

LONDON BOROUGH OF CAMDEN	WARDS: Fortune Green and West Hampstead
REPORT TITLE Fortune Green and West Hampstead Neighbourhood Plan Adoption (CENV/2015/26)	
REPORT OF Cabinet Member for Regeneration, Transport and Planning	
FOR SUBMISSION TO Cabinet Council	DATE: 9 September 2015 16 September 2015
SUMMARY OF REPORT Following the referendum result, the Fortune Green and West Hampstead Neighbourhood Plan is to be ‘made’ (that is, adopted) by the Council in line with statutory requirements. Under the relevant regulations, councils must adopt neighbourhood plan as soon as is reasonably practicable after a successful referendum is held. The plan will then be used by the Council alongside its own documents to decide planning applications in the neighbourhood plan area. The Plan has been prepared by the Fortune Green and West Hampstead Neighbourhood Forum and will be Camden’s first Neighbourhood Plan. The Council’s work in neighbourhood planning plays a role in meeting the Camden Plan objectives of providing democratic and strategic leadership fit for changing times; creating conditions for growth and investing in our communities to ensure sustainable neighbourhoods. The Camden Plan makes specific reference to “supporting neighbourhood plans which harness the energy of the community to shape growth in their areas”. Local Government Act 1972 - Access to Information There are no documents used in the preparation of this report that are required to be listed. Contact Officer: Kate Goodman, Strategic Planning and Implementation Team - tel: 020 7974 2295; kate.goodman@camden.gov.uk	
WHAT DECISIONS ARE BEING ASKED FOR? A) That Cabinet agree to adopt the Fortune Green and West Hampstead Neighbourhood Plan (as set out in Appendix 1) and refer it to Council for formal resolution; B) That the Council resolve to adopt the Fortune Green and West Hampstead Neighbourhood Plan as part of the Council’s development plan for the neighbourhood area.	

Signed:



Director of Culture and Environment

Date: 17th August 2015

1. WHAT IS THIS REPORT ABOUT?

- 1.1 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. Neighbourhood Plans must be prepared by the community in the form of designated Neighbourhood Forums, and once prepared, are subject to public consultation, independent examination and a referendum
- 1.2 The Fortune Green and West Hampstead Neighbourhood Forum and area were approved in May 2013. Following public consultation their draft Neighbourhood Plan underwent an independent examination in December 2014. In April 2015, following the Council's response to the Examiner's recommendations, the Decision Statement (which set out the recommendations for changes to be made to the plan) was published and the Council agreed, by single member decision, that the Plan proceed to a referendum
- 1.3 A referendum was held on 9th July, asking those who live in the neighbourhood plan area if they would like the Council to use the neighbourhood plan when making decisions on planning applications in the area. This report details the outcome of the referendum and recommends adoption of the neighbourhood plan.

2. WHY IS THIS REPORT NECESSARY?

- 2.1 Section 38A(4) of the Planning and Compulsory Purchase Act 2004 provides that if more than half of those voting in a neighbourhood planning referendum have voted in favour of the plan, then a local planning authority must 'make' (i.e. adopt) the plan as soon as reasonably practicable after the referendum is held. Once adopted the neighbourhood plan becomes part of the development plan for the area covered by the neighbourhood plan, which means that it will be used by the Council, alongside its own documents to decide planning applications in the neighbourhood plan area.
- 2.2. The referendum was held in the Fortune Green and West Hampstead Neighbourhood Area on Thursday 9 July 2015 and posed the question: 'Do you want London Borough of Camden to use the neighbourhood plan for Fortune Green and West Hampstead to help it decide its planning applications in the Neighbourhood Area?'
- 2.3. More than 50% of those who voted were in favour of the 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	2344	93.08
NO	174	6.91
TURNOUT	2518	

- 2.4 Camden's constitution requires all of the Council's strategic planning policy documents to be agreed by Cabinet and the Local Government Act 2000 requires local plan documents to be adopted by full Council

3. OPTIONS

- 3.1 Given the outcome of the referendum section 38A of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' (that is adopt) the neighbourhood plan. The Council are only not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 3.2. The Council is satisfied that the making of the Fortune Green and West Hampstead 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).

4. WHAT ARE THE REASONS FOR THE RECOMMENDED DECISIONS?

- 4.1 The outcome of the referendum was positive, and therefore the Council are required to adopt the Plan. The plan has been developed by the local community and will allow them to influence development in their area. The plan has community support as shown by the referendum.

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

- 5.1 The key impact is that the Neighbourhood Plan will become part of the statutory development plan for the designated FGWH area and will be used alongside the Councils planning policies to make decisions on planning applications.
- 5.2 A neighbourhood plan sets out a community's plans for the area though it is required to be in general conformity with the strategic plans for the area. The Neighbourhood Plan was prepared by the Forum, with support and input from Council officers. The Neighbourhood Plan itself sets out a vision and clear objectives for the area. The neighbourhood plan includes a wide range of planning policies, relating to matters of design, housing, transport, open space, local green space designations and community facilities matters together with setting out community aspirations for key sites in the area including the West Hampstead Growth Area.
- 5.3 A benefit of this process is that the community has engaged with planning and have gained a greater understanding of the processes involved. The Plan will help achieve their priorities in new developments and provide clear guidance for developers in the area of the communities expectations. The Forum will continue to monitor the application of the policies and be involved in planning discussions in the area.
- 5.4 The Council agreed a number of modifications to the plan following the Examination to ensure that the plan accorded with the overall strategic objectives of the Camden's existing planning policy documents (Core strategy and Development Policies) together with the London Plan.
- 5.5 Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it

contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. No areas of major conflict have been identified.

- 5.6 An Equalities Impact Assessment (EqIA) of the Plan has been undertaken and no significant negative impacts identified

6. WHAT ACTIONS WILL BE TAKEN AND WHEN FOLLOWING THE DECISION AND HOW WILL THIS BE MONITORED?

- 6.1 As soon as reasonably practicable after a neighbourhood plan is adopted, the Council must publish the adopted plan together with an 'adoption statement' which sets out details of where and when the plan can be viewed and send a copy to the Secretary for State for Communities and Local Government.

- 6.2 Once the plan is adopted, it will be used to assess planning applications and guide planning decisions within the Fortune Green and West Hampstead Neighbourhood Plan area. The Council's Annual Monitoring report provides regular assessment of how planning policies and decisions perform against the monitoring indicators.

7. LINKS TO THE CAMDEN PLAN OBJECTIVES

- 7.1 The Council's work in neighbourhood planning plays a role in meeting the Camden Plan objectives of providing democratic and strategic leadership fit for changing times; creating conditions for growth and investing in our communities to ensure sustainable neighbourhoods, by supporting neighbourhood plans which harness the energy of their community to shape growth in their area.

- 7.2 The process of drawing up the neighbourhood planning has empowered neighbourhoods to set out their aspirations and goals and to help direct and influence change in their area. It has drawn the community together, building links and relationships, as well as increasing their knowledge of planning issues. This contributes to strengthening community resilience in the area.

8. CONSULTATION

- 8.1 The Fortune Green and West Hampstead (FGWH) Forum were approved and the FGWH neighbourhood area designated in May 2013 after a six-week consultation period, granting them the right to produce their own neighbourhood plan.

- 8.2. The FGWH Forum consulted the local community on their draft neighbourhood plan between 9th January and 28 February 2014. Responses and comments including the Council's comments were taken on board and changes were made to the plan.

- 8.3. The forum prepared and submitted their neighbourhood plan to the Council. This was publicised for six weeks, until 31 October 2014, alongside a number of supporting documents, and representations were invited. A public examination was held including a public hearing in December 2014 and noticed issued informing people of the hearing.

- 8.4 A referendum on the plan was held on 9 July 2015. The turnout was 14%, of which 93.08% were in favour of the plan.

9. LEGAL IMPLICATIONS (comments from the Borough Solicitor)

- 9.1 The making of neighbourhood plan (“NP”) is provided for under the Town and Country Planning Act 1990 (sections 61E – 61O (inserted by Localism Act 2011)); the Planning and Compulsory Purchase Act 2004 with more detailed provisions set out in the Neighbourhood Planning (General) Regulations 2012.
- 9.2 If a referendum results in more than half those who voted, having voted in favour of the proposal the Council must make the NP as soon as reasonably practicable unless the Council considers that do so would breach any European obligation or human rights legislation (s38A(4) & (6), P&CP Act 2004). Once made (or adopted) by the Council, the NP becomes part of the Council’s statutory development plan (for the relevant designated neighbourhood area) and where regard is to be had to the development plan in determining planning proposals, the determination must be made in accordance with the development plan unless material considerations indicate otherwise development (s38(6), P&CP Act 200).
- 9.3 In addition to the above, the Borough Solicitor’s comments are included with the text of the report.

10. RESOURCE IMPLICATIONS (comments from the Director of Finance)

- 10.1 Neighbourhood planning legislation imposes a number of costs on councils. In addition to the staff costs, there are costs for consultation on forum and area applications, consultation costs, examination and costs of the referendums. The government offers financial support for neighbourhood planning work at the key stages identified above, this is currently £35,000 per plan.
- 10.2 Given the complexity of the FGWH neighbourhood plan at the examination stage, which included a full days public hearing, and being the first neighbourhood planning referendum in Camden, the total expenditure on the production of the plan is in the region of £38,000 (excluding staffing costs).
- 10.3 The shortfall can be accommodated within existing budgets for this financial year given the overall grant money received to date. It is anticipated that clear lessons can be learnt from this process on how to manage costs at the examination stage in particular and the resourcing costs and anticipated grant funding will be kept under review. All neighbourhood plans costs are also not expected to be as high as not all neighbourhood plans will need full day public hearings, or have such large numbers of voters at the referendum stage.

11. APPENDICES

- Appendix 1 – Neighbourhood Plan
- Appendix 2 – Equalities Impact Assessment

REPORT ENDS