

	<p>Planning Committee 26th November 2015</p>
<p style="text-align: center;">Title</p>	<p>Designation of West Finchley Neighbourhood Plan Area and Forum</p>
<p style="text-align: center;">Report of</p>	<p>Mike Kiely – Head of Strategic Planning</p>
<p style="text-align: center;">Wards</p>	<p>West Finchley</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>Yes</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix 1: Application for WFNP Area Appendix 2: Application for WFNP Forum Appendix 3: Responses and Representations Report</p>
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Summary

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

In order for an Area and Forum to be designated the Council must be satisfied that the applications have 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 West Finchley Neighbourhood Plan applications have met the basic conditions.

Recommendations

- 1. That the Committee approve the designation of the:**
a) West Finchley Neighbourhood Area as shown edged black in Appendix 1
b) West Finchley Neighbourhood 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 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.
- 1.4 Table 1 provides a summary of the stages involved in the preparation of a Neighbourhood Plan.

2. REASONS FOR RECOMMENDATIONS

- 2.1 In accordance with requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended) and Section 61(G) and (F) respectively of the Town and Country Planning Act 1990, the emerging West Finchley Neighbourhood Forum has submitted applications for Neighbourhood Area and Forum designation.
- 2.2 Discussions about making a Neighbourhood Plan in West Finchley commenced in late 2013. Since then the Council has provided support and guidance on the first steps for making such a plan which requires the designation of the Neighbourhood Area and the Neighbourhood Forum. An application for designation of both the forum and the area was submitted to the Council in September 2015. Following approval of the Mill Hill Neighbourhood Area in September 2014, West Finchley is the second Neighbourhood Forum to come forward in Barnet. The proposed boundary for the West Finchley Neighbourhood Area is adjacent to the boundaries of Mill Hill ward and Mill Hill Neighbourhood Area.

- 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
 - Publicising Neighbourhood Plan proposals
 - Arranging for independent examination
 - Arranging referendums on the Neighbourhood Plan
 - Adopting Neighbourhood Plans, where all requirements have been met.
- 2.4 The proposed West Finchley Neighbourhood Area as shown in Appendix 1 forms part of the West Finchley ward and reflects the boundaries of the West Finchley Residents Association.
- 2.5 The proposed West Finchley Neighbourhood Forum as shown in Appendix 2 comprises a cross-section of the local community and includes local elected representatives. The Forum has emerged through the West Finchley Residents' Association and while it will work closely with the Residents' Association the Forum will be considered an independent body with its own constitution.

Publicity on the Area and Forum designation

- 2.6 The Council published the applications for the Area and Forum on its website for a period of six weeks from 23rd September 2015 until 4th November 2015. Hard copies of Applications were available for public inspection at North Finchley and Central Finchley Libraries and at Barnet House, Planning Reception.
- 2.7 Responses are set out in Appendix 3. Representation from members of the public has been positive. In addition public agencies including English Heritage, the Environment Agency, Natural England, Highways Agency, and Transport for London submitted comments clarifying their roles and responsibilities and highlighted areas of importance for developing a local evidence base.
- 2.8 The applications for the West Finchley 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 basic conditions. The proposed Forum has secured membership from at least twenty one individuals who live and work in the Area or who are elected members in the Area and membership is from different sections of the community. 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 West Finchley Neighbourhood Area and Forum be approved.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The alternative option is not to support designation of the neighbourhood area and forum and consequently the production of a Neighbourhood Plan for Finchley. 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.

4. POST DECISION IMPLEMENTATION

4.1 If approved, the Neighbourhood 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 The designation of a Neighbourhood Forum lasts for 5 years and will expire 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 Corporate Plan 2015-20 strategic objectives are embedded within the concept of Neighbourhood Plans. Such Plans can help to ensure Barnet is a place:

- *Where people are helped to help themselves* – by producing Neighbourhood Plans communities can help shape the future of their areas;
- *Of opportunity, where people can further their quality of life* - by producing Neighbourhood Plans communities can focus on improving those elements of planning that help make their neighbourhood better places to live.

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

5.2.1 The primary costs associated with this application have been met by Re management fee budget for 2015/16.

5.2.2 Financial support for local planning authorities in areas where Neighbourhood Plans are emerging is currently available from Communities and Local Government (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.

5.2.3 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.

5.2.4 Neighbourhood Plans may also impact on decisions relating to the allocation of Community Infrastructure Levy (CIL). 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 **Social Value**

5.3.1 The designation of a Neighbourhood Area and Forum is the first step in the local community producing their own plan for their own neighbourhood. This plan should have an intrinsic social value as it is required to have an express purpose of promoting well-being.

5.4 **Legal and Constitutional References**

5.4.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) set out the procedures for designating an organisation or body as a Neighbourhood Forum and for designating a Neighbourhood Area..

5.4.2 By virtue of section 61(f) of the Town and Country Planning Act 1990 (the 1990 Act) the Council can designate an organisation or body as a Neighbourhood Forum if it meets the following criteria :

(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) its membership is open to individuals living, or working, in the neighbourhood area concerned or who are elected councillors representing that area;

(iii) there are at least 21 members who live in the neighbourhood area concerned or who work there or who are elected members of the Council representing that area.

(iv) there is a written constitution; and

(v) it meets any other prescribed conditions.

5.4.4 Only one forum can be designated for a neighbourhood area and designation will expire after five years or earlier if the Council withdraws the designation

5.4.5 In accordance with section 61G(2) of the 1990 Act, the Council should aim to designate the area applied for. The Council can refuse an application for designation if it considers that a specified area is 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.

- 5.4.6 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'.

5.5 Risk Management

- 5.5.1 Neighbourhood Planning raises a number of potential risks for the Council to Consider including: 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.
- 5.5.2 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.

5.6 Equalities and Diversity

- 5.6.1 The Forum preparing the Plan has 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 West Finchley Forum to ensure membership reflects the character and diversity of the local population.
- 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 Consultation and Engagement

- 5.7.1 The Council has a duty to consult on the emerging Neighbourhood Plan and Inform public accordingly.

5.8 Insight

- 5.8.1 Lower Super Output Area data from the Barnet Observatory will be utilised to help inform the development of the Neighbourhood Plan.

6. BACKGROUND PAPERS

- 6.1 Cabinet, 17 July 2012 (Decision item 9) approved the Local Plan Core Strategy and Development Management Policies for adoption.
<http://barnet.moderngov.co.uk/documents/s4850/CSDMCabinet%20Report5-July%2017%202012.pdf>

Table 1: Summary of the Neighbourhood Plan preparation process

