

INDEPENDENT EXAMINATION OF THE HIGHGATE NEIGHBOURHOOD PLAN

EXAMINER: JILL KINGABY BSc (Econ) MSc MRTPI

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Examination Ref: 02/JK/HNP

Via email: Andrew.Triggs@camden.gov.uk

02 December 2016

Dear Mr Trigg

Examiner's Note 2nd December 2016

Please express my gratitude to Highgate Neighbourhood Forum for its response to my earlier note regarding the comments from Camden and Haringey Borough Councils, and two other public bodies.

In the response, the Forum asked if I could provide some clarification on the relationship between neighbourhood plans and local plans, both generally, and in cross borough circumstances, noting the similar position of other London forums. However, whilst I fully appreciate why the request has been made, it is not part of my current role as the appointed examiner to provide guidance on these matters. My task is to determine specifically whether the Highgate Neighbourhood Plan is in general conformity with the respective adopted local plans for Camden and Haringey.

Three reference sources which I consider are helpful on the relationship between local plans and neighbourhood plans are as follows:

Planning Practice Guidance: What is a neighbourhood plan and what is its relationship to a Local Plan?

<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/what-is-neighbourhood-planning/what-is-a-neighbourhood-plan-and-what-is-its-relationship-to-a-local-plan/>

Planning Advisory Service: Relationship with the Local Plan

<http://www.pas.gov.uk/relationship-with-the-local-plan>

Locality Guidance: Neighbourhood Plans and General Conformity with Strategic Local Planning Policy

<http://mycommunity.org.uk/resources/neighbourhood-plans-general-conformity-with-strategic-local-planning-policy/>

I note that the Neighbourhood Forum has responded in detail to the points raised by each of the local planning authorities, and has explained why it agrees / partially agrees / disagrees etc with

each one. The Forum also observed that it had met representatives from both London Boroughs on a number of occasions over the preceding three years, and was disheartened to receive so many comments seeking changes to the plan, at this relatively late (Regulation 16) stage. The National Planning Policy Framework (paragraphs 155 and 183-185) and Planning Practice Guidance are clear that there should be a positive approach and collaboration between local planning authorities and neighbourhood forums to secure general conformity at the strategic planning level. The Planning Practice Guidance, ID: 41-009-20160211, states: ***“The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans.”*** (my underlining)

In view of the differences between the Boroughs and the Highgate Neighbourhood Forum, and in some instances between the two Boroughs, over aspects of this plan, I request that a Statement of Common Ground should be prepared. Usefully, this could be based around the Forum’s response of 30 November to the Examiner’s original letter. Hopefully, this will demonstrate that many of the differences can be resolved, even if full agreement on every item is not possible. A Statement of Common Ground would greatly assist me in my assessment as to whether the Neighbourhood Plan is in general conformity with the strategic policies of the two Boroughs.

It is also worth noting that, in broad terms, the requirement of general conformity applies only to the existing, adopted development plan(s). There is no equivalent requirement in relation to an emerging Local Plan(s)¹, albeit the Planning Practice Guidance advises that the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested². As Haringey and Camden Borough Councils are both in the process of updating their Local Plans, this matter is relevant for the Highgate Neighbourhood Plan.

I recognise the hard work which the Forum has undertaken in preparing the Highgate Neighbourhood Plan and submitting it for examination. I am sorry to have to ask for this additional information, but the Highgate Neighbourhood Plan should reflect a collective vision of local people and interest groups. It is not my role as examiner to re-write the Neighbourhood Plan, and a Statement of Common Ground would enable me to take forward the examination in the best possible way. Please may I have your Statement of Common Ground by Friday 6 January 2017.

Lastly, I have a question for Camden Council. Haringey’s response tells me that it notes an update to the SEA/SA has been undertaken (August 2016 document) and is satisfied that the relevant statutory requirements have been met. However, Camden is silent on the matter - as the key sites are all in Haringey, this may not matter - but could Camden confirm that they too are satisfied with the work carried out?

In the interests of transparency, may I prevail upon you to ensure a copy of both this letter and the respective response (in due course) are placed on both the Forum’s and Councils’ websites.

¹ See paragraph 81 of the judgement in R (BDW Trading Limited) v. Cheshire West Council [2014] EWHC 1470.

² Planning Practice Guidance reference ID: 41-009-20160211

Yours sincerely

Jill Kingaby

Jill Kingaby (Examiner, Highgate Neighbourhood Plan)