

LONDON BOROUGH OF CAMDEN	WARDS: Frognal and Fitzjohns
REPORT TITLE Redington Frognal Neighbourhood Plan - Adoption (SC/2021/22)	
REPORT OF Cabinet Member for Investing in Communities and an Inclusive Economy	
FOR SUBMISSION TO Cabinet Council	DATE 2 September 2021 13 September 2021
STRATEGIC CONTEXT Camden 2025 is our communities' vision for Camden. The Redington Frognal Neighbourhood Plan supports the objectives of the calls to action to create 'Safe strong and open communities' so everyone can contribute to their community and make the Redington Frognal area a 'clean, vibrant and sustainable place through shaping the local shared environment'. Our Camden Plan is the Council's response to Camden 2025. 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". Neighbourhood plans allow communities to respond to planning issues affecting their locality.	
SUMMARY OF REPORT Following a successful local referendum, the Redington Frognal Neighbourhood Plan, prepared by the Redington Frognal Neighbourhood Forum, is to be 'made' (that is, adopted) by the Council in line with statutory requirements. Neighbourhood plans can shape, direct and help to deliver sustainable development by influencing local planning decisions and give communities the power to develop a shared vision for their area. The Neighbourhood Plan will be used alongside the Council's own documents to decide planning applications in the neighbourhood planning area. The report is coming to the Cabinet because the Council's Constitution requires all of the Council's development plan documents to be agreed by Cabinet and the Local Government Act 2000 also requires these documents to be adopted by full Council. Local Government Act 1972 – Access to Information There are no documents used in the preparation of this report that are required to be listed.	

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RECOMMENDATIONS

The Cabinet is asked to recommend the Council to make the Redington Frognal Neighbourhood Plan, set out in Appendix 2 to this report.

The Council is asked to make the Redington Frognal Neighbourhood Plan set out in Appendix 2 to this report. This incorporates minor modifications to Policy FR of the Plan, as set out in Appendix 5.

Signed:



David Burns, Director of Economy, Regeneration and Investment

Date: 17th August 2021

1. CONTEXT AND BACKGROUND

- 1.1 This report seeks authority to make (adopt) the Redington Frogнал 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. National planning policy expects neighbourhood planning to be a positive process, supporting the wider strategic growth and planning policies of the area (in Camden this context is provided by the adopted Camden Local Plan 2017). Neighbourhood plans must be prepared by the community through designated neighbourhood forums, and once prepared, are subject to public consultation, independent examination and a local referendum.
- 1.3 The Redington Frogнал Neighbourhood Plan relates to a large predominantly residential area to the north of the Borough, bounded by Finchley Road to the west and the designated Hampstead Neighbourhood Area to the east. A map of the Redington Frogнал Neighbourhood Area is set out in Appendix 1 to this report. The Redington Frogнал Neighbourhood Forum and Redington Frogнал Neighbourhood Area were approved by the Council in September 2014 and the Forum was renewed for a further five years in October 2019.
- 1.4 The community and Forum have developed the following Vision for the area which informs the Plan's subsequent policies:

“We seek a future for the Neighbourhood which preserves its green character and serves as an area available to a wide range of family types and ages who live here rather than invest here. We believe that the Redington Frogнал neighbourhood area should celebrate its history and should continue to be a delightful area in which to stroll and enjoy.”
- 1.5 The Plan's policies are structured around five main topics: Redington Frogнал's character; Biodiversity and green infrastructure; Local community infrastructure priorities; Finchley Road – traditional shopfronts, and Underground development/basements. There are also site policies for Kidderpore Reservoir and “Possible redevelopment opportunities” for nine sites. The Plan also includes planning guidance as annexes on matters including landscaping/planting; green roof and wall construction, and general design principles for matters such as rooflines, garden suburb character, proportions/composition, windows and the use of materials and detailing. As with all planning guidance, this does not form part of the statutory development plan, but it is intended to set out best practice.
- 1.6 In summary, the key elements of the Redington Frogнал Neighbourhood Plan proposed by the Neighbourhood Forum are:

- Green development principles identified to maximise green landscaping and promote biodiversity;
- Features identified considered to have an important role in sustaining the character of the Redington Froggnal Conservation Area, e.g. gaps between buildings, well-vegetated front and side gardens and architectural detailing;
- Soft planting to be maximised/increased and trees/vegetation reinstated where lost and plot coverage ratio to respond to the wider characteristics of the area;
- Aim to exceed new London Plan 'Urban Greening Factors';
- Recommended use of planting with high value to pollinators/insects and use of water features, e.g. natural ponds. Trees also to be selected on basis of contribution to local character and biodiversity;
- Minimum standards for gaps/spacing between buildings;
- Strengthen/restore tree lines/ biodiversity corridors;
- Seeking the use of appropriate wildlife-friendly lighting;
- Policy on extensions and garden developments;
- Identification of six 'Local Green Spaces' of particular importance to the local community;
- Identification of local infrastructure priorities;
- Policy seeking more sympathetic shopfront design;
- Standards to minimise impacts of basement development on existing trees/future planting;
- Limiting impacts of 'high impact' construction activities on local amenity;
- Identification of nine sites/buildings where development, redevelopment and improvement is encouraged with accompanying planning guidance for each.

- 1.7 Two stages of public consultation were undertaken on the draft Redington Froggnal Neighbourhood Plan (see Section 5) prepared by the Redington Froggnal Neighbourhood Forum. During the second consultation, the Council appointed an independent Examiner, to assess the Plan against statutory requirements. It is the Examiner's role to consider the content of the Forum's draft Plan and whether it meets the statutory requirements. The Examiner will make recommendations for the Plan to be amended to ensure that these requirements are met (or can recommend that the Plan does not proceed to referendum where such changes would fundamentally alter the content and nature of a plan).
- 1.8 The Council submitted representations on the submission draft Plan for the Examiner to consider in its role as the local planning authority and as the landowner of Studholme Court housing estate.
- 1.9 Key comments made by the Council in its representations and associated recommendations made by the Examiner are set out in the table below.

Council representation	Examiner's recommended change
<p data-bbox="252 237 627 273"><u>Planning service comments:</u></p> <ul data-bbox="252 304 845 1989" style="list-style-type: none"> <li data-bbox="252 304 845 633">• Planning policies need to be formulated in a way that take account of the different types of application and their varying impacts on the locality/conservation area. In some cases, the draft text limits discretion to determine applications on their merits (e.g. by stating that something 'must' happen) or prevent the ability to make judgements in line with legislation (e.g. on trees). <li data-bbox="252 674 845 801">• A bespoke car-free policy appears to duplicate the approach in the Camden Local Plan and potentially confuse what exceptions are to be applied. <li data-bbox="252 947 845 1106">• Fixed caps on building heights and minimum gaps between buildings appear to be excessively prescriptive because they do not allow the testing / consideration of alternatives. <li data-bbox="252 1252 845 1444">• The requirements for protection and replacement of trees do not make allowance for specific circumstances, e.g. if a tree is of low value/immature or there are other material planning considerations that outweigh its loss. <li data-bbox="252 1485 845 1720">• Object to the identification of land at the rear of 17 Frognal as a 'local green space' because it appears to form one of many gardens in the area, including much larger gardens and areas of backland which the Plan does not propose to designate. <li data-bbox="252 1760 845 1989">• Various comments made about how the draft underground development/basements policy would be applied across proposals of different sizes/ impact and how this policy would relate to the Council's existing BIA appraisal process. 	<ul data-bbox="874 304 1461 1989" style="list-style-type: none"> <li data-bbox="874 304 1461 497">• The general use of "must" conflicts with national planning policy for plans to be "flexible" and "prepared positively". The Examiner in reviewing instances of 'must' in the Plan, advised that in most cases, this be changed to 'should'. <li data-bbox="874 674 1461 866">• The evidence for a bespoke approach is limited. There is a risk of the policy reducing the clarity at Borough-wide level. The policy should be removed (but retain reference to roll out of electric charging points). <li data-bbox="874 947 1461 1205">• Caps on heights are restrictive and should be removed - the primary consideration should be how well proposals demonstrate that they have been informed by the area's character. Minimum gaps between buildings is a reasonable approach and may be retained. <li data-bbox="874 1252 1461 1411">• Except for applications involving veteran trees, the Examiner considered that more flexibility was needed and notes that there can be occasions where replacement planting cannot be secured. <li data-bbox="874 1485 1461 1720">• The proposed site is largely concealed and there are significant rear gardens with trees in the area which are not proposed for designation. The local green space should be deleted (trees within the site benefit from protection through preservation orders). <li data-bbox="874 1760 1461 1989">• The Examiner noted that any additional information being sought from applicants was being 'encouraged'. In common with other policies, references to "must" should be replaced with 'should' to allow greater flexibility across different schemes.

<p><u>Asset Strategy and Valuation service comments:</u></p> <ul style="list-style-type: none"> • A proposed 'local green space' at Studholme Court estate does not meet the criteria in national policy that the land was "demonstrably special" and was likely to prejudice a possible future housing proposal as part of the Council's 'Small Sites programme'. 	<ul style="list-style-type: none"> • The site holds particular local significance because of its recreational and amenity value to residents in the adjacent development and is used for community events. The designation forms only a small part of open land at this estate and retention of the local green space is recommended.
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1.10 The Examiner (Tony Burton) issued his report to the Council and Forum in December 2020, having considered 51 representations made by local residents, statutory bodies and other interested parties. Minor changes were recommended to other policies in the Forum's draft Plan (not listed in the table above).

1.11 The Examiner's Report found that, subject to modifications being made, the Plan met the 'Basic Conditions' - the statutory tests which neighbourhood plans are expected to meet - and could proceed to a local referendum.

1.12 The Council published its statutory '[Decision Statement](#)', setting out a formal response to the Examiner's recommended changes to the Plan and confirming that the Council would take the Plan forward to a referendum in the Neighbourhood Area.

1.13 The referendum was held on 17 June 2021, asking those who live in the area if they would support the Council using the Neighbourhood Plan when making decisions on planning applications in their area. 88% of those who voted supported the use of the Plan.

1.14 This will be Camden's seventh adopted Neighbourhood Plan, which is the most for any London Borough. Neighbourhood Planners London¹ have published a map showing neighbourhood planning activity in the capital. As of May 2021, there were 19 adopted plans, of which 5 were in Camden.

2. PROPOSALS AND REASONS

2.1 Under section 38 (3A) of the Planning and Compulsory Purchase Act 2004 a neighbourhood plan forms part of the Council's statutory development plan from the point the neighbourhood plan has been approved at local referendum. This means that, even though the Council is yet to formally 'make' the plan, it has acquired full weight in planning decisions within the relevant neighbourhood area. The Redington Froggnal Neighbourhood Plan is, therefore, already being

¹ <https://www.neighbourhoodplanners.london/map>

treated by the Council as part of its development plan when making planning decisions in the Redington Frogmal Neighbourhood Area. Nevertheless, there is a statutory requirement for the Council to make (i.e. adopt) a neighbourhood plan that has been approved at referendum.

2.2 Neighbourhood plans are required to be in general conformity with strategic planning policies of the wider local area, and should be aligned with strategic needs and priorities. In accordance with the National Planning Policy Framework (paragraph 30), 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 19% of electors in the neighbourhood area voted in the referendum on 17 June 2021, with a majority in favour of the Redington Frogmal 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	640	88%
No	85	12%

2.4 The Council's Constitution requires all of the Council's development plan documents to be agreed by Cabinet. The Local Government Act 2000 requires these documents to be adopted by full Council.

2.5 Since the referendum was held, a couple of drafting errors have been identified in Policy FR of the 'referendum version' of the Plan. One relates to the retention of the word "must" in criterion (i) which the Examiner recommended be replaced by the word 'should'. The Examiner also recommended removing criterion (iv) finding it to be too prescriptive; however, this criterion is retained in the referendum version with criterion (v) that appeared in the submission draft, deleted in error. The Council has consulted with the Forum who have confirmed it was the intention for the Plan to reflect the Examiner's recommended modifications. The Council had also previously accepted these changes to the Plan through publishing its 'Decision Statement'.

2.6 There is a procedure allowing local planning authorities to make minor non-material modifications to neighbourhood plans at any time for the purpose of correcting errors². To ensure that Policy FR is applied effectively in line with the Examiner's report, the 'Adoption version' in Appendix 2 incorporates minor amendments to Policy FR in line with the Examiner's recommendations. For clarity, the changes to the text of the 'referendum version' of the Plan are set out in Appendix 5 to this report.

² Section 61M(4) of the Town and Country Planning Act 1990 as applied by Section 38C(2)(c) of the Planning and Compulsory Purchase Act 2004.

3. OPTIONS APPRAISAL

- 3.1 The Council 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. The Council can decide to not make ('adopt') the Plan if it is considered to be incompatible with any EU obligation translated into English law or any of the rights in the European Convention on Human 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 (the status it acquired on being approved at the local referendum).
- 3.2 Officers are satisfied that the making of the Redington Frogna! 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).
- 3.3 It is also considered that the minor modifications to Policy FR should be made as soon as reasonably practicable given the local planning authority's powers to make such modifications for correcting errors and for the sake of accuracy. It would not be a reasonable option to retain known errors in the Plan.

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

- 4.1 The key impact is that the Redington Frogna! 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.
- 4.2 The Neighbourhood Plan was prepared by the Redington Frogna! Neighbourhood Forum, with the support and advice of Council officers. Draft versions of the Neighbourhood Plan were reviewed by relevant Council services to ensure that any issues relating to the Plan's impact on Council strategies (such as transport, green spaces etc.) could be identified and addressed. The Council commented separately in its role as landowner of the open space at Studholme Court housing estate.
- 4.3 The Examination into the Neighbourhood Plan found it to be in general conformity with the Council's adopted strategic planning policies set out in the Camden Local Plan. The key changes recommended by the Examiner were set out in the ["draft Decision Statement" report](#). These have been incorporated into the Plan to be adopted.
- 4.4 The Council undertook an Equality Impact Assessment (EqIA) to assess the Plan's impact on 'protected groups' and how the policies might impact on equality.

- 4.5 The assessment found that the Plan would ensure that the positive aspects of the Redington Frognal area and its sense of community are sustained and enhanced. Policies on matters such as green infrastructure, the special character and appearance of the area, local amenities and the promotion of aspirational sites to meet local housing need were likely to give rise to positive effects for people with protected characteristics. The Council also identified potential negative effects where the Plan was likely to make development difficult to happen, e.g. restrictions on people extending/adapting their homes as their personal circumstances change. It is considered that the concerns raised about overly restrictive wording have been addressed through the Examiner's recommendations.
- 4.6 The EqIA is attached as Appendix 3 to this report and Members are referred to it and asked to give due consideration when coming to their decision.

5. CONSULTATION / ENGAGEMENT

- 5.1 Consultation has taken place throughout the preparation of the Redington Frognal Neighbourhood Plan. 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 community was engaged, including hard to reach groups, are set out in the Neighbourhood Forum's 'Consultation Statement' – one of the supporting documents submitted at examination. The Neighbourhood Forum undertook consultation on a full draft Plan in October 2018 to January 2019 and then on a further revised draft from June to August 2019.
- 5.2 Council-led consultation on the 'submission draft' version of the Plan took place during June to September 2020 in accordance with statutory requirements. The Plan was publicised for six weeks and representations invited. Due to the impact of the pandemic on the opening times of libraries where the Plan would have been available for inspection, letters were sent out to addresses in the area and additional site notices placed on lampposts. A local referendum seeking resident support for the Plan followed the independent examination, as described above.

6. LEGAL IMPLICATIONS (comments from the Borough Solicitor)

- 6.1 Legal comments are incorporated into this report.

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

- 7.1 Finance have been consulted and there are no significant implications to report.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1 The Neighbourhood Plan promotes the retention and enhancement of green infrastructure, such as trees, soft landscaping and green roofs, recognising their importance for wildlife as well as the amenity and character of the area.
- 8.2 Neighbourhood plans are intended to help support and deliver strategic planning policies in an area. In Camden these are set out in the Camden Local Plan 2017. This document already contains a range of environmental policies that apply to the whole of the Borough, e.g. on climate change, energy use and waste/resource management.
- 8.3 The emerging Redington Froggnal Neighbourhood Plan was subject to a screening assessment of the potential environmental effects of the draft policies. No significant effects were identified by the Council and therefore a Strategic Environmental Assessment of the Plan was not required.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 As set out in paragraph 2.1 of this report, the Redington Froggnal Neighbourhood Plan has acquired full statutory weight having been approved at the local referendum. It is used by the Council to determine planning applications in the Neighbourhood Area.
- 9.2 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 Housing, Communities and Local Government. A draft 'Adoption Statement' is set out in Appendix 4 of this report.
- 9.3 Adoption of the Neighbourhood Plan concludes the plan-making process and confirms that the Council is satisfied that all of the relevant statutory requirements have been met. Following adoption, the Council will continue using the Plan in planning decisions.
- 9.4 It will be for the Forum to decide whether it wishes to update its neighbourhood plan policies or prepare a replacement plan in the future.

10. APPENDICES

Appendix 1 Designated Neighbourhood Area

Appendix 2 Redington Froggnal Neighbourhood Plan – Adoption version

Appendix 3 Equalities Impact Assessment

Appendix 4 Adoption Statement

Appendix 5 Minor modifications to Policy FR in the 'referendum version' of the Plan

REPORT ENDS