

APPENDIX 2

Redington Frognal Neighbourhood Plan

Decision Statement

1. Summary

- 1.1 Following an independent examination of the Plan, Camden Council recommends that the Redington Frognal Neighbourhood Plan proceeds to referendum subject to the modifications set out in Table 1 of this statement.
- 1.2 The Council concur with the Examiner's recommendation that the referendum area for the Redington Frognal Neighbourhood Plan (as modified) should be the approved Neighbourhood Area (as designated by Camden Council).
- 1.3 The Decision Statement, Examiner's Report and other documents can be inspected on the Council's website at www.camden.gov.uk/neighbourhoodplanning.
- 1.4 The Neighbourhood Plan is to be given significant weight when the Council makes decisions on planning applications in the neighbourhood area and will be used alongside the Camden Local Plan and London Plan. On being approved at referendum the Plan becomes part of the statutory development plan for the area gaining full weight in decisions.

2. Background

- 2.1 On 5th September 2014 Redington Frognal Neighbourhood Forum was approved as the qualifying body for the area and the boundary of the Neighbourhood Area was designated by the Council, in accordance with Section 61G of the Town & Country Planning Act 1990.
- 2.2 The Forum was redesignated for a further five year period on 25th October 2019. The area is located to the north of the borough between Fortune Green and the centre of Hampstead.
- 2.3 The Neighbourhood Plan was published by the Redington Frognal Neighbourhood Forum for Regulation 14 pre-submission consultation in June - August 2019 (an initial Regulation 14 consultation was also held at the start of 2019).
- 2.4 Following the submission of the Redington Frognal Neighbourhood Plan to the Council in May 2020, the Plan was publicised and comments invited from the public and stakeholders from 29th June – 7th September 2020.
- 2.5 Camden Council, in consultation with the Redington Frognal Neighbourhood Forum, appointed an independent examiner, Mr Tony Burton, to review whether the Plan met the basic conditions required by legislation and other legal requirements and should proceed to referendum. The Examiner considered that a public hearing into the Plan was not required.
- 2.6 The Examiner's report concludes that, subject to making recommended modifications, the Plan meets the basic conditions set out in legislation and should proceed to a local referendum. The Examiner's report recommends that the area for the referendum should be the Neighbourhood Plan Area.

3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 require a council to outline how it intends to respond to the recommendations of an examiner.
- 3.2 Having considered each of the recommendations made in the Examiner's report, and the reasons for them, the Council has decided to make the modifications to the draft Plan set out in Table 1 of this Decision Statement in line with the Examiner's recommendations. These changes are considered to be necessary to ensure that the draft Plan meets the basic conditions and legal requirements.
- 3.3 The modifications set in Table 1 produce no significant changes to the policy approach and strategy of the Neighbourhood Plan overall. Therefore a further Strategic Environmental Assessment or Habitats Regulations Assessment is not required. Camden Council has undertaken an Equalities Impact Assessment of a draft version of the Plan.
- 3.4 Camden Council agrees:
- A) That the recommendations of the Examiner and the subsequent amendments proposed as set out in Table 1 be accepted.
- B) That the Examiner's recommendation that the Redington Frogna! Neighbourhood Plan, as modified, proceed to referendum on the basis that the Plan meets the basic conditions, is compatible with the European Convention on Human Rights, complies with the statutory definition of a neighbourhood development plan and comprises provisions that can be made by such a document.
- C) That, in accordance with the Examiner's recommendation, the referendum area be the Neighbourhood Area as designated by the Council on 5th September 2014.
- 3.5 Accordingly I confirm that the draft Redington Frogna! Neighbourhood Plan as modified:
- i. Meets the basic conditions set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990;*
- ii. Is not considered to breach or otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998); and*
- iii. Complies with the provisions made by or under 38A and 38B of the Planning and Compulsory Purchase Act 2004.*

Signed

David Burns, Director of Economy, Regeneration and Investment

Date 31st March 2021

Table 1: Examiner's recommendations and Camden Council's response

No	Policy / text in the Neighbourhood Plan submission draft	Examiner's report para.	Examiner's recommended modifications New text shown as <u>underlined</u>	Camden Council's response and reasons for change
OM1	Page 7	19	End of second paragraph in 1.1.: <u>and the Forum was re-designated on 25th October 2019</u>	Agree to modification, which is a factual clarification.
OM2	Page 7	21	Provide a suitable high resolution map which depicts the boundary of the neighbourhood area and Redington Froggnal Conservation Area at an appropriate scale and number the map – e.g. Map/Figure 1	Agree to modification, so that readers of the Plan are fully aware of designated neighbourhood area and conservation area boundaries.
OM3	Page 8	23	Confirm the start of the Plan on the front cover	Agree to modification, so that readers of the Plan are aware of the Plan period.
M1	Page 11	35	Retitle Section 2.0 as "Vision and Objectives" and include the Plan's stated Vision and its six Objectives [not Aims]	Agree to modification, which will ensure the Plan includes the Forum's vision for the area
OM4	Page 11	35	Replace "as Centre" with " <u>a Ccentre</u> " in the fifth Aim/Objective	Agree to modification, to correct an error
OM5	Page 12	35	Amend the Forum website to be consistent in the wording and description of the Vision and Objectives	This action does not apply to Camden Council
OM6	Page 12	37	Update the reference to "6.3 Design Guidance for Possible Redevelopment Opportunities" at the end of the third paragraph of Section 5.0	Agree to modification, which is a factual clarification.

OM7	Page 13	39	Number each map (e.g. Figure 1 or Map 1) and reference them in policies as appropriate	Agree to modification, which will make the document easier to understand and use
OM8	Page 13	40	Amend Contents page: 4.14 APPLICATION is on page 30 BG14 LOCAL GREEN SPACES [Heading] is on page 36 BG14 LOCAL GREEN SPACES [Policy] is on page 38 4.20 APPLICATION is on page 47 4.27.2 GARDEN VIABILITY is on page 55 5.1 DESIGN GUIDANCE FOR POSSIBLE REDEVELOPMENT OPPORTUNITIES SITES is on page 64 6.0 – the headings for 6.1, 6.3 and 6.4 in the Contents and on page 78 are not the same as those used on pages 79, 106 and 119 Section 6.0 is an Annex not a list of Key Documents	Agree to modification, which will make the document easier to understand and use
OM9	Page 13	41	Review and amend the Plan's footnotes to address errors and omissions	Agree to modification, which will make the document easier to understand and use
OM10	Page 14	42	Address Camden Council's suggestions for amendments to Sections 1.2, 2.1, 4.1, 4.10, 4.13 (three instances), 4.16 and 5.0	Agree to modification, to address factual updates and make minor amendments
M2	Page 20	72	<ul style="list-style-type: none"> ○ Replace “of the following” with “<u>of all of the following, as appropriate</u>” in the second line ○ Replace “must” with “<u>should</u>” in all instances ○ Replace “must have no adverse impact” with “<u>should avoid adverse impacts</u>” in section i ○ Replace “an adverse” with “<u>a significant adverse</u>” in section ii ○ Replace “must be in accordance Policies SD2 to SD5, and” with “<u>should</u>” in section v ○ Replace section vi with: “<u>Front garden boundary walls and hedges which contribute to the character and appearance of the area should be preserved or reinstated</u>”. ○ Move the second paragraph to the supporting text 	Agree to modification which removes wording which is unduly restrictive and provides replacement text to ensure proposals affecting walls/hedges can be managed effectively

			<ul style="list-style-type: none"> ○ Rationalise the use of footnotes to those which are directly relevant 	
M3	Page 22	79	<p>Amend the supporting text in paragraph 4.4 to:</p> <ul style="list-style-type: none"> ○ Delete “or neutral” in the paragraph ○ Replace the second bullet with “<u>included in the Local List</u>” ○ Insert “<u>otherwise</u>” at the beginning of the third bullet in the third paragraph 	Agree to modification, which will ensure the Plan is effective in protecting heritage assets
M4	Page 22	79	Delete Section 6.1 or replace it to provide an inventory of “Designated and non-designated heritage assets” in the neighbourhood area comprising listed buildings and non-designated heritage assets in the Local List and the buildings and groups of buildings listed on page 26 of the 2003 Conservation Area Statement as making a positive contribution	Agree to modification, which will ensure the Plan is effective in protecting heritage assets
M5	Page 23	84	<p>Retitle and amend Policy SD3 to: <u>“ELECTRIC VEHICLE CHARGING POINTS</u> <u>The provision of charging points for electric vehicles for proposed and existing parking places is encouraged”</u></p>	Agree to modification, which removes the car-free element of this policy, leaving this matter to be addressed by Policy T2 of the Camden Local Plan
M6	Page 23	84	Make consequential changes to the supporting text in Policy SD3	Agree to modification, which removes the car-free element of this policy, leaving this matter to be addressed by Policy T2 of the Camden Local Plan
M7	Page 25	93	<p>Amend Policy SD4 to:</p> <ul style="list-style-type: none"> ○ Delete “Sustainable development and” from the title ○ Add “<u>consideration of all of the following, as appropriate</u>” after “includes” in the second line ○ Replace “must” with “<u>should</u>” in all instances ○ Replace “reflect” with “<u>complement</u>” in section I ○ Delete “will be considered” in section ii and insert “<u>may be appropriate</u>” at the end of this section ○ Delete “native” in section viii 	Agree to the modification, which will ensure the policy is suitably flexible and effective in decision making

M8	Page 25	93	Replace “policy” in the fourth paragraph of Section 4.8 with <u>“guidance in Section 6.3”</u>	Agree to the modification, which is a factual update
M9	Page 25	93	Delete the fifth paragraph of 4.8 concerning light and shading	Agree to the modification, which will ensure the policy is suitably flexible and effective in decision making
M10	Page 26	98	Amend Policy SD5 to: <ul style="list-style-type: none"> ○ Replace “must” with <u>“should”</u> in all instances ○ Replace “the following requirements” with <u>“consideration of all of the following, as appropriate”</u> in the second and third lines 	Agree to the modification, which will ensure the policy is suitably flexible and effective in decision making
M11	Page 27	104	Amend Policy SD6 to <ul style="list-style-type: none"> ○ Insert <u>“which contribute positively to the character and appearance of the area”</u> after “porches” ○ Replace “must” with <u>“should”</u> ○ Delete “etc.” ○ Delete “I” 	Agree to the modification, which will ensure the policy is suitably flexible and effective in decision making
M12	Page 27	104	Replace “Conservation Area” with <u>“neighbourhood area”</u> in Section 4.12	Agree to modification, which is to ensure consistency between the policy and supporting text
M13	Page 28	111	Amend Policy BG1 to: <ul style="list-style-type: none"> ○ Delete “Rear” in Policy title [and Section heading] ○ Insert <u>“consideration of all of the following, as appropriate”</u> after “includes” in the second line ○ End each section with a full stop ○ Replace “must” with <u>“should”</u> in all instances ○ Delete “native” in section i ○ Delete the last sentence of section i. and insert a new section as follows <u>“achieving an urban greening score in excess of the London Plan target”</u> ○ Delete “front” in section iv [and in first paragraph of Section 4.14] ○ Delete “is encouraged” in section vi 	Agree to the modification, which will ensure the policy is suitably flexible and effective in decision making

M14	Page 28	111	Add a reference to the London Plan (Intend to Publish) Policy G5 and approach to urban greening to the supporting text and evidence base	Agree to modification, which is to ensure consistency between the policy and supporting text
OM11	Page 28	111	Reinstate the missing footnotes	Agree to modification, which is for clarity
M15	Page 29	117	Amend Policy BGI2 to: <ul style="list-style-type: none"> ○ Replace “must” with “<u>should</u>” in Section I and “will” with “<u>should</u>” in Section iii ○ Add “<u>unless it can be demonstrated to the Council’s satisfaction that replacement planting is not appropriate</u>” ○ Replace the second “ii” with “<u>iii</u>” ○ Insert “<u>is</u>” before “proven” in line 6 of Section v ○ Move the “Note” to the supporting text 	Agree to the modification, which will ensure the policy is suitably flexible and effective in decision making
OM12	Page 29	117	Add the standing advice on “Ancient woodland, ancient trees and veteran trees: protecting them from development” from Forestry Commission and Natural England and “British Standard 5837” to the evidence base	Agree to modification, which is for clarity
M16	Page 30	121	Amend Policy BGI3 to: <ul style="list-style-type: none"> ○ Replace “must” with “<u>should</u>” in the first line ○ Add “<u>or local amenity</u>” at end of the first sentence ○ Replace “the avoidance of” with “<u>avoiding</u>” in Section ii ○ Add “<u>and</u>” at end of Section iii and replace “;” with “<u>.</u>” at end of Section iv 	Agree to the modification, which will ensure the policy is suitably flexible and effective in decision making
M17	Page 33	127	Amend Policy BGI4 to delete “LGS6 Copse to rear of 17 Frognaal” [and make consequential changes to the supporting text and maps]	Agree to the modification, which means the Copse to the rear of 17 Frognaal will not be designated as ‘Local Green Space’
M18	Page 33	127	Amend the Local Green Space maps to: <ul style="list-style-type: none"> ○ Provide labels for the collective map and each of the individual maps 	Agree to modification, which will ensure that the extent of the individual local green space designations is more clearly shown

			<ul style="list-style-type: none"> ○ Show the neighbourhood area boundary on the collective map and delete the Conservation Area boundary ○ Include diagonal shading on the map for LGS2 Frognal Lane Gardens ○ Amend the collective and individual map to show only the small area of green space proposed for designation at Studholme Court (LGS4) with diagonal shading consistent with the other designations and remove references to mauve shading ○ Remove the yellow shading on the map for LGS7 Hampstead Manor Gardens 	
M19	Page 34	132	Retitle Policy CF1 as " <u>COMMUNITY FACILITIES</u> "	Agree to modification, which is for clarity
M20	Page 34	132	<p>Amend Policy CF1 as follows:</p> <ul style="list-style-type: none"> ○ Insert "<u>land or buildings used for</u>" before "community" in the first line ○ Insert "<u>in use class E</u>" after "facilities" in the first line ○ Delete "including facilities to support home working" ○ Insert "<u>or</u>" at end of section i ○ Insert "<u>and</u>" at end of section ii ○ Insert "<u>in use class E</u>" after "facilities" in the second paragraph ○ Delete the third paragraph 	Agree to modification, which is for clarity and to reflect changes made to the Use Classes Order
M21	Page 35	132	Update the supporting text to address the changed Use Classes Order and the new title	Agree to modification, which is to ensure consistency between the policy and supporting text
OM13	Page 35	135	Replace the numbered priorities with bullets	Agree to modification, which is for clarity
M22	Page 36	141	<p>Amend Policy FR to:</p> <ul style="list-style-type: none"> ○ Replace the first sentence with "<u>Traditional shopfronts at 166 to 200A and the ground floor units at 1-6 Palace Court, 250 Finchley Road (Map?) should be retained</u>" 	Agree to the modification, which will ensure the policy is suitably flexible and effective in decision making

			<p><u>and relevant development proposals should address the following:</u></p> <ul style="list-style-type: none"> ○ Insert “<u>or Edwardian</u>” before “frontages” in Section ii ○ Replace “alternatives” with “<u>alternative uses</u>” in the final Section ○ Replace “must” with “<u>should</u>” in all instances ○ Delete Section iv ○ Renumber the Sections so they are sequential 	
OM14	Page 37	141	Provide details of relevant documents comprising the supporting evidence for the Policy	Agree to modification, which is for clarity
M23	Page 38	149	<p>Amend Policy UD1 to</p> <ul style="list-style-type: none"> ○ Insert “<u>significant</u>” before “adverse” in the second line ○ Replace “<u>must</u>” with “should” in all instances [including Section 4.28] ○ Delete the second sentence in Section iv ○ Insert “<u>and</u>” at end of Section iv and “<u>.</u>” at end of Section v ○ Delete “viii” and insert a second unnumbered Policy limb after Section v. “<u>Development proposals that include new water features to manage drainage, including the daylighting of underground rivers, will be encouraged</u>”. ○ Insert a third numbered Policy limb “<u>Development proposals should be accompanied by sufficient information to allow proper assessment of impacts, including demonstrating how they:</u> <ul style="list-style-type: none"> i. <u>will not cause cumulative erosion of garden space; and</u> ii. <u>will not contribute to localised groundwater flooding</u>”. ○ Delete sections vi to vii and the final paragraph 	Agree to the modification, which will ensure the policy is suitably flexible and effective in decision making
M24	Page 39	149	<p>In Section 4.28 of the supporting text:</p> <ul style="list-style-type: none"> ○ Replace “must” with “<u>should</u>” in all instances ○ Amalgamate paragraphs 4 and 5 as proposed by Camden Council and delete paragraph 10 in 4.28.1 	Agree to modification, which is to ensure consistency between the policy and supporting text

			<ul style="list-style-type: none"> ○ Amend paragraph 5 as proposed by Camden Council in 4.28.2 ○ Delete the duplicating text in 4.28.3 ii.c) ○ Amend paragraph 4.28.3 as proposed by Camden Council 	
OM15	Page 39	149	Add "1" after "UD" in Section 4.28.2	Agree to modification, which is for clarity
OM16	Page 39	154	Insert " <u>involving these activities</u> " after "collections" in Policy UD2 ii	Agree to modification, which is for clarity
OM17	Page 39	154	Change title of Section from "Underground development" to " <u>Development impact</u> " and replace UD with DI policies	Agree to modification, which is for clarity
M25	Page 40	158	Amend KR to: <ul style="list-style-type: none"> ○ Begin Section i with "<u>Development proposals affecting Kidderpore Reservoir (Figure ?) should</u>" before "have" ○ Replace "its" with "<u>the</u>" in Section i ○ Insert "<u>and should respect the adjacent land designated as Local Green Space</u>" at the end of Section i 	Agree the modification, which will ensure that the extent of the Kidderpore Reservoir is made clearer
M26	Page 40	158	Amend the Kidderpore Reservoir Site Plan to amend the boundary of the site to the land west of the blue line and number the plan	Agree the modification, which will ensure that the extent of the Kidderpore Reservoir is made clearer
OM18	Page 41	158	Include reference in the supporting text to the heritage significance of Kidderpore Reservoir being recognised by its inclusion in the Local List	Agree to modification, which is for clarity
OM19	Page 41	158	Insert " <u>Natural</u> " after "Accessible" in the second line of the third paragraph of Section 4.31 and at the end of the first paragraph of 4.32	Agree to modification, which is to correct an error