

# ICKENHAM NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM APPLICATIONS

<b>Cabinet Member</b>	Councillor Keith Burrows
<b>Cabinet Portfolio</b>	Planning, Transportation and Recycling
<b>Officer Contact</b>	James Gleave: Residents Services
<b>Papers with report</b>	Appendix 1: Copy of Ickenham Neighbourhood Area and Neighbourhood Forum application

## 1. HEADLINE INFORMATION

<b>Purpose of report</b>	This report explains the content of an application submitted by residents in Ickenham for the establishment of a neighbourhood forum and neighbourhood area. It provides a summary of comments received on the proposals following a six week period of public consultation, recommends that Cabinet approves the application and identifies the implications of making such a decision.
<b>Putting our Residents First</b>	This report supports the following Council objectives of: <i>Our People; Our Built Environment; Our Natural Environment; Our Heritage and Civic Pride;</i> The proposals align with the Council's Local Plan Part 1 and emerging Local Plan Part 2: Development Management Policies, Site Allocations and Designations and Policies Map.
<b>Financial Cost</b>	The approval of the application is likely to result in the preparation of a neighbourhood plan relating to the neighbourhood area. Costs associated with this process will be met from existing budgets and the Government's Neighbourhood Planning Grant.
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services Policy Overview Committee.
<b>Ward(s) affected</b>	All

## 2. RECOMMENDATION

That Cabinet:-

1. Approves the application submitted by Ickenham residents for the establishment of a neighbourhood forum and the designation of a neighbourhood area.
2. Instructs officers to bid for funds from the Government's Neighbourhood Planning Grant in December 2016, to offset costs associated with the production of the Ickenham Neighbourhood Plan.

## **Reasons for recommendations**

On 27th May 2016, officers received an application to establish a neighbourhood forum and neighbourhood area for Ickenham, which will form the basis of the production of the neighbourhood plan. On the basis that the proposals meet the requirements set out in the Government's neighbourhood planning regulations, it is recommended that the application should be approved.

## **Alternative options considered / risk management**

Cabinet may decline to approve the application for the neighbourhood forum, the neighbourhood area or both proposals. Such an approach is likely to result in the resubmission of the proposals.

## **Comments of Policy Overview Committee(s)**

None at this stage.

## **3. INFORMATION**

### Background

1. Although the neighbourhood forum and neighbourhood area constitute separate proposals, they are intrinsically linked and have been submitted in a single joint application. If both proposals are agreed by Cabinet, officers understand that the forum intends to commence the production of a neighbourhood plan for Ickenham. Once adopted, the neighbourhood plan will form part of the Council's Local Plan and will be a significant material consideration in the determination of planning applications within the defined neighbourhood area.

2. The background to neighbourhood planning and the implications for Hillingdon were first reported to Cabinet in January 2012. This is Hillingdon's first application to establish a neighbourhood forum and a neighbourhood area. A copy of the application, including a map showing the extent of the proposed neighbourhood area, is attached at Appendix 1 of this report.

### What are Neighbourhood Forums and Neighbourhood Areas?

3. A designated neighbourhood forum is an organisation or group empowered to lead the neighbourhood planning process. The group or organisation must apply to the local planning authority to establish a neighbourhood forum (a forum application). In addition to meeting the relevant parts of Government planning legislation, the forum must also have a membership that includes a minimum of 21 individuals who either:

- live in the neighbourhood area;
- work there; and/or
- are elected members for a local authority that includes all or part of the neighbourhood area.

4. The neighbourhood forum operates within a defined neighbourhood area, which forms the geographic extent of the neighbourhood plan. The extent of the neighbourhood area must be agreed by the local planning authority before the neighbourhood plan can commence. As noted above, residents from Ickenham have submitted a joint application to establish a

neighbourhood forum and designate a neighbourhood area, with a view to preparing a neighbourhood plan.

#### Ickenham Neighbourhood Forum (INF)

5. The application submitted to the Council sets out the background to the establishment of the forum. A public meeting was held with local residents on 19th March 2016 to discuss the process and to gather support for the submission of the application. At a further meeting on 19th April 2016, the constitution of the forum was discussed and an interim committee agreed.

6. In accordance with planning legislation a neighbourhood forum constitution has been prepared and submitted with the application. The purpose of the forum, as set out in its constitution, is:

- To prepare a neighbourhood plan for the Ickenham Neighbourhood Area; and
- To promote, conserve and improve the social, economic and environmental well-being of the Ickenham Neighbourhood Area (INA), for the benefit of Ickenham's residents, businesses and the public at large.

7. In addition to its objectives, the forum may:

- Invite and receive contributions and raise funds where appropriate, to finance the work of the Forum, and to open a bank account to manage such funds;
- Publicise and promote the work of the Forum and organise meetings, training courses, events, seminars etc;
- Work with groups of a similar nature and exchange information, advice and knowledge with them, including co-operation with other voluntary bodies, charities, statutory and non-statutory organisations;
- Employ staff and volunteers as are necessary to conduct activities to meet the objectives of the Forum (the Forum cannot remunerate Forum members beyond reasonable travel and subsistence expenses); and
- Take any form of action that is lawful, which is necessary to achieve the objectives of the Forum, including taking out any contracts which it may see fit.

8. The application states that the duration of the forum will be 5 years. Regular meetings will be held and the first Annual General Meeting will be held one month after its designation by the Council.

#### Ickenham Neighbourhood Area

9. The extent of the proposed neighbourhood area is shown on the map included as part of the application attached at Appendix 1. Based on information available, this is thought to be one of the largest neighbourhood areas in London. Officers understand that the proposed boundary has been identified through discussions between members of the forum and local residents. It is agreed that the area constitutes what is known and understood to be Ickenham.

#### Public consultation

10. In accordance with the Government's neighbourhood planning guidance, the proposals were published on the Council's website for a period of 6 weeks from Tuesday 20<sup>th</sup> September to Wednesday 2<sup>nd</sup> November 2016. Copies of the application were also made available at

libraries in Ickenham, South Ruislip, Oak Farm, Manor Farm, Ruislip Manor, Eastcote and Harefield.

11. In addition, members of the planning policy team and the neighbourhood forum attended a drop in session at Ickenham library on 13<sup>th</sup> October 2016, to provide an opportunity for interested parties to ask questions about the proposals. The session was attended by approximately 20 local residents and a representative from the planning consultancy GL Hearn, who attended on behalf of Meyer Homes, the owner of the Master Brewer site. Issues raised during this session included the identification of green spaces on the forum website, how the application relates to the production of the forthcoming neighbourhood plan, approximate timescales going forward and how the proposals relate to Hillingdon's Local Plan.

12. The Council received four responses to the 6 week consultation process. A summary of each of the responses received is set out in the following table:

<b>Representor</b>	<b>Support/Object</b>	<b>Summary of Representation</b>
Rosemary Bennett	Support	Looks forward to working with members of the Forum in the coming months.
Douglas Neilson	Support	<p>The proposed area is appropriate. It is somewhat larger than the urban development of Ickenham and will encourage residents to take an interest in their broader environment to the east and west of the village centre.</p> <p>There has been a significant effort to make the forum representative of the views of all residents and businesses in Ickenham. Forum meetings have been well managed and run professionally.</p> <p>The neighbourhood forum is a powerful complementary influence on the consensual development of the area.</p>
Chris Mountain	Support	The historic 1980s LBH Ickenham spatial planning documents use a similar boundary to the one that is proposed for the neighbourhood area. The northern, southern and western boundaries match and may reflect the ward boundaries at that time.
GL Hearn for Meyer Homes	Support	<p>The former Master Brewer motel site (and land around Hillingdon (Swakeleys) station) is situated outside of Ickenham and designated as part of North Hillingdon Local Centre. The land is also subject to an emerging site allocation (ref. SA 14 - Local Plan Part 2 - Site Allocations and Designations (Proposed Submission Version, October 2015)). Consideration should also be given to how the area designation will link to the wider North Hillingdon local centre.</p> <p>Meyer Homes is committed to continued engagement and consultation with the Ickenham Residents' Association and wider local community on the future development of the former Master Brewer Motel site.</p>

Determination of the application

13. The Council has 13 weeks in which to determine the application. The determination process involves an assessment of whether the proposals meet the legal tests as set out in Government's neighbourhood planning legislation. In practical terms these tests are:

- whether the forum has been set up for the express purpose of promoting or improving the environmental, economic and social wellbeing of the neighbourhood area;
- whether membership is open to all those who live, work and carry out business within the neighbourhood area;
- whether membership includes a minimum of 21 people who either live, work or carry out business within the neighbourhood area; and
- confirmation that the neighbourhood forum has a written constitution.

14. In determining the application for the neighbourhood area the Council must have regard to the desirability of designating the whole of the area as a neighbourhood area.

Assessment of the proposals

15. The following table provides an assessment of the proposals against the criteria set out above:

<b>Application</b>	<b>Assessment Criteria</b>	<b>Commentary</b>
<b>Neighbourhood Forum</b>	Whether the forum has been set up for the express purpose of promoting or improving the environmental, economic and social wellbeing of the neighbourhood area.	Discussions with the forum indicate that this is the case
	Whether membership is open to all those who live, work and carry out business within the neighbourhood area.	Membership of the forum has been actively promoted throughout Ickenham.
	Whether membership includes a minimum of 21 people who either live, work or carry out business within the neighbourhood area.	Membership of the INF far exceeds 21 members.
	Confirmation that the neighbourhood forum has a written constitution.	The written constitution is included as part of the application.
<b>Neighbourhood Area</b>	Desirability of designating the whole area as a neighbourhood area.	Further to a request from officers, members of the forum provided further justification on the proposed extent of the neighbourhood area. In essence, this was defined through discussions with local residents and represents what most consider to be the boundary of Ickenham. The application highlights the discussions that have taken place with Resident's Associations outside of Ickenham. No objections to the

		proposed boundary were raised during these discussions and none have been received in response to consultation process.
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16. On the basis of the above analysis, officers recommend that Cabinet grants approval for the establishment of Ickenham Neighbourhood Forum and the designation of Ickenham Neighbourhood Area.

#### Implications for Hillingdon and Next Steps

17. Once designated, the established forum will seek to prepare a neighbourhood plan for Ickenham. The Council is required to assist with this process and officers will report back to Cabinet at the appropriate time. The following table sets out in simple terms what a neighbourhood plan can and can't do:

<b>What neighbourhood planning can do</b>	<b>What neighbourhood planning can't do</b>
Choose where new housing should go and what it should look like	Put a block on all future development, or stop development that is already underway
Protect and regenerate high streets, green spaces and local heritage	Plan for fewer homes than the local planning authority
Improve public spaces and plan for sustainable transport provision	Deal with non-planning matters such as increasing bus services or rubbish removal
	Go against strategic policies in the local authority's Local Plan

18. As part of the production of the neighbourhood plan, the Council is required to hold a public examination chaired by an independent planning inspector, followed by a local referendum on whether the plan should be adopted. Once the plan has been through this process and has been agreed with the local community, it has the same legal status as the Local Plan. At this point it becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

19. The Housing and Planning Act 2016 contains numerous sections that are yet to come into force and one such section will require the Council, if requested to do so by INF, to notify the INF of a relevant planning application and any alteration to that application. It is not yet known when this section will come into force but it is anticipated to be relatively soon.

#### **Financial Implications**

20. There are limited costs associated with the actual designation of the neighbourhood forum and neighbourhood area. Once designated, the Council will be eligible to bid for funds from the Government's Neighbourhood Planning Grant (NPG). The second round of bidding for the NPG in 2016 closes on 31<sup>st</sup> December 2016. The following funds are available:

- Area designation: Local Planning Authorities can claim £5,000 for the first five neighbourhood areas designated. The limit of five areas applies to the total number of areas designated in the LPA (i.e. it includes areas designated in previous years).
- Forum designation: LPAs can claim £5,000 for the first five neighbourhood forums they designate. The limit of five forums applies to the total number of areas designated in the LPA (i.e. it includes forums designated in previous years).

21. It is anticipated that funds from the NPG and existing planning budgets will be used to meet the costs associated with the production of the neighbourhood plan for Ickenham, following agreement of the forum and the neighbourhood area.

22. It should be noted that communities that draw up a neighbourhood plan and secure the consent of local people via a referendum will benefit from 25% of the levy revenues arising from development that takes place within their designated area boundary. This amount will not be subject to an annual limit.

#### **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

##### **What will be the effect of the recommendation?**

The forthcoming Ickenham neighbourhood plan will guide the assessment of planning applications in the neighbourhood area. Whilst the plan could well have an impact on residents within the designated neighbourhood area, the contents will need to be consistent with the Council's adopted Local Plan Part 1 and emerging Local Plan Part 2, which have been approved by Cabinet.

#### **CORPORATE IMPLICATIONS**

##### **Corporate Finance**

Corporate Finance has reviewed this report, noting that the direct cost to the Council of establishing the proposed neighborhood forum will be limited and is expected to ultimately be funded by specific Government Grant. Once established, the neighbourhood forum would be able to direct investment of 25% of Community Infrastructure Levy receipts generated within the designated area, which would impact upon both income and capital expenditure projections within the Council's broader Medium Term Financial Forecast. These medium term implications will be quantified and reflected in future refreshes of the MTFE as the application progresses.

##### **Legal**

The Localism Act 2011 provides that any qualifying body can initiate the process for the preparation of a neighbourhood plan. A qualifying body includes a designated neighbourhood forum. The designation of the neighbourhood forum and neighbourhood area in this case would be the first step in the neighbourhood planning process which could ultimately result in a neighbourhood plan being made.

The Neighbourhood Planning (General) Regulations 2012/637 sets out what should be included in the applications for designation of a neighbourhood area and neighbourhood forum and the local planning authority's duties in relation to determining and publicising the applications.

Section 61F (5) of the Town and Country Planning Act 1990 sets out the conditions to be met in an application for designation as a neighbourhood forum.

If deciding to refuse to designate a neighbourhood forum then the council must publish a statement setting out the decision and the reasons for making that decision, as well as details of where and when the refusal statement may be inspected. A local planning authority can refuse to designate the area applied for as a neighbourhood area if it considers the area is not appropriate. It must give reasons for reaching this decision. If a neighbourhood forum application is approved, but the extent of the neighbourhood area is smaller than that which was applied for, the neighbourhood forum will be the designated forum for the part of the area which is designated as the neighbourhood area.

The Neighbourhood Planning (General) Regulations 2012/637 states that as soon as possible after designating a neighbourhood forum or neighbourhood area, the local planning authority must publish details of the neighbourhood area and neighbourhood forum on the council website and in such other manner considered likely to bring it to the attention of those who live, or work in the neighbourhood area.

A decision to approve or refuse the applications by the local planning authority can be subject to a judicial review. Section 61F (8) of the 1990 Act states that a neighbourhood forum designation ceases to have effect five years after the date that the designation was made. At this point an organisation or body would be able to reapply for neighbourhood forum status.

A designated neighbourhood forum can also give notice to the local planning authority that it no longer wishes to be designated as the neighbourhood forum for a neighbourhood area. In this instance the local planning authority would have to withdraw the formal designation of the neighbourhood forum and must publish a statement setting out the details of the withdrawal (and details of where this statement can be inspected).

In addition, Section 61F (9) of the 1990 Act states that a local planning authority can also withdraw a neighbourhood forum designation if it is considered that the body is no longer meeting the conditions on which it was designated or any other criteria that the local planning authority had regard to in making the designation.

Section 120 of the Localism Act 2011 authorises the Secretary of State to provide financial assistance in relation to neighbourhood planning and funding payments as detailed in the body of the report will be made under section 31 of the Local Government Act 2003. All claims for funding need to be submitted via LOGASnet and certified by an officer with the requisite authority.

## **Property and Construction**

There are no specific Property and construction implications arising at this stage from the recommendations in this report. There are council owned property assets within the Ickenham Neighbourhood Area and once the neighbourhood plan is adopted this will be a consideration in determining any future proposals for these sites.

## **BACKGROUND PAPERS**

NIL