to referendum. This has been produced in conjunction with Camden Council officers and has the agreement of the Kilburn Neighbourhood Forum.

3.11 As the Plan covers more than one Local Planning Authority boundary, the referendum will have to be held within 84 working days of the publication of the decision statement. Brent Electoral Services have been made aware of the likely need for a referendum since early 2025 and have engaged with their counterparts in Camden to ensure that a co-ordinated approach is taken.

### **Referendum**

3.12 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 it comes into effect when the result is announced. This means it can be used for decision making purposes when considering planning applications.

3.13 It is extremely rare that a Neighbourhood Plan subject to referendum does not gain a majority in favour and given the uncontentious nature of the Kilburn Neighbourhood Plan and its community support to date, it is likely that it will gain the majority.

3.14 Notwithstanding the fact it comes into effect once a positive referendum result is announced, procedurally to be consistent with statute and regulations the Plan must also be 'made' (adopted) 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. This is considered very unlikely and as such officers will co-ordinate with Camden on the agreed content of and time to issue the necessary decision notice.

- 3.15 Once the Neighbourhood Plan is 'made' it will formally form part of the development plan. 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.

#### **4.0 Options**

- 4.1 There are essentially two options open to the Corporate Director Neighbourhoods and Regeneration in Consultation with Cabinet Member Regeneration, Planning and Property:

- a) Proceed with the recommendations, or
- b) Do not proceed with the recommendations

##### **Option a)**

- 4.2 The Council is required to support neighbourhood planning and be consistent with the Neighbourhood Planning (General) Regulations 2012 (as amended) (the Regulations). Where an Examiner's Report has been received, the Council must consider its contents. As indicated the Examiner's Report (Appendix A) identifies that subject to suggested modifications the Kilburn Neighbourhood Plan meets the basic conditions tests. On this basis it sets out that the Kilburn Neighbourhood Plan if incorporating the modifications can proceed to a referendum of people in the neighbourhood area who qualify to vote. The Council's initial assessment prior to submission of the draft Plan for examination was that it did meet the basic conditions test, and nothing in the Examiner's report or the proposed modifications raises any concerns in this respect. The Forum is also amenable to the proposed modifications.
- 4.3 As noted, the Council is required to issue a decision statement which sets out its position and the necessary modifications to the Plan prior to referendum (Appendix B). This must be done within 5 weeks. To be clear about what they are voting on it is necessary for the updated version of the Kilburn Neighbourhood Plan incorporating the proposed modifications to be publicly available (Appendix C shows the current draft with further updates to be made to fully incorporate the modifications identified in Table 1 of the Decision Statement as shown in Appendix B). Post issuing its decision statement the referendum must occur within 84 working days. Taking account of the above factors, as there is no clear impediment to doing so, it is recommended the Plan should proceed to referendum. If this vote is positive, then the Plan comes into effect. Largely as a procedural matter to confirm the status post a positive

referendum, the Council is required to issue a decision notice within 8 weeks. This is consistent with recommendation d).

- 4.4 Considering the requirements for the Council set out in the Regulations it is recommended that Option a) is pursued.

#### **Option b)**

- 4.5 Taking account of the regulations, upon receipt of the Examiner's report the Council is obliged to consider its contents and within 5 weeks consider its actions. Therefore, it cannot depart from recommendation a). Similarly, there is an expectation in the regulations that it issues a decision statement. Therefore, it cannot depart from recommendation b). The Council could, however, decide to disagree with and depart from the Examiner's recommendations. If doing so it has to set out and consult upon its reasons for doing so. As the Forum have accepted the Examiner's recommendations and there are no justifiable reasonable arguments for the Council to depart from the recommendations, this is not an appropriate course. As the Examiner has indicated the modified Plan can proceed to referendum, and the modified plan should be available there are no defensible reasons for not following recommendation c). Post a positive referendum the Plan comes into effect for decision making purposes, but still formally must go through the process of being made by the Council. This is again set out in regulations and should be done within 8 weeks. The only reasons for not doing so would be where it would break with convention on human rights, which is considered unlikely but taken account in circumstances apparent to officers at the time.
- 4.6 Considering the requirements for the Council set out in the Regulations and no reasonable or justifiable reasons for departing from option a) it is recommended that Option b) is not pursued.

### **5.0 Stakeholder and ward member consultation and engagement**

- 5.1 Consultation with the Neighbourhood Forum has been undertaken to date with stakeholders including with Ward Members as 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. Appropriate notifications consistent with the regulations and the Council's Statement of Community Involvement will be carried out for the next 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). However, only one Council can apply for this where a plan covers more than one Council's area. If this budget remains available, a claim will be

made by either Camden or Brent, with the Council's share of 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 vacant posts in the financial year.

- 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 relatively uncontroversial nature of the Kilburn Neighbourhood Plan and the quality of the Plan, it is anticipated that the Council's role is effectively administrative in following through on regulations requirements. 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. The Plan has been subject to EqlA screening which was submitted to the Examiner for them to consider alongside the Plan.

## **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:**

**Gerry Ansell**

Director Inclusive Regeneration and Climate  
Resilience