

<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARDS:</b> Frognal, Gospel Oak, Hampstead Town, Highgate
<b>REPORT TITLE</b> Hampstead Neighbourhood Plan 2025 - 2040 - Decision Statement	
<b>REPORT OF</b> Strategic Lead – Planning Policy and Implementation	
<b>FOR SUBMISSION TO</b> Chief Planning Officer	<b>DATE SUBMITTED TO DECISION MAKER</b> 19 May 2025
<b>SUMMARY OF REPORT</b>  <p><a href="#">The Hampstead Neighbourhood Plan 2025 – 2040</a> was submitted to the Council for examination in July 2024. It incorporates changes to the first Hampstead Neighbourhood Plan adopted by the Council in 2018. Following a statutory publicity period ('submission draft' consultation), the Plan proceeded to Independent Examination. Under the legislation, the Council is required to consider the recommendations of the Examiner and publish its response via a 'Decision Statement'. This report seeks approval of the Decision Statement on the Hampstead Neighbourhood Plan 2025-2040.</p> <p>The Neighbourhood Plan relates to an area that includes the entirety of Hampstead Town ward, approximately one third of Frognal ward and some parts of Gospel Oak and Highgate wards.</p> <p>The Supporting Communities scheme of delegation authorises the Chief Planning Officer to agree the Decision Statement, following consultation with the Cabinet Member for Planning and a Sustainable Camden. Subject to the Chief Planning Officer's approval of the Decision Statement, the Hampstead Neighbourhood Plan 2025-2040 will be reported to the meeting of Camden's Cabinet on 4 June 2025 asking it to refer the Plan to full Council to be 'made' (adopted).</p> <p>The Council's Constitution requires all of the Council's development plan documents (which includes Neighbourhood Plans) to be agreed by Cabinet, recommending them to full Council for approval where appropriate. The Local Government Act 2000 requires local plan documents to be adopted by full Council.</p> <p><b>Local Government Act 1972 – Access to Information</b></p> <p>No documents that require listing were used in the preparation of this report.</p> <p><b>Contact Officer:</b>  Andrew Triggs, Strategic Planning and Implementation, Supporting Communities,  5 Pancras Square, London N1C 4AG  Telephone: 0207 974 8988 Email: <a href="mailto:andrew.triggs@camden.gov.uk">andrew.triggs@camden.gov.uk</a></p>	

## **RECOMMENDATIONS**

That the Chief Planning Officer, following consultation with the Cabinet Member for Planning and a Sustainable Camden, agrees:

- (i) the Examiner's recommendations to make modifications to the Neighbourhood Plan as set out in the Council's Decision Statement (provided in Appendix 1);  
and
- (ii) that the Plan, as modified, proceeds to be considered by Cabinet and full Council for agreement and adoption.

Signed:



Brian O'Donnell  
Strategic Lead – Planning Policy and Implementation

Date: 19 May 2025

## 1. Purpose of the Report

- 1.1 The independent examination of the Hampstead Neighbourhood Plan 2025-2040 has taken place and the Independent Examiner's report has been issued to the Council. The Council now must make a decision whether to accept the Examiner's recommendations for modifications to the Plan. Prior to the Examination, two public consultations on the draft Plan were held in accordance with the Neighbourhood Planning Regulations 2012. The second of these consultations (on the 'submission draft' version of the Plan) was led by the Council and took place in August - October 2024.
- 1.2 The Council appointed Ms Jill Kingaby to carry out the independent examination of the Plan to advise whether it meets various legal requirements known as 'basic conditions'. The basic conditions are that a neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan for the area;
  - Be compatible with and not breach European Union (EU) obligations (under retained EU law); and
  - Meet prescribed conditions and comply with prescribed matters.

Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan - that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

- 1.3 The Examiner's role is to consider whether any changes or 'modifications' need to be made to the Plan to ensure it meets the basic conditions or legal requirements. If an examiner considers that substantial changes are needed to a neighbourhood plan, it is likely they will recommend its rejection, in which case the plan would need to be amended and taken through further public consultation and engagement.
- 1.4 The Examiner's Report has been published on the Council's [website](#). The Examiner recommends that the Council should 'make' the Plan (that is, formally adopt it), subject to proposed modifications set out in her report. The making of the Plan means it would become part of the statutory development plan for the neighbourhood area, superseding the first Hampstead Neighbourhood Plan adopted in 2018. It would then be used alongside the Council's own adopted planning policies in making decisions on planning applications in the area. The Examiner's report commends the Neighbourhood Forum for their time and efforts in reviewing the policies in the adopted Plan.
- 1.5 The regulations require councils to set out the actions they propose to take in response to all of the Examiner's recommendations. Officers have considered these recommendations and the Examiner's reasons for them and set out the Council's response in the 'Decision Statement' in Appendix 1. It is proposed that the Council accepts all of these recommendations.

- 1.6 Under the Council's scheme of delegation, all matters not reserved to Members are delegated to the relevant Executive Director. Executive Directors can, in turn, authorise others within their directorate to exercise powers delegated to them. In line with the current 'Authorisation scheme' for the Supporting Communities Directorate, a 'Decision Statement' is to be agreed by the Chief Planning Officer, following consultation with the Cabinet Member (unless the Council does not accept any of the Examiner's recommendations, in which case, it should be referred to the Cabinet Member for a Single Member Decision). This report is intended to meet these requirements.

## **2. Proposals and Reasons**

- 2.1 Neighbourhood Plans are statutory planning documents that can establish general planning policies for the development and use of land in a neighbourhood. Neighbourhood Plans must be prepared by a designated Neighbourhood Forum made up of members of the community, and once prepared, are subject to public consultation, independent examination and usually, a referendum. The Hampstead Neighbourhood Plan 2025-2040 is a review of the first Hampstead Neighbourhood Plan, adopted by Camden Council in 2018. It is also the first time that a forum in Camden has submitted a revised neighbourhood plan to the Council for examination.
- 2.2 The independent Examiner has reviewed the proposed changes to the Plan taking into account the written representations received during the 'submission draft' consultation from statutory bodies, local residents and other interested parties (see Section 5). These representations have been published on the Council's website. The Examiner decided not to hold a public hearing into the Plan.
- 2.3 The Council submitted a representation to the Examiner which incorporated comments from various Council services and included professional advice from the Council's independent advisor on basement developments (Campbell Reith). The majority of the Council's comments relate to how the clarity and flexibility of the Plan could be improved. The Examiner accepted the substantial majority of the Council's recommended changes.
- 2.4 The key findings / modifications suggested by the Examiner are as follows:
- The requirements in the draft revised Plan for Biodiversity Net Gain (BNG) for small/householder schemes could be onerous and would be contrary to national and local policy. She recommended references to 'enhancement' instead in place of a requirement for BNG across all development.
  - The Conservation and Listed Buildings policy should more closely align with national planning policies to avoid potential confusion.
  - The new Sustainable Development Policy has "substantive justification" but minor changes are recommended for clarity and updating. Similar to Biodiversity Net Gain, the Examiner considered

that expecting all new build development to meet net zero carbon could be onerous and should apply only to major schemes.

- Additional flexibility in the Clean and Considerate Construction Policy was recommended given that the planning system does not control construction timelines.
- Amendments recommended to ensure that the Basement Development policy is aligned with existing practice in Camden for Basement Impact Assessments and Basement Construction Plans.
- The need for Delivering and Servicing Management Plan (DSMPs) should be established through Transport Assessments in line with the Camden-wide approach.
- Triggers for Transport Assessments, DSMPs and Air Quality Assessments of 100 additional person trips a day are reasonable as this amounts to guidance rather than a specific requirement.
- Concerns raised by 'Save Our Street' about 'The vision for South End Green', principally regarding the re-positioning of bus stops/stands, relate to a separate consultation process for the 'South End Green Safe and Healthy Street' scheme and go beyond the remit of what a neighbourhood plan is able to manage.
- The Examiner supported the Forum's strengthening of policy involving the design of shopfronts but agreed with the Council that examples shown in photos of poor quality design should be removed (as they pre-date recent improvements to the signage on these buildings).
- The Well Walk Theatre should be added to the Plan's list of community facilities.
- The Plan's policies are unable to protect specific businesses.
- Concerns raised in a representation about Swain's Lane were not considered as the street lies outside of the Plan area.

2.5 As this updated Neighbourhood Plan is intended to replace a previously adopted Plan, the Examiner is also required to determine whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the plan (as per Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)). Where the nature of the plan has changed, a referendum of those living in the neighbourhood area on whether to support the Plan will be required. In reaching her view, the Examiner engaged both the Forum and Council and concluded that a referendum would not be necessary, in line with the Forum and Council's views on this matter.

2.6 The recommended modifications in the Examiner's report are not binding on the Council, which may choose to make a decision which differs from the

Examiner. However, this would require a further period of public consultation. Under Council's Scheme of Delegation, the decision to do this would involve referral of the matter to the Cabinet Member for Planning and a Sustainable Camden for approval as a Single Member Decision.

- 2.7 The draft 'Decision Statement' in Appendix 1 considers the Examiner's suggested changes to the Plan. It is considered that the recommended changes will enhance the Plan's effectiveness in decision making. Both the Council and Forum have been able to participate in the development of the Plan, the latter being engaged by the Examiner directly in the drafting of the recommended modifications.
- 2.8 It is notable that the Neighbourhood Forum has reached this stage in the neighbourhood planning process. Officers understand this is the first Neighbourhood Plan to be formally reviewed and updated in London. Camden currently has seven adopted Plans, with several active forums including Hampstead. The Hampstead Neighbourhood Forum was redesignated by the Cabinet Member for Planning and a Sustainable Camden last year and over the past decade has established a significant profile as a local stakeholder, particularly with regards to planning matters and through contributing to projects in their area.
- 2.9 The Hampstead Neighbourhood Plan 2025-2040 will help enable the delivery of 'We Make Camden' ambitions particularly around ensuring that neighbourhoods in Camden are green, clean, vibrant, accessible and sustainable. In the context of revised policies and legislation concerning climate change and biodiversity (especially the adoption of the current London Plan in 2021 and the emerging draft new Camden Local Plan), the Forum has sought to strengthen policy on environmental sustainability and biodiversity enhancement. The revised Plan also retains objectives around other local priorities such as maintaining vibrant and healthy centres, promoting alternatives to motor vehicle traffic and ensuring that the impacts of construction on residents and the local environment are well managed.

### **3. Options**

- 3.1 Under the Neighbourhood Planning Regulations, the Council is required to publish a 'Decision Statement' setting out its decision in response to all the recommendations made by the Examiner. Officers have considered the Examiner's report: many of the recommendations respond to comments raised by the Council in its representation to the Examiner. In particular, the changes reflect the need for the Council to seek mitigations from development that are commensurate with the scale and impact, and the importance of using established methodologies such as Basement Impact Assessments in a consistent way throughout the Borough. It is therefore considered that the most appropriate option is for the Council to formally agree to the Examiner's recommended changes as these help to improve the clarity and effectiveness of the Neighbourhood Plan. As the modifications would help to improve the clarity and effectiveness of the Neighbourhood Plan, not accepting them is not considered to be a reasonable option.

- 3.2 The Council also concurs with the Examiner that no referendum is necessary (The Council's full opinion on this matter was set out in the 'LB Camden Regulation 17 statement' provided to the Examiner and published as part of the 'Examination documents' on the Council's [website](#).) Holding a referendum is not considered to be the most appropriate option as the scale of the changes being proposed to the Plan are consistent with the overall vision for the area set out in the adopted Neighbourhood Plan 2018. Further, the Forum has engaged with the local community in preparing the revised Plan, which helped to identify what changes should be made to the 2018 document.
- 3.3 The draft Decision Statement set out in Appendix 1 proposes a response to each of the Examiner's recommendations and indicates that, with these modifications made, the Plan should proceed to Camden's Cabinet, who will be asked to refer the Plan to full Council to formally make the Plan.
- 3.4 Officers are satisfied that the Plan, as modified in light of the Examiner's recommendations, meets the basic conditions and all other statutory requirements have been met.

#### **4. What the Key Impacts and Risks of the Intended Options Are and How They Will Be Addressed**

- 4.1 The Neighbourhood Plan was prepared by the Neighbourhood Forum, with the support and advice of Council officers. This has helped to identify issues of conformity between the neighbourhood plan and the Council's adopted Local Plan and Draft New Local Plan from an early stage in the plan making process. The Council also submitted a representation to the Examiner highlighting any outstanding areas of concern. The changes made throughout the plan making process and Examiner's recommendations for further changes to the Plan will help ensure the Neighbourhood Plan can be applied effectively in decision making and support strategic policies for the borough set out in the adopted Camden Local Plan.
- 4.2 The draft Neighbourhood Plan was assessed through an independent 'Health Check' prior to its submission to the Council for examination. This allowed any substantive issues concerning the Plan's ability to meet the 'Basic Conditions' to be identified and addressed by the Neighbourhood Forum.
- 4.3 A Strategic Environmental Assessment (SEA) screening opinion was carried out as part of the preparation of the Neighbourhood Plan. The Council was satisfied that the Plan's draft policies were unlikely to give rise to significant effects and an SEA was not required. A screening opinion was also undertaken for Habitats Regulations Assessment which concluded the Plan was unlikely to adversely affect any European protected sites.
- 4.4 Council officers also prepared an Equalities Impact Assessment (EqIA) of the Neighbourhood Plan's draft policies, which identified no negative equalities outcomes of the revised Plan's policies. The EqIA was shared with the Neighbourhood Forum. This allowed for policies to be amended in line with the recommendations of that report as necessary.

- 4.5 The Examiner's recommended modifications and the Council's response are not considered to produce significant changes to the overall policy and strategy of the Neighbourhood Plan and therefore an SEA is not required. It is also considered that the proposed modifications do not raise any substantial issues in relation to habitats.
- 4.6 Accepting the Examiner's recommendations is not considered to raise any significant risks / impacts because the Neighbourhood Plan has been developed in the way outlined above, with external review of the Plan by both a Health Check 'reporter' and the Independent Examiner.

## **5. Timetable for Implementation and Next Steps**

- 5.1 An 'Adoption version' of the Plan, incorporating the Examiner's recommendations, is being prepared by the Neighbourhood Forum, for reporting to Cabinet and Council.
- 5.2 The report to Cabinet is to be taken to be the meeting of 4 June 2025. Cabinet will be asked to refer the Plan to the Council meeting scheduled for 21 July 2025.

## **6. Consultation/Engagement**

- 6.1 Consultation on the Plan has been undertaken in accordance with the statutory requirements. As part of the Plan's submission to the Council for examination, the Neighbourhood Forum prepared a 'Consultation Statement'. This explains who was consulted and the methods used by the Forum to draw the emerging Plan to the attention of people living and working or with an interest in the area. The Forum led consultation on an initial full draft plan in early 2024 (to meet the requirements under the Regulations).
- 6.2 Following the Plan's submission to the Council, the Council undertook an eight week publicity period ('submission draft' consultation) from 12 August to 8 October 2024 in line with statutory requirements. The Council notified all contacts on its planning policy database and publicised the consultation through the local press (Camden New Journal and Ham & High) and displayed site notices in the neighbourhood area providing information about the consultation.
- 6.3 The Cabinet Member for Planning and a Sustainable Camden has been notified regarding the findings of the Examiner's report and been provided with a draft of this report. The Cabinet Member has indicated his agreement to the changes being made to the Neighbourhood Plan.

## **7. Legal Implications**

- 7.1 Legal comments have been incorporated into this report.



## **8. Resource Implications**

- 8.1 The report seeks the approval of the Decision Statement setting out the Examiner's proposed changes to the Neighbourhood Plan. This enables the Plan to proceed to Cabinet and full Council for consideration.
- 8.2 The costs of preparing and examining the Plan are funded by the Ministry of Housing, Communities and Local Government.

## **9. Environmental Implications**

- 9.1 The draft vision of Hampstead Neighbourhood Plan 2025-2040 includes "protecting the distinct character of buildings and open spaces, the Heath, healthy living, community spirit and the local economy, while also increasing sustainability, mitigating climate change and enhancing the natural environment." Aims of the Plan include "promoting sustainability and energy efficiency, in order both to mitigate and adapt to the climate emergency" and "be enduringly green, with the Heath, open spaces, trees and landscapes well protected". Further it aims for Hampstead to be "safe and walkable, with good public transport and alternatives to the use of cars".
- 9.2 Policies in the Neighbourhood Plan demonstrably contribute towards the achievement of sustainable development (one of the Basic Conditions tested at examination). The revised Plan incorporates a new sustainable development policy which sets out the expectations around the energy and resource consumption of new development. The Plan also strengthens policies relating to the natural environment and biodiversity.

## **10. Appendices**

Appendix 1 - Decision Statement: Hampstead Neighbourhood Plan 2025-2040

**REPORT ENDS**