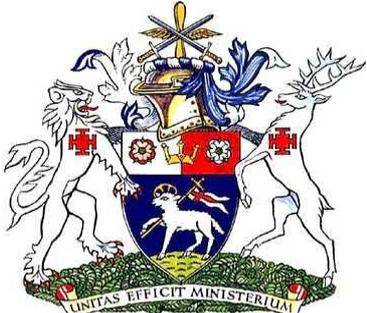


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|  | <p>Planning Committee 17 September 2014</p> |
| <p>Title</p> | <p>Mill Hill Neighbourhood Plan Area and Forum Application</p> |
| <p>Report of</p> | <p>Martin Cowie – Assistant Director for Strategic Planning and Regeneration</p> |
| <p>Wards</p> | <p>Mill Hill and Hale Wards</p> |
| <p>Status</p> | <p>Public</p> |
| <p>Enclosures</p> | <p>Appendix 1: Application for MHNP Area Appendix 2: Application for MHNP Forum Appendix 3: Responses and Representations Report</p> |
| <p>Officer Contact Details</p> | <p>Martin Cowie, martin.cowie@barnet.gov.uk, 0208 359 4514 Nick Lynch, nick.lynch@barnet.gov.uk, 0208359 4211 Rita Brar, rita.brar@barnet.gov.uk, 0208 359 4177</p> |

Summary

This report seeks approval for the formal designation of the Mill Hill Neighbourhood Plan Area and Forum. Designation represents the first step for producing a Neighbourhood Plan.

In terms of 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. Officers consider that the Mill Hill applications have met basic conditions. One main issue of concern has been highlighted as a result of the six week formal publicity period. This relates to the inclusion of the Mill Hill Area Action Plan (AAP) as part of the Neighbourhood Forum. The strategic status of the AAP is made clear in Barnet’s Local Plan. Any Neighbourhood Plan must be in general conformity with the

strategic policies in the Local Plan. Officers do not consider there is a detrimental impact from inclusion of the AAP area. The Applications can therefore be approved for designation.

Recommendations

- 1. That the Committee approve the designation of the:**
- a) Mill Hill Neighbourhood Plan Area as shown edged black in Appendix 1**
 - b) Mill Hill Neighbourhood Plan Forum as set out in Appendix 2**

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 Act places duties on local planning authorities to support the preparation of Neighbourhood Plans.
- 1.2 Neighbourhood 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 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 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 Core Strategy 2012 and the London Plan 2011). They must also comply with other relevant legislation, including EU directives and the Human Rights Act.
- 1.5 In order for a community group to produce a Neighbourhood Plan, they must submit an application to the Council defining their boundary and details of who is involved within the Forum. It is for the community to define the area to be covered by their Neighbourhood Plan and the people who are to be involved in the Forum, although the Council has a role in ensuring that the Forum is engaging with the local community and local stakeholders.
- 1.6 A summary of the process of Neighbourhood Forum designation and Neighbourhood Plan preparation is included in Table 1. It is anticipated that preparation of a full Neighbourhood Plan would take at least two years. This is

likely to be significantly longer depending on the nature of the plan and the capacity of the neighbourhood forum that is leading the process.

2. REASONS FOR DECISIONS

- 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 emerging Mill Hill Neighbourhood Forum has submitted their applications for Neighbourhood Area and Forum designation.
- 2.2 In Summer 2013 interest was first expressed in producing a Neighbourhood Plan in Mill Hill. Through a series of meetings and e-mail exchanges officers have provided support towards designation of the Area and Forum. Mill Hill is the first Neighbourhood Plan to come forward in Barnet.
- 2.3 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 Plan proposals
 - Arrange for independent examination
 - Arrange referendums on the Neighbourhood Plan
 - Adopt Neighbourhood Plans, where all requirements have been met.
- 2.4 The proposed MHNP Area (Appendix 1) covers Mill Hill ward and parts of Hale ward. The emerging Neighbourhood Forum (Appendix 2) consider that this area is widely regarded as “Mill Hill” by those who live and work in the area. Following local engagement the proposed boundaries have been subject to a number of changes since Summer 2013.

Mill Hill Neighbourhood Plan Applications

- 2.5 In June 2014, a Mill Hill community group submitted an application to become a Neighbourhood Forum and designate an area to become a Neighbourhood Area under the Neighbourhood Planning Regulations 2012 brought in by the Localism Act. The proposed boundary includes parts of Mill Hill and Hale Wards.
- 2.6 Officers have provided advice on the Applications. As Mill Hill is the first neighbourhood planning application to come forward, the Council is very keen to ensure that different sections of the community are engaged in the process and that the emerging Forum has secured involvement across the whole of their geographic area.
- 2.1 The **MHNP Area** (Appendix 1) includes all of Mill Hale Ward and those parts of Hale ward within the NW7 postal district. The Area map also includes the Mill Hill Area Action Plan (AAP) and the Mill Hill Conservation Area. These planning designations will not be affected by the emerging Neighbourhood Plan proposals. The group believe this is the appropriate area for their

allocated neighbourhood because it is one widely regarded as “Mill Hill” by those who live and work in the area.

- 2.2 The **MHNP Forum Committee** currently comprises 26 representatives of local businesses, residents and Councillors across the 2 wards in the proposed Neighbourhood Area (see Appendix 2). This Committee is considered to be representative of the community with involvement of young, middle and older age groups, of both genders, from different ethnic backgrounds and faiths, all with differing economic means. Mill Hill Neighbourhood Forum has emerged through the Mill Hill Preservation Society, the Mill Hill Residents Association and the Hale Association. The Neighbourhood Forum, while being “independent” is seeking to work closely with these organisations and other local bodies on matters covering the interests of residents and businesses across Mill Hill and Hale (NW7).

Publicity on the MHNP applications for Area and Forum designation

- 2.3 The Council published the applications for the Area and Forum on its website for a period of six weeks from July 15th until August 25th. Hard copies of Applications were available for public inspection at Mill Hill Library and at Barnet House.
- 2.4 In response to the publicity several statutory agencies and regional bodies (English Heritage, the Environment Agency, Natural England, Highways Agency, Transport for London) submitted comments clarifying their roles and responsibilities and highlighted areas of importance for developing a local evidence base. Two local landowners the International Bible Students Association (IBSA) and the Inglis Consortium submitted responses.
- 2.5 The Inglis Consortium is the principal landowner of Millbrook Park and plays a key part in delivery of the 2011 planning consent for 2,170 new homes within the Mill Hill East AAP area. The Inglis Consortium recognises that Neighbourhood Plan policies will not differ from the Mill Hill East AAP and that such policies must be in general conformity with the Local Plan. Nevertheless the Consortium still consider that the inclusion of Millbrook Park and therefore the AAP area within the proposed Neighbourhood Area for Mill Hill would create two area specific plans for the same area and therefore complications will result. No other landowner or developer within the Mill Hill East AAP area (including Transport for London and IBSA) has highlighted this issue.
- 2.6 Officers consider that the relationship between the Local Plan with AAPs as well as Neighbourhood Plans is made very clear in Barnet’s Core Strategy. The Mill Hill East AAP forms an important strategic component of the delivery of Barnet’s Local Plan as well as the London Plan. This clear strategic context will help avoid complications between the Neighbourhood Plan and the Mill Hill East AAP. In addition there are good planning reasons in terms of promoting strong and cohesive communities for integrating the new populations arising within Millbrook Park with the wider area of Mill Hill.

Officers therefore do not consider there is a detrimental impact from inclusion of the AAP area within the proposed Neighbourhood Area.

- 2.7 IBSA who own property on a number of sites within Mill Hill on the Ridgeway including Watch Tower House and IBSA House submitted comments in support of the Application. IBSA highlighted that the future use of such properties are subject to pursuit of relocation opportunities. In response officers have highlighted that the Council will produce a Site Allocations document as part of the Local Plan. Site Allocations provides an opportunity for addressing strategic sites such as Watch Tower House in the Green Belt within the policy framework of the Local Plan Core Strategy. Such strategic matters are addressed through Local Plans rather than Neighbourhood Plans.
- 2.8 The applications for the Mill Hill Neighbourhood Area and Forum have been assessed against the statutory requirements and the responses to the publicity. It is considered that the applications satisfactorily meet all of the statutory requirements. The proposed Forum has secured membership from at least twenty one individuals who live and work in the Area or is an elected member in the Area. They have demonstrated that the membership is drawn from different places in the Neighbourhood Area as well as being from different sections of the community and the application and the constitution submitted shows that the purpose of the Forum reflects the character of the Area. Therefore it is recommended that the applications to designate the Mill Hill Neighbourhood Area and Forum are approved.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 The alternative option is not to support production of a Neighbourhood Plan for Mill Hill. In response to the Neighbourhood Area application the Council is required to designate an Area, although it may when there is sufficient justification, amend the proposed boundaries of the Neighbourhood Area. It is also open to the Council to refuse to designate a Neighbourhood Forum. The Council must set out clear reasons for any refusal. The proposed Forum and Neighbourhood Area are supported by the local community and elected members for Mill Hill and Hale.

4. POST DECISION IMPLEMENTATION

- 4.1 If approved, the Neighbourhood Planning Forum will be able to develop a Neighbourhood Plan or a Neighbourhood Development Order in line with the Localism Act and Regulations. Once complete, the Plan must be submitted to the Council for public examination and voted on in a local referendum before they can be brought into legal effect by Council resolution.
- 4.2 If a Neighbourhood Plan is proposed, the Forum is expected to have produced and adopted the Plan within 5 years. The designation expires after that time period or earlier if the Council considers that the Forum is not meeting the conditions by which it was designated. The Council can withdraw

the Forum's designation (with reasons) at any time if it is considered that it is no longer meeting the conditions of designation.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The three strategic objectives of the 2013-16 Corporate Plan are embedded within the concept of Neighbourhood Plans.

- promote responsible growth, development and success across the borough. *The Neighbourhood Plan will provide a local dimension in Mill Hill which reflects our boroughwide Local Plan priorities*
- support families and individuals that need it promoting independence, learning and well-being. *A basic condition for the Neighbourhood Forum is that it promotes or improves well-being*
- improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study. *The Neighbourhood Plan will give local people more influence over the future of the Mill Hill Neighbourhood Area.*

5.1.2 The MHNP has an important role to play in the delivery of Barnet's Health and Well Being Strategy 2012-15. The production of the MHNP will contribute to building resilience and well-being in families and communities within Mill Hill.

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

5.2.1 Mill Hill is the first Neighbourhood Plan application to arise in Barnet and there is therefore an element of uncertainty with respect to the financial impact upon the Council.

5.2.2 To date the primary cost to the Council associated with the MHNP application has been officer support time. This has been absorbed by the Planning Policy Team and thus contained within existing budgets. No specific allocation of Council resources has been approved to support expenditure relating to production of Neighbourhood Plans.

5.2.3 Financial support for local planning authorities in areas where Neighbourhood Plans are emerging is currently available from CLG. At present this amounts to £30,000 for non parished areas such as London Boroughs and is payable in instalments as the Neighbourhood Plan progresses to adoption. The first payment of £5,000 will be made following Neighbourhood Area and Forum designation. The second payment of £5,000 will be made following submission of the Neighbourhood Plan for examination. The third payment of £20,000 will be made on successful completion of the examination. This is to support funding of a referendum. Claims are made retrospectively and there is no guarantee that this funding will continue.

5.2.4 Local planning authorities are not required to financially support production of Neighbourhood Plans. According to CLG estimates in 2011 the cost to a Forum of producing a Neighbourhood Plan is between £17,000 and £63,000. Support for Forums is available from CLG's Neighbourhood Planning programme in form of :

- direct support – advice and support, with average value of £9,500
- grant payments – up to £7,000 per Neighbourhood Area

5.2.5 Neighbourhood Plans may also impact on decisions relating to the allocation of CIL (Community Infrastructure Levy). With benefit of an adopted Neighbourhood Plan an area can access 25% of CIL if it is generated as a consequence of the implementation of the Neighbourhood Plan. This money will be retained by the Council but must be spent in accordance with local infrastructure priorities as highlighted in the Neighbourhood Plan.

5.3 Legal and Constitutional References

5.3.1 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)

5.3.2 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.

5.3.3 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.

5.3.4 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.

5.3.5 Council Constitution, Responsibility for Functions, Annex A sets out the terms of reference of the Planning Committee including 'Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning'.

5.4 Risk Management

5.4.1 Neighbourhood Planning raises a number of potential risks for the Council to consider. This includes : capacity of communities to maintain momentum on Neighbourhood Plan production; demands on Council resources to support Neighbourhood Planning and fulfil legal duties; the risk that Neighbourhood Plans could fail at final referendum stage, resulting in community disillusionment with the process.

5.4.2 Neighbourhood Plans may require a Strategic Environmental Assessment during preparation, depending on their focus and content. This will need to be assessed on a case by case basis.

5.5 Equalities and Diversity

5.5.1 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. The Council has encouraged the emerging Mill Hill Forum to ensure membership reflects the character and diversity of the local population.

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

5.6 Consultation and Engagement

5.7 The Council has a duty to consult on the emerging Neighbourhood Plan and inform public accordingly.

6. BACKGROUND PAPERS

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>

Table 1: Summary of the Neighbourhood Plan preparation process

