

Planning Committee

13th October 2020

Title	Re-designation of West Finchley Neighbourhood Plan Area and Forum
Report of	Deputy Chief Executive
Wards	West Finchley
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1: Application for WFNP Area Appendix 2: Application for WFNP Forum Appendix 3: West Finchley Neighbourhood Forum Constitution Appendix 4: Responses and Representations Report
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Summary

This report seeks a decision on the re-designation of the West Finchley Neighbourhood Plan Area and Forum. Under the Localism Act the West Finchley Neighbourhood Forum and Area was initially designated in November 2015 for a period of five years. The specific remit for the Forum was to produce and finalise a Neighbourhood Development Plan within that period. The West Finchley Neighbourhood Plan has undergone examination and has been recommended to proceed to referendum. Due to Covid-19 restrictions, referendums are unable to take place before May 2021, therefore, the West Finchley Neighbourhood Forum has had to apply for re-designation to continue the process.

The Neighbourhood Plan Regulations require that for designation or re-designation the group must satisfy the Council that it has met a statutory set of basic conditions including membership, constitution and an express purpose of promoting well-being in the

neighbourhood area. The application for re-designation has been subject to a six-week period of publicity. This has generated a largely supportive response from residents and local groups.

Officers Recommendations

1. That the Committee:

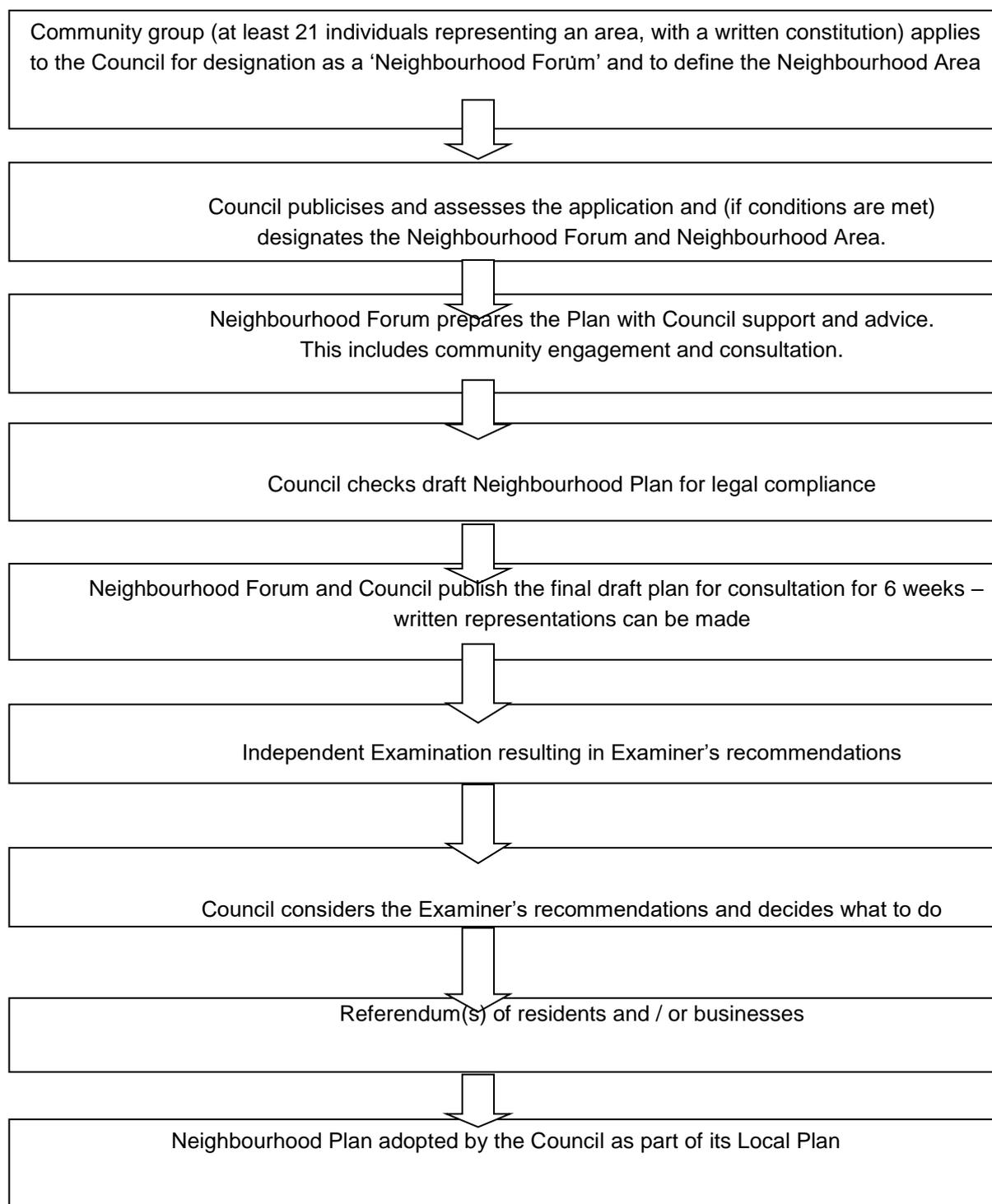
- a) Note the responses (as set out in Appendix 4) to the application for the re-designation of the West Finchley Neighbourhood Plan Area and Forum;**
- b) Note the content of the West Finchley Neighbourhood Forum Constitution;**
- c) Approve the re-designation of the West Finchley Neighbourhood Plan Area as shown edged black in Appendix 1 for the reason set out in this report;**
- d) Approve the re-designation of the West Finchley Neighbourhood Plan Forum as set out in Appendix 2 for the reason set out in this report.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Localism Act 2011 introduced a new right for communities in England to undertake Neighbourhood Planning. The 2011 Act places duties on local planning authorities to support the preparation of Neighbourhood Development Plans.
- 1.2 Neighbourhood Development Plans are statutory planning documents which are prepared by a Parish Council, a community group or an organisation or body known as a "Neighbourhood Forum". To be designated a neighbourhood forum, the organisation or body should be inclusive and must be made up of a minimum of 21 people who live or work in the area or are elected local authority councillors in the area.
- 1.3 Neighbourhood Development Plans can establish general planning policies for the development and use of land in a neighbourhood, setting a vision for the future of the area and addressing issues such as the type, design, location and mix of new development. Plans can be detailed, or general, depending on what local people want; and, if appropriate, they can focus on a single planning issue.
- 1.4 Neighbourhood Development Plans must support growth and should not be used to block development. They must be in general conformity with the strategic policies in the existing development plan (in Barnet this consists of the Local Plan 2012 and the London Plan 2016). They must also comply with other relevant legislation, including EU directives and the Human Rights Act 1998.
- 1.5 A summary of the process of Neighbourhood Forum designation and Neighbourhood Development Plan preparation is included in Table 1. It is generally expected on current country wide experience that the adoption of a Neighbourhood Development Plan should

be completed within the initial five-year designation period. Due to COVID-19 restrictions on public referendums this cannot take place before May 2021.

Table 1: Summary of the Neighbourhood Development Plan preparation process



- 1.6 The West Finchley Neighbourhood Plan Area and Forum were designated back in November 2015. The Forum has progressed their Plan through an independent examination. The Council has agreed with the Examiners recommendations and published a Decision Statement which agrees that the West Finchley Neighbourhood Plan proceeds to a confirmatory referendum to take place not before May 2021. Neighbourhood Forum designations expire after 5 years therefore West Finchley Neighbourhood Forum have had to apply to renew for a further 5 years. Due to restrictions from Covid-19, referendums are not allowed to take place before May 2021 which is the reason for the Forum having to apply for re-designation.
- 1.7 The intention of the Forum to renew their status as a ‘Qualifying Body’ (ie. Neighbourhood Forum) and their associated Neighbourhood Area was publicised by the Council from 7th August to 18th September 2020.

2. REASONS FOR RECOMMENDATIONS

- 2.1 In accordance with requirements of the Neighbourhood Planning Regulations 2012 and Section 61(G) and (F) of the 1990 Town and Country Planning Act, the West Finchley Neighbourhood Forum has submitted its application for Neighbourhood Area and Forum re-designation.
- 2.2 In accordance with the Localism Act the Council has a duty to support Neighbourhood Planning in terms of the following:
- Designation of Neighbourhood Areas and Forums
 - Advising and supporting Neighbourhood Forums in production of Plans
 - Publicise Neighbourhood Development Plan proposals
 - Arrange for independent examination
 - Arrange referendums on the Neighbourhood Development Plan
 - Adopt Neighbourhood Development Plans, where all requirements have been met.

West Finchley Neighbourhood Development Plan Applications

- 2.3 The WFNP Area application (Appendix 1) forms part of the West Finchley ward and reflects the boundaries of the West Finchley Residents Association. There have been no changes to the boundaries in this application for re-designation.
- 2.4 In accordance with conditions contained in section 61F(5c) of the 1990 Act membership of the Forum must include a minimum of 21 individuals each of whom—
- (i) lives in the neighbourhood area concerned,
 - (ii) works there (whether for a business carried on there or otherwise), or
 - (iii) is an elected member of a London borough whose area falls within the neighbourhood area concerned.
- 2.5 The WFNP Forum Committee comprises 30 representatives of local businesses, residents and Councillors across WFNP Area (see Appendix 2).

Publicity on the applications for Area and Forum re-designation

- 2.6 Regulation 9 of the Neighbourhood Planning Regulations requires applications to be published on the council's website and in other such manner likely to bring the application to the attention of people living, working or carrying out business in the area.
- 2.7 The renewal application can only be approved if it meets all its basic conditions including membership, constitution, an express purpose of promoting well-being in the neighbourhood area and it complies with the statutory requirements as set out in the Neighbourhood Planning (General) Regulations 2012.
- 2.8 Responses generated from the West Finchley Neighbourhood Area and Forum re-designation applications publicity are set out in Appendix 4. Feedback consisted of 57 representations of which 54 supported the re-designation; 1 objected. The remaining 2 responses were from statutory bodies with no objections to re designation.
- 2.9 Support came from residents of West Finchley, the Federation of Residents Associations in Barnet (FORAB), the Finchley Society and members of the West Finchley ward. Supportive comments praised the Forum successfully representing the views of local residents over the last 5 years and the great deal of work that has been done to get the Neighbourhood Plan to its final stages. Supporters have called for the Forum to be re-designated in order to continue the Plan's progress.
- 2.10 The objection highlighted the need for an increase in density of the area to accommodate smaller sized houses which are more affordable. The right time to address such issues is through the Examination of the Neighbourhood Plan which happened earlier this year.
- 2.11 The Council acknowledges the support for the Neighbourhood Forum and the positive feedback on their production of what will, subject to referendum, be adopted as the first Neighbourhood Plan in Barnet.
- 2.12 The applications for the West Finchley Neighbourhood Area and Forum re-designation application have been assessed against the statutory requirements and the responses to the publicity. It is considered that the applications satisfactorily meet all of the basic conditions. The Forum has secured membership from at least 21 individuals who live and work in the Area of who are elected members in the Area and membership is from different sections of the community. The application and the constitution submitted, as well as the progress of the Plan, shows that the purpose of the Forum reflects the character of the Area. Therefore, it is recommended that the applications to re-designate the West Finchley Area and Forum be approved.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The alternative option is to not re-designate the Neighbourhood Area and Forum for West Finchley. This will mean that the West Finchley Neighbourhood Forum has no role in taking the Plan to a confirmatory referendum.

4. POST DECISION IMPLEMENTATION

4.1 If approved, the Neighbourhood Forum will be able to continue progress of the Neighbourhood Plan and take it to referendum no earlier than May 2021.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The **Council's Corporate Plan 2019 - 2024** sets out three main outcomes and eighteen priorities for the Council, these are:

- A pleasant, well maintained borough that we protect and invest in
- Our residents live happy, healthy, independent lives with the most vulnerable protected
- Safe and strong communities where people get along well

5.1.2 Most of these key priorities that sit underneath each outcome relate to the Neighbourhood Development Plan for West Finchley Area. A Neighbourhood Development Plan could provide a more local dimension in West Finchley that reflects boroughwide Local Plan priorities. A basic condition for a Neighbourhood Forum is that it promotes or improves well-being via adoption of the Neighbourhood Development Plan which can be achieved by giving local people more influence over the future of their area.

5.1.3 A key theme in the **Barnet Growth Strategy 2030** is for Barnet to be a great borough to live in and visit. The Growth Strategy seeks to respond to three guiding principles:

- Need for the Council to provide placemaking leadership across Barnet, whilst focusing its resources on supporting the places most in need of investment;
- Need to increase housing supply to meet the needs of our growing population and to ensure delivery of homes that people can afford;
- Need to capitalise on growth and development to maximise the benefits for residents

5.1.4 The production of the West Finchley Neighbourhood Development Plan has been guided by these principles.

5.1.5 **Barnet's Housing Strategy 2019 -2024** includes key priorities for increasing housing supply, sustaining quality, particularly in the private rented sector, and delivering homes that people can afford. The Neighbourhood Plan will help provide a local dimension to the delivery of these priorities.

5.1.6 The Neighbourhood Plan has an important role to play in the delivery of **Barnet's Joint Health and Well Being Strategy 2015-2020** by contributing to building resilience and well-being in families and communities within West Finchley.

5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 To date the primary cost to the Council associated with the WFNP has been officer support time and the examination of the Neighbourhood Plan. This has been absorbed by Re and thus contained within existing budgets. No specific allocation of Council resources has been approved to support expenditure relating to production of Neighbourhood Development Plans or the re-designation of the Forum.
- 5.2.2 Financial support for local planning authorities in the form of Neighbourhood Planning Grant is currently available from MHCLG. At present this amounts to £30,000 for non-parished areas such as London Boroughs and is paid as the Neighbourhood Development Plan progresses to adoption. The first payment of £10,000 will be made following Neighbourhood Area and Forum designation including re-designation. The second payment of £20,000 will be made on successful completion of the examination. The Council is in the process of applying for this second payment to cover costs of the Examination on the West Finchley Neighbourhood Plan and the future referendum. Claims are made retrospectively and there is no guarantee that this funding will continue.
- 5.2.3 Neighbourhood Development Plans may also impact on decisions relating to the allocation of CIL (Community Infrastructure Levy). With benefit of an adopted Neighbourhood Development Plan an area can access 25% of CIL arising from the development that takes place in their area if it is generated as a consequence of the implementation of the Neighbourhood Development Plan. This money will be retained by the Council but must be spent in accordance with local infrastructure priorities as highlighted in the Neighbourhood Development Plan.

5.3 **Social Value**

- 5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Neighbourhood Development Plans can help secure such benefits.
- 5.3.2 Social benefits will also be secured by the Neighbourhood Development Plan providing a local dimension to the housing and infrastructure requirements of Local Plan policy.
- 5.3.3 Economic benefits will be delivered through the Neighbourhood Development Plan's focus on the local economy including the shopping parade and employment spaces within West Finchley.
- 5.3.4 Environmental benefits will be delivered by a Neighbourhood Development Plan's response to resolving to local issues as regards biodiversity, climate change mitigation and adaptation, sustainable travel, flood risk management and improved air and water quality.

5.4 **Legal and Constitutional References**

- 5.4.1 The Neighbourhood Planning (General) Regulations 2012 set out the procedures for designating an organisation or body as a Neighbourhood Forum. These include specifying:
- the content of an application (Reg. 8)

- what the local planning authority must do to publicise both the application and any designation of a Neighbourhood Forum (Regs 9 and 10)
- Same Regulation applies for the Re-designation of the Forum and Renewal of the Area applications

5.4.2 The Council can designate an organisation or body as a Neighbourhood Forum if it meets the following **Basic Conditions** (s61F, Town and Country Planning Act 1990):

- (i) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the Neighbourhood Area concerned;
- (ii) membership is open to individuals living, or working, in the Neighbourhood Area concerned and Councillors representing that area;
- (iii) there are at least 21 members of whom:
 - lives in the neighbourhood concerned;
 - works there; or
 - is an elected member of the Council representing that area.
- (iv) there is a written constitution; and
- (v) meets any other prescribed conditions.

5.4.3 Only one Forum can be designated for a Neighbourhood Area. It is open to a Forum to voluntarily withdraw its designation. Otherwise the designation expires after five years. The Council may withdraw this designation earlier if it considers that the Forum is no longer meeting:

- the conditions by which it was designated.
- any other criteria that the Council were required to have regard to when making the designation.

5.4.4 In accordance with section 61G(2) and Schedule 4C(5)(1) of the 1990 Act, the Council should aim to designate the area applied for. It is able to refuse a designation if it considers that a specified area was not an appropriate area to be designated as a neighbourhood area and must set out reasons for doing so. If the Council refuses an application for designation of a neighbourhood area, then section 61G (5) of the 1990 Act requires that it must exercise its power of designation so as to secure that some or all of the specified area forms part of one or more designated neighbourhood areas. This also applies for applications for re-designation.

5.4.5 Council Constitution, details the terms of reference of the Planning Committee Responsibility for Functions, Annex A sets out the terms of reference of the Planning Committee which includes responsibility for considering the approval/refusal of 'Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning'.

5.4.6 National Guidance on Neighbourhood Planning states that "When exercising its responsibilities in relation to relevant parts of the neighbourhood planning process, a local planning authority should make every effort to conclude each stage promptly. Timely decision taking is important particularly at the start and at the end of the process. Certain decisions must be taken within prescribed time periods (13 weeks in case of designating an Area and Forum applications). These are set out in the Neighbourhood Planning (General) (Amendment) Regulations 2015, the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016,

and the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 which amend the Neighbourhood Planning (General) Regulations 2012.

5.5 Risk Management

5.5.1 Risk has been minimised as the West Finchley Neighbourhood Plan has made significant progress. Following receipt of the Examiners Report in September 2020 the Council has published its Decision Statement. This Statement effectively accords weight to the Plan as a material planning consideration in determining any applications in the Neighbourhood Area.

5.5.2 The main risk for this Neighbourhood Plan is that it fails at final referendum stage, when this happens in 2021 resulting in community disillusionment with the process.

5.6 Equalities and Diversity

5.6.1 The Forum preparing the Plan have the opportunity to engage properly with the wider community right through the plan-preparation process, to make sure it genuinely represents the local area.

5.6.2 The requirement for equalities impact assessment needs to be considered on a case by case basis as further proposals for Neighbourhood Plans come forward.

5.7 Corporate Parenting

5.7.1 N/A

5.8 Consultation and Engagement

5.8.1 The Council has a duty to publicise applications for designation or re-designation as well as organise the confirmatory referendum on the West Finchley Neighbourhood Plan. A summary of responses to the publicity is set out within Appendix 4.

5.9 Insight

5.9.1 N/A

6. BACKGROUND PAPERS

6.1 Planning Committee, 26th November 2015 (Decision item 11) approved Designation of West Finchley Neighbourhood Area and Forum applications for adoption. <https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=703&MId=8303&Ver=4>

6.1 Council, 11 September 2012 (Decision item 4.1) approved the Local Plan Core Strategy and Development Management Policies for adoption. <http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=6671&Ver=4>

6.2 Barnet's Statement of Community Involvement, 2018

6.4 Authorities Monitoring Report 2018/19 <https://www.barnet.gov.uk/planning-and-building/planning-policies/local-plan-review/authorities-monitoring-report>