

<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">Cabinet 4th September 2017</p>	
<p>OLD OAK NEIGHBOURHOOD PLAN AREA AND FORUM APPLICATION DESIGNATION</p>	
<p>ADDENDUM TO OFFICER REPORT FOR CABINET DECISION</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: Yes</p>	
<p>Wards Affected: College Park & Old Oak</p>	
<p>Accountable Director: Jo Rowlands, Regeneration, Planning & Housing Service</p>	
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<p>AUTHORISED BY:</p> <p>DATE:</p>

1. EXECUTIVE SUMMARY

1.1. The Council and the Old Oak and Park Royal Development Corporation (OPDC) received a joint application, for: (1) the designation of a neighbourhood area to be known as the Old Oak Neighbourhood Area; and (2) the designation of a group known as the Interim Old Oak Neighbourhood Forum as the neighbourhood forum for this area. The application can be viewed at Appendix A.

1.2. The proposed neighbourhood area falls partly within the Council's planning control and partly within the OPDC's planning control. The majority of the neighbourhood area falls within OPDC's area. The area boundary can be viewed at Figure 1.

1.3. The Council is only responsible for deciding the area located within LBHF planning control. The OPDC will be determining the part of the Application pertaining to the OPDC at Board on 12th September 2017. This report sets out the Council's decision

in relation to this application for a neighbourhood forum and area designation in the LBHF area.

1.4. The proposed neighbourhood area in LBHF is shown in Figure 1 (highlighted areas) and covers: College Park (to the north of Saint Mary's Cemetery), St Mary's Cemetery, Little Wormwood Scrubs, Upper Latymer Playing Fields (to the south of the Linford Christie Stadium), the Linford Christie Stadium, and the Old Oak Estate. The non-highlighted areas in the boundary are within the OPDC's planning control.

1.5. Neighbourhood planning is guided by a range of legislation and national guidance. Local planning authorities are required to support the neighbourhood planning process and there are different statutory considerations when considering applications. The Council has abided by the relevant regulations in terms of the process as well as the recommendations made in this report.

1.6. Neighbourhood planning enables neighbourhood forums, once designated, to develop planning policy documents known as neighbourhood development plans that, once adopted, become part of the Development Framework. Consequently, relevant policies within a neighbourhood development plan must be considered when determining planning applications.

1.7. There are a number of stages to produce a neighbourhood plan. The application for area and forum designation is the first formal stage, which the LPA must make a decision upon in the timeframes set out in the Regulations. If the Council does not make a decision within the timeframe, the entire proposed area will be designated. Once designated, the neighbourhood forum is the group that will lead the preparation of a neighbourhood plan for its designated neighbourhood area, should it wish to do so.

1.8. In response to the Old Oak Neighbourhood Area and Forum Application, Cabinet is asked to:

- I. designate part of the the proposed neighbourhood area which falls under LBHF planning control; and
- II. to refuse the application for the neighbourhood forum.

2. RECOMMENDATIONS

2.1 This report is recommending the following:

- To designate the area identified in green **to be referred to as the Old Oak Estate Neighbourhood Area as a Neighbourhood Area** and to refuse the **designation of** areas in red on in Figure 2;
- To refuse the proposed neighbourhood forum due to insufficient members for the designated Neighbourhood Area.

Figure 1 Proposed Neighbourhood Area boundary

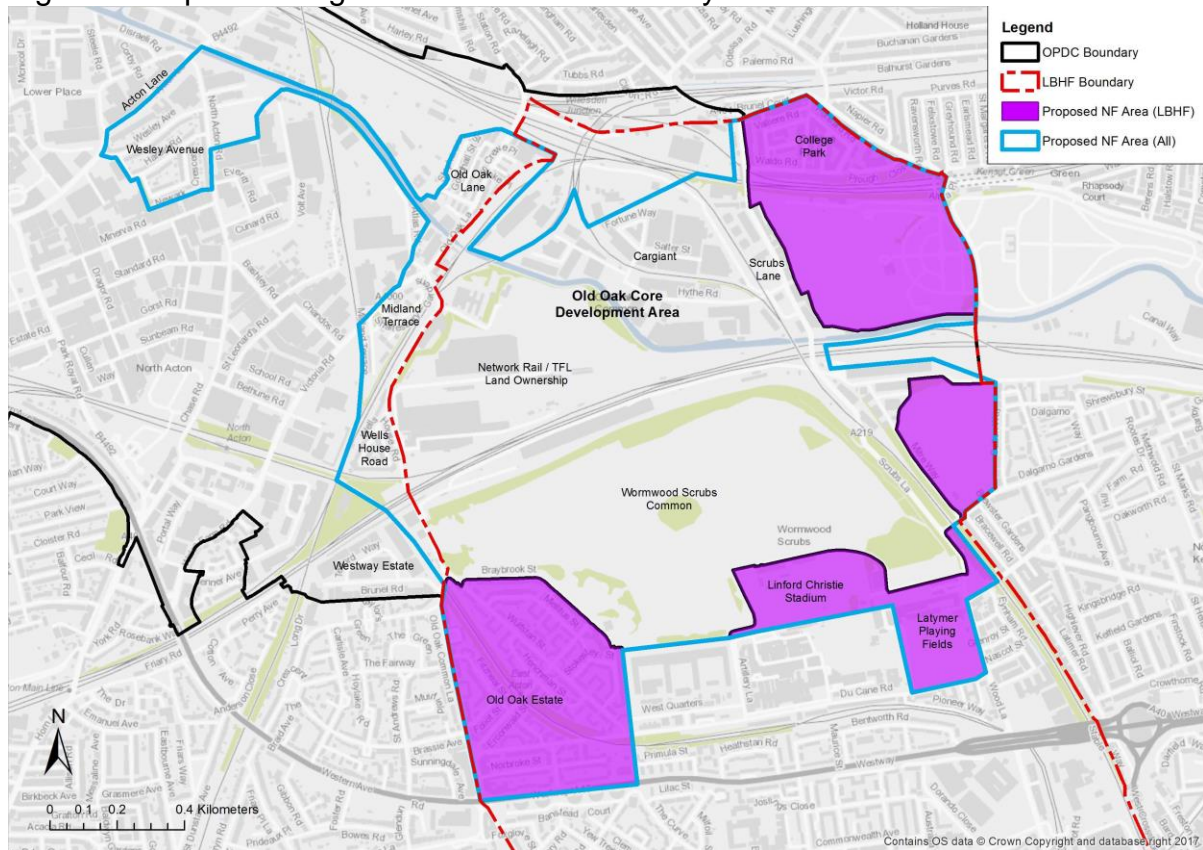
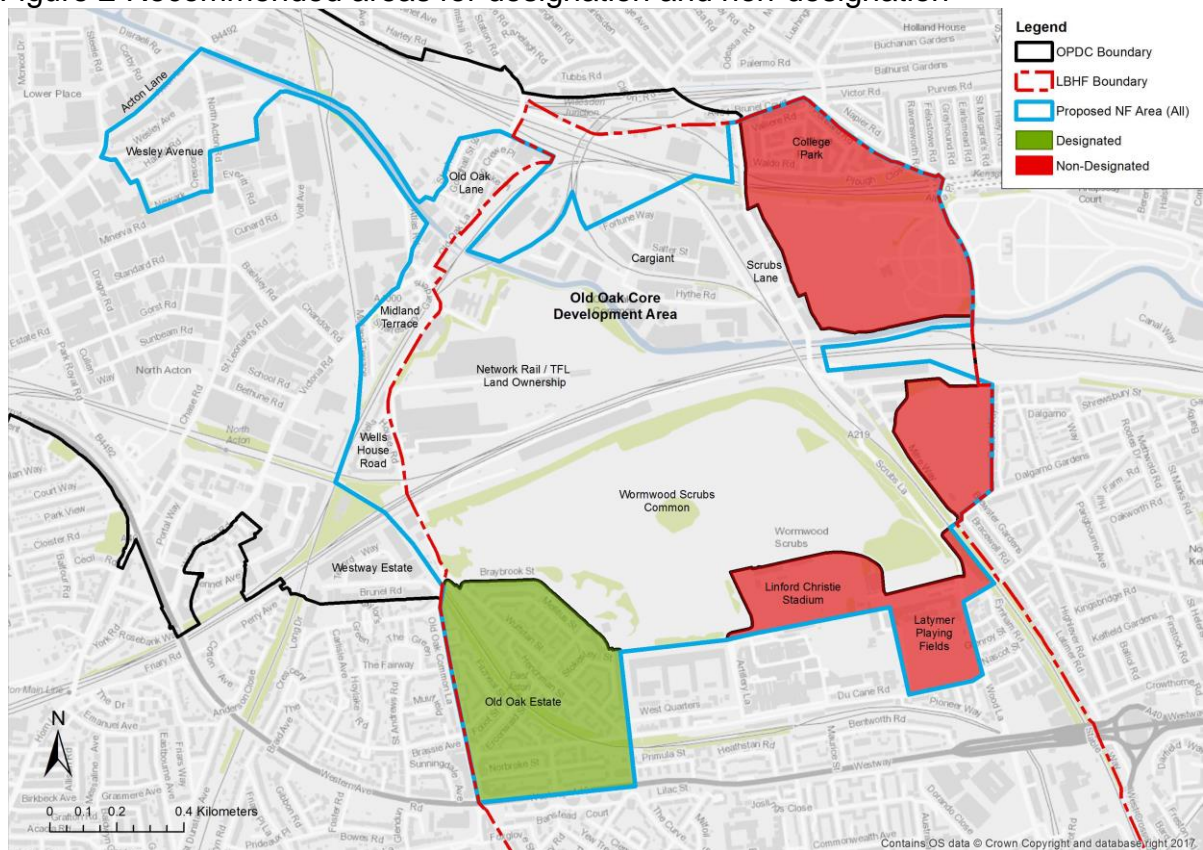


Figure 2 Recommended areas for designation and non-designation



3. REASONS FOR DECISION:

3.1. The Council is supportive of neighbourhood planning and communities being involved and engaged in the planning process. The Council has assessed the application in accordance with national regulation, the relevant law and guidance and has found the Old Oak Estate area to be the most appropriate in relation to national guidance and in response to the consultation feedback.

3.2. In summary, the area applied for is considered to be made up of distinct uses that do not easily translate into a cohesive area for the purposes of a neighbourhood plan. The first recommendation of this report, therefore, identifies designating a smaller area applied for from the original application. The decision to designate a neighbourhood planning area application is a matter of judgement for the Council and officers consider that the approach followed appropriate. **For clarification, the area recommended for designation is to be referred to as the Old Oak Estate Neighbourhood Area, as a separate area to the area recommended by OPDC officers in their committee report dated 6th September. This application is to be considered by OPDC Planning Committee 6th September and the decision for designation at Board on 12th September 2017.**

3.3. The second recommendation is to refuse the neighbourhood plan forum application. Due to the first recommendation, by designating a smaller area, the proposed neighbourhood planning forum is therefore not reflective of the area designated and does not meet the relevant regulations.

3.4. This report sets out the detail of the decision and the considerations of the recommendations.

4 NEIGHBOURHOOD PLANNING BACKGROUND

4.1 Neighbourhood planning is a community led process intended to shape and promote development at a neighbourhood scale and inform Community Infrastructure Levy (CIL) spending.

4.2 Neighbourhood planning was introduced by the Localism Act 2011 which introduced the neighbourhood planning powers and have been embedded into subsequent legislation, which sets out the role and responsibilities of local planning authorities. Further guidance is also set out in National Planning Practice Guidance, as to how to designate an area and forum.

4.3 Neighbourhood Planning enables organisations and bodies within local communities to apply to be designated as a neighbourhood forum for a specified neighbourhood area. If a neighbourhood forum is designated in relation to a neighbourhood area it can then prepare a neighbourhood development plan and/or neighbourhood development order. Local planning authorities are required to support the neighbourhood planning process and there are a number of duties the local planning authorities are required to undertake to support these processes. These include:

- consulting on any area and/or forum applications,

- consulting on a draft version of the neighbourhood plan,
- organising with the forum independent examination of the draft plan, and
- setting up a referendum on draft neighbourhood plan (if the recommendation of the examiner is that the plan should proceed to referendum).

The Council must also abide by a number of statutory timescales in relation to the neighbourhood planning process, and these are set out in the Regulations.

4.4 Neighbourhood plan areas can be any shape and be across Local Planning Authority boundaries. Only one neighbourhood area can cover one location and the application will usually be made by an organisation or body that is simultaneously seeking designation as the neighbourhood forum for the relevant neighbourhood area.

4.5 Neighbourhood plans can develop planning policies on land use, housing, identify local green spaces, design, and others. The policies must be developed in general conformity with national, regional and local planning policies. In LBHF any neighbourhood plan would need to be developed in general conformity with the Core Strategy, and subsequently the Local Plan when that is adopted (anticipated to be in early 2018).

4.6 There are a number of key stages in producing a neighbourhood plan:

- **Stage 1:** An organisation or body applies to the local planning authority to be designated as the neighbourhood forum for a proposed neighbourhood area.
- **Stage 2:** Once an application is submitted, a public consultation takes place. LBHF planning officers review responses and consider the area and forum applications and put forward a recommendation to the Cabinet.
- **Stage 3:** LBHF's Cabinet consider the recommendation and determine the applications.
- **Stage 4:** If designated, the neighbourhood forum can start production of a neighbourhood plan. The neighbourhood forum must consult on the plan before sending it to the Council for a further consultation and independent public examination.
- **Stage 5:** If found sound at Examination the result of the examination is that the draft plan meets the relevant legal requirements the examiner will recommend that the draft plan should proceed to a referendum. The plan will be voted on in the referendum by those residing in the neighbourhood area, organised by the Council. The plan needs a 50% majority of those who vote for it to then be 'made' by the local planning authority. Once made, a neighbourhood plan becomes part of the statutory development plan and its policies must be considered, where relevant, in the determination of planning applications.

Designation of the Neighbourhood Area

4.7 The Application has completed Stages 1 and 2. The first part of the Application is for the designation of the Old Oak Neighbourhood Area as a neighbourhood area. The Council has a statutory duty to determine applications to establish neighbourhood areas. In determining the application for designation, the Council is required to:

- consider whether the Area is appropriate to be designated; and
- designate all or part of the initially proposed area.

4.8 The Regulations, require that a joint neighbourhood application must be determined within 20 weeks of the date on which it is publicised by the LPA. The 20-week period for this part of the Application ends on 20th September 2017. If the Council fails to make a decision within this timeframe, the planning authority, as per the Regulations, must automatically designate the entire application area proposed in LBHF.

Designation as a Neighbourhood Forum

4.9 The second part of the Application is for the designation of the Old Oak Interim Forum as a Neighbourhood Forum for the proposed area. Neighbourhood forums are community-led groups which seek to help shape growth and development within their respective neighbourhood areas. Groups must apply to their Local Planning Authority to be designated as a neighbourhood forum. Once designated, neighbourhood forums can develop a neighbourhood plan for its neighbourhood area. As the Local Planning Authority for its area, the Council has a statutory duty to determine applications to establish neighbourhood forums.

4.10 The Act sets out four criteria that prospective neighbourhood forums needs to meet if they are to be designated:

- a) It is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned;
- b) Its membership is open to individuals who live in the neighbourhood area, individuals who work there (whether for businesses carried on there or otherwise) and individuals who are elected members of (in respect of London) a London borough council any of whose area falls within the neighbourhood area concerned;
- c) Its membership includes a minimum of 21 individuals each of whom live in the area, work in the area or are elected members for the area; and
- d) It has a written constitution.

4.11 The Act also requires the Council in considering whether to designate a neighbourhood forum to consider whether the:

- organisation or body that is applying for designation has secured, or taken reasonable steps to secure membership from people who live, work or represent the area;
- Membership is drawn from different places in the area and different sections of the community in the area; and
- Purpose of the organisation or body reflects (in general terms) the character of the area.

4.12 Once designated, a neighbourhood forum ceases to have effect after 5 years. The Council is also able to withdraw a designation where they consider that the forum is no longer meeting the conditions by reference to which it was designated.

4.13 The forum and area are intrinsically linked in that the Forum members must be representative of the Area they are applying for designation.

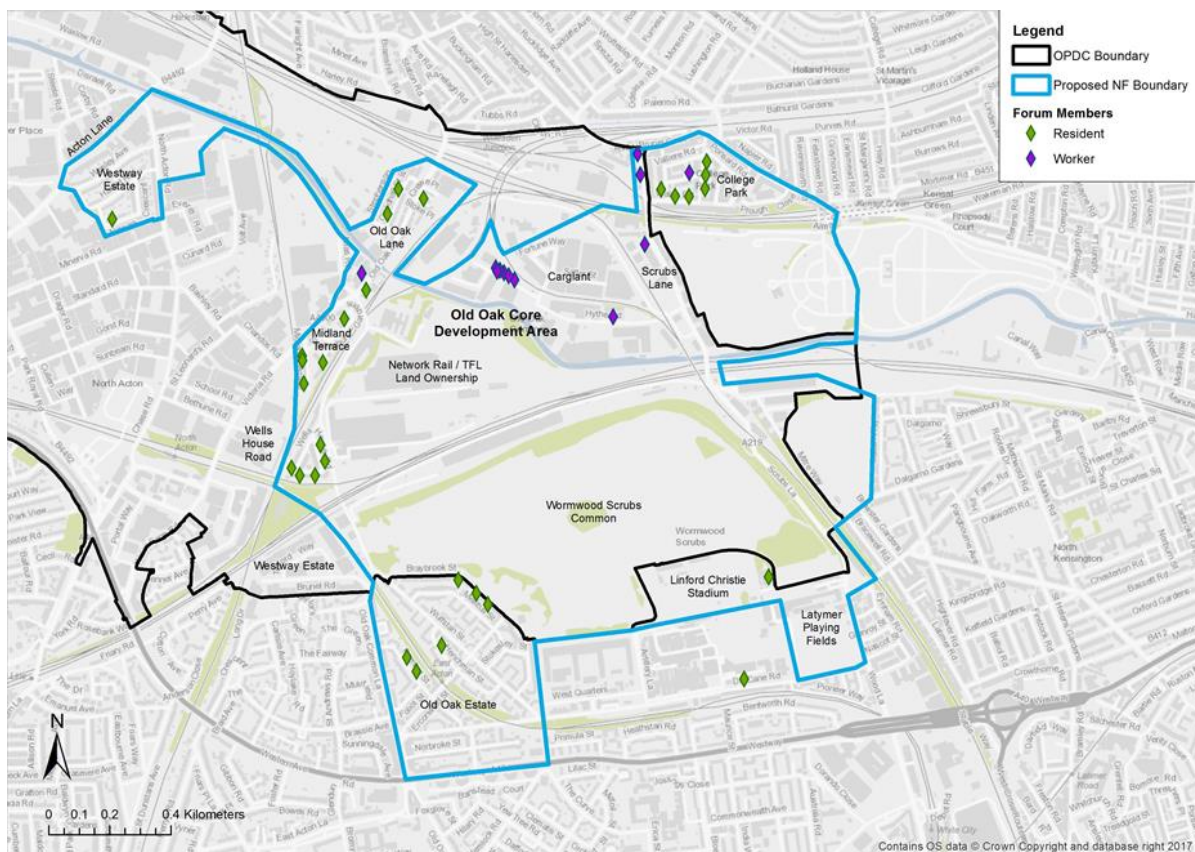
THE OLD OAK NEIGHBOURHOOD FORUM AND AREA APPLICATION

4.14 The proposed joint Old Oak Neighbourhood Forum and Area application was submitted to OPDC and LBHF in April 2017. The proposed area covers 270 hectares and is estimated to have approximately 7,000 residents in the proposed neighbourhood area. The submitted application material can be found in Appendix A. In summary, the proposed forum is motivated by the regeneration of the Old Oak area, managing the impact to the surrounding residential areas, the integration of existing communities with new development, including local people in to the process with their local knowledge, raising awareness of the regeneration of the area.

4.15 Figure 3 below shows the approximate addresses of the prospective neighbourhood forum members in the proposed neighbourhood area. The application identifies 44 potential neighbourhood forum members in their submission:

- 29 residents
- 14 people working in the area
- 1 elected representative.

Figure 3: map of prospective forum members and workers



PUBLIC CONSULTATION AND RESPONSES

4.16 The Application was subject to a six week consultation between the 3rd May and 15th June 2017, by both authorities. In accordance with the National Planning Practice Guidance, OPDC led the local consultation exercise on the basis that the majority of the proposed area is within OPDC planning control.

4.17 The following engagement activities were undertaken as part of the public consultation:

- All application and consultation details were made available on the Council's website;
- Public notices were published in local newspapers;
- letters were distributed to over 14,000 local addresses within and surrounding the proposed Old Oak Neighbourhood Area;
- The Forum and Area applications were made available for inspection at:
 - The Duty Planner Room, 1st Floor Hammersmith Town Hall Extension, King Street, Hammersmith, W6 9JU; and
 - City Hall, The Queen's Walk, More London Riverside, London SE1 2AA;

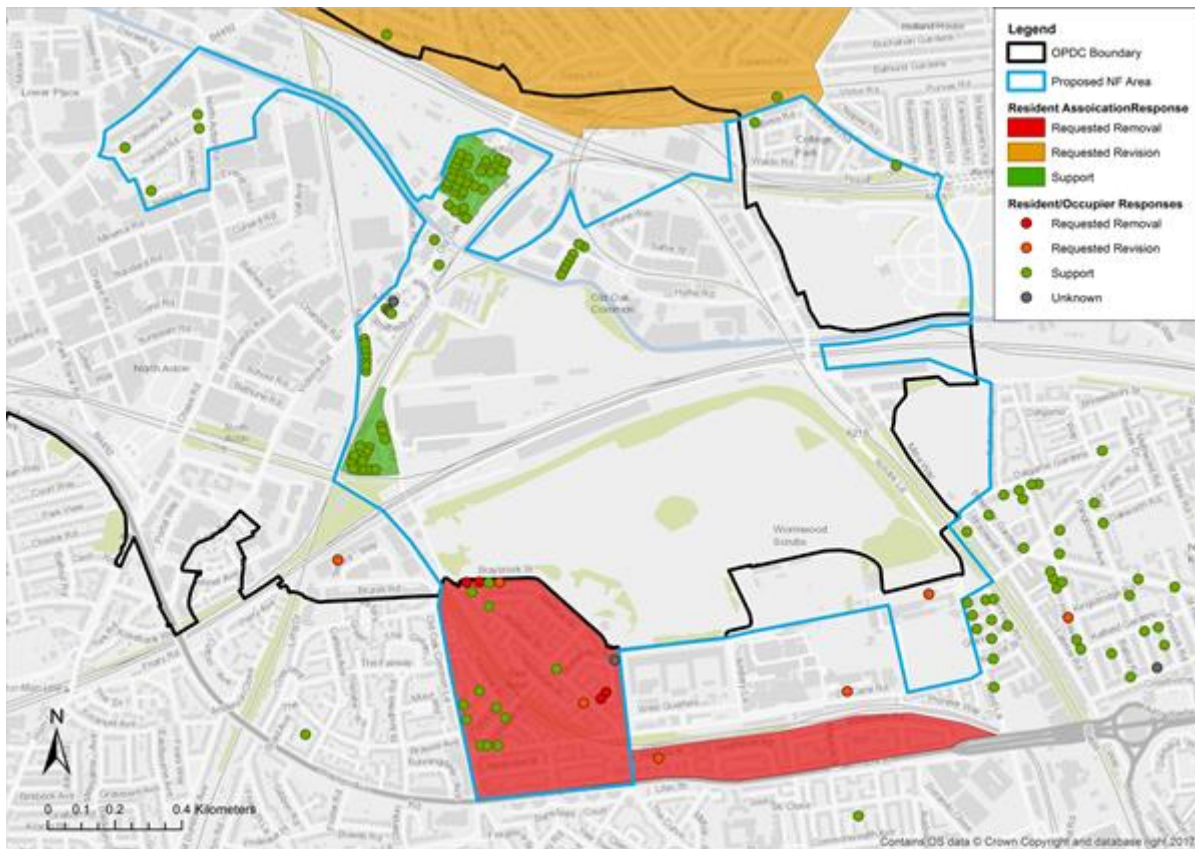
- Emails were sent out to stakeholders on OPDC's and LBHF's consultation databases;
- The public consultation was promoted on Twitter and Facebook; and
- OPDC and LBHF hosted a presentation session to provide stakeholders with a background to neighbourhood planning and inform them of the specifics of the Old Oak Neighbourhood Area and Forum application and how to respond to the public consultation.

4.18 In total, 198 responses were received as part of the public consultation on the proposed Old Oak Forum and Area Application:

- 162 responses were supportive of the forum and/or the area.
- 13 responses did not state a clear position either in support or in opposition to the proposed forum and area.
- 23 responses were received requesting revisions to the proposed area.

4.19 Figure 4 identifies the location of resident/occupier respondents to the consultation, whilst figure 5 shows the location of landowner respondents to the consultation. Those in support of the forum and/or area were mostly located either within the existing residential communities to the west (Wells House Road, Midland Terrace, Old Oak Lane and the Wesley Estate) or outside of the proposed Old Oak Neighbourhood Area boundary in North Kensington. Landowners in the core development area in Old Oak who responded to the consultation requested revisions to exclude their landholdings from the boundary. To the south-west, **the Old Oak Friends and Residents Association (OOFRA) were** residents of the Old Oak Estate were largely in favour of revising the boundaries to exclude their estate from the proposed Neighbourhood Area.

Figure 4: location of occupier respondents to the consultation



Consultation responses

4.20 The full list of consultation responses can be viewed at Appendix B. The consultation responses have been mapped and displayed at figure 4. This map shows all of the responses received by both authorities, showing the responses received from those living or working in the area boundary, and the responses from those outside of the area. The responses can be separated into three broad responses:

- support for the area and forum, generally
- requests for revisions to the area and boundary
- requests for areas to be excluded.

General support:

4.21 The responses of broad support are mostly located in the residential areas. 3 from the College Park Area, 44 **12** from residents in the Old Oak Estate area and those living outside of the area and borough.

Requests for revision:

4.22 The Old Oak Friends and Residents Association made up of 34 residents located in the Old Oak Estate area requested for a revised boundary and identified that

they would like to establish their own Neighbourhood Forum. A number of the respondents living outside of the area boundary, also expressed support for the Old Oak Friends and Residents Association aspiration. **A summary of the suggested revisions from consultees can be viewed at Table 1.**

Requests for exclusion

4.23 The Upper Latymer School (landowners), the GLA, the Thames Valley Harriers (occupiers) requested that land be removed from the neighbourhood area designation. The Upper Latymer School did not consider it appropriate for a neighbourhood plan to control areas with local and regional significance, of public spaces and facilities to be included in the area designation. The Thames Valley Harriers stated that their membership is not just made up of local people but also of people from the wider area and did not consider it appropriate to be included in the neighbourhood plan area. The GLA expressed their concerns to the boundary generally – its scale and the little regard to natural boundaries and physical features. The GLA also expressed their concern of Wormwood Scrubs, St Mary’s and Kensal Green Cemetery being included whilst they are designated as MOL and protected by the Wormwood Scrubs Act 1879.

Figure 5: location of landowner respondents to the consultation

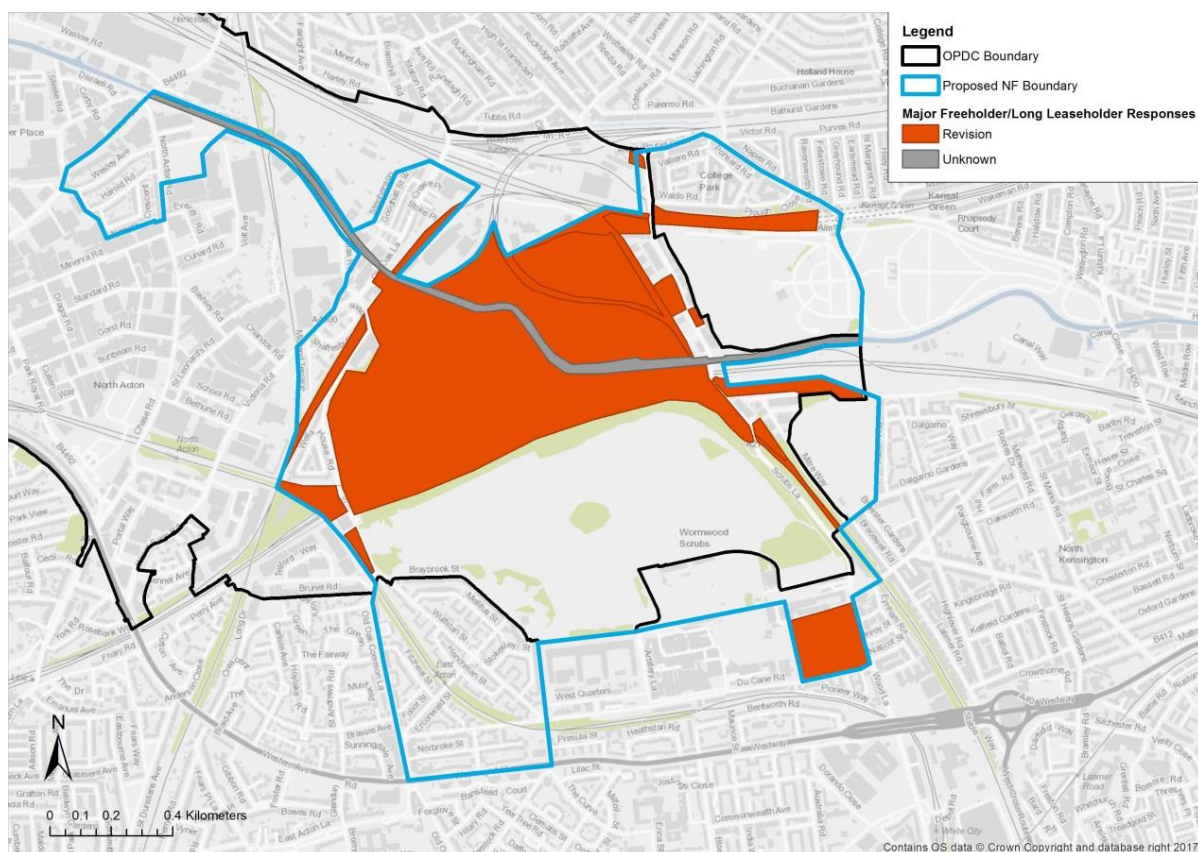


Table 1: Summary of consultation comments and suggested revisions from consultees:

LBHF Area	
Consultee	Comment/suggestion
OOFRA	The Old Oak Estate should be removed from the Old Oak Neighbourhood Area and the Estate should have its own area designated including properties along Du Cane Road
Queen's Park Rangers FC, Thames Valley Harriers, Latymer Upper School, OOFRA	The Linford Christie stadium should be removed from the boundary as it has a very different character to the existing residential areas
Greater London Authority, Queen's Park Rangers FC	St. Mary's Cemetery should be removed from the boundary as its character is very different to that of the existing residential areas included in the boundary.
Resident outside of the proposed area (Du Cane Road)	The boundary should be extended southwards to include the entire area north of the A40 within LBHF.
Two residents outside of the proposed area (in North Kensington)	The boundary should be extended to include parts of North Kensington (Latimer Road and Highlever Road)
Historic England	The boundary should be extended southwards to include all of the Old Oak and Wormholt Conservation Area, rather than severing it in two.
OPDC Area	
Greater London Authority, TfL, Queen's Park Rangers and 34 residents	The core development area in Old Oak (Old Oak North and South) should be removed from the boundary, as it has a very different character to the existing residential communities and includes large and complex strategic sites.
Greater London Authority, Queen's Park Rangers FC, Thames Valley Harriers, Latymer Upper School, 34 residents	Wormwood Scrubs common should be removed from the boundary as the area as it is not of a similar character as the rest of the area, has a number of designations protecting it and fulfils a metropolitan function.
Network Rail	The boundary should be revised to remove all Network Rail freehold land as this land is of a very different character to the existing residential communities and the proposed size, shape and boundary is not consistent with that of other Neighbourhood Areas.
Cargiant	The boundary should be revised to remove all Cargiant land as the area is different in character to the residential communities within the proposed area and there are more appropriate methods for engagement on a project on this scale than through neighbourhood planning.
CBRE	203 Old Oak Common Lane should be removed from the

	boundary, as its character is different to that of the existing residential areas.
CBRE, Fruition Properties	Sites on Scrubs Lane should be removed from the boundary, including: - 2 Scrubs Lane; and - 151 Scrubs Lane
Proposed Stonebridge Park and Park Royal Centre Neighbourhood Forum	Boundary should be revised to exclude the industrial and employment premises fronting onto Acton Lane to avoid a potential clash with the proposed Stonebridge Park and Park Royal Centre Neighbourhood Forum.
Resident within the proposed area	The Old Oak Sidings Waste site be included in the boundary as the waste site causes problems for local communities.
Business outside of the proposed area (Westway Estate)	The boundary be extended to include the Westway Estate so that there can be input into any neighbourhood plan from businesses in this location.
Harlesden Neighbourhood Forum	The boundary should precisely follow the borough boundary at the northern end of Harrow Road.

5 AREA DESIGNATION: ISSUES AND OPTIONS

5.1 This section sets out the issues and options officers considered in coming to the recommendations made in this report.

5.2 The proposed neighbourhood forum are permitted to submit a neighbourhood area for designation using their understanding and knowledge of the geography and character of the neighbourhood area.

5.3 In accordance with Planning Practice Guidance the Council has worked together with OPDC in the consideration of the applications on the basis that the proposed neighbourhood area straddles the boundaries of LBHF and OPDC. As advised by the PPG, OPDC has taken the lead in handling the application on the basis that the majority of the area is located in the OPDC. This Application has been jointly submitted to two planning authority areas, however both authorities are still required to undertake their own designation determination processes. Nevertheless, officers have discussed the OPDC's consideration of the Application in their authority area.

5.4 The initial starting point in deciding a neighbourhood area is to refer to the Town and Country Planning Act 1990, which states:

“(4) In determining an application the authority must have regard to-

(a) the desirability of designating the whole of the area of a parish council as a neighborhood area; and

(b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.”

5.5 4(a) is not relevant to the Council, as this is specific to areas where there are parish councils. In terms of (b), other existing neighbourhood area boundaries, there are no conflicting neighbourhood area boundaries. The Council has designated one neighbourhood area in the borough **following** the St. Quintin and Woodland's

Neighbourhood Area **Application** in April 2012. This designated area can be seen at Appendix C. **The Council made a decision on 16th September 2013.**

Paragraph Subsection (5) states:

(5) If –

(a) a valid application is made to the authority,

(b) some or all of the specified area has not been designated as a neighbourhood area, and

(c) the authority refuse the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area,

the authority must exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas.

5.6 The Council therefore must either designate the entire area, or some of the area proposed or an area in the proposed boundary, as stated in the Act. In response to the criteria above, officers are satisfied that a valid application has been made to the authority and there are no other existing neighbourhood plan area designated that conflict with the proposed area boundary. The next step is to consider whether it is appropriate to designate the entire area as proposed in the Application. In considering whether to designate the area proposed in the application, officers have considered, amongst other things the consultation responses, the character of the area, the integration and connectivity of the neighbourhood area as a whole and the policy context.

5.7 The PPG sets out the following considerations for determining the boundary of a neighbourhood area:

- village or settlement boundaries, which could reflect areas of planned expansion
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities
- the area where formal or informal networks of community based groups operate
- the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style
- whether the area forms all or part of a coherent estate either for businesses or residents
- whether the area is wholly or predominantly a business area
- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
- the natural setting or features in an area
- size of the population (living and working) in the area.

5.8 The GLA has provided guidance on neighbourhood planning in London (see the GLA 'Character and Context SPG (June 2014)). The SPG is aimed at applicants developing planning applications and communities looking to prepare neighbourhood plans. The SPG sets out guidance as to how character and context can be defined and interpreted across London, looking at physical, cultural, social, economic, perceptions and experience of an area or place. The guidance acknowledges that in London, where there is great diversity, there may not be a single view of the character of an area and that decision makers must strike a balance between a range of viewpoints. In response to the application, officers have broadly assessed the neighbourhood plan area and categorised them accordingly:

- residential neighbourhoods – College Park and Old Oak estates
- railway infrastructure – to the south of College Park
- open space – Little Wormwood Scrubs
- public facilities – Upper Latymer Playing Fields, Lindford Christie Stadium.

5.9 Officers have further assessed the proposed area into the following:

- College Park – a residential area characterised by the layout of streets, houses, and architectural form. It has a number of local services in the local area.
- St Mary's Cemetery – is the western half of the cemetery with Kensal Green Cemetery to the east. It is designated as a Metropolitan Open Land in the adopted Core Strategy and London Plan, and Conservation and Nature Conservation Areas in the adopted Core Strategy. The neighbourhood area boundary divides the cemetery in half.
- Little Wormwood Scrubs – is identified as an Open Space and Nature Conservation Area in the adopted Core Strategy. It is located to the east of Scrubs Lane, to the north are industrial uses and railway infrastructure, with residential areas to the east. It is a relatively enclosed area, having a direct relationship to the neighbouring residential area and surrounding streets.
- Linford Christie Stadium (LCS) – is a sports stadium with an athletics track, football pitch, pony centre, and tennis courts, located on the southern edge of Wormwood Scrubs. To the south of the stadium, is Imperial College London Hospital and HMP Wormwood Scrubs (outside of the area boundary). The Scrubs and all of the LCS facilities are designated as Metropolitan Open Land (MOL) in the Council's Core Strategy and London Plan. MOL is afforded the highest level of protection and development will only be granted in very special circumstances.
- ARK Burlington Danes School and Upper Latymer School Playing Fields – are two separate sites with the primary school located to the north of the playing fields. They are located to the south of Wormwood Scrubs, and to the west of Wood Lane. The playing fields are designated as Open Space in the adopted Core Strategy and in the draft Local Plan. The Upper Latymer School Playing

Fields are owned by the Upper Latymer school and are available for the public to use.

- Old Oak Estate – is a residential area characterised by the architectural style and local services. It is a designated Conservation Area in the adopted Core Strategy. The area is located to the west of HMP Wormwood Scrubs, to the south of Wormwood Scrubs. The Westway is located to the south. There are a number of local services, such as shops, East Acton tube station and a primary school within the area.

5.10 From this initial analysis, officers do not consider it appropriate to designate the entire proposed area. This view is substantiated by the consultation responses. The PPG identifies that a local planning authority can refuse to designate the area applied if it considers the area is not appropriate. The authority must provide reasons for doing so.

Reasons for refusal:

5.11 In terms of the character of the area for the purposes of a neighbourhood plan, officers consider that the area consists of distinctive parcels of land that have distinct uses which do not easily translate into a cohesive neighbourhood area. The range of land uses are common in a metropolitan area however in relation to the guidance these sites are independent of each other when looked at as a whole. The land uses are integral in understanding the physical character, and their function as sites of local and regional importance. The ARK Burlington Danes school and Upper Latymer playing fields, the Linford Christie Stadium and St Mary's Cemetery sites each add to and contribute to the character of the area, yet the purpose, use and function of each of the sites goes beyond the proposed neighbourhood plan area. The Little Wormwood Scrubs relates largely to the local area and is protected in policy terms through the Core Strategy and draft Local Plan.

5.12 Furthermore from the consultation, responses have been received requesting for the Linford Christie Stadium, St Mary's Cemetery and the ARK Burlington Danes playing fields be removed from the area designation due to their policy status in the London Plan, LBHF's Core Strategy (and draft Local Plan), and their use within the local and wider community. College Park area is predominantly residential and has its own character, although, in comparison to the Old Oak Estate area there were fewer comments of support to the application, which does not indicate a large interest in the neighbourhood plan.

5.13 In conclusion, it is acknowledged that neighbourhood areas may contain and have a variety of land uses, typologies, connections and functions. However, due to the broad and contrasting uses and distinct character areas, and the geographic spread, this does not easily translate into a cohesive neighbourhood area. For these reasons, officers consider that the purpose, uses and function outweighs the local importance and therefore consider it appropriate to refuse the following areas shown in red on Figure 2, from the designation:

- Little Wormwood Scrubs
- Linford Christie Site
- ARK Burlington Danes Academy and Upper Latymer Playing Fields

- College Park
- St Mary's Cemetery

Reasons for designation of part of the proposed area:

5.14 The Council is still required to exercise its powers of designation to ensure that part or all of the area applied for forms part of one or more designated areas.

5.15 In considering the Application, officers have had regard to the consultation responses received, which have included responses from residents of the Old Oak Estate. The consultation responses included an interest from the Old Oak Friends and Residents Association (OOFRA) that expressed a desire to not be a part of this proposed neighbourhood area and instead have expressed a desire to form their own neighbourhood area. OOFRA submitted signatures from 34 residents interested in producing a separate neighbourhood plan and also represents a wider set of residents in the area. 14 residents expressed support to the Application: 10 of which expressed general support of the overall boundary and the involvement of local residents in the development of the OPDC area, 4 residents expressed direct interest in being included in the Old Oak Neighbourhood Plan as per the application proposal.

5.16 Officers have identified that there is interest in neighbourhood planning in the Old Oak Estate area; and, that there are concerns of the impact of the OPDC development area upon the residential and amenity areas. As stated in 5.8 above, the Old Oak Estate is a predominantly residential area, has its own network of community networks, local services and physical appearance that do not have strong physical, or community links to include other areas into the designation. This understanding of the area, along with the consultation responses received from Old Oak Estate residents, has helped to inform the officer's recommendation to designate:

- The Old Oak Estate area, as shown in green on Figure 2.

Consideration/designation of Neighbourhood Forum

5.19 In determining the designation of a neighbourhood forum the Council is guided by the relevant Regulations. As stated previously, the Council confirms that a valid application was received in relation to the proposed area and met the relevant Regulations.

5.20 Following the area analysis, officers' recommend that a reduced area is designated as the neighbourhood area. As a result of this decision, officers do not now consider the proposed neighbourhood forum to meet the criteria set out in the Act. The Act requires that a neighbourhood forum is comprised of at least 21 members. The recommended area to be designated would result in the proposed neighbourhood forum not having the legal requirement for a minimum of 21 members.

5.21 Officers therefore recommend that the application for designation as a neighbourhood forum is refused on this basis, as it does not meet the requirements of the Act. This does not preclude a new neighbourhood forum group being formed and application being made in the future or indeed any other organisation or body making an

application to be designated as the neighbourhood forum for the Old Oak Neighbourhood Area.

6 EQUALITY IMPLICATIONS

6.1 This section of the report addresses the needs of all protected groups and under the Equality Act 2010, as well as how S149 of the Act has been taken into account in the proposed decision.

6.2 Officers have considered the impact of the proposed decision against the protected characteristics under the Equality Act 2010 of those people who may be affected by the decision.

6.3 The decision proposes to exclude the Linford Christie Stadium and facilities, the ARK Burlington Danes primary school, Upper Latymer School playing fields, Little Wormwood Scrubs, St Mary's Cemetery and College Park area. The main groups of people affected by the decision are likely to be the residents in the College Park area. This decision however, is not considered to have a negative impact on equality groups. The Council acknowledges that the OPDC area will have an impact upon the surrounding areas, however, there are other channels for communities and individuals to be involved in the process, such as commenting on the Local Plan process and planning applications, and attending consultation events in the area.

7 LEGAL IMPLICATIONS

7.1 Under the Town and Country Act 1990, as amended by Localism Act 2011, every Local Planning Authority must consider valid applications to designate neighbourhood areas for the purpose of neighbourhood planning. The Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012 outline the Council's responsibilities for the designation of neighbourhood areas.

7.3 The relevant legislation also sets out the criterion to be followed when deciding whether to designate an organisation or body as a neighbourhood forum

Implications verified/completed by: Adesuwa Omoregie 23rd August 2017

8 FINANCIAL IMPLICATIONS

9.1 If a neighbourhood plan becomes adopted, the local authority is required to consult with the community on the use of 25% of the levy revenues arising from the development that takes place in their area or can pass the money onto the Neighbourhood forum. The recommended area for designation is not a regeneration area and is unlikely to have high amounts of development that would generate a large amount of CIL.

9.2 The Council can apply for funding from DCLG at different points in the process. For the first five designated neighbourhood plan areas, Council can apply for £5,000

per designation. This should be applied for if the recommendations in this report are agreed.

- 9.3 For the first five neighbourhood forums designated, the council can apply for £5,000 per designation and this should be applied for if a suitable neighbourhood forum puts itself forward.
- 9.3 In order for a neighbourhood plan to be adopted, an Independent Examination and Referendum is required. The Council is required to support these processes and there will be costs to the Council. Appropriate Cabinet or Cabinet Member approval will be required before these costs are incurred.
- 9.4 Once a Referendum date has been set, the Council can claim £20,000, which would be used to offset the costs incurred by the Council organising the Examination and Referendum.
- 9.5 As with any decision of this type there is a risk of it being challenged via an application to the Ombudsman or by judicial review with the Council incurring costs as a result.

Implications completed by Kathleen Corbett, Director of Finance & Resources 23rd August 2017

10. IMPLICATIONS FOR BUSINESS

10.1 Neighbourhood plans are community led planning policy documents and can cover all land use related matters. Once adopted, neighbourhood plans ultimately will be used to assess planning applications in the area and can cover all land use related matters, such as housing, retail, open space designation and other matters.

10.2 Neighbourhood plans must be developed in general conformity with the strategic policies as set out in the Council's Core Strategy and the London Plan (the Development Framework). The recommended area for designation is predominantly residential, is not located as a growth area in the Development Framework is unlikely to have large employment sites. The scale of any neighbourhood plan policy is unlikely to have a negative impact upon delivering economic development, jobs and growth in the borough.

Implications verified/completed by: Prema Gurunathan 21st August 2017

11. RISK MANAGEMENT

11.1 If the recommendations are agreed, a separate forum would need to be formed and would need to submit a new application for further consultation to ensure it meets the Neighbourhood Planning Regulations.

11.2 If a neighbourhood plan is developed, officers would work closely with the community group to ensure that the neighbourhood plan policies align with those of the council. As a plan progresses, further consultation is required on draft versions of the

plan which the council would submit comments and will be subject to an Independent Inspector to ensure the plan meets the legal requirements.

11.3 Community Infrastructure Levy spend - if a neighbourhood plan becomes adopted, the local authority is required to consult with the community and/or can pass on 25% of the levy revenues arising from the development that takes place in their area. The recommended area for designation is not a regeneration area and is unlikely to have high amounts of development that would generate a large amount of CIL.

Implications verified/completed by: Michael Sloniowski, Risk Management, (21/08/2017)

LIST OF APPENDICES:

Appendix A: Old Oak Neighbourhood Plan Application and map

Appendix B: Consultation Responses