

West Finchley Neighbourhood Plan

Decision Statement

1 Introduction

- 1.1.1 Following an independent examination, the Council recommends that the West Finchley Neighbourhood Plan proceeds to referendum subject to the modifications set out in the Examiner's Report which can be found summarised in Appendix 1 of this Statement.
- 1.1.2 The Council concurs with the Examiner's recommendation that the referendum area for the West Finchley Neighbourhood Plan (as modified) should be the designated Neighbourhood Area as set out in Figure 1.1 of the Neighbourhood Plan and Appendix 2 of this Decision Statement.
- 1.1.3 The Decision Statement, Examiner's Report and other documents can be inspected on the Council's website at <https://www.barnet.gov.uk/planning-and-building/planning-policies-and-local-plan/neighbourhood-planning>
- 1.1.4 If the Neighbourhood Plan is approved at referendum, the Council will use it alongside the London Plan and Barnet's Local Plan when making decisions on planning applications in the West Finchley Neighbourhood Area.
- 1.1.5 In publishing this Decision Statement the Neighbourhood Plan can be given significant weight in decision-making, so far as the Plan is material to the application.

2 Background

- 2.1.1 In November 2015 the Council formally designated the West Finchley Neighbourhood Area, and approved the West Finchley Neighbourhood Forum as the qualifying body for this area, in accordance with Section 61G of the Town & Country Planning Act 1990. This designation expires after 5 years.
- 2.1.2 The West Finchley Neighbourhood Forum have applied to the Council for re-designation. This application will be considered at Planning Committee in October 2020.
- 2.1.3 The Neighbourhood Plan was subject to two periods of public consultation, between March and May 2019 for Regulation 14 pre-submission consultation and representation were invited. The consultation period ran from 18 March to 13 May 2019. The consultation was reopened to allow some additional statutory bodies to comment between 5 June to 17 July 2019.
- 2.1.4 Following the submission of the Plan and all supporting documents to the Council in November 2019, the draft Plan was published for consultation and representations were invited. The consultation period ran from 15 January to 26 February 2020.
- 2.1.5 Barnet Council, in consultation with the West Finchley Neighbourhood Forum, appointed an independent examiner, Ms Jill Kingaby, to review whether the Plan met the basic conditions required by legislation and other legal requirements and whether the Plan should proceed to referendum.

- 2.1.6 The Examiner considered that a public hearing into the Plan was not required. The Examiner's report was issued in August 2020 and concludes that, subject to making the modifications recommended in the report, the Plan meets the basic conditions set out in legislation and should proceed to a local referendum.
- 2.1.7 The Examiner's report also recommends that the area for the referendum should be the Neighbourhood Plan Area.

3 Decision

- 3.1.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) require the local planning authority to outline how it intends to respond to the recommendations of the plan examiner.
- 3.1.2 Having considered each of the recommendations in the Examiner's Report and the reasons for them, the Council has decided to make the modifications to the draft Plan set out in the Examiner's Report. These changes are considered to be necessary to ensure that the Plan meets the basic conditions and legal requirements.
- 3.1.3 Barnet Council agrees:
- a) That the recommendations of the Examiner and the subsequent amendments proposed as set out in the Examiner's Report be accepted.
 - b) That the Examiner's recommendation that the West Finchley Neighbourhood Plan, as modified, proceed to referendum on the basis that the Plan meets the basic conditions, is compatible with the European Convention on Human Rights, complies with the statutory definition of a neighbourhood development plan and comprises provisions that can be made by such a document.
 - c) That, in accordance with the Examiner's recommendation, the referendum area be the Neighbourhood Area as designated by the Council on 26 November 2015.
- 3.1.4 Accordingly, Barnet Council confirm that the West Finchley Neighbourhood Plan as modified:
- i. Meets the basic conditions set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990;
 - ii. Is not considered to breach or otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998); and
 - iii. Complies with the provisions made by or under 38A and 38B of the Planning and Compulsory Purchase Act 2004.
- 3.1.5 To note, current guidance in response to the COVID-19 pandemic has postponed all neighbourhood planning referendums until 6 May 2021. As such, a referendum date has not yet been set.

Appendix 1: Summary of Examiner's Recommendations

A summary of the examiner's recommendations. For full details, refer to the Examiner's Report. References in bold are to the policy or section of the submitted version of the West Finchley Neighbourhood Plan.

- PM1 **Front Cover** – insert Plan period after the Plan's title
- PM2A **Page 10** – text to be modified to reflect current situation regarding strategic housing policy and to include a map to illustrate Green Belt, Metropolitan Open Land and the Site of Importance for Nature Conservation as well as the site of Special Archaeological Significance
- PM2B **Pages 15-16** – to update the references to the emerging new London Plan and Barnet's emerging Local Plan and to remove the West Finchley Neighbourhood Plan Design Guide from Table 1
- PM3 **Page 19** – Policy RD1 to be modified to reflect alterations and extensions that can be carried out as permitted development and the status of the Design Guide
- PM4 **Page 19** – Policy RD2 to be modified to remove the requirements within the policy
- PM5 **Page 20** – to remove Policy RD4 and replace with text which advises a cautionary approach to new driveway development
- PM6 **Pages 20-22** – to remove the requirement of a Basement Impact Assessment in Policy RD5 and to update the supporting text with suggested text from Thames Water and make reference to Barnet's emerging policy on Basements
- PM7 **Page 25** – to update with recent changes to the Use Classes Order
- PM8 **Pages 28 – 29** – to remove Finchley Lawn Tennis Club from the list of Local Green Spaces and for this to be updated in Figure 6.3
- PM9 **Page 28** – to add text suggested from Thames Water to supporting text for Policy A5
- PM10 **Page 32** – add text to Policy LE1 to have regard to national policy
- PM11 **Page 36** – update timescales
- PM12 **Pages 37-42** – change abbreviated word in glossary

