

Ref.	Old Oak Interim Neighbourhood Forum comment – ANNEXE A (28 th August 2017)	LBHF Officer response
1.	<p>Recommendation 2.1 is not clear. It reads '<i>To designate the area identified in green and to refuse the areas in red in Figure 2</i>'. Is this area 'in green' to be designated as part of a wider Old Oak neighbourhood area (which is what the designation application seeks)? Or is the Council thinking that it can designate a self-contained and unnamed neighbourhood area separate from that which the OPDC is expected to designate on September 12th?</p>	<p>Officers consider the report is clear at paragraphs 2.1 and 2.2 and that the area in 'green' would be a separate neighbourhood area hence the forum would have insufficient members.</p> <p>An Addendum to the Cabinet Report also clarifies this point and attaches a name to the 'green' neighbourhood area to further highlight.</p>
2.	<p>The recommendation to Cabinet is premature and should follow after and not before the OPDC decisions on designation are made (the OPDC being the lead authority in handling the application).</p>	<p>The role for the 'lead authority', where an application crosses local planning authority (LPA) boundaries, is not set out in national guidance but it does identify the advantages of having a lead authority as follows:</p> <ul style="list-style-type: none"> - Simplify the process for the community - Minimise the duplication of work by the LPA's - Provide opportunities for authorities to share resources. <p>The guidance does not recommend that the lead authority should determine their application first or that a joint decision is made by the lead authority. The relevant legislation is clear that the designation of a neighbourhood area can only be exercised by the local planning authority in which the area sits and it has a 20-week period in which to make that decision.</p>
3.	<p>Where a cross-boundary designation application is made, the legislation states '<i>The power to designate an area as a neighbourhood area under section 61G is exercisable by two or more local planning authorities in England if the area falls within the areas of those authorities</i>' (61L(1)). This power is intended to be exercised jointly, with the two or more authorities involved considering the appropriateness of the area which is the subject of the designation application. While paragraph 5.3 of the Cabinet report refers to discussion between OPDC and LBHF, it offers no explanation of what area OPDC intends to designate or any information on the rationale to be pursued by OPDC in relation to the remainder of the originally proposed area.</p>	<p>LBHF has a legislative responsibility to determine the application submitted to LBHF for the application area outside of the OPDC boundary. It is clear in the regulations that the designation of a neighbourhood area, can only be exercised by the relevant LPA. Therefore, OPDC cannot act on behalf of LBHF in determining the areas outside of their planning control and vice versa.</p> <p>The process for designating neighbourhood areas is set out in section 61G. Part 5 is relevant in managing the designation of one or more neighbourhood areas:</p> <p><i>"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."</i></p> <p>This enables each LPA to designate a separate single area or multiple areas.</p> <p>LBHF have worked closely and in a co-ordinated fashion with the OPDC in the assessment of the application and it has held a number of meetings on the matter with the OPDC as part of Duty to Cooperate meetings and as separate meetings. As part of these, LBHF officers are aware of the OPDC officers' reasoning behind their proposed recommendation to their Board and Committee.</p>

4.	<p>The number of supportive consultation responses to the OONF application was very high in comparison to other designation applications in London to date. 82% of total responses (on LBHF figures at 4.18 of the Cabinet report) supported the original proposals. Most consultation exercises on designation lead to 20-50 responses. The Harlesden neighbourhood area was designated by LB Brent and OPDC on the basis of 5 responses.</p>	<p>The Council recognises the number of consultation responses and the range of views expressed which are presented in the Cabinet report. It is within each LPA's authority to determine neighbourhood plan applications. We received a large number of responses with varying views. Officers have balanced the various points made in the consultation responses alongside a number of other considerations and consider this a sound and positive approach.</p>
5.	<p>Designation by LBHF is part of a joint decision-making exercise, and is not a separate or self-contained matter. Paragraph 1.3 of the Cabinet report says that <i>'The Council is only responsible for deciding the area located within LBHF planning control. We do not think this is correct. We consider the Act and National Planning Practice Guidance requires both local planning authorities to work together and to use their designation powers to make a joint determination of a single application for a neighbourhood area, and not separate decisions on separate areas within their own boundaries. Hence the wording referring to the power to designate a neighbourhood area, in the singular, in section 61L(1) of the Act as quoted above.</i></p>	<p>See Ref 3 above.</p>
6.	<p>A local authority <i>'may designate only one organisation or body as a neighbourhood forum for each neighbourhood area'</i> (Section 61F(7)(b) of the Act). If the Council is intending to designate the Old Oak Estate as a separate neighbourhood area from the Old Oak neighbourhood area due to be designated by OPDC, this would then rule out the possibility of the Old Oak Neighbourhood Forum being the body with responsibility for neighbourhood plan preparation in relation to the estate.</p>	<p>Officers have assessed the application areas within LBHF as the regulations require, and for the reasons detailed in the Cabinet report (namely paragraphs 5.1 to 5.21) have recommended the designation of the 'green' area as a separate neighbourhood area. The location of the forum members should not prejudice the LPA's objective assessment of the application.</p> <p>Furthermore, as LBHF and OPDC are both recommending refusal of the Old Oak Neighbourhood Forum as they do not meet the statutory requirements of at least 21 members in each of the neighbourhood areas, this does not rule out the possibility of this group in the future acquiring the required number of forum members and leading on a neighbourhood plan in this area.</p> <p>By refusing the Old Oak forum, the Council will be enabling greater discussion to take place at a local level to establish the most appropriate group to be leading neighbourhood planning in this area. This group could consist of the current Old Oak Interim Neighbourhood Forum, OOFRA or an amalgamation of both.</p>
7.	<p>Paragraph 5.21 of the Cabinet report fails to recognise this consequence, in stating that 'refusal' of the application for designation of the old Oak Neighbourhood Forum <i>'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.</i></p>	<p>See Ref.6 above.</p>

8.	The irony is that such a 'refusal' would preclude (as a result of 61F(7)(B) of the Act) preparation of a neighbourhood plan which includes coverage of the Old Oak estate, by the one and only body which has worked up designation proposals over the past 18 months and has submitted a formal application. We do not see this as an acceptable or legitimate outcome on a designation application which has received such strong public support.	See Ref.6 above
9.	There is no plausible reason for the Council to designate a neighbourhood area with a boundary a few hundred yards from that due to be designated by OPDC on September 12th. A single application should lead to a single neighbourhood area, and not two. There is no justification for doubling the costs to the public purse by adding requirements to administer two independent examinations of two draft plans and holding two referendums. This fact is not mentioned in the Director of Finance comments at paragraph 8 of the Cabinet report.	See Ref. 3 above. Officers consider there is justification for their recommendation as detailed in Section 5 of the Cabinet Report.
10.	Similarly, there is no good reason for a Council decision to 'refuse' designation of a neighbourhood forum which has received 82% support in a public consultation exercise. There has been no suggestion in the consultation responses, from either landowners or from residents, that the Old Oak Interim Neighbourhood Forum fails to meet the statutory criteria for designation. Compliance with these criteria was checked prior to OPDC and LBHF publishing the application for consultation.	See Ref. 6 above.
11.	The sole justification given in the officer report for 'refusal' of designation of the Old Oak Neighbourhood Forum is that the number of forum members listed in the application, who are resident or working within the boundary recommended for LBHF designation, has fallen below the statutory minimum of 21 persons. This is hardly surprising, given that LBHF seems intent on designating (as a separate neighbourhood area) only a small part of the 275 hectare area originally applied for.	See Ref. 6 above.
12.	It appears that officers are recommending a neighbourhood area separate from that due to be designated by OPDC simply to provide a basis for refusing designation of the forum.	Officers have objectively and positively assessed the application in accordance with legislation and national guidance. The reasons for the officer recommendations is detailed in paragraphs 5.1 to 5.21 of the Cabinet Report.
13.	We have made clear to LBHF planning officers at a meeting on 17th August and in a letter of 25th August that the Council should follow the precedent of LB Camden and designate the Old Oak Estate as part of a single wider neighbourhood area including Wells House Road, Midland Terrace/Shafesbury Gardens, the TITRA area and the Wesley Estate. In response to the application, it should be the Old Oak Neighbourhood Forum that is designated at this time as the forum responsible for preparing a neighbourhood plan in this single neighbourhood area.	See Ref. 6 above.

14.	Following notification by OPDC in early August that the OPDC Planning Committee and Board would be recommended to designate a much reduced area from that applied for, the Old Oak Interim Neighbourhood Forum provided both OPDC and LBHF with an updated Forum membership list. This includes 45 individuals who either live or work (or are a councillor) within the boundary expected to be designated by OPDC on September 12, combined with the Old Oak estate.	See Ref. 6 above.
15.	Any failure to meet the 21 person requirement for a valid neighbourhood forum therefore only arises if LBHF persists in an intention to create a wholly separate neighbourhood area, for which no forum is being designated and the Old Oak Neighbourhood Forum is being 'refused'. For reasons stated above, we consider such a set of decisions to be contrary to legislation and guidance.	See Ref. 6 above.
16.	The statement in paragraph 3.3 of the report that the existing interim forum is ' <i>therefore not reflective of the area designated</i> ' carries no weight, as the 'area designated' bears no relation to that proposed in the original designation application. The Forum's membership at the time of that application (April 2017) included a representative proportion of residents from the Old Oak Estate. The updated list of 45 individuals recently submitted to OPDC and LBHF does likewise. Only by moving the goalposts in terms of the boundary at a very late stage in the designation process can LBHF officers claim that membership is ' <i>not reflective of the area designated.</i> '	See Ref. 6 above.
17.	It seems likely that planning officers have taken comfort from the fact that a 2012 cross-boundary application for a St Quintin and Woodlands neighbourhood area and forum, which included in its proposed boundary an area of LBHF to the east of Wood Lane, was determined by the Council's previous administration by designating a reduced and separate neighbourhood area and 'refusing' designation of the StQW Forum. The circumstances were very different on that occasion, in terms of the level of support in the consultation exercise. These decisions were made in the early years of neighbourhood planning, at a time when DCLG felt unable to give definitive advice on the handling of cross-boundary applications.	The Old Oak Neighbourhood plan application has been considered on its own merits in accordance with current guidance and legislation.
18.	Paragraph 5.5 of the Cabinet report refers to this previous episode and states <i>The Council has designated one neighbourhood area in the borough – the St. Quintin and Woodland's Neighbourhood Area in 2013. This designated area can be seen at Appendix C.</i> This statement is incorrect in that the Council maintained at the time that it had designated a separate (and unnamed) neighbourhood area covering Eynham Road and surrounding streets. RB Kensington & Chelsea designated the remaining part of the proposed cross-boundary area for which a	See Ref.17 above. Reference to Appendix C was error in the Cabinet Report which the Addendum addresses

	neighbourhood plan was prepared, was successful at referendum in 2016, and now forms part of the development plan for that Borough. We cannot see Appendix C on the Cabinet agenda.	
19.	No progress has since been made on a neighbourhood plan for the unnamed area designated by LBHF in 2013. This is one of several reasons why the Old Oak Interim Neighbourhood Forum has concerns at a similar route being recommended by LBHF officers in relation to the designation application now before LBHF Cabinet. The legislation is not intended to allow local planning authorities to 'sterilise' areas by designating them while refusing designation of the 'qualifying body' which made the application.	See Ref.17 above. Officers are also mindful of the consultation response from Old Oak Friends and Residents Association expressing a desire to set up a neighbourhood forum for the Old Oak Estate area separate to this current application.
20.	Paragraph 4.19 of the Cabinet report analyses the location of respondents to the consultation and states ' <i>To the south-west, residents of the Old Oak Estate were largely in favour of revising the boundaries to exclude their estate from the proposed Neighbourhood Area</i> '. We have seen no evidence to support this statement. It is correct that a collective response from the Old Oak Friends and Residents Association made the case for a separate 'Old Oak Village' neighbourhood area. It is not clear that the number of individual respondents from the Old Oak Estate who supported this OOFRA view outweighed those residents who supported the original proposed boundary.	Paragraphs 4.21 and 4.22 of the Cabinet Report clearly present this information.
21.	OPDC asked respondents for postcode data, but has not published this in its schedule of consultation responses (which differs from that included in the Cabinet agenda papers). Hence it is not possible for the Interim Forum to be precise on figures. But it would seem from the LBHF schedule that only a small handful of individual respondents from the Old Oak Estate favoured the 'separate' neighbourhood and a similar number favoured the original wider boundary. Three residents are shown as having submitted views which are either undecided or where two contradictory responses have been submitted.	For data protection reasons this information cannot be made publicly available. A breakdown of responses is set out in the report at paragraph 4.18.
22.	Paragraph 42 of the report states <i>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.</i> We asked OPDC some time ago whether the identical responses numbered 139-169 in their published schedule reflected individual responses of names taken from a membership list and have yet to receive a reply. These responses do not appear on the LBHF list and our understanding is that they represent a single 'group response' similar to those submitted by the Hammersmith Society, the Island Triangle Residents Association, and the Wells House Road Residents Association.	Noted.

23.	We do not question that there are some Old Oak Estate residents who would prefer there to be a separate neighbourhood designated, potentially including additional streets between DuCane Road and the A40. It is not clear that the 34 residents identified as members of the Old Oak Friends and Residents all hold a preference for a separate area, or all support the OOFRA position that Wormwood Scrubs and Linford Christie Stadium should be excluded from the boundary of any neighbourhood area. Other consultation respondents specifically referred to the importance of including both these areas within the originally proposed Old Oak neighbourhood boundary.	As identified at paragraph 5.15 of the Cabinet Report officers have had regard to the range of consultation responses in reaching their recommendations.
24.	In any event, the extent of support for the separate 'Old Oak Village neighbourhood' can readily be tested via the submission of a formal designation application by the Old Oak Friends and Residents Association, a 6 week consultation on such an application, and subsequent determination by LBHF. As explained above, given support for such a proposal LBHF would at that stage have discretion (under paragraph 039 of NPPG) to vary its decisions on the current designation application from the Old Oak Interim Neighbourhood Forum and to designate a new and separate area and forum. Attempting to jump to this stage on September 4th we believe to be contrary to DCLG guidance and open to challenge on several grounds, including that of unnecessarily doubling public costs of LPA neighbourhood plan administration as well as maladministration of a designation application.	See Refs. 17 and 19 above.
25.	Paragraph 5.5 of the Cabinet report starts by stating <i>The PPG sets out the following considerations for determining the boundary of a neighbourhood area.</i> This is a misrepresentation of paragraph 033 of National Planning Practice Guidance which in fact states <i>The following could be considerations when deciding the boundaries of a neighbourhood area</i> (our emphasis). The difference in wording is important. These 'considerations' are not presented as an exhaustive list of requirements. They are possible factors that could be taken into account along with others.	Noted. At paragraph 5.6, this identifies the range of factors considered in the decision making process.
26.	As is proving to be the case with OPDC planning officers, the LBHF officer analysis of the 'appropriateness' of the wider area proposed by the Old Oak Interim Forum places heavy reliance on the fourth of these possible 'considerations' which reads <i>'the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style'</i> .	In accordance with national guidance the reasons for the officer recommendations are based on a range of factors as detailed in paragraphs 5.1 to 5.21 of the Cabinet Report.
27.	In concluding that the Old Oak Estate is an 'appropriate' area for designation for neighbourhood planning purposes, whereas the remaining LBHF parts of the original area proposed by the Interim Forum are not, the officer report follows a tortuous and (in our view) unsustainable route.	Noted.

<p>28 to 32.</p>	<p>Paragraph 5.8 refers to the GLA 2014 <i>Supplementary Planning Guidance on Character and Context</i>. This SPG presents itself as being useful to neighbourhood forums but does not claim to be a guide to neighbourhood planning nor a basis for assessing appropriateness of neighbourhood areas.</p> <p>The report then proceeds with an analysis at paragraph 5.9 of the different 'characters' of parts of the 275 hectare area proposed as an Old Oak neighbourhood area.</p> <p>This leads on to the 'reasons for refusal' statement at 5.11, justifying removal several of the LBHF parts of the originally proposed Old Oak neighbourhood area. These include Little Wormwood Scrubs, Linford Christie stadium, the ARK Burlington Danes Academy and Upper Latymer Playing Fields. Also excluded are Woodman Mews and the Network Housing flats at St Quintin View (28 North Pole Road).</p> <p>This paragraph states <i>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.</i></p> <p>We struggle to construe this statement, especially the last sentence. As a justification for denying several hundred households the opportunity to be part of preparing a neighbourhood plan, it is unconvincing.</p>	<p>Paragraph 5.8 in the Cabinet report correctly explains the context for referencing the GLA SPG.</p> <p>See also Ref.26 above.</p>
<p>33.</p>	<p>We are not aware of guidance of any form that suggests that neighbourhood areas must be uniform or consistent in the 'character' or land uses included within a designated boundary. The reality of the 350 neighbourhood plans 'made' to date across England is quite the reverse. In rural areas, neighbourhood areas (usually based on parish boundaries) include everything from small towns to agricultural land. In London, no one could suggest that the Highgate, Kentish Town, Spitalfields, or Vauxhall/Nine Elms Battersea neighbourhood areas do not contain a wide range of uses and every type of urban built form.</p>	<p>The Council is aware that a number of number of neighbourhood areas across London and the country have been designated. The Council has determined the application on its own merits.</p>
<p>34.</p>	<p>At a time when residents of College Park and of Wells House Road, occupying very similar late Victorian terraces, are expressing a wish to work together in an effort to ensure their successful integration within a new and regenerated 'Old Oak', it seems perverse for the Council to be refusing designation of the former area on the grounds that <i>these sites are independent of each other when looked at as a whole</i>. The need for all of these residential enclaves to become part of an</p>	<p>Officers assessment of the area is detailed in the Cabinet report (paragraphs 5.1 to 5.21).</p> <p>Officers were also mindful that OPDC officers are proposing to recommend that the development areas adjoining College Park are not designated.</p>

	integrated new city area is precisely the original driver of the efforts of the Old Oak Interim Neighbourhood Forum over the past two years.	
35.	It is notable that OPDC officers are taking a similar line in arguing that differences in 'character areas' makes it inappropriate to designate much of the originally proposed Old Oak neighbourhood area. While it can be argued that the proposed boundary is not a wholly 'natural neighbourhood' in 2017, it is not clear why two local planning authorities should feel the need to go to such lengths to prevent local people from trying to help make it a successful and integrated neighbourhood, in twenty years time?	The Council does not interpret it in the same fashion. The Council is required to make a decision on an application for designation of a neighbourhood area and the neighbourhood forum and the recommendations are considered to be in line with national guidance.
36.	A final argument used in the Cabinet report for deeming much of the proposed area as 'inappropriate' for a neighbourhood plan is that areas such as Wormwood Scrubs and Linford Christie are of 'metropolitan' significance and serve a London-wide audience. Why then has Westminster City Council been willing to designate Knightsbridge, Mayfair and Marylebone -- all of which parts of the capital serve a global as well as a London-wide populace?	See Ref.17 above.
37.	We suggest that it is time for LBHF to take a fresh look at what has been happening in terms of neighbourhood planning across London, and to make a reality of the paragraph 3.1 of the Cabinet report which states ' <i>The Council is supportive of neighbourhood planning and communities being involved and engaged in the planning process</i> '.	Noted. The Council is supportive of communities being engaged and involved in the planning process and each neighbourhood plan application should be assessed on its own merits.
38.	Were the Cabinet to proceed to approve the recommendations from officers in the current report, the issues aired above will not go away. One way or another local people in and around Old Oak will continue to find ways to have their voices heard and to use a part of the English planning system designed and introduced for this purpose.	Noted. The Council welcomes further discussion and input.