

<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARDS:</b> Frognal and Fitzjohns, Gospel Oak and Hampstead Town
<b>REPORT TITLE</b> Hampstead Neighbourhood Plan – Correction (SC/2019/15)	
<b>REPORT OF</b> Executive Director - Supporting Communities	
<b>FOR SUBMISSION TO</b> Cabinet Member for Investing in Communities	<b>DATE</b> 15 February 2019
<p><b>SUMMARY OF REPORT</b></p> <p>This report seeks approval to amend the Hampstead Neighbourhood Plan. The Plan was “made” (adopted) by the Council on 8 October 2018. The amendment is a correction to address an error relating to the boundary of a Local Green Space designation at Branch Hill House. 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 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.</p> <p><b>Local Government Act 1972 – Access to Information</b> No documents that require listing were used in the preparation of this report.</p> <p><b>Contact Officer:</b> Andrew Triggs, 5 Pancras Square, London N1C 4AG; Tel: 020 7974 8988, <a href="mailto:Andrew.Triggs@camden.gov.uk">Andrew.Triggs@camden.gov.uk</a></p>	
<p><b>RECOMMENDATIONS</b></p> <p>The Cabinet Member for Investing in Communities is asked to approve:</p> <ol style="list-style-type: none"> <li>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 Branch Hill House, as Local Green Space;</li> <li>2. publication of the Modification Document (including details of where it may be inspected) and the corrected Neighbourhood Plan; and</li> <li>3. the giving of notice of the modification.</li> </ol>	

Signed: David Joyce  
Director of Planning and Regeneration  
Date:

## **1. CONTEXT AND BACKGROUND**

- 1.1. The Hampstead Neighbourhood Plan was “made” (i.e. adopted) at the full Council meeting on 8 October 2018. 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 referred to in the Plan as “Branch Hill House Site of Importance for Nature Conservation and two additional areas”. 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 “1. Branch Hill House Gardens; Branch Hill Wood; Branch Hill Allotments”).
- 1.2. An 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. Camden Council is the owner of the Branch Hill House site and is currently in the process of disposing of this property. The proposed amendment has been informed by discussions with the Council’s Asset Strategy and Valuation service.
- 1.4. 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 Branch Hill House by modifying the Hampstead 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 errors<sup>1</sup>. There is also a requirement that the Forum must give its consent to the modification, which has occurred in this case.
- 2.2 The drafting error relates to the inclusion of an area of land which forms an access road, known as Spedan Close, which runs into the Branch Hill House site. Paragraph 99 of the National Planning Policy Framework (July 2018) states that communities are able to “identify and protect green areas of particular importance to them.” Paragraph 100 sets out criteria which all local green spaces must meet including that they must be “demonstrably special to a local community” and hold “a particular local significance”. The Examiner for

---

<sup>1</sup> 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.

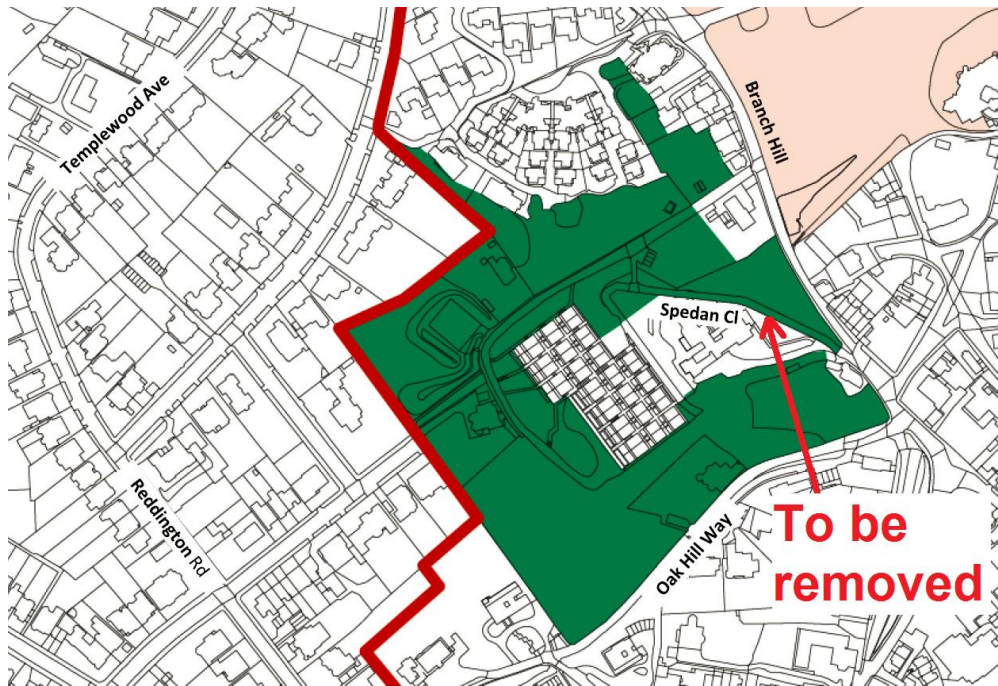
the draft Hampstead Neighbourhood Plan considered the Neighbourhood Forum's justification for each of the Local Green Spaces identified in the draft Neighbourhood Plan. In her report, the Examiner noted for the Branch Hill House site: "The most important and special parts of the proposed LGS comprising the allotments, woodlands and children's play area should be designated as LGS as these fully meet the NPPF criteria, but the small section which is part of Branch Hill House should be excluded". The Council considers that correcting the error to remove Spedan Close is consistent with the Examiner's findings in relation to this Local Green Space designation. The elements contributing to the Local Green Space's importance and value would continue to be protected.

2.3 For the avoidance of doubt, the following proposed corrections are to be made to the Hampstead Neighbourhood Plan:

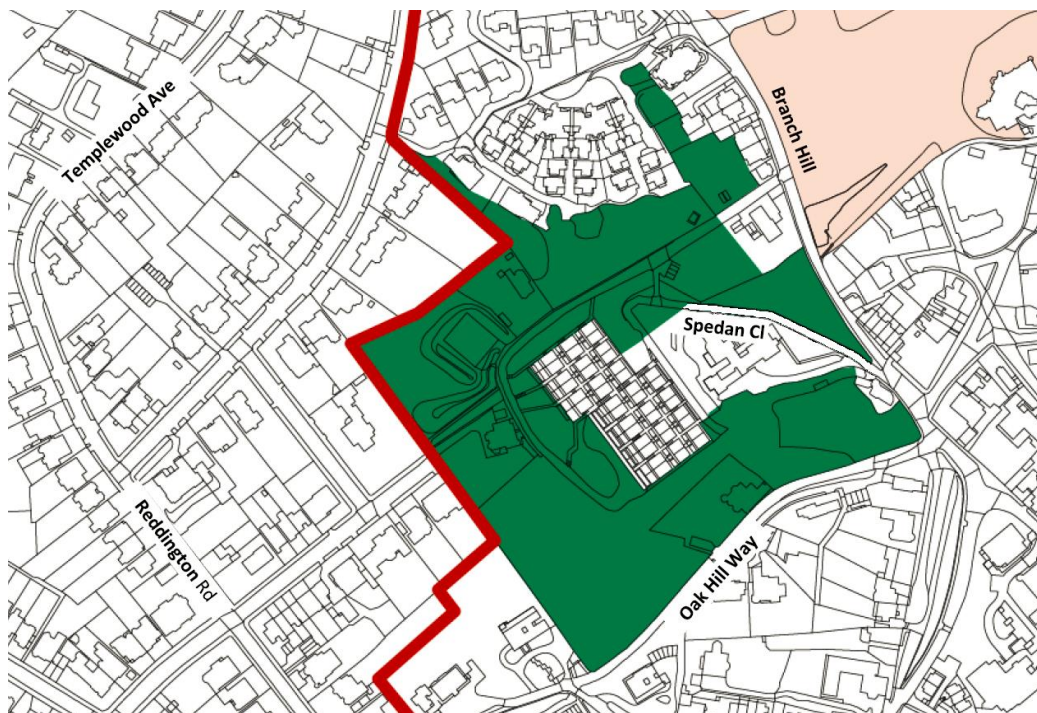
- Map 5: "Open Spaces and Biodiversity Corridors Map" (page 27): to be replaced with a revised version showing the amended boundary to Local Green Space, Site 1: Branch Hill House Site of Importance for Nature Conservation and two additional areas;
- Appendix 4 to the Neighbourhood Plan: "Open Spaces 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 1: Branch Hill House Site of Importance for Nature Conservation and two additional areas;
  - "Local Green Space Detailed Map" of Site 1: Branch Hill House Gardens; Branch Hill Wood; Branch Hill Allotments to be replaced with a revised version showing the amended boundary to Local Green Space and to be relabelled as 'Branch Hill House Site of Importance for Nature Conservation and two additional areas' to ensure consistency with Policy NE1 of the Neighbourhood Plan.

2.4. The diagram below clarifies the area of land to be removed from the designated Local Green Space. Map 1 shows the Local Green Space as included in the "made" version of the Neighbourhood Plan. Map 2 immediately below shows the boundary of the Local Green Space following the correction.

Map 1



Map 2



2.5. 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 “made”/adopted 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.

- 2.6. This modified version of the Hampstead 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 the referendum in June 2018, it has formed part of the statutory development plan for the Hampstead Neighbourhood Area. No other policies in the Plan are affected by this modification.

### **3. OPTIONS APPRAISAL**

- 3.1 It is not considered there are any reasonable alternative options. Discussions with the Hampstead Neighbourhood Forum have confirmed 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 accuracy. It is not considered a reasonable option to retain a known error in the Plan.

### **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.

### **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 the Branch Hill House site.

- 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.

## **7. LEGAL IMPLICATIONS**

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

## **8. RESOURCE IMPLICATIONS**

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

## **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. The Council will publish a revised version of the Neighbourhood Plan on its website. The replacement plan is expected to be published on 25<sup>th</sup> February 2019. 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**