

OFFICER'S DECISION

Subject:

Designation of a Neighbourhood Area Boundary and Recognition of a Neighbourhood Forum in Greater Central Acton (CANForum)

Decision by:

Pat Hayes, Executive Director, Regeneration and Housing

Non-Key/~~Key~~ decision

Portfolio:

Cllr Julian Bell, Leader of the Council

Authority:

Cabinet, November 24th 2015, Item 12 iv) and v) which states that Cabinet:

iv) delegates authority to the Executive Director of Regeneration and Housing to make a final determination on the precise boundary of the neighbourhood area following discussion with CANForum and the Leader of the Council and having regard to representations made by Historic England, the ability to achieve a better fit with electoral polling districts and any further recommendations by Cabinet on the proposed boundary.

v) delegates authority to the Executive Director of Regeneration and Housing to designate a neighbourhood forum for the Greater Central Acton neighbourhood area having regard to the ability of the two prospective forums to work together, where appropriate.

And

Part 8 of the Council's Constitution (see Schedule 7, Para 6.2.1 which sets out the functions delegated to the Executive Director of Regeneration and Housing which states: "To exercise the Council's functions in respect of the preparation and development of appropriate planning strategies, policies, plans, and associated documents including consultation on such policies and minor amendments/updates to such documents as may be delegated to officers."

Purpose:

1. Chapter 3 of Part 6 of the Localism Act 2011 creates a new neighbourhood planning regime in England mainly by inserting new provisions into the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (see Part 1 of Schedule 9, and Schedules 10 and 11, for the provisions inserted into the 1990 Act, and Part 2 of Schedule 9 for the provisions inserted into the 2004 Act).
2. The 1990 Act provides that within a designated neighbourhood area a parish council or a designated neighbourhood forum may propose a neighbourhood development order and Schedule 4B (as read with the modifications in Schedule 4C for community right to build orders (which are a particular type of neighbourhood development order)) sets out the framework for making such orders.
3. The 2004 Act provides that within a designated neighbourhood area a parish council or a designated neighbourhood forum may propose a neighbourhood development plan and Schedule 4B to the 1990 Act (as applied, with modifications, by section 38A of the 2004 Act) sets out the framework for making such plans.
4. The Neighbourhood Planning (General) Regulations 2012 (as amended) came into force on April 6th 2012 and set out the detailed provisions for the setting up and administration of neighbourhood areas.
5. The Regulations require that the Neighbourhood Forum and Area must, inter alia have a constitution, at least 21 members representative of the area and no part of the proposed Neighbourhood Area may overlap with any other designated Neighbourhood Area.
6. A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that (amongst other things) that 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 (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area).
7. Ealing Council's Cabinet received a report on November 24th 2015 that provided a brief update on neighbourhood planning in the borough and asked Members to consider two separate and overlapping applications to designate the Greater Central Acton (CANForum) and Acton Mainline (AML) as a neighbourhood area/forum in the Acton area. Cabinet recommended that the former application be accepted and the latter was rejected.
8. The recommendation was subject to an added proviso that Cabinet authorises the Executive Director of Regeneration and Housing to make a final determination on the precise boundary of the neighbourhood area following consultation with the Leader of the Council (the portfolio holder) and CANForum having regard to representations made by

Historic England, the ability to achieve a better fit with electoral polling districts and any further recommendations by Cabinet on the proposed boundary.

9. A copy of the Cabinet report is available here (see Item 12 and associated appendices):

<http://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1281/Committee/3/Default.aspx>

10. The Cabinet report noted in particular that National Planning Guidance confirms that the following could be considerations when deciding the boundaries of a neighbourhood area:

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

11. The report also noted that the Guidance confirms that:

- a. Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.
- b. Although an authority should aim to designate the area applied for it can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. However, the authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.

12. A copy of the Cabinet minutes is available here:

<http://ealing.cmis.uk.com/Ealing/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=HCDS%2fexcWszhv%2bk4KJ87yk7JXPHrF0x%2bcaHurG2A8xsXTTHneeitpA%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWctPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFFxsDGW9IXnlg%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFf55vVA%3d>

13. Appendix 1 provides a map showing the revised neighbourhood area boundary. The following relatively minor changes from the original draft proposal considered by Cabinet on November 24th 2015 are:

- To include all of the DEA electoral district south of Uxbridge Road. This includes Woodgrange Avenue, Hart Grove and St Lodge Avenue together with the Ealing Common Depot. (This avoids splitting an electoral district).
- To include all of the properties on the southern side of Churchfield Road in BAA electoral district from Newburgh Road to Acton Central Station i.e. nos 1-115. (The original boundary was unclear).
- To include Derwentwater Road, Newburgh Road, Stuart Road and St Mary's burial ground (no living residents!) in BAA electoral district. (It makes no sense to exclude these streets but include neighbouring streets).
- To redraw the boundary at the Uxbridge Road and Horn Lane so as to exclude the properties south of the Uxbridge Road between St Lodge Avenue and the High Street and land east of Horn Lane between the High Street and Stuart Road. (The original boundary was unclear).
- To redraw the boundary at the Uxbridge Road so as to exclude properties south of the Uxbridge Road between the railway line and Dordrecht Road. (The original boundary was unclear).
- To exclude the entire AGA electoral district which chiefly comprises The Vale Estate: (This residential enclave is separated by green space from the rest of the residential/population centres and its inclusion would reduce scope to do future work around The Vale comprising both employment and residential centres).

14. The Council's Strategic Planning Manager has advised that due regard to the representations made by Historic England have been made. HE argued all or none of two conservation areas within the original proposed boundary should either be included or excluded – namely Acton Town Centre CA and Creffield CA. However, to do so would mean that the logic of the natural boundaries of the revised proposal would be compromised, would be impractical to deliver and would mean that at least another electoral district would have to be included in part adding to the complexity of any electoral geometry.

15. He further advises that it has not been possible to fully align the revised boundary with electoral districts (ED's). The new boundary encompasses all of 8 EDs (AFA, BBA, BCA, BDA, BEA, BFA, DEA and DFA) and parts of 2 others:

- ACA. This spans either side of the A40 and it is not practical or feasible for the boundary to extend north of this main arterial road which otherwise forms a natural boundary.
- BAA. Any further extension would further encroach on the Acton District Town Centre which we have attempted to largely avoid. For the avoidance of any doubt, the boundary includes Lantry, Moreton and Rufford estates to the west of Steyne

Road and to the rear of Acton police station. It was therefore going to be split in any case.

16. This is the closest match that could be achieved given other planning and practical considerations. The original application would have resulted in at least 4 EDs being split so this is still a vast improvement.

Consultation:

As directed by Cabinet on November 24th 2015, further consultation has taken place with CANForum as to the proposed revised boundary of the neighbourhood area and broad agreement on the proposed boundary changes was reached. The draft revised proposal was also sent to the Leader of the Council for review and further consideration and he responded on January 14th 2016 that he was content with the proposed amendments.

Equalities Impact Assessment:

A generic full equalities impact assessment has been drawn up which considers the equality implications of the council's local development plan. If a neighbourhood plan were to be adopted then it would form part of the local development plan and be a material consideration in the determination of any planning applications in LB Ealing.

See EB16 at:

http://www.ealing.gov.uk/downloads/download/2252/evidence_base

It would also need to meet certain requirements set out in the Council's Statement of Community Involvement which explains how we engage with our community. See:

http://www.ealing.gov.uk/info/200921/local_plans/615/statement_of_community_involvement_sci/2

Decision:

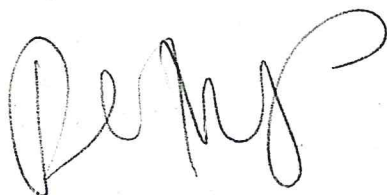
It is agreed that the proposed revised boundary for the Greater Central Acton neighbourhood area set out in the map at Appendix 1 be formally designated by the Council as a neighbourhood area and that the CANForum be formally recognised as a neighbourhood forum in accordance with the relevant Neighbourhood Planning (General) Regulations 2012 (as amended).

Reasons:

A local authority must designate a Neighbourhood Area if it receives a valid application and some or all of the area has not as yet been designated. A local planning authority can only refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The reasons for the proposed

changes to the area boundaries are set out in paragraph 13 above and having regard to the matters referred to in paragraph 10 and 11 above. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas. Furthermore, the areas designated as neighbourhood areas must not overlap with each other.

Signature:

A handwritten signature in black ink, appearing to read 'Pat Hayes', with a large, stylized flourish at the end.

Pat Hayes, Executive Director of Regeneration and Housing

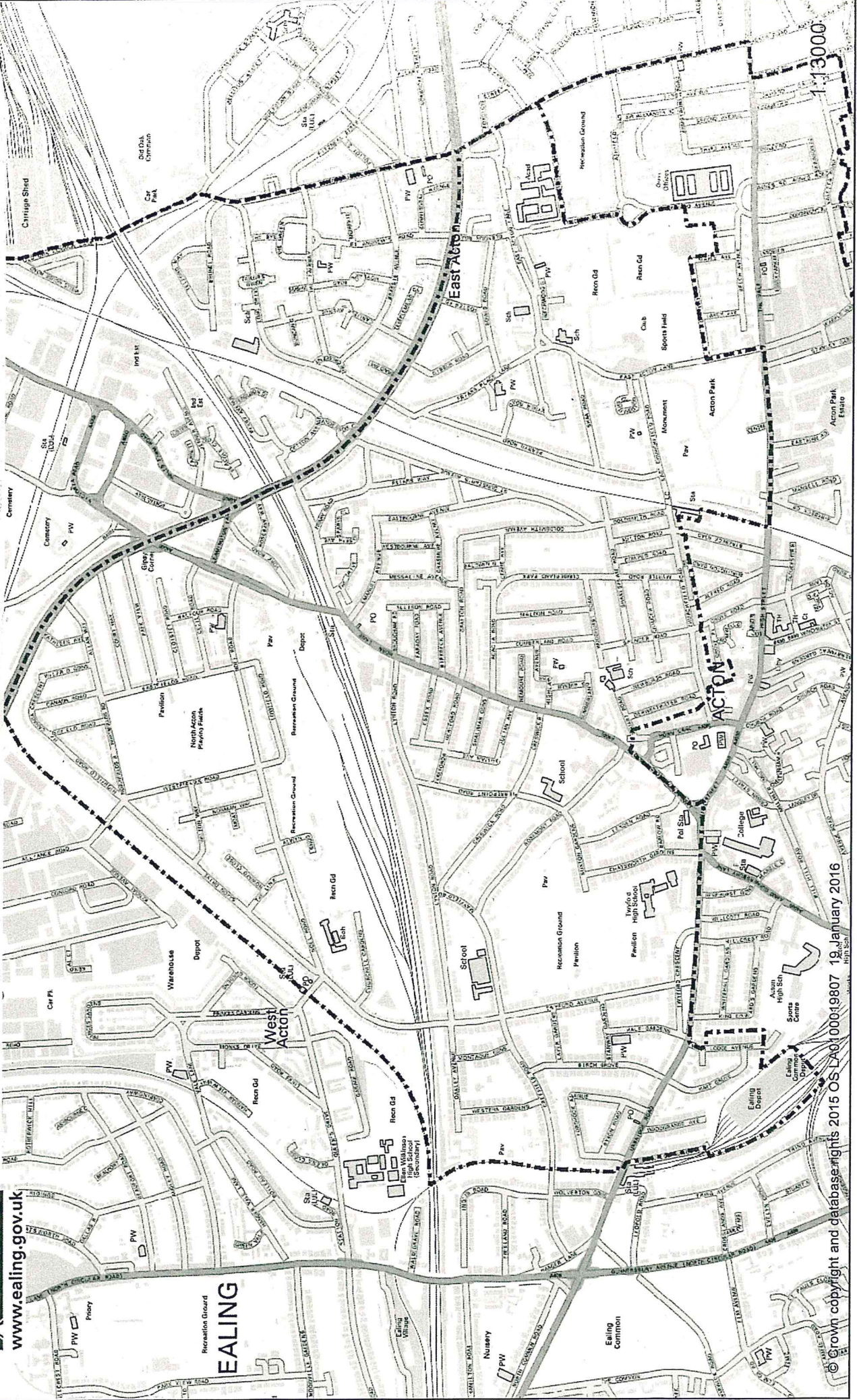
Date of decision:

Tuesday 19th January 2016

NB Scanned copy of signed decision to be sent to cabinetreports@ealing.gov.uk



Greater Central Acton Neighbourhood Plan Area Boundary



Ealing
www.ealing.gov.uk