

LONDON BOROUGH OF CAMDEN	WARDS: Highgate
REPORT TITLE Dartmouth Park Neighbourhood Plan (Correction of Boundary to Local Green Space) (SC2022/40)	
REPORT OF Executive Director Supporting Communities	
FOR SUBMISSION TO Cabinet Member for New Homes, Jobs and Community Investment	DATE 3 August 2022
<p>STRATEGIC CONTEXT</p> <p>We Make Camden is our joint vision for the borough, developed in partnership with our community. This correction will help contribute towards meeting the objective to be a green, clean, vibrant, accessible, and sustainable place with everyone empowered to contribute to tackling the climate emergency, which recognises the importance of our parks and open spaces as being important to everyone’s health and wellbeing.</p> <p>The Way We Work is the Council’s response to We Make Camden. Ensuring the protection of this Local Green Space helps contribute towards the Council’s mission to ensure neighbourhoods are healthy and sustainable.</p>	
<p>SUMMARY OF REPORT</p> <p>This report seeks approval to amend the Dartmouth Park Neighbourhood Plan. The Plan was “made” (adopted) by the Council on 02 March 2020. The amendment is a correction to the boundary of a Local Green Space designation at Mansfield Bowling Club, reflecting a land swap. If the Cabinet Member agrees to this minor change, the Council will publish a revised version of the Neighbourhood Plan, incorporating this modification, on its website. This version will replace the previous Plan and will then be used for making future planning decisions within the Dartmouth Park Neighbourhood Area.</p> <p>The report is being considered by the Cabinet Member as it relates to a minor modification to a Neighbourhood Plan.</p> <p>Local Government Act 1972 – Access to Information No documents that require listing were used in the preparation of this report.</p> <p>Contact Officer: Kate Goodman, Principal Planner 5 Pancras Square, London N1C 4AG Tel: 020 7974 2295 kate.goodman@camden.gov.uk</p>	

RECOMMENDATIONS

The Cabinet Member for New Homes, Jobs and Community Investment is asked to approve:

- i) a modification to the Dartmouth Park Neighbourhood Plan, as set out in the Modification Document (Appendix 1 of this report) correcting a drafting error in relation to the boundary of the Local Green Space designation at Mansfield Bowling Club;
- ii) publication of the Modification Document (including details of where it may be inspected) and the corrected Neighbourhood Plan; and
- iii) the giving of notice of the modification.

Signed:



David Burns, Director of Economy, Regeneration & Investment

Date: 25th July 2022

1. CONTEXT AND BACKGROUND

- 1.1. The Dartmouth Park Neighbourhood Plan was “made” (i.e. adopted) at the full Council meeting on 2 March 2020. The Plan includes a policy (ES1 Green and open spaces) that designates eight Local Green Spaces in recognition of their importance to the local community. These include a site referred to in the Plan as “1. Mansfield Bowling Club”. The boundary for this Local Green Space designation is shown on Figure 6 “Local Green Spaces and additional open spaces” on (page 71) and in the Plan’s Appendices (Part A Appendix 4: “Open Spaces”)
- 1.2. A drafting error has been identified in the Plan and this report seeks to address this in accordance with the statutory procedures for making a minor modification to a neighbourhood plan.
- 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 Mansfield Bowling Club by modifying the Dartmouth Park Neighbourhood Plan. This is in line with legislation that 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 The correction relates to two parcels of land that were involved in a land swap during the evolution of the Neighbourhood Plan. One parcel was owned by the same owners as Mansfield Bowling Club and the second parcel was owned by 1 Regency Lawn a private residence. These parcels of land are the same size.
- 2.3 A land swap was agreed between owners to allow for an improved public access into the Mansfield Bowling Club which was subject to a planning application (2020/5277/P) and a more regular shaped private garden area. This change to the boundary happened during the preparation of the plan but was not reflected in the final version of the plan. The change in ownership has been confirmed with the Land Registry
- 2.4 The diagram below clarifies the area of land to be removed from the designated Local Green Space. Map A of this report shows the Local Green

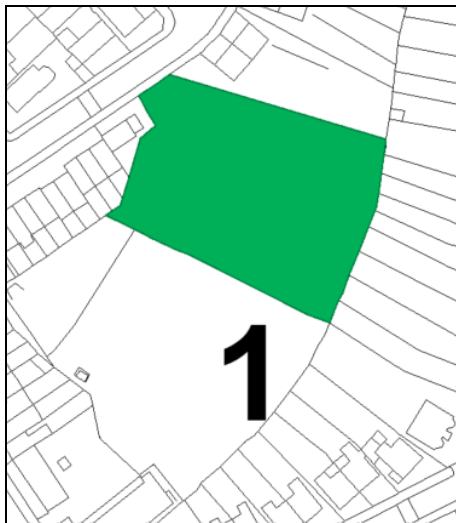
¹ Section 61M(4) of the Town and Country Planning Act 1990 (this section is applied by Section 38C(2)(c) of the Planning and Compulsory Purchase Act 2004. Part 8 of the Neighbourhood Planning (General) Regulations (as amended) sets out provisions in relation to the modification of neighbourhood plans.

Space as included in the “made” version of the Neighbourhood Plan. Map B, immediately below Map A, shows the boundary of the Local Green Space following the correction. This change will be reflected on both Figure 6 and Appendix 4A.

Map A



Map B



2.5 For the avoidance of doubt, the error to be addressed by the following correction to the Dartmouth Park Neighbourhood Plan is as follows:

- Figure 6 : “Local Green Spaces and additional open space of value” (page 71): to be replaced with a revised version showing the amended boundary to Local Green Space, Site 1 : Mansfield Bowling Club
- Appendix 4 to the Neighbourhood Plan: “Open Spaces” “Part A – Local Green Spaces” Map 1 relating to No 1. Local Green Space, Mansfield Bowling Club to be replaced with a revised version showing the amended boundary to Local Green Space, Site 1: Mansfield Bowling Club”. The

diagram above clarifies the area of land to be removed from the designated Local Green Space. Map A shows the Local Green Space as included in the referendum version of the Neighbourhood Plan. Map B immediately below shows the boundary of the Local Green Space following this correction.

- 2.6 Appendix 1 to this Report contains the “Modification Document” as required under Regulation 12 of the Neighbourhood Planning (General) Regulations 2012. It sets out how the “made”/adopted version of the Plan is to be amended to correct the error with the consent of the Forum. Subject to approval to modify the Neighbourhood Plan, it is anticipated that a revised Plan incorporating the modification will be published as soon as possible by the Council.
- 2.7 The modified version of the Dartmouth Park Neighbourhood 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 referendum in February 2020 it has formed part of the statutory development plan for the Dartmouth Park Neighbourhood Area. No other policies in the Plan are affected by this modification.

3. OPTIONS APPRAISAL

- 3.1 The report presents two options to the decision maker. These are:

Option 1 - Approve the proposals outlined in Section 2 of this report

That the Cabinet Member agrees to the recommendation, as set out in the report, as it is necessary to address this matter as soon as is reasonably practicable by modifying the Plan for the sake of accuracy. Discussions with the Dartmouth Park Neighbourhood Forum have confirmed this is a drafting error that needs to be corrected. This is the recommended option.

Option 2 – Do Nothing

The Cabinet Member could choose to do nothing. However, it is not considered a reasonable option to retain a known error in the Plan, therefore this option is not recommended.

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

- 4.1 The Council has sought to address this matter promptly once made aware of it 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.

5. CONSULTATION/ENGAGEMENT

- 5.1 The local planning authority is required to seek consent from the relevant neighbourhood forum when a modification to a neighbourhood plan is being proposed. In this instance, the Dartmouth Park Neighbourhood Forum has confirmed its agreement to the modification by the Council of the Local Green Space designation for the Mansfield Bowling Club site.
- 5.2 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.

6. LEGAL IMPLICATIONS

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

7. RESOURCE IMPLICATIONS

- 7.1 Finance have been consulted and there are no significant implications arising from this report.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1 Local Green Spaces have similar level of protection as Green Belt and ensure that important open spaces are preserved for the wider community and environmental benefit. The overall physical area of Local Green Space remains the same it has just been reconfigured and so there is considered to be no detrimental impact to the environment.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 If the modification is approved, the Council will publish the “Modification Document” following the Cabinet Member’s decision (and ‘call-in’ period) in line with the Neighbourhood Planning regulations and notify consultees on the Council’s planning policy database of the decision.

9.2 From the point of the decision being formally issued it will be used by the Council when making planning decisions within the Dartmouth Park Neighbourhood Area. The Council will publish a revised version of the Neighbourhood Plan on its website as soon as reasonably possible

10. APPENDICES

Appendix 1 Dartmouth Park Neighbourhood Plan – Modification Document

REPORT ENDS