



Intelligent Plans
and examinations

Report on Hampstead Neighbourhood Plan 2025-2040

Review (Modification Proposal)

An Examination undertaken for the London Borough of Camden with the support of the Hampstead Neighbourhood Forum, on the submission version of the draft Plan.

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Date of Report: 24 March 2025

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Main Findings - Executive Summary

I made an initial determination on 13 January 2025, confirmed in my letter of 4 February 2025, that the modifications contained in the Hampstead Neighbourhood Plan 2025-2040 (the draft Plan) are not so significant or substantial as to change the nature of the Neighbourhood Development Plan which the draft Plan would replace.

From my examination of the draft Plan and its supporting documentation, including the representations made, I have concluded that subject to the Examiner Modifications (EMs) set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Hampstead Neighbourhood Forum;
- The Plan has been prepared for an area properly designated – the Hampstead Neighbourhood Plan Area shown on Map 1;
- The Plan specifies the period to which it is to take effect – 2025-2040; and
- The policies relate to the development and use of land for a designated neighbourhood area.

Therefore, I recommend that the local planning authority should make the Plan with the EMs specified in this report (there will be no statutory requirement for a referendum).

1. Introduction and Context

Hampstead Neighbourhood Plan 2025 - 2040

1.1 Hampstead is located in the north-west of the London Borough of Camden (Camden Council). The Neighbourhood Plan Area includes much of Hampstead Heath, one of the best known areas of open space in London, which provides a wealth of habitats for wildlife and nature. The centre of Hampstead, extending along the A502, with Hampstead underground station at the core, has retained its old village character. The Neighbourhood Plan Area is shown on Map 1 of the revised draft Plan. The map makes clear that land beside Church Row and Perrin's Walk is excluded from the Hampstead area, as residents there have set up their own neighbourhood forum.¹ The Plan defines five different character areas distinguishable in terms of their history, topography and style of built development. Map 2 on Page 16 and the following text set out these areas. Hampstead is an area of high quality built development in an attractive green and hilly setting. The Neighbourhood Plan Area includes two conservation areas and parts of two additional conservation areas, as

¹ <https://www.camden.gov.uk/church-row-and-perrins-walk-neighbourhood-forum>
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shown on Map 3, as well as a significant number of listed buildings. The Plan Area includes the view from Parliament Hill to Central London, which is designated as special in the London Plan.² Heavy traffic and associated vehicle emissions are perceived as problematic in Hampstead, notably on the A502 London Distributor Road; the B511 and B519 Borough Distributor Roads along Fitzjohn's Avenue and Spaniards Road; and roads leading to South End Green and Fleet Road.

- 1.2 The Hampstead Neighbourhood Plan 2018-2033 was adopted in 2018, following a referendum with 91% voter support. In 2022, the Forum decided that it was time to ensure that the Plan was up to date. Camden Council carried out consultation on the redesignation of the Hampstead Neighbourhood Forum between 13 August and 8 October 2024.³ The Council's assessment of the application for re-designation concluded that redesignation of the Forum should be made, and that the application complied with criteria in Section 61F of the Town and Country Planning Act 1990. Regarding the content of the Plan, the Forum considered that a revised Plan should retain the original vision to conserve and foster Hampstead's charm and liveability and maintain the original six main aims (Page 4 of the Plan). Proposed modifications are put forward by the Forum to reflect the increasing awareness of climate change, as set out in Government policy and demonstrated as important in local public consultation exercises, making it more essential to reduce the use of fossil fuels and encourage sustainable development. The significance of all the proposed modifications put forward in the revised draft Plan are discussed below.

The Independent Examiner

- 1.3 As the draft Plan has now reached the examination stage, I have been appointed as the examiner of the Hampstead Neighbourhood Plan 2025-2040 by Camden Council, with the agreement of the Hampstead Neighbourhood Forum.
- 1.4 I am a chartered town planner and former government Planning Inspector, who examined the current adopted Hampstead Neighbourhood Plan 2018-2033. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

Submitted Documents

- 1.5 I consider all policy, guidance and other reference documents relevant to the examination, including those submitted which comprise:

² <https://www.london.gov.uk/programmes-strategies/planning/london-plan/london-plan-2021>

³ The Forum was previously redesignated in 2019 (and originally designated in 2014): <https://www.camden.gov.uk/hampstead-neighbourhood-forum>

- The draft Hampstead Neighbourhood Plan 2025 -2040, as proposed to be modified;
- The Statement on Modifications [June 2024], from Hampstead Neighbourhood Forum;
- The London Borough of Camden’s Regulation 17 (e)(ii) Statement;
- Map 1 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
- A copy of the extant Hampstead Neighbourhood Plan 2018-2033, [October 2018];
- The Consultation Statement, [undated];
- The Basic Conditions Statement, [March 2024];
- The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion Reports, dated respectively March 2024 and July 2024;
- The Forum’s responses to the examiner’s initial questions (13 January 2025) of 31 January 2025, and further questions (13 February 2025) of 15 February and 24 February 2025; and
- All the representations that have been made in accordance with the Regulation 16 consultation.⁴

Planning Policy Context

- 1.6 The Development Plan for this part of the London Borough of Camden, not including documents relating to excluded minerals and waste development, is the London Plan [2021] and the Camden Local Plan⁵ [2017]. The draft new Camden Local Plan 2024⁶ was consulted on under Regulation 18 between January and March 2024, and the pre submission Regulation 19 version is anticipated in Spring 2025.
- 1.7 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). In addition, the PPG offers advice on how the NPPF should be implemented. All references in this report are to the December 2023 NPPF and its accompanying PPG.⁷

⁴ View at: <https://www.camden.gov.uk/hampstead-neighbourhood-forum>

⁵ <https://www.camden.gov.uk/camden-local-plan1>

⁶ <https://www.camden.gov.uk/draft-new-local-plan>

⁷ A revised NPPF was published on 12 December 2024 (with minor updates 7 February 2025) which includes transitional arrangements for neighbourhood plans. Paragraph 239 of the December 2024 NPPF advises that it’s policies will only apply to neighbourhood plans submitted after 12 March 2025.

2. Procedural Considerations

Initial Determination

- 2.1 The draft Plan has been submitted as the second version of the Hampstead Neighbourhood Plan resulting from revision and updating of the first Plan, which was made in 2018. I was required to undertake an initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act') as 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.
- 2.2 The purpose of the determination is to establish whether the modification proposal can be examined under the streamlined process for the making of the draft Plan set out in Schedule A2 of the 2004 Act or, in the event that the proposal contains material modifications which do change the nature of the Plan, it should be examined under process set out in Schedule 4B of the Planning Act 1990 (as amended), requiring both an examination and a referendum.
- 2.3 To inform this determination I considered all the relevant submitted documents, including the written statements on this matter provided by the qualifying body and local planning authority to comply with Regulations 15(1)(f) and 17(e)(ii) respectively of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations') and the representations. The Forum's "Statement on modifications to Hampstead Neighbourhood Plan 2018-2033 so as to produce Hampstead Neighbourhood Plan 2025-2040", June 2024, refers to the three possible types of modifications outlined in Government guidance.⁸ It concludes that the changes made fall into the second category "material modifications which do not change the nature of the plan."
- 2.4 Camden Council commented on the revised draft Plan in September 2024, and stated that, subject to further changes set out in its accompanying table, the amended Plan would be in general conformity with the strategic policies in the Borough's adopted Local Plan 2017. Officers also assessed whether the amended Neighbourhood Plan would go so far as to "change the nature of the Plan", and require an examination and referendum. They considered that the extent of amendments vis-à-vis the adopted Neighbourhood Plan are limited, and concluded that the examiner should decide on the next steps. In my letter of 13 January 2025 to the Forum and Camden Council, I indicated that the modifications proposed in the draft new Neighbourhood Plan 2025-2040 required examination but did not appear to change the nature of the made Plan. My preliminary view was that a referendum would not be necessary. After reading the responses to the Regulation 16 exercise on the draft Plan, I asked for the

⁸ See PPG Reference ID: 41-106-20190509.

Forum's comments on representations from Camden Council, Transport for London (TfL) and other respondents. I also asked Camden Council to provide a formal Regulation 17 (e)(ii) statement to inform fully my procedural determination and ensure legal compliance. The Forum's reply of 31 January 2025 provided detailed comment on the representations and the Regulation 17 statement was also duly provided by the local planning authority.

- 2.5 As set out in my procedural letter of 4 February 2025 to Camden Council and the Forum, I am content that the modifications proposed in the draft Plan are material but are not so significant or substantial as to change the nature of the Neighbourhood Development Plan which the draft Plan would replace. A referendum for approval of the revised and updated Neighbourhood Plan should not be necessary. I have conducted this examination in accordance with the relevant provisions in Schedule A2 to the 2004 Act, which I set out below.

The Scope of the Examination

- 2.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the local planning authority should make the draft Plan; or
 - (b) that the local planning authority should make the draft Plan with the modifications specified in this report; or
 - (c) that the local planning authority should not make the draft Plan.
- 2.7 The scope of the examination is set out in Paragraph 11(1) of Schedule A2 to the 2004 Act. The examiner must consider:
- Whether the draft Plan meets the Basic Conditions;
 - Whether the draft Plan complies with provisions under s.38A and s.38B of the 2004 Act. These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area; and

- Such matters as prescribed in the 2012 Regulations.

2.8 I have considered only matters that fall within Paragraph 11(1) of Schedule A2 to the 2004 Act, with one exception. That is the requirement that the draft Plan is compatible with the Human Rights Convention.

The Basic Conditions

2.9 The 'Basic Conditions' are set out in Paragraph 11(2) of Schedule A2 to the 2004 Act. In order to meet the Basic Conditions, the draft 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)⁹; and
- Meet prescribed conditions and comply with prescribed matters.

2.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires 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 2017.¹⁰

Site Visit

2.11 I made an unaccompanied site visit to the Neighbourhood Plan Area on 10 February 2025 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.12 This examination has been dealt with by written representations. The representations set out the objections and other comments clearly in relation to the draft Plan. There were no exceptional reasons or requests from interested parties to justify convening a public hearing.

⁹ The existing body of environmental regulation is retained in UK law.

¹⁰ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Examiner Modifications

- 2.13 Where necessary, I have specified Examiner Modifications (**EMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have set out these modifications separately in Appendix 1 (further crossed referenced to Appendices 2 and 3).

3. Compliance Matters and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Hampstead Neighbourhood Plan 2025-2040 has been prepared and submitted for examination by Hampstead Neighbourhood Forum. The Neighbourhood Plan Area and Forum were initially designated by Camden Council in 2014. On the expiry of the 5 year statutory period, the Forum was redesignated in 2019, and then again in 2024.
- 3.2 Map 1 and paragraph 2.14 of the Plan accurately describe the area covered by the designation. Hampstead Neighbourhood Plan does not relate to a small area of land along Church Row and Perrin's Walk. Map 1 confirms that this land lies outside the designated Hampstead Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2025 to 2040.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement accompanying the draft Plan records a series of publicity and consultation events, beginning in March 2022. Regulation 14 consultation took place in January and February 2024, and elicited 156 survey form responses (a form was provided for ease of response), plus about 10 e-mail responses. Responses to the consultation were collated and analysed, and the Forum invited discussion of the matters raised at the AGM in March 2024, which was attended by some 50 persons. Results of the consultation, and the Forum's responses to recipients' comments, were placed on the Forum website and published in the Ham&High newspaper. Following submission to Camden Council, statutory consultation on the revised Plan under Regulation 16 took place between August and October 2024, and resulted in responses from Camden Council, TfL and four other parties. Following my letters of 13 January 2025 and 13 February 2025, the Forum provided comments on the points raised by the interested parties. I am satisfied that the consultation process has sought to engage all residents, businesses and other community bodies in plan-making. It has met the legal requirements and had regard for advice in the PPG on plan preparation and engagement.

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Development and Use of Land

- 3.5 Subject to a modification to delete clause 4(e) of Policy DH5 (see paragraph 4.10 below and EM5), the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.6 The Plan does not include provisions and policies for 'excluded development'.¹¹

Human Rights

- 3.7 The Basic Conditions Statement, March 2024, advises that the Plan is not considered to have a negative discriminatory effect on people by virtue of their age, gender, race, sexual orientation, religion and belief, or disability. An Equalities Impact Assessment of the Regulation 14 draft Plan was carried out by Camden Council, which did not identify any negative discriminatory effects. I am satisfied from my independent assessment that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998).

4. Assessment of the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Camden Council in March 2024, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion.
- 4.2 The Hampstead Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA) by Camden Council in July 2024. This concluded that the Plan's policies would not have a significant effect on any European designated nature site, notably the network of Natura 2000 sites (Epping Forest, Richmond Park, Wimbledon Common and Lee Valley), because of the distance of the Plan Area from them, and because of the nature and scale of development envisaged in the Plan. The Council shared its Screening Opinion with Natural England which did not oppose this conclusion. From my independent assessment of this matter, I have no reason to disagree.

¹¹ See section 61K of the 1990 Act.

Main Issues

- 4.3 I now address the remaining Basic Conditions, focussing on the proposed changes to the Plan. I assess the text and policies in the Plan on a sequential basis, beginning with section 1. Executive Summary. This describes the vision to conserve and foster Hampstead's charm and liveability etc. I note that the made Plan begins with the same vision. The draft Plan then outlines six aims beginning with "to ensure that Hampstead is lively and contemporary, while safeguarding the fine heritage of streets and buildings". The made Plan includes only five aims. The proposed new aim is listed as number 2 in the draft revised Neighbourhood Plan, and is "to ensure that Hampstead is promoting sustainability and energy efficiency, in order both to mitigate and adapt to climate emergency". The Forum states that public and local awareness of the need to achieve sustainable development has grown in recent years, and I consider that the new aim is in keeping with national, London and Camden policy priorities (including the emerging new Camden Local Plan). I note that Paragraph 11 of the NPPF was revised in 2021 (and carried forward in the December 2023 NPPF) to emphasise that plan-making should promote a sustainable pattern of development, improve the environment and mitigate climate change. I am satisfied that the Hampstead Plan's additional aim has regard for this part of the NPPF. It satisfies the Basic Conditions.
- 4.4 To meet its aims, both the made Plan and draft revised Plan name six policy areas: Design and Heritage; Natural Environment; Basements; Traffic and Transport; Economy; Housing and Community. These subjects are each addressed in the following chapters of the Plan, which set out the policies. The made Plan included 19 policies, whereas the draft revised Plan includes 20, as discussed further below. The revised Plan includes a new paragraph 2.5, referring to a mission statement adopted after the first Plan was made. The mission statement was designed to monitor the relevance and performance of the first Plan, prepare revisions and foster discussions on issues of importance to local residents. The revised draft Plan is the result. Paragraphs 2.8 and 2.9 are also updated in the draft Plan, highlighting the importance of sustainability and the need to mitigate and adapt to climate change. It is reported that flooding has occurred more frequently in Hampstead in recent years, reinforcing the need for less dependence on fossil fuels. Paragraph 2.11 refers to the public desire to reduce car traffic and promote alternative travel.
- 4.5 Paragraph 2.15 provides some demographic data, indicating that the current population is about 10,600 residents in about 4,800 households. This is lower than the figures of 12,372 residents in 5,513 households quoted in the made Plan. Paragraph 2.15 informs that the 2021 Census results have shaped the latest figures, which are not directly comparable with those in the 2018 made Plan. I am content that the Plan includes best estimates of population and households. I consider that chapters 1 and 2 set the scene appropriately for readers, with some helpful updates to the made Plan and a useful introduction to the policies contained in

Chapters 3 to 8. I conclude that Chapters 1 and 2 do not raise any issues contrary to the Basic Conditions.

Chapter 3. Design and Heritage

- 4.6 The supporting text describes the character of the area, extent of conservation areas and important views. Map 2 showing five character areas, Map 3 showing four conservation areas, and Map 4 showing important viewpoints, are all similar to the maps in the made Plan. Policy DH1: Design in the draft Plan is more extensive and detailed than DH1 in the made Plan. Chapter 12 of the NPPF was updated in 2021 to emphasise the importance of “creating high quality, beautiful and sustainable buildings” (and is extant for the purposes of this examination in the December 2023 NPPF), and I consider the upgrade to Policy DH1 has regard for that aspect of national planning policy. Camden Council proposed a modification to Policy DH1(c) to remove the reference to biodiversity net gain (BNG), as this could be onerous for small scale householder development. I agree that it would be contrary to national and local policy, and note that an alteration to refer instead to “enhance biodiversity” would align with draft Policy D4 Extensions and Alterations in the emerging new Camden Local Plan. Camden Council also sought modification of clause (g) for conformity with its Local Plan to refer to “visual” privacy of neighbouring properties, which I support to give clarity. Modifications **EM1** should be made to Policy DH1(c) and (g) to secure general conformity with the Local Plan and meet the Basic Conditions for neighbourhood planning.
- 4.7 Policy DH2: Conservation areas and listed buildings, is prefaced by information that national planning policy requires a positive strategy for conservation and enjoyment of the historic environment. The policy meets the Basic Conditions, in my view, and is highly relevant for Hampstead with its numerous conservation areas, listed buildings and locally listed, non-designated heritage assets. Camden Council questioned paragraph 3.21 of the Plan, as it could conflict with paragraph 207 of the NPPF and cause confusion. I note that paragraph 207 expects sites where loss of a building is proposed to be assessed for “substantial harm” or “less than substantial harm”, and makes no reference to time periods for marketing. The Forum agreed to delete paragraph 3.21, which I support in view of Camden’s comments, and because the paragraph arguably adds a new policy requirement to the supporting text. Modification **EM2** should be made to delete 3.21, having regard for the NPPF.
- 4.8 Policy DH3: Sustainable development, is a new policy, not included in the made Neighbourhood Plan. However, the supporting text which refers to the NPPF, Mayor of London, Camden’s Clean Air Action Plan and Historic England guidance offers substantive justification for the new policy. The reference to evidence from Historic England should be redrafted so that it refers to its most recent guidance, produced in July 2024, Adapting Historic Buildings for Energy and Carbon Efficiency. Camden Council proposed modifications to the wording of Policy DH3 in the interests of

clarity, and to add a reference to the London Plan's policy on contributions to carbon off-setting. It also queried the content of paragraph 3.38, as it did not seem to fit with any of the criteria in the policy. The Forum has proposed new wording to take account of these comments, including the removal of paragraph 3.38, all of which I support. In addition, I consider that clause 2b) of Policy DH3, requiring all new build to be at least net zero carbon, could be onerous for minor development schemes and should be amended. I propose modified wording, as in **EM3**, to address all the above points and to meet the Basic Conditions.

- 4.9 Policy DH4: Clean and considerate construction, is also a new policy, designed to reduce the negative impact on neighbours and the environment when construction takes place. I appreciate that in the intensely developed areas of Hampstead, construction works and large commercial vehicles nearby can cause noise, pollution and traffic delays in and around people's homes. I therefore support the thrust of the new policy. Camden Council advised that paragraphs 3.44 and 3.45, referring to "performance bonds" and specific timelines for construction projects, were not matters that the planning system could control. The Forum put forward revised wording to these paragraphs, which has regard for national planning policy and which I support. Camden also recommended that the reference to a Circular Economy System be removed from clause 3 of Policy DH4, and I agree that the reference could cause confusion over the Construction Management Plan. Regarding clause 6 of Policy DH4, Camden Council stated that it would not be reasonable to require applicants to sign up for a Considerate Construction Scheme (CCS). The Plan may however encourage a CCS, and the Forum has produced revised wording for clause 6 to state this. Clause 5 does require schemes expected to last for more than 3 months to be registered with CCS before work starts. I am content for this to be retained, as it should apply principally to major development and would provide protection for the amenity of neighbours and the environment. In order to meet the Basic Conditions, the modifications in **EM4** should be made.
- 4.10 Policy DH5: The urban realm, is similar to Policy DH3 in the made Plan, but includes more detail in clauses 3 and 4. Camden Council suggested that clause 4 e) refers to a process unlike the other physical interventions listed. I agree that it goes beyond planning policy and should be deleted, as in modification **EM5**.
- 4.11 On Page 30, the Plan describes two Strategic Sites which feature in Camden's emerging draft Local Plan. I consider that the inclusion of these sites in the revised Neighbourhood Plan is helpful, and aligns with the direction of the upcoming Local Plan. Camden Council proposed a number of modifications to Page 30, to reflect the desire to align, to remove the reference to biodiversity net gain and instead seek biodiversity enhancement, and to provide the correct photograph of the Royal Mail Hampstead Delivery Office. The Forum agreed that these modifications should be made, and I recommend them all, as in **EM6** to meet the Basic Conditions.

Chapter 4. Natural Environment

- 4.12 This chapter begins with the statement "An overwhelming body of evidence shows that biodiversity is in serious decline worldwide." Paragraphs 4.1 and 4.2 have been added to the new draft Plan, and were not featured in the earlier made Plan. I appreciate that Chapter 15 of the NPPF, Policies A3, CC2 and CC3 of the Camden Local Plan and Policy GG2 of the London Plan address matters of conserving and enhancing the natural environment, biodiversity, climate change adaptation, water and flooding, and "good growth" - making the best use of land. The new text at the beginning of chapter 4 in the Plan has regard for and is consistent with latest information on the state of the green environment, and national and local planning policies, in my opinion.
- 4.13 Camden Council advised that biodiversity net gain (BNG) would not be required of householder developments such as home extensions, conservatories and loft conversions. The Forum proposed amendments to paragraphs 4.6 and 4.7, which I consider should be made having regard for national planning policy and the achievement of sustainable development. Also, Policy NE1: Supporting biodiversity and mitigating climate change should be modified, to clarify that clause 2 relates to residential development. The Forum has produced a revised Map 5, illustrating ecological networks and biodiversity corridors, with amendments to show the Network Priority Areas more precisely. The Forum has also proposed that the phrase "where possible" be added to the text of Policy NE2.2. I accept that these changes should assist the fair application of Policy NE2 to secure sustainable development and have regard for paragraph 180(d) of the NPPF. Modification **EM7** will secure all the above changes and satisfy the Basic Conditions.
- 4.14 Paragraph 4.21 is confusing in that it states that the sites listed in Policy NE3 and shown on Map 6 "are to be designated" as Local Green Space. These sites are already so designated (I am not aware of any changed circumstances), and were set out in the made Plan as well as Camden Council's Policies Map. I appreciate that the Forum's proposed re-wording aims to remedy this error, and broadly support the proposed change to paragraph 4.21. However, I consider that the words "have been designated as Local Green Spaces" should be used, rather than "are designated...". Modification **EM8** should be made to achieve this.
- 4.15 I consider that Policy NE4 (1), (1a), (1c) and (2) should be modified as proposed by the Forum in response to the Council's comments, in order to assist with decision making on planning applications. I also agree with the proposed amendment to paragraph 4.31 and relocation of The Veteran trees and locally important trees list from Appendix 4 to a new Chapter 9 in the Plan. Regarding paragraph 4.36 and BS5837, I agree that the 2012 version of the British Standard for trees may soon be out-of-date, and the first sentence of 4.36 should omit "2012". I recommend that a new second sentence be added to state "The 2012 version of BS5837 (British Standard for Trees) is currently being reviewed, and a revised version is

expected to be in place in Spring 2025". Paragraph 4.34 should also be amended, as proposed by the Forum in response to comment from Camden Council, in order to secure the protection of existing tree canopies and root systems when new development is proposed. These modifications to Policy NE4 and the supporting text are included in **EM9**, which should be made having regard for national policy and guidance, and to achieve sustainable development.

Chapter 5. Basements

- 4.16 The introduction to this chapter informs the reader that basement development can provide an opportunity to add space to homes in parts of Hampstead, but this can raise concern within the community. Basement construction can inflict structural damage, and may trigger flood risk on neighbouring properties. Hampstead's geography, topography, geology and hydrology, and the prevalence of Victorian terraces, or earlier townhouses with shallow foundations, can contribute to harmful effects when basement construction is undertaken, as described on Pages 44 and 45 of the Plan. Policy BA1: Basement Development, sets out the requirements for such development, and I agree with Camden Council that BA1 1c) should be deleted as it replicates BA1 3. The Forum has accepted that this modification should be made, and that the source of Map 7 should be clarified. It has also stated that the reference to "unusual" soil conditions should be amended in paragraph 5.10, and that capital letters should be used for Basement Impact Assessment in 5.12. Camden Council suggested a number of amendments to paragraph 5.12 which I consider necessary to ensure that Basement Impact Assessment and the necessary procedures are explained correctly. In addition, 5.13 referencing a Basement Construction Plan should be deleted. I recommend all the above modifications, as shown in **EM10**, to secure sustainable development.
- 4.17 Camden Council observed that Policy BA2: Local requirements for Construction Management Plans, would not be applicable for all basement schemes, as small extensions to existing basements would usually be exempt. It also pointed out that a cross-reference to paragraph 5.24 in clause 2 of the policy was superfluous, as 5.24 is no longer in place. I am satisfied that modifications put forward by the Forum in response to the Council should ensure that Policy BA2 meets the Basic Conditions, and I conclude that **EM11** should be made.

Chapter 6. Traffic and Transport

- 4.18 The introduction to this chapter states that traffic congestion and associated vehicle emissions are key concerns in the Plan Area. It advises that Camden has an Air Quality Action Plan 2023-26 which encapsulates the Mayor of London's Transport Strategy and Camden's Transport Strategy. Camden Council's first objective in its Strategy is to improve air quality and reduce transport's impact on climate change, as the Borough's Road traffic accounts for about half of all pollution from nitrogen dioxide.

The third largest number of comments received in community consultation on Hampstead's draft Neighbourhood Plan related to matters of traffic congestion and pollution, and I witnessed at my site visit how busy is the road network. I consider that the thrust of Policy TT1: Traffic volumes and vehicle size, seeks to address the identified problems. It mirrors the earlier policy in the made Plan, has regard for the NPPF on Promoting sustainable development, and Camden Local Plan's Policies T1 (Parking, walking and public transport), and T4 (Sustainable movement of goods and materials).

- 4.19 Camden Council proposed modification of paragraph 6.14 regarding vehicles for servicing and delivery. It referred to its Planning Guidance: Transport 2021, and I note that paragraph 4.11 of the Guidance describes most of the factors cited in paragraph 6.14 of the Plan. Although paragraph 6.14 features in the existing made Plan, Camden's Guidance post-dates it. I consider that the text in paragraph 6.14 should be modified as proposed by Camden Council, to refer applicants to the Planning Guidance: Transport 2021. This is necessary to avoid confusion, and contribute towards the achievement of sustainable development. Camden Council also proposed changes to paragraph 6.17, referring specifically to financial contributions for transport improvement schemes, which could be sought from major development. I am satisfied that the content of paragraph 6.17, with the reference to paragraph 32 of the NPPF, provides sufficient information and does not rule out financial contributions towards transport improvements. The wording need not be modified to meet the Basic Conditions.
- 4.20 The Council questioned whether paragraph 6.20 should categorise developments likely to generate 100 or more person trips a day as "significant" for the application of Policy TT1. This description of "significant" is included in the supporting text rather than the policy itself, so I am satisfied that it amounts to guidance rather than a specific requirement. Also, the threshold was included in the made Neighbourhood Plan (paragraph 6.6 c). I conclude that the concept of "significant" developments in Policy TT1 and paragraph 6.20 should be retained, although the cross-reference to paragraph 6.6c in 6.20 should be changed to refer to "paragraph 6.7c".¹² I also note that TfL sought modification of paragraph 6.21 to inform readers that the London Plan requires pre-application advice from TfL for major developments. In its correspondence with me of 15 February 2025, the Forum agreed to modify paragraph 6.21 as sought by TfL, and I support this amendment.
- 4.21 TfL expressed concern over paragraph 6.25 that redevelopment, especially of very large sites, could have wider transport impacts beyond vehicle trips. Public transport, walking and cycling effects should therefore be assessed. In response, the Forum agreed to refer to "additional journeys" rather than "additional motor vehicle journeys" in

¹² Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

Policy TT1(1), and to refer to adverse impact on the local transport network, as well as the impact on air quality. Modified wording was also agreed for paragraph 6.25 in support of the revised Policy TT1. I consider that these modifications should be made to meet the Basic Conditions. TfL also observed that paragraph 6.26 omits to mention its guidance on Construction Logistics Plans, and the Forum agreed to add a reference. TfL also advised that downgrading the A502 for heavy vehicles' use north of Hampstead village should take into account that the A502 is an important route for buses. I am satisfied that the Forum's proposed amendment in its letter of 15 February 2025 should meet TfL's concern and enable sustainable development.

- 4.22 I note that Camden Council proposed focused changes to wording in Policy TT1 (1) and (2), with which the Forum agreed and which I support. The Council also pointed out that Delivery & Servicing Management Plans (DSMPs) are generally secured by S106 obligations and can be amended from time to time by submitting a new Delivery and Servicing Plan (DSP), not a full planning application. To correct this matter, paragraph 6.24 should be modified as proposed by the Forum. The terms DSMP and CMP should also be modified in Policy TT1, as the London Plan and TfL guidance now refer to Construction Logistics Plan (CLP) and DSPs. I conclude that modification **EM12** should be made to include all the above amendments, so that Policy TT1 and supporting text in 6.14, 6.20, 6.21, 6.24, 6.25, 6.26 and 6.28 are accurately presented, are in general conformity with transport and planning policy for London, and will contribute to sustainable development.
- 4.23 On pedestrian environments, I consider that Policy TT2 should enable improvements to the environment for people walking and cycling around Hampstead. Paragraph 6.32 should be modified to add a reference to Policy GG3 of the London Plan and to the Mayor's Healthy Streets Approach, as proposed by the Forum in response to TfL. Paragraph 6.41 refers to Public Transport Accessibility Levels (PTALs) which are used to measure the connectivity by public transport for different areas of London. Figure 6.9 indicates that there are a variety of PTALs across Hampstead, which is unsurprising in my opinion, given the extensiveness of Hampstead Heath and the intensity of development around Hampstead village and South End Green. The Forum has offered to present Figure 6.9 as a bar graph rather than a line graph in response to TfL, and I agree that this could give greater clarity. Also, I support revised text, in 6.43, to make reference to the underground and overground rail stations as well as bus provision; and in 6.44 to omit the reference to car-free development in selective areas. All are needed for general conformity with Policy T2 of the Local Plan and to meet the Basic Conditions. Modification **EM13** should be made to paragraphs 6.43 and 6.44 accordingly.
- 4.24 Camden Council and TfL commented that Policy TT3: Public transport, which seeks to restrict development in areas where PTAL is less than 5, could be unduly restrictive. The Forum proposed modifications to clauses

1 and 2 of the policy, enabling development in PTALs of 4 or over up to 2030, and in PTAL areas of 5 thereafter. I consider that these modifications should have regard for paragraph 86 of the NPPF, and should be made.

- 4.25 Policy TT4: Cycle and car ownership, is carried over from the made Plan, retains sufficient flexibility and meets the Basic Conditions.
- 4.26 Paragraphs 6.57 onwards describe The Vision for South End Green, as was included in the made Plan. In August 2024, Camden Council approved the "South End Green Safe and Healthy Streets Scheme". Approval of its detailed proposals appear to have prompted residents on Fleet Road, the "Save Our Street" group, to object to the future relocation of bus stands on to Fleet Street, which was part of the approved scheme. Save Our Street argues that the proposed changes at South End Green would be to the detriment of residents in Gospel Oak Ward, who live outside the HNP area and therefore have no voice. The boundary of the Neighbourhood Plan Area was designated following consultation over a wide area in 2014, and in the course of my assessment, including my site visit, I have seen no reason that leads me to a view that Camden Council should seek to review it (in any event, this is a matter beyond my purview).
- 4.27 The Forum pointed out that the Vision has no policy weight but reflects years of pressure from the local community to improve the road junction and open up space. The siting of bus stops is not a planning matter, and more generally, Safe and Healthy Streets Schemes are developed in the Council's capacity as the Local Highway/Traffic Authority for the Borough. The officer report seeking approval of the South End Green scheme sets out how the local community have been engaged during its design and development. The scheme is being brought forward by the Council as a trial, under an Experimental Traffic Order, which allows for monitoring of its impacts, and for further consultation with the local community and stakeholders. A final decision will then be made on whether the scheme is to be permanently retained as implemented.
- 4.28 TfL emphasised the importance of the bus interchange to support access to the Royal Free Hospital, Hampstead Heath, Hampstead Heath overground station, and the wider area. I recognise the importance of maintaining good access to the area alongside an enhanced public realm. As paragraph 6.61 encourages joint working between Camden Council, TfL and partner organisations, I am content for paragraphs 6.57 onwards to be retained. Minor amendments to 6.57 and 6.58 to provide additional information about problems with the streets around South End Green, and to correct the first sentence in paragraph 6.58, as proposed by Camden Council and agreed by the Forum should be made via modification **EM14**, to satisfy the Basic Conditions.

Chapter 7. Economy

- 4.29 The revised Plan, like its predecessor, the made Plan, begins chapter 7 with the statement: "It is vital for Hampstead's future that it retains a flourishing local economy that attracts businesses and creates jobs". The revised Plan reminds the reader that the NPPF, in section 7, urges local plans to protect competitive town centres. Hampstead Town Centre is one of Camden's six retail centres and, as was noticeable at my site visit, is highly attractive to residents and visitors. South End Green Neighbourhood Centre provides essential shops and services to the nearby residents in South Hill Park and the Mansfield area, as well as servicing workers and visitors to the Royal Free Hospital. The covid-19 pandemic from 2020 onwards changed people's working and shopping habits, with more home-working, as well as more online shopping. In 2021, the Forum conducted a survey of local residents to understand their views of Hampstead's high street areas in the light of the pandemic. The majority commented positively on the range of shops, cafes, restaurants and other outlets in Hampstead, and commended the village atmosphere, sense of community and beauty/heritage etc. Traffic and air pollution were the principal areas of concern.
- 4.30 Government changes to the Use Classes Order have also taken place since the Hampstead Neighbourhood Plan was made in 2018. New Class E now permits the change of use from retail to estate agents, banks and building societies etc. without the need for an application for planning permission, so that clause 2 of Policy EC1: Healthy Retail Mix in the made Plan is now redundant. Policy EC1 in the revised Plan has regard for the change in Government policy, in my opinion, and it supports hubs for community-related and cultural activities as envisioned in Camden's Future High Streets' prospectus (also noting revised Policy EC1 aligns with Policy IE6 of the draft Local Plan 2024, Supporting town centres and high streets) and has regard for national planning policy.
- 4.31 On Policy EC2: Contributing positively to the retail environment, clauses 6-8 show a stronger approach to lighting on shops than in the made Plan. As the revised policy aims to minimise light pollution, strengthen the appearance of shopfronts and discourage lighting that would cause harm to wildlife, I support the modifications which should lead to sustainable development. The Forum agreed to modify the wording of clause 4 in response to comment from Camden Council, and I consider that the re-wording should now provide the necessary clarity to readers. Figures 7.7 and 7.8 show photographs of the Snappy Snaps and William Hill outlets in the revised Plan. Camden pointed out that it had granted consent since the made Plan was adopted for "Display of 3 x externally illuminated timber fascia signs and 1 x non-illuminated hanging sign" at Snappy Snaps. Camden considers that the shopfront has materially improved in recent years, so that the text about inappropriate signage beside Figure 7.7 is now out-of-date. Camden also observed that the signage at the William Hill property is no worse than a number of other shopfronts in the centre and has improved since 2015. Therefore Figure 7.8 should be

removed. The Forum agreed to delete Figures 7.7 and 7.8, and I recommend that the Plan is modified accordingly, to satisfy the Basic Conditions. Policy EC2 and Figures 7.7 & 7.8 should be modified as in **EM15**.

Chapter 8. Housing and Community

- 4.32 The introduction to Chapter 8 has been extended in the revised Plan, to inform readers that the value of local housing stock has increased greatly over recent decades. In 2014, the mean house price in Hampstead Town Ward was £1.75 million, an increase of 250% over 10 years. Given the concomitant rise in the cost of living, it is suggested that the cohesiveness and diversity of the area may be suffering from the trends in house prices. The amount of social housing in the Neighbourhood Plan Area is described as very low, with a loss of small dwellings to conversions, to create more large and expensive dwellings. Policy HC1 in the draft Plan promotes a mix of housing that increases the proportion of affordable housing and gives a range of housing of different sizes. The thrust of the policy continues the theme in the made Plan, and is in general conformity with Policies H6 (Housing choice and mix) and H7 (Large and small houses) of the Camden Local Plan, in my view. A correction to Policy HC1(2) to refer to paragraph 8.6 above (not below), as in **EM16** will provide accuracy to assist readers.
- 4.33 Theatres Trust sought expansion of the list of community facilities in Policy HC2 to include the Well Walk Theatre, which provides theatre for children. The Forum accepted that it should be included in clause 1b) of Policy HC2 which lists Arts, libraries, facilities and museums. I support this modification. Camden Council drew attention to recent changes in the Use Classes Order, which mean that Hampstead Post Office, Royal Mail Delivery Office and Barclays Bank are no longer classified as A1 or A2 uses - shops, or financial and professional services. The Council has no powers within the planning system to require reprovision of a bank or building society. The Forum proposed to delete these facilities from clause 1 d) of HC2, and add a new clause 5, expressing support for initiatives to integrate postal and banking services in existing or new community facilities where feasible. I also consider that paragraph 8.10 should be modified, as agreed by the Forum in response to Camden Council, to clarify that the assets to the wider community listed in Policy HC2 are shown below paragraph 8.10, and not above it. These modifications to Policy HC2 and the supporting text, set out in **EM17**, should be made having regard for national policy and the achievement of sustainable development.
- 4.34 Policy HC3: Enhancing street life through the public realm, is supportive of good design and is unchanged since the made Plan was produced. However, Camden Council pointed out that clause 1 is unclear as to whether it is naming places in need of improvement, or existing good examples. South End Green is named. Paragraph 6.59 states that substantial public investment is needed at South End Green to make the

pedestrian experience acceptable, implying that it is not currently a good example. The Forum proposed to delete the examples from clause 1, and I consider that this should be done, as in **EM18**, for clarity and consistency, and to meet the Basic Conditions.

Other Matters

- 4.35 I have read the consultation response from Andy and Kate Hobsbawm, who submitted comments on the “proposed urban development plan”. The Forum observed that the comments appeared to refer to the Camden Local Plan, and I note that there is particular concern about Swain’s Lane, which lies outside the Hampstead Neighbourhood Plan Area. I therefore make no further comment on the points raised.
- 4.36 As an advisory comment, when the Plan is being redrafted to take account of the EMs in this report, it should be re-checked for any typographical errors. Minor amendments to the text and numbering can be made consequential to the EMs, alongside any other minor non-material changes or updates, in agreement between the Forum and Camden Council.¹³

5. Conclusions

Summary

- 5.1 The draft revised Hampstead Neighbourhood Plan (2025-2040) has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the draft Plan meets the Basic Conditions and other legal requirements. I have had regard for all the responses made following consultation on the draft Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have set out modifications to a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements.

Recommendation

- 5.3 I recommend that that the London Borough of Camden should make the draft Hampstead Neighbourhood Plan with the modifications specified in Appendix 1 (further crossed referenced to Appendices 2 and 3) of this report.

Overview

- 5.4 Hampstead Neighbourhood Forum is one of the earliest qualifying bodies in the country to review and revise its made Plan. The Forum stated that in 2022, it reflected that it was eight years since it had undertaken the

¹³ PPG Reference ID: 41-106-20190509.

extensive public consultation that had guided the creation of its first Neighbourhood Plan. It considered it important to retain a public mandate for the Plan's policies, and hence decided to review the 2018 version. It was conscious that new legislation, new plans for London and Camden Council, the covid-19 pandemic, and the increasing awareness of climate change were affecting public perception and behaviour, as well as the effectiveness of the made Plan had changed the background for plan-making. I commend the Forum for thinking ahead and seeking to achieve a new, up-to-date Plan for Hampstead, which will reflect the current requirements of planning in Hampstead and address local people's aspirations. The revised draft Plan is clearly founded on the vision, main aims and policy topics which underpin the made Plan. The plan-makers have clearly put in much time and effort to review all aspects of these elements of the Plan, to understand their effectiveness since 2018, and identify where change is needed to advance the vision "to conserve and foster Hampstead's charm and liveability". I congratulate the Forum on this draft Plan, and appreciate all the work that has been put into producing a Plan that satisfies the Basic Conditions for Neighbourhood Planning, and meets the terms of Schedule A2 of the 2004 Act.

Jill Kingaby

Examiner

Appendix 1: Examiner Modifications (EMs)

The following EMs cross refer to the amendments proposed in the Hampstead Neighbourhood Forum’s written responses¹⁴ to the examiner’s questions.¹⁵ These responses form part of this report at Appendices 2 and 3.

Examiner Modification (EM) number	Page no./ other reference	Modification
EM1	Page 20	Modify Policy DH1: Design, clauses c) and g) (as set out in Appendix 2).
EM2	Page 23	Delete paragraph 3.21 (as set out in Appendix 2).
EM3	Page 24 & 26	Modify Policy DH3: Sustainable development, modify paragraph 3.25 and delete paragraph 3.38 (as set out in Appendix 2). Also, modify DH3 2.b) to begin: All new build <i>in major development schemes</i> should achieve at least net zero carbon
EM4	Pages 26-28	Modify Policy DH4: Clean and considerate construction, and paragraphs 3.44 & 3.45 (as set out in Appendix 2).
EM5	Page 28	Modify Policy DH5: The urban realm (as set out in Appendix 2).
EM6	Page 30	Modify the descriptions and illustrations of Strategic Site (as set out in Appendix 2).
EM7	Page 33-6	Modify Policies NE1: Supporting biodiversity and mitigating climate change, & NE2: Ecological networks and biodiversity corridors (as set out in Appendix 2). Modify paragraphs 4.6 & 4.7 (as set out in Appendix 2).

¹⁴ 31 January 20205, 15 February 2025 and 24 February 2025.

¹⁵ 13 January 2025 and 13 February 2025.

		Replace Map 5: Biodiversity Corridors with the new map from the Forum (as provided in Appendix 3).
EM8	Page 38	Modify paragraph 4.21 (as set out in Appendix 2). Further modify the first sentence of this paragraph to read: The sites in the Hampstead have been designated as Local Green Spaces
EM9	Pages 40-42	Modify paragraphs 4.31, 4.34 and 4.36 and Policy NE4: Trees (as set out in Appendix 2). Relocate List of Veteran and Important Local Trees from Appendix 4 to a new Chapter 9, and renumber Appendices 5 & 6. Add a new second sentence to paragraph 4.36: <i>"The 2012 version of BS5837 (British Standard for Trees) is currently being reviewed, and a revised version is expected to be in place in 2025."</i>
EM10	45-48	Modify Policy BA1: Basement Development; wording to Map 7; and paragraphs 5.10, 5.12 & 5.13 (as set out in Appendix 2).
EM11	49&50	Modify Policy BA2: Local Requirements for Construction Management Plans (CMP) (as set out in Appendix 2).
EM12	54-58	Modify Policy TT1: Traffic volumes and vehicle size, and paragraphs 6.14 & 6.24 (set out in Appendix 2). Modify supporting text in paragraphs 6.21, 6.25, 6.26, 6.28 (as set out in Appendix 3). Modify paragraph 6.20 so that it refers to paragraph 6.7c of Camden's Local Plan, not 6.6c.

EM13	59-61	Modify paragraphs 6.32, 6.43 and 6.44, as well as Fig 6.9 (as set out in Appendix 2).
EM14	63-66	Modify Policy TT3: Public transport and paragraphs 6.57 & 6.58, (as set out in Appendix 2).
EM15	71 & 72	Modify Policy EC2 and delete Figures 7.7 & 7.8 (as set out in Appendix 2).
EM16	75	Modify Policy HC1: Housing mix (as set out in Appendix 2).
EM17	75-76	Modify Policy HC2: Community facilities, and paragraph 8.10 (as set out in Appendix 2).
EM18	77	Modify Policy HC3: Enhancing street life through the public realm (as set out in Appendix 2).

Appendix 2: Forum’s Response of 31 January 2025

The Hampstead Neighbourhood Forum’s Response of 31 January 2025 (to the examiners questions of 13 January 2025) forms Appendix 2 and is attached as a separate PDF document to this report.

The modifications, as cross referenced with Appendix 1, are shown in ~~strikethrough~~ (denoting deletions) and **red font** (denoting the insertion of new text).

The Appendix 2 document can also be viewed online here:

<https://www.camden.gov.uk/documents/d/guest/hampstead-forum-response-31-january-2025>

Appendix 3: Forum’s Response of 15 February 2025 (incorporating revised Map 5 provided on 24 February 2025)

The Hampstead Neighbourhood Forum’s Response of 15 February 2025 (to the examiner’s questions of 13 February 2025) and further response of 25 February 2025 forms Appendix 2. These responses are attached as a separate (consolidated) PDF document to this report.

The modifications, as cross referenced with Appendix 1, are shown in ~~strikethrough~~ (denoting deletions) and **red font** (denoting the insertion of new text).

The Appendix 3 document can also be viewed online here:

<https://www.camden.gov.uk/documents/d/guest/forum-responses-february-2025>