

LONDON BOROUGH OF CAMDEN	WARDS: Frognal and Fitzjohns, Gospel Oak and Hampstead Town
REPORT TITLE Hampstead Neighbourhood Plan – Correction (SC/2018/53)	
REPORT OF Executive Director - Supporting Communities	
FOR SUBMISSION TO Cabinet Member for Investing in Communities	DATE 12 October 2018
<p>SUMMARY OF REPORT</p> <p>This report seeks approval to amend the Hampstead Neighbourhood Plan. The Plan has been referred to full Council by the Cabinet to be “made” (adopted) on 8 October 2018. The amendment is a correction to address an error in the plan relating to the boundary of a Local Green Space designation at Oak Hill Park. If the Cabinet Member agrees to this change, the Council will publish a revised version of the Neighbourhood Plan, incorporating this modification, on its website. This version of the plan will replace the previous plan and will then be used for making planning decisions within the Hampstead Neighbourhood Area going forward.</p> <p>The report is being considered by the Cabinet Member as it relates to a minor modification to a Neighbourhood Plan. The modification is subject to the Plan being made/adopted by full Council on 8th October.</p> <p>Local Government Act 1972 – Access to Information</p> <p>No documents that require listing were used in the preparation of this report.</p> <p>Contact Officer: Andrew Triggs, 5 Pancras Square, London N1C 4AG; Tel: 020 7974 8988, Andrew.Triggs@camden.gov.uk</p>	
<p>RECOMMENDATIONS</p> <p>The Cabinet Member for Investing in Communities is asked to approve:</p> <ol style="list-style-type: none"> 1. a modification to the Hampstead Neighbourhood Plan, as set out in the Modification Document (in Appendix 1 of this report) correcting the designation of land at Oak Hill Park, Hampstead, as Local Green Space; 2. publication of the Modification Document (including details of where it may be inspected) and the corrected Neighbourhood Plan; and 3. the giving of notice of the modification. 	

Signed: David Joyce
Director of Planning and Regeneration
Date:

1. CONTEXT AND BACKGROUND

- 1.1. The Hampstead Neighbourhood Plan has been referred by Cabinet to the full Council meeting on 8 October 2018 for the Plan to be “made” (i.e. adopted) by the Council. The Plan includes a policy (NE1: Local Green Spaces) that designates 14 Local Green Spaces in recognition of their importance to the local community. These include a site known as “Oak Hill Park”. The boundary for this Local Green Space designation is shown on Map 5: Open Spaces and Biodiversity Corridors Map in the Neighbourhood Plan (page 27) and in the Plan’s Appendices (Appendix 4: “Local Green Spaces and Biodiversity Corridors Map” and the detailed site map for “2. Oak Hill Wood”). A drafting error has recently been identified in relation to this designation, which relates to the inclusion of an area of land which is a private garden. This report seeks approval to modify the Plan to correct this error.
- 1.2. This issue is identified in the published report for Cabinet and Council seeking the making of the Hampstead Neighbourhood Plan (SC/2018/49). The report noted:
- “...the need for a Local Green Space boundary in the Plan to be amended, a decision which would need to be made through a Single Member Decision by the Cabinet Member for Investing in Communities, following adoption of the Plan. It is only possible for the Council to modify a post-referendum plan once it has been adopted”.*
- 1.3. Under the Council’s Constitution, minor modifications to a neighbourhood plan should be dealt with through a Cabinet Member Decision, rather than the decision being taken by full Council.

2. PROPOSAL AND REASONS

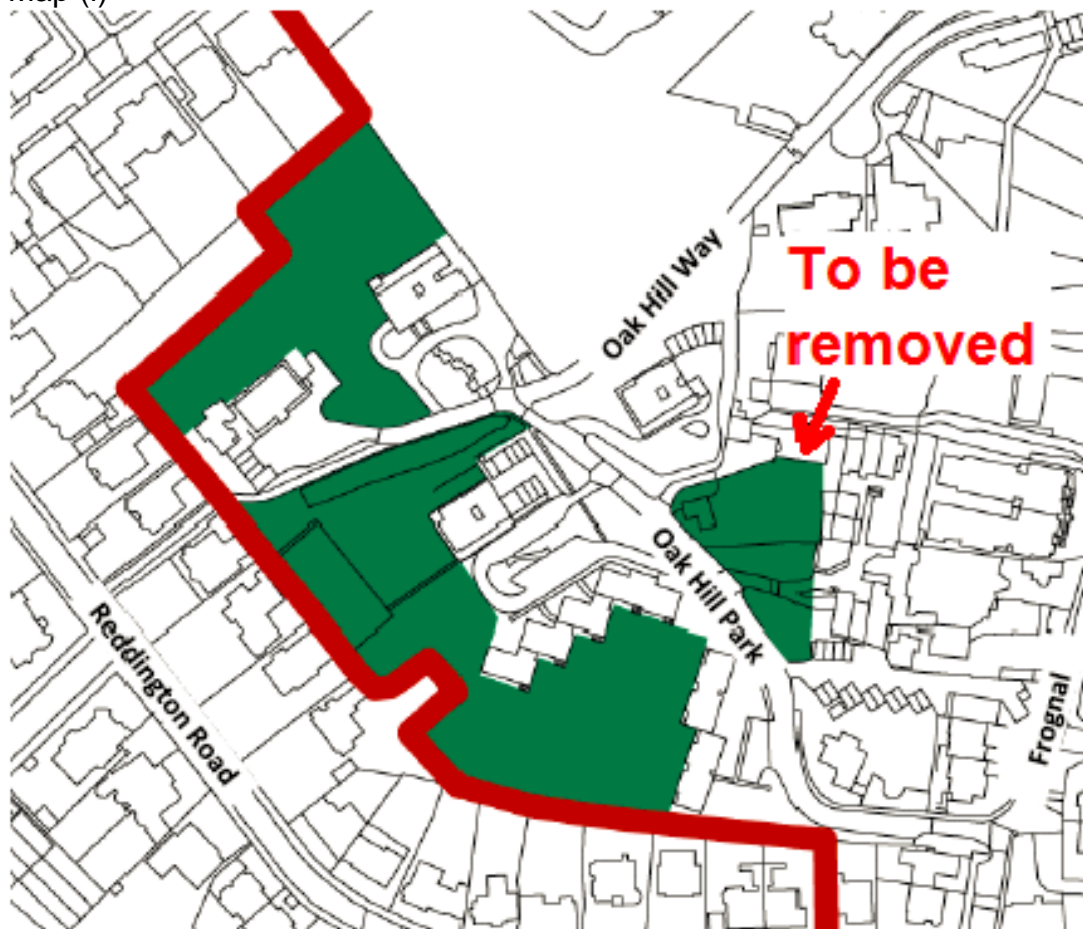
- 2.1 This report seeks to address a drafting error relating to the Local Green Space designation for Oak Hill Park by modifying the Neighbourhood Plan. This is in line with legislation allowing for minor changes to a plan for the purpose of correcting errors. The legislation provides that a local planning authority may at any time modify a neighbourhood plan that they have made for the purpose of correcting errors¹. There is also a requirement that the Forum must give its consent to the modification, which has occurred in this case.
- 2.2 For the avoidance of doubt, the error is to be addressed by the following proposed corrections to the Hampstead Neighbourhood Plan:

¹ Section 61M(4) of the Town and Country Planning Act 1990 (this section is applied by Section 38C(2)(c) of the Planning and Compulsory Purchase Act 2004. Part 8 of the Neighbourhood Planning (General) Regulations (as amended) sets out provisions in relation to the modification of neighbourhood plans.

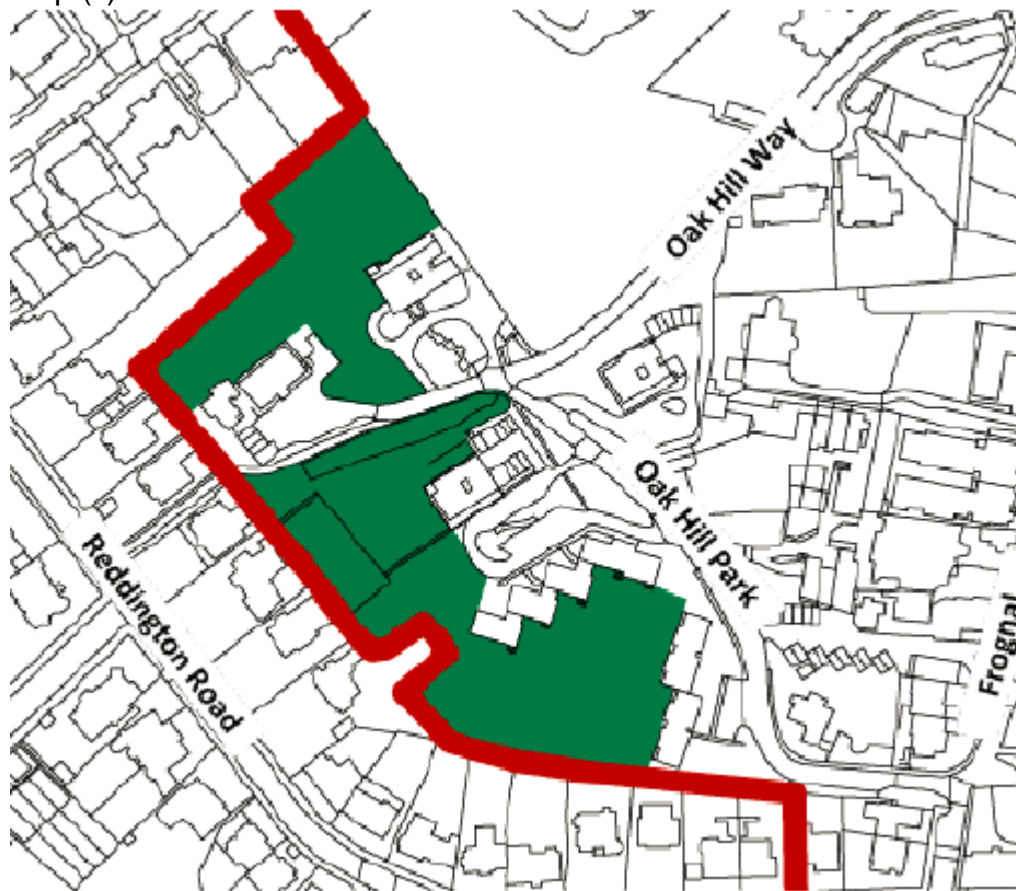
- Map 5: “Open Spaces and Biodiversity Corridors Map” (page 27): to be replaced with a revised version showing the amended boundary to Local Green Space, Site 2: Oak Hill Park;
- Appendix 4 to the Neighbourhood Plan: “Open Spaces and Biodiversity Corridors” –
 - “Local Green Spaces and Biodiversity Corridors Map” to be replaced with a revised version showing the amended boundary to Local Green Space, Site 2: Oak Hill Park
 - “Local Green Space Detailed Map” of Site 2: Oak Hill Wood to be replaced with a revised version showing the amended boundary to Local Green Space and to be relabelled as ‘Oak Hill Park’ to ensure consistency with Policy NE1 of the Neighbourhood Plan.

2.3. The diagram below clarifies the area of land to be removed from the designated Local Green Space. Map (i) shows the Local Green Space as included in the referendum version of the Neighbourhood Plan. Map (ii) immediately below shows the boundary of the Local Green Space following the correction.

Map (i)



Map (ii)



- 2.4. Appendix 1 to this Report includes the “Modification Document” as required under regulation 12 of the Neighbourhood Planning (General) Regulations 2012. This also sets out how the referendum version of the Plan is to be amended to correct the error. Subject to approval to modify the neighbourhood plan, it is anticipated that a revised Neighbourhood Plan will be published as soon as possible by the Council incorporating the modification.
- 2.5. This modified version of the Plan will then be used by the Council when assessing planning applications in the Neighbourhood Area, alongside the Council’s own planning policies. Following the Plan being approved at the referendum in June 2018, it has formed part of the statutory development plan for the Hampstead Neighbourhood Area.

3. OPTIONS APPRAISAL

- 3.1 It is not considered there are any reasonable alternative options. A landowner has objected to the boundary of the Local Green Space designation for Oak Hill Park. Discussions with the Hampstead Neighbourhood Forum has revealed this is a drafting error. It is necessary to address this matter as soon as is reasonably practicable by modifying the Plan for the sake of fairness and accuracy.

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

- 4.1 The Council has sought to address this matter promptly following the making of the Plan in accordance with the relevant legislation and regulations.
- 4.2 Local Green Spaces are a restrictive planning policy designation. The National Planning Policy Framework (NPPF) states at paragraph 101 that “Policies for managing development within a Local Green Space should be consistent with those for Green Belts”. Land is only suitable for being designated as Local Green Space where the tests set out in paragraph 100 of the NPPF are capable of being met. Including land which does not meet these tests would be unreasonable and it is important that the integrity of the Plan is maintained by correcting this error.
- 4.3 The Council has already advised the landowner that it intends to resolve this matter through a Cabinet Member decision as soon as reasonably practicable following the the making of the Neighbourhood Plan.

5. LINKS TO OUR CAMDEN PLAN

- 5.1 “Our Camden Plan” sets out how the Council will work with our communities to take forward our shared priorities over the next four years (2018-2022). A key strand is the focus on collaborative working to “Open up the council so all citizens have a say” and “Bring people and agencies together to get things done”. It is important to ensure that all of the community are involved in the neighbourhood planning process, including landowners, particularly where their land interests are affected.

6. CONSULTATION/ENGAGEMENT

- 6.1 The local planning authority is required to seek consent from the neighbourhood forum when a modification to a neighbourhood plan is being proposed. In this instance, the Hampstead Neighbourhood Forum has confirmed its agreement to the modification by the Council of the Local Green Space designation for Oak Hill Park.
- 6.2 Once the Plan has been modified, the Council must publish the Modification Document (including details of where the document can be inspected). The Council is also required to notify the Forum and any person previously notified of the making of the Plan. In this instance, given the short time period between the decision to make the Plan and the decision to modify the Local Green Space designation, the Council will inform all relevant parties of the two decisions at the same time.

7. LEGAL IMPLICATIONS

- 7.1 The Borough Solicitor’s comments are included within the text of this report.

8. RESOURCE IMPLICATIONS

- 8.1 This report seeks approval to amend the Hampstead Neighbourhood Plan. If the Cabinet Member agrees to this change, the Council will publish a revised version on its website, which will be used for making planning decisions.
- 8.2 There are no significant resource implications as a result of this report.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1. If the modification is approved, the Council will publish the “Modification Document” in line with the Neighbourhood Planning regulations and notify consultees on the Council’s planning policy database of the decision.
- 9.2. The Council will publish a revised version of the Neighbourhood Plan on its website. From that point, this will be used by the Council when making planning decisions within the Hampstead Neighbourhood Area.

10. APPENDICES

Appendix 1 Hampstead Neighbourhood Plan – Modification Document

REPORT ENDS