



Policy and Resources Committee

30 September 2021

Title

West Finchley Neighbourhood Plan - Adoption

Report of

Chairman of the Policy and Resources Committee

Wards

West Finchley

Status

Public

Urgent

No

Key

Yes

Enclosures

- Appendix A – West Finchley Neighbourhood Plan
- Appendix B – Inspector's Report
- Appendix C – Referendum Result

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Summary

The West Finchley Neighbourhood Plan has been prepared by the West Finchley Neighbourhood Forum and will following adoption form part of the statutory development plan for the area. This means that its policies will be the starting point for decision makers when determining any planning application either partly or wholly within the neighbourhood area. This is the first Neighbourhood Plan to reach adoption in Barnet.

The Neighbourhood Plan has passed examination by an independent planning inspector as well as a confirmatory referendum on 8th July 2021. Following the community's endorsement of the plan the final step is for it to be formally 'made'.

Recommendations

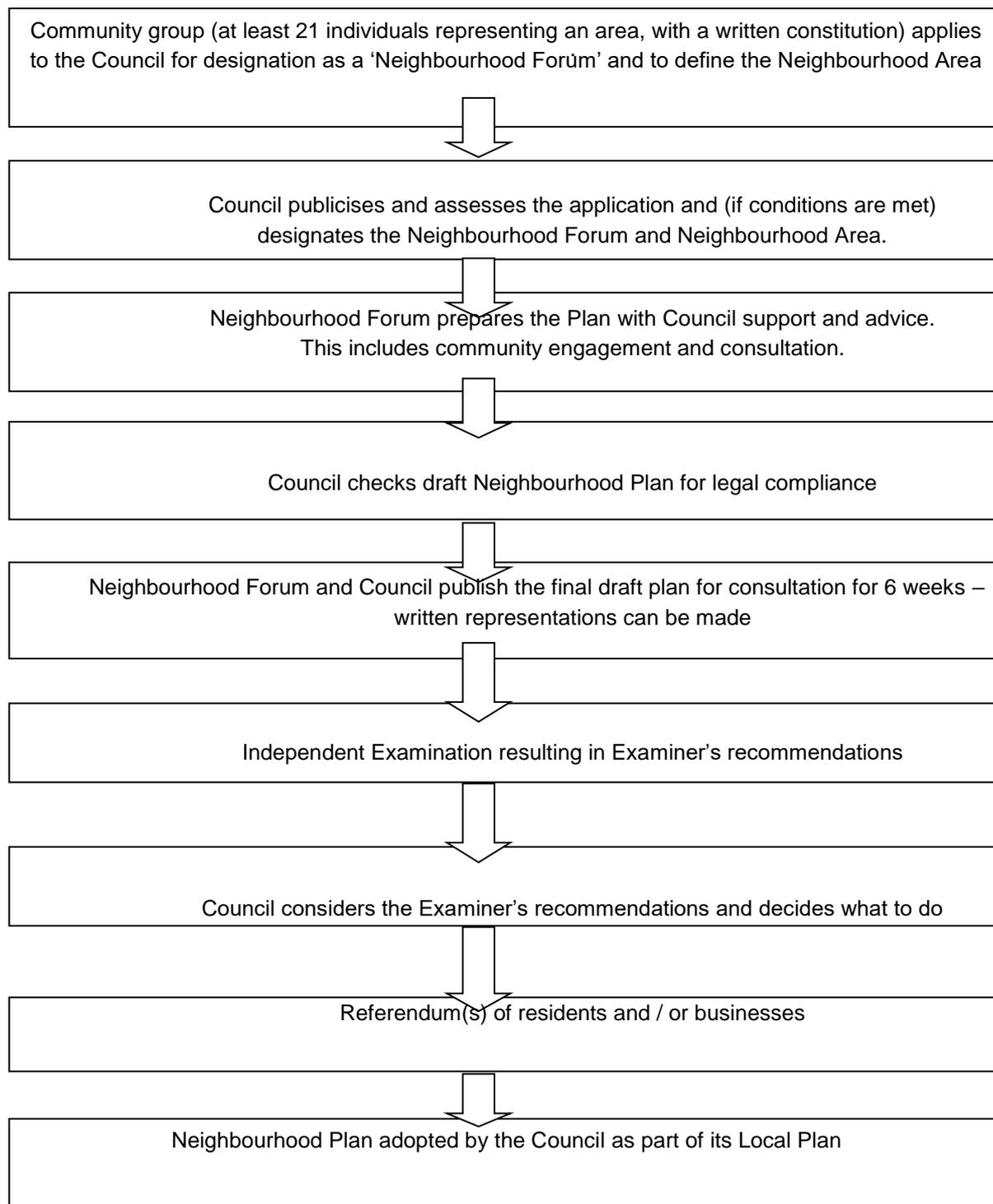
That the Policy and Resources Committee:

- 1. Note the contents of the Inspector's Report (Appendix B) and the results of the West Finchley Neighbourhood Plan referendum held on 8 July 2021 (Appendix C)**
- 2. Approve the West Finchley Neighbourhood Plan (WFNP) (Appendix A) for reference to the meeting of Council on October 19th 2021 for formal adoption.**

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 (NDPs). These are statutory planning documents which are prepared by a Parish Council or designated body known as a "Neighbourhood Forum". Within Barnet the West Finchley Neighbourhood Plan (WFNP) is the first NDP to have reached adoption.
- 1.2 NDPs can establish general planning policies for the development and use of land in a neighbourhood. Plans can be detailed, or general, depending on what local people want; and, if appropriate, they can focus on a single planning issue. NDPs 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. They must also comply with other relevant legislation, including EU directives and the Human Rights Act 1998.
- 1.3 A summary of the process of Neighbourhood Forum designation and NDP preparation is set out at Table 1. Adoption of a Neighbourhood Development Plan should usually be completed within the initial five-year designation period. For West Finchley it has taken 6 years.
- 1.4 The West Finchley Neighbourhood Plan Area is a residential suburb of predominantly inter-war semi-detached housing. The area covers around 35 hectares and has a population of 3,000 people. The WFNP covers 5 main themes to support development that will occur in the area through to 2035. These are that follows:
 - Residential Development – which covers policies on utilising the Neighbourhood Plan Design Guide, Secure Homes, Layout of New Residential Development and Basement Developments
 - Amenities – which covers policies on Local Parade of Shops, Community facilities, Local Green Spaces and Utilities Infrastructure
 - Streetscape – which covers policies on Local Character and Heritage and Public Realm Improvements
 - Local Environment – which covers policies on Dollis Valley Greenwalk Flood Risk, Trees and Air Quality
 - Transport – which covers policies on Electric Charging Points, On Street Parking and West Finchley Underground Station

Table 1: Summary of the Neighbourhood Development Plan preparation process



2. REASONS FOR RECOMMENDATIONS

2.1 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.

Examination of Neighbourhood Plan

2.2 The Council and the West Finchley Forum agreed upon an independent examiner to consider the contents of the draft WFNP in terms of its legal requirement to meet 'basic conditions' including regard to national planning policies as well as those contained within Barnet's development plan consisting of London Plan and Local Plan. The Examiner's report concluded that, subject to making recommended modifications (incorporated into WFNP at Appendix A), the WFNP meets the basic conditions and should proceed to Referendum. The Examiner also recommended that the neighbourhood area is an appropriate area within which to hold a referendum. The Council agreed with the Examiner's recommendations.

Referendum on Neighbourhood Plan

2.3 The WFNP Referendum was held on 8 July 2021. Voters were asked '*Do you want the London Borough of Barnet to use the Neighbourhood Plan for West Finchley to help it decide planning applications in the neighbourhood area?*'

2.4 All residents on the electoral register within the WFNP area were entitled to vote. There is no minimum turnout for the referendum to be valid. The result is based on a simple majority. If there is a majority 'no' or tied vote then the Neighbourhood Plan will not be adopted.

2.5 The verification statement and full results from the referendum are attached at Appendix C. There were 396 ballot papers issued (a turnout of 28.6%). From the 396 ballot papers 329 voted in favour of the WFNP (83.08%) and 67 voted against (16.92%). Under the legislation the Council is now legally bound to make the Neighbourhood Plan.

2.6 The Neighbourhood Planning Regulations require the Council to publish a Decision Statement as soon as possible after the local planning authority makes the decision on whether to make the Neighbourhood Plan part of the development plan.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The alternative option is to not adopt the WFNP. This decision could be legally challenged. The Council's reputation will be damaged by this as there is a duty to support NDPs and the WFNP has passed examination and a confirmatory referendum.

4. POST DECISION IMPLEMENTATION

- 4.1 Upon adoption the WFNP will become part of the statutory development plan for Barnet.
- 4.2 The West Finchley Neighbourhood Forum will continue to engage with the wider community in the implementation of the Neighbourhood Plan as well as continuing to work the West Finchley Residents' Association, local residents and West Finchley Ward Councillors to promote and improve the social, economic and environmental well-being of the West Finchley Area.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council's Corporate Plan 2021-2025 sets out four priorities for the Council, these are:

- Clean, safe and well run – a place where our streets are clean and anti-social behaviour is dealt with so residents feel safe. Providing good quality, customer friendly services in all that we do;
- Family friendly – creating a Family Friendly Barnet, enabling opportunities for our children and young people to achieve their best;
- Healthy – a place with fantastic facilities for all ages, enabling people to live happy and health lives; and
- Thriving – a place fit for future, where all residents, businesses and visitors benefit from improved sustainable infrastructure & opportunity.

5.1.2 These key priorities are reflected throughout the Neighbourhood Development Plan for West Finchley Area, in particular family friendly and clean, safe and well-run. A NDP helps provide a more local dimension that reflects boroughwide Local Plan as well as Corporate Plan priorities. A basic condition for a Neighbourhood Forum is that it promotes or improves well-being through the production of a NDP giving local people more influence over the future of their area.

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, examination of the Neighbourhood Plan and the Referendum. 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 NDPs 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 is made following Neighbourhood Area and Forum designation including re-designation. The second payment of £20,000 is made on successful completion of the examination. The Council have received both payments.

5.2.3 NDP may also impact on decisions relating to the allocation of CIL (Community Infrastructure Levy). Following NDP adoption the area covered by the Plan 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 NDP. This money will be retained by the Council but must be spent in accordance with local infrastructure priorities as highlighted in the NDP.

5.2.4 The costs associated with developing the Neighbourhood Plan have been met by the West Finchley Forum.

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 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 A legal challenge can be brought by any interested person in relation to:

- A LPA declining to make an NDP if an applicable referendum resulted in over half of those voting (50% plus 1) in favour, as soon as reasonably practical. The LPA is not subject to the duty if it considers that the making of the plan would breach, or otherwise be incompatible with any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998
- The consideration of inspector's recommendations and decisions made upon them
- The conduct of the referendum

5.4.2 Should a challenge be brought on some or all of the above grounds this would necessarily delay adoption of the WFNP. Furthermore, the LPA would need, in consultation with the West Finchley Neighbourhood Forum and interested others, to assess the benefits of defending such a challenge against the potentially considerable costs involved.

5.4.3 Under the Council's Constitution, Article 7 – Item 7.5 (Responsibility for Functions) sets out that the Policy and Resources Committee is responsible for the overall strategic direction of the Council including responsibility for Local Plans (except for matters reserved to Full Council).

5.5 Risk Management

- 5.5.1 If the Council decides not to make the Plan, there is a risk that this decision could be legally challenged together with potential risks arising out of a legal challenge on other grounds.

5.6 Equalities and Diversity

- 5.6.1 There are no specific equalities issues identified with the Council adopting the WFNP part of the development plan for Barnet.

5.7 Corporate Parenting

- 5.7.1 N/A

5.8 Consultation and Engagement

- 5.8.1 Statutory consultation has taken place during the preparation of the WFNP. A confirmatory referendum has taken place.

5.9 Insight

- 5.9.1 N/A

6. BACKGROUND PAPERS

- 6.1 Planning Committee, 13th October 2020 (Decision Item 9) approved Re-designation of West Finchley Neighbourhood Area and Forum Applications for adoption <https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=703&MId=10130&Ver=4>
- 6.2 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>
- 6.3 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>
- 6.4 Policy and Resources Committee, 23 October 2018 (Decision item 13) approved Barnet's Statement of Community Involvement <https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=9459&Ver=4>