

INDEPENDENT EXAMINATION OF THE HAMPSTEAD NEIGHBOURHOOD PLAN

MODIFICATION PROPOSAL

EXAMINER: Jill Kingaby BSc (Econ) MSc MRTPI

Alex Nicoll
Chair - Hampstead Neighbourhood Forum

Janine Griffis
Hampstead Neighbourhood Forum

Andrew Triggs
Camden Council

Examination Ref: 01/JK/HNP

Via email

13 January 2025

Dear Mr Nicoll, Ms Griffis and Mr Triggs

Following the submission for examination of the modification proposal to the Hampstead Neighbourhood Plan, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for Camden Council and Hampstead Neighbourhood Forum (HNF/the Forum) to which I would like to receive a written response(s) by **Friday 31 January 2025**, if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the submission documents for the modification proposal, including the draft Plan (as proposed to be modified); the Basic Conditions and Consultation Statements; the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinions; the Regulation 16 representations; and a statement from the HNF in relation to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why.

2. Determination under Paragraph 10(1) of Schedule A2

I am required to determine whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

The HNF is of the opinion that the changes to the original plan are not so significant or substantial as to change the nature of the Plan (Modification Statement Conclusion). This is because the changes have been made to ensure conformity with London and Camden policy positions, including the draft Camden Local Plan and to take account of the updates to the National Planning Policy Framework (NPPF) that have followed since the Plan was made.¹

¹ Up to the **December 2023** version of the NPPF. A revised NPPF was published on 12 December 2024 which includes transitional arrangements for neighbourhood plans. Paragraph 239 of the December 2024 NPPF advises that its policies will only apply to the examination of neighbourhood plans submitted after 12 March 2025. Therefore, the revised policies of the December 2024 NPPF will not be considered for the purposes of the examination of this modification proposal.

Camden Council has not provided a modifications statement (in accordance with Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended)). Accordingly, I am requesting compliance in question 1 below (see Annex).

Some responses to the Regulation 16 consultation raise issues with individual policies and proposed changes, but there is no indication in any of the submissions that the modifications are so significant or substantial as to change the nature of the plan.

Having assessed all the written documents submitted, including the representations and relevant statement, and subject to receipt of a response from Camden Council to my first question, I am content that the modifications proposed in the draft Plan are material but do not change the nature of the made Plan.

Therefore, provisionally, the examination can proceed under the terms of Schedule A2 and, as a consequence, should I recommend that the draft Plan be made (with or without examiner modifications), a referendum stage will not be a necessary part of the statutory process.

3. Site Visit

I intend to undertake a site visit to the neighbourhood plan area once I have received responses to the questions contained in the Annex to this letter (and subject to receipt of the Regulation 17(e)(ii) statement from Camden Council). The responses to the questions will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the draft Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

4. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should I consider there are exceptional reasons for doing so.

5. Further Clarification

I have 4 initial questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide written responses by **Friday 31 January 2025**.

6. Examination Timetable

As you will be aware, the intention is to examine the draft Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6-8 weeks of submission of the draft Plan.

In view of the Christmas and New Year break, the need for responses to the questions I have raised, and the requirement of Camden Council to forward a Regulation 17(e)(ii) statement, the examination timetable may now be extended. Please be assured that I will endeavour to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any respective responses are placed on the Neighbourhood Forum and local authority websites.

Thank you in advance for your assistance.

Yours sincerely

Jill Kingaby

Examiner

ANNEX

From my initial reading of the updated Hampstead Neighbourhood Plan and the supporting evidence, I have the following 4 questions for Camden Council and the HNF. I have requested the submission of responses by **Friday 31 January 2025**, if possible. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Question for Camden Council

1. Can **Camden Council** provide a modification statement confirming whether the proposed update Plan does/does not, in its view, include substantial modifications in which the nature of the plan has changed, together with the reasons for reaching this conclusion?²

Questions for HNF

2. Camden Council has commented that further changes are needed to the revised Hampstead Neighbourhood Plan 2025-40, to bring it into general conformity with strategic policies in the Borough's adopted Local Plan 2017. Camden Council has submitted detailed comments on the proposed new Neighbourhood Plan, which reflect its concerns as to how it will be expected to interpret some of its policies when determining future development proposals. It would be helpful to me if the **HNF** would respond to each of the points raised, and state, if necessary, how exactly the wording of the Plan should be modified.
3. Transport for London (TfL) expressed surprise that it was not consulted on the Neighbourhood Plan at the Regulation 14 stage as a statutory consultee: can the Forum please confirm whether/why this was the case? TfL expressed concerns about the references to Transport Assessment requirements and the application of PTAL in the Neighbourhood Plan. It stated that the revised Neighbourhood Plan does not reflect London Plan policy appropriately. TfL wished to emphasise the importance of retaining and improving interchange facilities and bus standing capacity at South End Green. It would assist me if the **HNF** would respond to the points raised, and indicate what modifications, if any, should be made to the Neighbourhood Plan to address the concerns of TfL.
4. Other respondents (Andy Hobsbawn, Theatres Trust and Fleet Road residents) sought other amendments to the revised Neighbourhood Plan, again, it would assist if the **HNF** would respond to the points raised.

² See Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended).