

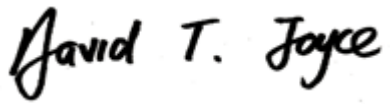
LONDON BOROUGH OF CAMDEN	WARDS: Highgate, Hampstead Town
REPORT TITLE Highgate Neighbourhood Plan Adoption (SC/2017/29)	
REPORT OF Cabinet Member for Finance, Technology and Growth	
FOR SUBMISSION TO Cabinet Council	DATE 6 th September 2017 11 th September 2017
<p>SUMMARY OF REPORT</p> <p>Following a local referendum the Highgate Neighbourhood Plan, prepared by the Highgate Neighbourhood Forum, is to be ‘made’ (that is, adopted) by the Council in line with statutory requirements. The majority of those who voted in the referendum supported the Plan’s use by the Council in helping it to decide planning applications within the neighbourhood area (with a turnout of 18%). The Neighbourhood Plan relates to an area that includes part of the London Boroughs of Camden and Haringey. Both Camden and Haringey Councils have supported the production of the Plan. It is the first cross-borough neighbourhood plan in London to have reached this stage.</p> <p>The Council’s work in neighbourhood planning plays a role in meeting the Camden Plan objectives of providing democratic and strategic leadership fit for changing times; creating conditions for growth and investing in our communities to ensure sustainable neighbourhoods. The Camden Plan makes specific reference to “supporting neighbourhood plans which harness the energy of the community to shape growth in their areas”.</p> <p>Camden’s constitution requires all of the Council’s development plan documents to be agreed by Cabinet and the Local Government Act 2000 requires development plan documents to be adopted by full Council.</p> <p>Local Government Act 1972 – Access to Information</p> <p>There are no documents used in the preparation of this report that are required to be listed.</p> <p>Contact Officer: Andrew Triggs, Strategic Planning and Implementation, Supporting Communities, 5 Pancras Square, London, N1C 4AG – tel: 020 7974 8988; andrew.triggs@camden.gov.uk</p>	
WHAT DECISIONS ARE BEING ASKED FOR?	

Cabinet

To note and refer this report to full Council for a formal resolution to make the Highgate Neighbourhood Plan (set out in Appendix 2 of this report).

Council

To agree to adopt the Highgate Neighbourhood Plan (set out in Appendix 2 of this report) as part of the Council's development plan for the Highgate neighbourhood area.

Signed: 

David Joyce
Director of Regeneration and Planning

Date: 24th August 2017

1. WHAT IS THIS REPORT ABOUT?

- 1.1 This report seeks adoption of the Highgate Neighbourhood Plan following a local referendum.
- 1.2 Communities can prepare neighbourhood plans to influence the future of their areas. These are statutory planning documents which can establish general planning policies for the development and use of land in a neighbourhood. Neighbourhood Plans must be prepared by the community in the form of designated Neighbourhood Forums, and once prepared, are subject to public consultation, independent examination and a referendum.
- 1.3 The Highgate Neighbourhood Plan relates to parts of the boroughs of Camden and Haringey. A map of the neighbourhood area is set out in Appendix 1. The Neighbourhood Forum and neighbourhood area were approved by Camden Council and Haringey Council in December 2012. The part of the neighbourhood area in Camden includes Highgate New Town, the Holly Lodge Estate and parts of Hampstead Heath and Highgate Town Centre.
- 1.4 Three stages of public consultation were undertaken on the draft Neighbourhood Plan. During the final consultation, the Councils appointed an independent examiner to assess the plan against statutory requirements. The Councils submitted individual representations on the submission draft Plan for the Examiner to consider. Early in the Examination, the Examiner asked the Councils and Forum to prepare a 'Statement of Common Ground' (SoCG). This was to set out where and why there was disagreement between the Councils and Forum on the policy wording and make recommendations to the Examiner on how this might be resolved through modifications to the Plan.
- 1.5 The Examiner issued her report to the Councils in February 2017. This found that, subject to a number of modifications, the Plan met the 'Basic Conditions' – statutory tests which neighbourhood plans are expected to meet, and could proceed to a local referendum. In her report, the Examiner noted the difficult challenge for the Forum of preparing a plan that needs to be in general conformity with the different planning policies of two London Boroughs.
- 1.6 Each Council published a 'Decision Statement', setting out a formal response to the Examiner's recommended changes to the Plan. Camden's Decision Statement was agreed, by Single Member Decision, in March 2017. This also confirmed that the Councils would take the Plan forward to a referendum of residents living in the neighbourhood area.
- 1.7 The referendum was held on 6 July 2017, asking those who live in the neighbourhood plan area if they would like Camden and Haringey

Councils to use the Neighbourhood Plan when making decisions on planning applications in their areas. A substantial majority of those who voted supported the use of the Plan.

1.8 Key elements of this Neighbourhood Plan are:

- Providing an integrated planning framework for managing growth and development for the whole of Highgate across the Borough boundary.
- It is the first cross-borough neighbourhood plan in London approved at referendum.
- The Forum drew on Camden's existing planning policies and guidance and applied this to the whole of the neighbourhood area, e.g. guidance relating to extensions. The Plan features general development management policies addressing social and community needs, economic activity, traffic and transport, open space and development and heritage.
- The Neighbourhood Plan's policy on basements helps to support Camden's strengthened approach for managing basement schemes in the adopted Camden Local Plan.
- It provides a single planning framework for managing growth and the mix of retail uses within Highgate Village.
- There are a series of key sites identifying land for development, which are located in Haringey. The Plan also identifies various Local Green Spaces, which will assist the protection of open space the local community has identified as being special.

1.9 The 'Adopted version' of the Neighbourhood Plan is included as Appendix 2 to this report.

2. WHY IS THIS REPORT NECESSARY?

2.1 There is a statutory requirement for the Councils to 'make' (i.e. adopt) a neighbourhood plan that has been approved at referendum. This is unchanged by Section 3 of the Neighbourhood Planning Act, which came into force in July 2017 and gives a neighbourhood plan approved at referendum full legal weight as part of the development plan for the neighbourhood area (the starting point for planning decisions). The Highgate Neighbourhood Plan is, therefore, already being treated by the Camden and Haringey Councils, as part of their respective development plans when making planning decisions in Highgate.

2.2 Neighbourhood plans are required to be in general conformity with the strategic planning policies and should be aligned with the strategic needs and priorities of the wider local area. In accordance with the National Planning Policy Framework (paragraph 185), when decisions are made on individual planning applications, policies in a neighbourhood plan should be given precedence over non-strategic policies in the Local Plan, where they are in conflict.

- 2.3 18% of electors in the neighbourhood area voted in the referendum on 6 July 2017, with a substantial majority in favour of the neighbourhood plan being used to help decide planning applications in the plan area.

The results of the referendum were:

Response	Votes	Percent of total
Yes	2,078	88%
No	283	12%
Rejected ballots	11	
Turnout	18.2%	

- 2.4 Camden's constitution requires all of the Council's development plan documents to be agreed by Cabinet and the Local Government Act 2000 requires local plan documents to be adopted by full Council.

3. OPTIONS

- 3.1 This is the first Neighbourhood Plan in Camden to reach examination since provisions relating to neighbourhood planning in the Neighbourhood Planning Bill were enacted by Parliament. As paragraph 2.1 of this report notes, this has the effect of strengthening neighbourhood plans by giving them full statutory weight at an earlier stage in the process, ie. during the period between the referendum and formal adoption.
- 3.2 The Council still has a statutory duty to 'make' or adopt the Neighbourhood Plan. This is to confirm that the Council is satisfied that a neighbourhood plan meets all the statutory requirements, including EU law. The Council can decide to not make ('adopt') the Plan if it is considered to be incompatible with, any EU obligation or any of the Convention rights (within the meaning of Human Rights Act 1998). This would mean that the Neighbourhood Plan ceases to be part of the development plan for the area.
- 3.3 Officers are satisfied that the making of the Highgate Neighbourhood Plan would not breach, nor would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). Following the 'making' of a Neighbourhood Plan, the Council is required to publish and make available a 'Decision Statement' which is a formal public notice detailing the decision. This Statement is set out in Appendix 3.

4. WHAT ARE THE REASONS FOR THE RECOMMENDED DECISIONS?

- 4.1 The majority of local residents who voted supported the Plan at referendum and the Council has no reason not to make the Plan and,

therefore, the Council is statutorily required to adopt it. The Plan has been developed by the Highgate Neighbourhood Forum, with support from the Councils, and will allow local community to influence development in their area. The Plan has community support as shown by the result of the referendum.

5. WHAT ARE THE KEY IMPACTS / RISKS? HOW WILL THEY BE ADDRESSED?

- 5.1 The key impact is that the Highgate Neighbourhood Plan will be used alongside the Council's own adopted planning policies to make decisions on planning applications in the area. The 'making' of the Neighbourhood Plan confirms the Council's agreement that the Plan meets all statutory obligations.
- 5.2 The Neighbourhood Plan was prepared by the Highgate Neighbourhood Forum, with support and input from Camden and Haringey Council officers. At the time of the Examination, the Neighbourhood Plan was found to be in general conformity with Camden's adopted strategic planning policies set out in the Core Strategy and Camden Development Policies document. The Camden Local Plan has since been adopted by the Council (in July 2017) and as a result, has replaced these strategic planning policies.
- 5.3 The potential impacts of the new Local Plan's policies on the Highgate Neighbourhood Plan were discussed with the Neighbourhood Forum and also raised by Camden during the examination. The Council's representation to the Examiner identified a conflict between the Neighbourhood Plan's draft transport and parking policies and the then emerging Local Plan's approach of extending car-free development to the whole of the Borough. This resulted in the Examiner agreeing to additional text being inserted into the Neighbourhood Plan, which draws applicants' attention to the relevant changes to Camden's planning policy. Following this change, Officers do not consider there to be any other substantive issues in relation to the alignment between the Neighbourhood Plan and Local Plan's policies.
- 5.4 Draft versions of the Neighbourhood Plan were reviewed by relevant Council services to ensure that any issues relating to the Plan's impact on other Council strategies (for transport, green spaces etc.) could be identified and addressed.
- 5.5 The Councils undertook an Equality Impact Assessment (EqIA) to assess the Plan's impact on 'protected groups' and how the policies might impact on equality. This found that the Plan had positive effects for certain groups by promoting improvements in accessibility and safe movement. The Plan also promotes enhanced access to community facilities and green space. While car-free or car capped development could negatively impact on the mobility of families and older people, it

is clear that the volume of car use is having a negative impact on the area. The Plan's policies seek a range of improvements to sustainable transport modes and the public realm, particularly to make walking and cycling more attractive. The EqlA is attached as Appendix 4 to this report.

6. WHAT ACTIONS WILL BE TAKEN AND WHEN FOLLOWING THE DECISION AND HOW WILL THIS BE MONITORED?

- 6.1 As soon as reasonably practicable after a neighbourhood plan is made, the Council must publish the Plan together with an 'Adoption Statement', setting out where, and at what times, the Plan can be viewed, and a copy of the document must also be sent to the Secretary for State for Communities and Local Government. The 'Adoption' version of the Highgate Neighbourhood Plan is set out in Appendix 2 to this report and the Adoption Statement is set out in Appendix 3.
- 6.2 The Council's 'Authority Monitoring Report' provides regular assessment of the performance of planning policies and decisions in the borough against monitoring indicators. The Neighbourhood Forum may also monitor and, if necessary review the policies. The Highgate Neighbourhood Forum was designated for a period of five years starting in 2012. The Forum can seek a further period by submitting an application to the Camden and Haringey Council to determine.

7. LINKS TO THE CAMDEN PLAN OBJECTIVES

- 7.1 The Council's work in neighbourhood planning plays a role in meeting the Camden Plan objectives of providing democratic and strategic leadership fit for changing times; creating conditions for growth and investing in our communities to ensure sustainable neighbourhoods, by supporting neighbourhood plans which harness the energy of their community to shape growth in their area.
- 7.2 The process of drawing up neighbourhood plans has empowered neighbourhoods to set out their aspirations and goals and to help direct and influence change in their area. It helps bring the community together, building links and relationships, as well as increasing knowledge of planning issues. This contributes to strengthening community resilience in the area.

8. CONSULTATION

- 8.1 Consultation has occurred throughout the development of this Plan. The Council sought comments on the proposed neighbourhood plan area and proposed Forum. The Neighbourhood Forum implemented a comprehensive community engagement strategy up to the Plan's

submission for independent examination. Details of the consultation methods used and how the whole community was engaged, including hard to reach groups, is set out in the Neighbourhood Forum's 'Consultation Statement' – one of the supporting documents submitted at examination. The Neighbourhood Forum undertook two consultations on a full draft Plan commencing in January 2015 and December 2015 (Regulation 14).

- 8.2 Camden and Haringey Councils led consultation on the submission version of the Plan during September to October 2016 in line with statutory requirements. The Plan was publicised for six weeks and representations invited. The local referendum seeking residents support for the Plan followed the independent examination.

9. LEGAL IMPLICATIONS (comments from the Borough Solicitor)

- 9.1 The Borough Solicitor's comments are included in the text of this report.

10. RESOURCE IMPLICATIONS (Finance comments of the Executive Director Corporate Services)

- 10.1 This report seeks adoption of the Highgate Neighbourhood Plan. Neighbourhood planning legislation imposes a number of costs on councils. In addition to staff costs, there are costs for consultation on forum and area applications and submission draft plans, the cost of appointing the neighbourhood plan examiner and holding the referendum. In this particular instance, the costs for the Plan are being split between Camden and Haringey.
- 10.2 The Department for Communities and Local Government (DCLG) provides financial support through grant payments to local authorities at key milestones in the process. The Councils are able to apply for a total of £30,000 of grant funding from DCLG to be shared dependent on split of costs, this includes £10,000 that has already been received. As Camden Council has spent approximately £20,000 on the examination, referendum and publicity for the Plan, even with the grant there is expected to be a funding shortfall of approximately £5,000 which will need to be met from Planning's revenue budget.

11. APPENDICES

- Appendix 1. Designated neighbourhood area
- Appendix 2. Highgate Neighbourhood Plan – adoption version
- Appendix 3. Adoption Statement
- Appendix 4. Equalities Impact Assessment (prepared by Camden Council and Haringey Council).