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and examinations

Report on Dartmouth Park Neighbourhood Plan 2019 - 2034

An Examination undertaken for the London Borough of Camden with the support of the Dartmouth Park Neighbourhood Forum on the January 2019 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Dartmouth Park Neighbourhood Plan (the Plan/DPNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications 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 Dartmouth Park Neighbourhood Forum;
- The Plan has been prepared for an area properly designated – the Neighbourhood Plan Area as shown in Fig 1A of the Plan;
- The Plan specifies the period to which it is to take effect – 2019 - 2034; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Dartmouth Park Neighbourhood Plan 2019 - 2034

- 1.1 Dartmouth Park lies in the Highgate ward of Camden Council and I saw on my visit that it is primarily an attractive residential area which benefits significantly from the setting provided in particular by Parliament Hill and Highgate Cemetery. Much of the built-up area falls within the Dartmouth Park Conservation Area and although there is a range of building styles and ages, the area nevertheless displays a distinctive sense of place.
- 1.2 On my visit I saw a number of Neighbourhood Centres which appear to be relatively thriving with a reasonable range of services available and I noted that new retail floorspace is being provided at the Swains Lane Neighbourhood Centre. To the south of the Neighbourhood Plan Area is the relatively large site (6.8 ha) known as Murphy's Yard which is occupied by a civil engineering and utilities company. The Murphy Group, in its consultation response, state that 'the site represents a key regeneration opportunity' and, having seen the site, I agree that should the opportunity arise, there may be potential for sensitive regeneration.

- 1.3 In terms of accessibility there are a number of bus routes through the area and the proximity of stations at Gospel Oak, Tufnell Park and Archway contribute significantly towards sustainable travel.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the DPNP by Camden Council, with the agreement of the Dartmouth Park Neighbourhood Forum (DPNF).
- 1.5 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation and examination of Development Plans and other planning documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('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;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood 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; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 and Schedule 2 to 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 2017¹.

¹ This revised Basic Condition came into force on 28th December through the Conservation of Habitats and Species and Planning (Various Amendments)(England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The planning policy framework for this part of Camden Council, not including documents relating to excluded minerals and waste development, is the Camden Local Plan (2016 – 2031) (adopted July 2017) and the London Plan of 2016 (consolidated with alterations). The examination into the Review of the London Plan is underway (hearing sessions have been held) but the Report of the Panel has not yet been completed. The potential for change to the wider planning framework is not a reason to delay progress on the DPNP but the DPNF should remain vigilant in order to be aware of any implications the changes may have for the DPNP.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF) and additional guidance is provided in the Planning Practice Guidance (PPG). Revised versions of the NPPF were published on 24 July 2018 and 19 February 2019, replacing the 2012 version. The transitional arrangements for neighbourhood plans were set out in paragraph 214 of the NPPF 2018 (and repeated in the NPPF 2019), providing that 'the policies in the previous framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. The DPNP was submitted to Camden Council on 23 January 2019 and therefore it is the policies of the 2012 NPPF that are applied to this examination and the references in this Report are to the 2012 NPPF.
- 2.3 The PPG makes it clear that whilst a draft Neighbourhood Plan is not tested against the policies in an emerging Development Plan, the reasoning and evidence informing the plan making process are likely to be relevant to the consideration of the Basic conditions against which a Neighbourhood Plan is tested². Paragraph 184 of the NPPF also states that the 'ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider area'. Therefore, it would be appropriate for due cognisance to be given to changes that are being proposed to the planning policy framework for the area (as referred to in paragraph 2.1 above).

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Dartmouth Park Neighbourhood Plan 2019-2034, (January 2019);

² PPG Reference ID: 41-009-20190509.

- Fig 1A of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement (January 2019);
- the Basic Conditions Statement (January 2019);
- all the representations that have been made in accordance with the Regulation 16 consultation. For the avoidance of doubt, I have considered the e-mail representations from Transport for London received on 3rd May 2019;
- the Strategic Environmental Assessment (SEA) Screening Opinion prepared by the London Borough of Camden in March 2018; and
- the requests for additional clarification sought in my letter of 21 May 2019 and the response of 11 June 2019, which are available on the Camden Council website³.

Site Visit

2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 25 May 2019 to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

3.1 The DPNF was originally designated as a neighbourhood forum on 7 October 2013. As a consequence of the expiry of the statutory 5 year period, a renewed application was made to Camden Council and the DPNF was re-designated on 17 December 2018. Accordingly, the DPNP has been

³ View at: <https://www.camden.gov.uk/web/guest/dartmouth-park-neighbourhood-forum>

prepared and submitted for examination by the DPNF, which is a qualifying body.

- 3.2 It is the only Neighbourhood Plan for Dartmouth Park and does not relate to land outside the designated Neighbourhood Plan Area, as shown on Fig. 1A of the Plan.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2034.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement (January 2019) summarises the consultation that has taken place on the DPNP from 'testing the water' in 2012 to the submission to Camden Council in January 2019. As well as local residents, the consultation database includes, for example, local businesses, schools, sports organisations, social organisations and other community groups. Public meetings have been held, community walkabouts have been arranged, stalls have been set up at a number of community events, and consultants organised an extensive community engagement exercise. The process has been appropriately thorough, and I consider that the opportunity has been available for all interested parties to contribute to the content of the DPNP, including formal public consultation at both the Regulation 14 stage (from 25 April 2018 - 15 June 2018) and the Regulation 16 stage (from 14 March 2019 - 3 May 2019).
- 3.5 Overall, I am satisfied that all the relevant statutory requirements in the 2012 Regulations have been met. I am also content that a transparent, fair and inclusive process has been followed in respect of the approach taken towards the preparation of the DPNP and the involvement of interested parties in consultation, having due regard to the relevant advice on plan preparation and engagement in the PPG. I further note that the Mayor of London has confirmed that the DPNP is in general conformity with the current and draft New London Plan⁴.

Development and Use of Land

- 3.6 Subject to paragraphs 4.27 and 4.49 below and the associated modifications recommended in PM11 and PM20, the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

⁴ E-mail dated 3 May 2019.

Excluded Development

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

Human Rights

- 3.8 Camden Council has not concluded that the DPNP breaches Human Rights (within the meaning of the Human Rights Act 1998) and I note that the Council undertook an Equality Impact Assessment⁵ relating to the Plan's effects on individuals and groups with protected characteristics. I see no reason to disagree with the Council.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for SEA by Camden Council which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion (March 2018), I support this conclusion.
- 4.2 The Neighbourhood Plan Area is not in close proximity to a European designated nature site. Natural England confirmed the DPNP 'will not have significant effects on sensitive sites that Natural England has a statutory duty to protect'⁶ and that therefore Habitats Regulation Assessment was not required. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 I have approached the assessment of whether or not the DPNP complies with the Basic Conditions under two main headings:
- General Issues of Compliance of the Plan, as a whole; and
 - Specific Issues of Compliance of the Plan Policies.
- 4.4 In particular I have considered whether or not the DPNP complies with the Basic Conditions, particularly in terms of its relationship to national policy and guidance, the achievement of sustainable development and general conformity with the adopted strategic Development Plan policies.

⁵ Paragraph 5.9 of the Basic Conditions Statement (January 2019).

⁶ Letter to London Borough of Camden dated 16 April 2019.

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General Issues of Compliance of the DPNP, as a whole

National Policy, Sustainable Development and the Development Plan

- 4.5 The policies in the DPNP are set out under six main headings: Design and Character; Housing; Community; Neighbourhood Centres and Employment; Environment and Sustainability; and Transport and Streets. The accompanying Basic Conditions Statement (January 2019) satisfactorily sets out in some depth how the policies of the DPNP align with national and local policy and advice.
- 4.6 The Vision and Objectives for the area are appropriately summarised in Chapter 2 of the DPNP and they appear to accurately reflect the aspirations of the local community. Support is given, for example, to providing a mix of housing, creating a strong community and ensuring that the design and appearance of new development is of the highest standard and retains the attractiveness of the neighbourhood's 'leafy feel'.
- 4.7 The need to achieve sustainable development is a key objective and I am satisfied that all three dimensions to such development (economic, social and environmental)⁷ have been taken into account. Subject to the detailed comments on individual policies, that I set out below, I conclude that the DPNP has had proper regard to national policy and guidance.
- 4.8 It is clear that Camden Council has had the opportunity to contribute to a number of iterations of the DPNP and subject to a small number of exceptions (which I deal with below) I conclude that the DPNP is in general conformity with the strategic policies of the Camden Local Plan. With regard to the London Plan, it is clear that the DPNP has taken this into account⁸. There is no reason to conclude that the DPNP (if made) would be in conflict with the revised version of the London Plan.
- 4.9 Overall the DPNP provides a satisfactory framework that will facilitate the achievement of the 'visions' that are set out at the start of each policy chapter.
- 4.10 Subject to the modifications that I recommend below, I conclude that the DPNP meets the Basic Conditions. I also consider that the policies (as amended) are supported by suitable evidence, are sufficiently clear and unambiguous and that they can be applied consistently and with confidence⁹.

⁷ 2012 NPPF, paragraph 7.

⁸ See page 13 of Basic Conditions Statement.

⁹ PPG Reference ID: 41-041-20140306.

Specific Issues of Compliance of the DPNP Policies

Introduction and Vision and Objectives (Chapters 1 and 2)

- 4.11 The Introduction and 'current picture' are clear and succinct although in the interests of accuracy the last sentence on page 9 should refer to the Chester Balmore development being 'more' recent rather than 'very' recent because it was developed over 5 years ago. I recommend accordingly in **PM1**.
- 4.12 The key issues for the neighbourhood as set out under section 2.2 are appropriate but the fourth bullet point would benefit from added clarity regarding support for public transport and the mitigation of harmful consequences of development and therefore, I recommend **PM2**. The Vision and Objectives for the area are clear and from my reading of the evidence are fully reflective of the community's aspirations.

Design and Character

- 4.13 Bearing in mind much of the DPNP area is a conservation area¹⁰, together with the emphasis placed on design in the NPPF, the DPNF has rightly formulated policies that provide protection to many of the environmental attributes of the area (for example open spaces and tree-lined roads) whilst also encouraging the highest standards of design.
- 4.14 Policy DC1 (Enhancing the sense of place) establishes the framework for ensuring the good design of new development, including appearance, scale and massing. The area is described as 'semi-rural' in DC1(b) and in the first paragraph on page 21. The extent of development and the level of traffic and other activity leads me to conclude that this description is misleading, and I note that in the second paragraph on page 36, Dartmouth Park is described as a 'well-developed suburban area'. I consider this to be a more accurate description of the locality and therefore recommend that the wording of both policy DC1 and the supporting text should be changed to more accurately reflect the situation, as set out in **PM3**.
- 4.15 The policy requires the maintenance and, where possible, the improvement of existing green or open spaces. In the interests of accuracy sub-section (b)(i) should require the maintenance of both green and other open spaces (there should be no option) and I recommend accordingly in **PM4**.
- 4.16 In the second paragraph on page 21 of the DPNP it states that 'there is comparatively little space actually open to the public'. Having visited the

¹⁰ Dartmouth Park Conservation Area.

area and seen, for example, Hampstead Heath, Parliament Hill and Highgate Cemetery, I consider this statement to be misleading. I recommend that the sentence be amended to refer to the fact that any deficiency in open space is only in the extreme eastern part of the NP area. **PM5** is therefore recommended.

- 4.17 It is essential that appropriate protection is given to heritage assets and policy DC2 (Heritage assets) sets out appropriate requirements. However, in order to ensure consistency with the Planning (Listed Buildings and Conservation Areas) Act 1990 the reference in the introductory sentence should be to 'preserving or enhancing' rather than protecting and preserving and I recommend accordingly (**PM6**).
- 4.18 Policy DC2 includes reference to 'locally-listed buildings' but these do not have the same status as buildings within a conservation area. This should be made clearer in the policy and I recommend that this part of the policy be clarified accordingly (**PM7**). Consequent changes to the references in the supporting text on pages 23 and 24 are required and these are therefore recommended in **PM8**.
- 4.19 The 2012 NPPF (section 7) clearly establishes the need for good design and policy DC3 of the DPNP (Requirement for good design) provides a number of criteria to ensure that this objective is achieved.
- 4.20 Policy DC4 (Small extensions) sets out the requirements in terms of design, scale and protection of living conditions. The criteria are all appropriate and are in general conformity with national guidance and the strategic policies of the Development Plan.
- 4.21 With the proposed modifications, the Design and Character policies all meet the Basic Conditions.

Housing

- 4.22 Policy H1 (Meeting housing need) will ensure that a range and balance of housing types and tenure are to be provided and the inference is that current and future housing needs will be met. However, there is no indication as to what that need might be and therefore, I recommend **PM9** which confirms that Camden's housing target is 1,120 homes per annum and that Dartmouth Park will contribute to meeting that need when suitable opportunities arise.
- 4.23 Criteria (a) (ii) and (iii) and (b) of policy H1 are design-based and not relevant to meeting housing need, which makes the policy confusing and unclear. It is therefore recommended that they are deleted and the supporting text clarified (**PM10**).

- 4.24 In terms of affordable housing, policy H2 sets out a range of requirements which support the provision and retention of affordable homes. The requirements meet the Basic Conditions (see paragraph 1.9 above) and should ensure that the community's objective of 'securing a diverse and stable neighbourhood with residents at all income levels' will be achieved.
- 4.25 Accessible housing is covered by policy H3 and the support that is given to downsizing and providing accommodation that is suitable for the elderly and those with disabilities, reflects the approach taken at borough and national level and meets the Basic Conditions.

Community

- 4.26 There is a wide range of community facilities within the DPNP area (38 are identified in Fig A3.1 in Appendix 3) and the DPNF is right to seek to retain and develop these community assets where possible. Policy CM1 (Community facilities) establishes the requirements in terms of the retention and development of these facilities and meets the Basic Conditions.

Neighbourhood Centres and Employment

- 4.27 As I saw on my visit there are a number of, what appeared to be, thriving Neighbourhood Centres, offering a range of services and facilities. Policy CE1 (Supporting Neighbourhood Centres) seeks the retention of such areas and policy CE2 supports the intensification of such centres. Both are relevant objectives. However, policy CE1 (e) relates to the creation of a retail forum and whilst this may be a laudable objective, it is not a land use planning matter and its deletion from the policy is therefore recommended (**PM11**).
- 4.28 I did consider whether or not the policy is too restrictive. However, there would be opportunities for the provision of non-retail uses in certain circumstances and in any event, I was provided with no evidence to demonstrate that there is currently any significant risk to the future of the existing retail uses. Such a policy, as modified, meets the Basic Conditions.
- 4.29 Improving the character and appearance of the public realm in the vicinity of Neighbourhood Centres is a clear aspiration of the local community and this is reflected in policy CE3 which seeks to retain and where possible improve such locations.
- 4.30 In terms of employment, policy CE4 (Supporting employment activities) sets out measures to prevent the loss of class B1 use¹¹ whilst also

¹¹ Business use.

supporting the provision of affordable workspaces and serviced meeting spaces. The justification for the policy is clearly set out on page 62 and I am satisfied that the policy will contribute towards achieving a more sustainable community.

- 4.31 Policy CE5 returns to the issue of Neighbourhood Centres and in particular the visual appearance of the shop fronts and other facades. As far as I am aware there has been no significant challenge to the requirements of this policy and, as I saw on my visit, retaining and improving the character and appearance of the Neighbourhood Centres is an important objective in order to ensure that their vitality and viability is retained.
- 4.32 With the proposed modifications the policies relating to Neighbourhood Centres and Employment all meet the Basic Conditions.

Environment and Sustainability

- 4.33 Green and Open Spaces are covered by policy ES1 – a policy which seeks their protection and enhancement. Although the policy makes reference to the map at Fig 7A (which identifies green spaces) the key to that plan should provide greater clarity as to which of the spaces are ‘local green spaces’, which are ‘additional open spaces of value to the community’, and which are ‘existing community gardens/allotments’. It is also difficult to accurately decipher the boundaries of the identified open spaces and therefore it is recommended that larger scale maps of each green space should be included in Appendix 4: Open spaces, and cross-referenced in Fig 7A. **PM12** is therefore recommended.
- 4.34 In terms of the precise boundaries of the areas of local green space, I would advise that all the boundaries are scrutinised for accuracy. In particular I recommend in **PM13** that:
- LGS2 Highgate Enclosures should not include roads and should be re-titled as Highgate Enclosures and Grove Terrace Squares;
 - LGS4 Mortimer Terrace Nature Reserve should be drawn to be consistent with the other green spaces. It is not clear what the status is of the area bounded by a dotted line and referenced as ‘4’ on Fig 7A;
 - LGS5 York Rise should exclude parking areas and temporary buildings and should have the same boundary style on the plan as the other identified areas;
 - LGS8 Haddo House should exclude the area of car parking and service road; and
 - OGSB Lissenden Gardens should not include the private back gardens.

With these boundary modifications, I consider that all 8 proposed local green spaces meet the criteria in paragraph 77 of the NPPF and are therefore suitable for designation.

- 4.35 The DPNF has identified a small number of 'other open spaces' which include the gardens of La Sainte Union Des Sacrés Coeurs School and the grounds of Parliament Hill and William Ellis Schools. The DPNF has confirmed that the intention is to protect these spaces from commercial development should they no longer be needed for educational purposes.
- 4.36 I have been given no evidence that there is any risk to the future of these educational establishments (indeed it appears that there is currently significant investment being made in the Parliament Hill and William Ellis Schools) but even if such a risk existed any proposal would be assessed against requirements set out in the NPPF. The 2012 version, in paragraph 74, makes it clear that the starting point is that 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on'. This advice is carried forward into the 2019 version of the NPPF (paragraph 97). I consider that there is insufficient justification for including areas C and D under 'other open spaces' on Fig 7A and therefore recommend their deletion (**PM14**).
- 4.37 In the interests of accuracy ES3(c) on page 71 of the DPNP should be labelled as ES1(c) and I recommend accordingly in **PM15**.
- 4.38 Trees are an important element in the character of Dartmouth Park and policy ES2 (Trees) seeks to protect existing trees and increase their number. However, it is not clear to me what is meant by the word 'promote' (it is not explained in the supporting text) and therefore, in the interests of clarity, I recommend an amendment to the first sentence of the policy (**PM16**).
- 4.39 The protection and enhancement of the area's biodiversity is satisfactorily covered by policy ES3 (Biodiversity) and Policy ES4 (Energy efficiency) provides appropriate support for measures that increase energy efficiency and reduce energy and resource loss. Both policies meet the Basic Conditions.

Transport and Streets

- 4.40 It is clear that the policies in the DPNP are consistent with the Mayor of London's Healthy Streets policies and this is confirmed in the penultimate paragraph on page 82 of the DPNP.
- 4.41 The need to provide a safe environment for pedestrians and cyclists is established in policy TS1 (Safety and accessibility for pedestrians and cyclists). In terms of criterion (a) the term 'continuous footway and cycleways' should be removed because it is a non-standard arrangement which is not supported by legislation. The reference should be to 'vehicle crossovers' and I recommend accordingly (**PM17**).

- 4.42 The list of potential Projects, under section 10.2 of the DPNP, includes a number which would involve highways and public realm work and I note that these may be achievable through CIL¹² funding.
- 4.43 Further cycling improvements (for example secure cycle storage) are satisfactorily addressed in policy TS2.
- 4.44 The objective of reducing the effects of traffic on local residents forms the basis for policy TS3 (Traffic reduction). In the interests of clarity, the reference to '(and not merely convenient)' should be deleted from policy TS3(a) because it is not consistent with Camden's approach to car-free development. I also consider that sub-section (c) lacks clarity. The Council considers that it could undermine its car-free policy approach. On that basis, I recommend that sub-section (c) should be deleted. **PM18** sets out these two modifications, which are required in order to ensure that the Basic Conditions are met.

Specific Neighbourhood Sites

- 4.45 Chapter 9 sets out a number of community aspirations for specific neighbourhood development sites. It is made clear that these are only aspirations and that consequently they are not subject to specific policies. It should be made clearer, however, that they do not form part of the statutory Development Plan¹³ and I recommend **PM19** accordingly. Camden Council consider that the aspirations should be made more flexible, for example by replacing 'will be expected to' by 'should'. However, I consider that the DPNF is justified in seeking to set out its aspirations in a positive and unambiguous way.
- 4.46 I have given considerable thought as to whether or not any of the identified neighbourhood sites should be specifically allocated. However, the scope of the DPNP is a matter for the DPNF and I am satisfied that Chapter 9 of the DPNP satisfactorily establishes the principles for the development of the identified sites.
- 4.47 With regard to Murphy's Yard I asked the DPNF for additional justification for its approach towards the future of the site and I am satisfied that the response, dated 11 June 2019, clearly sets out the reasoning behind the community aspirations for this area of land. There is no reason that I am aware of why the aspirations of the local community should match exactly the aspirations of the Borough Council.

¹² Community Infrastructure Levy.

¹³ PPG Reference ID: 41-004-20190509.

- 4.48 A policy is included on page 91 relating to community engagement – SNS1. However, it does not specifically relate to the development and use of land and although the aspiration embedded within the policy is appropriate, it should not be given the status of a policy. Therefore, I recommend that policy SNS1 be downgraded to become a paragraph within the text and that the reference: SNS1 be deleted (**PM20**). In this way, the Basic Conditions will be met.
- 4.49 Camden Council refers (in its consultation response) to comments on page 101 of the DPNP regarding a consented scheme at Highgate Newtown Community Centre. As far as I am aware work on the proposal has not yet commenced but even if it had, I see no reason to delete reference to the widespread concerns of local residents. I note the reference to the Examiner’s comments regarding the Highgate Neighbourhood Plan but I am not familiar with the circumstances of that Examination and in any event, I am required to undertake this Examination on its own merits.
- 4.50 It is not my responsibility to examine or determine what the aspirations of the community should be but from the evidence before me it appears that the aspirations set out in the DPNP represent the genuine desires of local people.

Delivery, Monitoring and Future Review

- 4.51 The DPNP includes a chapter entitled Delivery, Monitoring and Future Review. However, there is a lack of detail regarding the role of the DPNF. It is therefore recommended that an additional sentence be added to the second paragraph under 10.1 Monitoring and Review, which provides a stronger confirmation of the continuing role of the DPNF (**PM21**).

Clarity of Presentation

- 4.52 Whilst the DPNP is well structured, it would be easier to navigate through it if the paragraphs were numbered. However, I recognise it is beyond the scope of my remit to formally recommend a modification to this effect.
- 4.53 There is a lack of clarity and consistency in some of the Plans and Figures in the DPNP. In particular the route of the Neighbourhood Area boundary is not consistent throughout (for example it is not the same in Fig 1A, in the Introduction, when compared to Fig 3A). I am told by the DPNF that the correct boundary is that delineated on Fig 1A in the DPNP. This boundary should therefore be used for all the plans in the document where the boundary is shown. Similarly, Fig 6A would benefit from having the names of the Neighbourhood Centres added and Fig 3A would be easier to interpret if it was at a larger scale. I therefore recommend in **PM22**, that all the plans in the document should be reviewed in order to ensure that clarity and consistency is achieved.

5. Conclusions

Summary

- 5.1 The Dartmouth Park Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. However, the DPNP, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is clear that there has been significant community involvement in the preparation of the DPNP. I was particularly heartened to see that a 'community walkabout' was arranged early on in the process, that local schools have been encouraged to participate and that a wide range of opportunities to engage the community have been taken, for example at street parties and local fairs. I sense that a good level of momentum has been achieved and this should be nurtured by the DPNF. In terms of the DPNP itself it is generally a well-presented document which, if made, will become an important element in the planning policy framework for the area.

David Hogger

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Third paragraph, last sentence Page 9	Replace very with more .
PM2	Page 10	Amend the fourth bullet point under section 2.2 to read: Improving the quality of local roads and streets as walking, and cycling and public transport routes, while mitigating the transport and environmental effects consequences of development and movement at locations on key routes into Central London and on a the busy east-west route (which includes Chetwynd Road).
PM3	Policy DC1(b) Page 20 First sentence in first paragraph on page 21	Delete semi-rural character and replace with: character of the attractive well-developed suburban area . Delete semi-rural and replace it with: enhance the attractive suburban nature that
PM4	Policy DC1 (b)(i) Page 20	Delete or and replace with and other .
PM5	Second paragraph Page 21	Amend last part of second sentence to read: there is comparatively little space available for public use in the eastern part of the NP area actually open to the public

PM6	Policy DC2 Page 22	In the introductory sentence replace Protect and preserve with Preserve or enhance .
PM7	Policy DC2(c) Page 22	<p>Delete all of sub-section (c) and replace with:</p> <p>(c) In the case of development affecting any of the buildings (or the setting of any such buildings) that make a positive contribution to the character or appearance of the conservation area, as identified in the Conservation Area Appraisal (Appraisal Appendix 2), only permitting development that is designed to a high standard, or preserves or enhances the character or appearance of the conservation area and makes a positive contribution to local distinctiveness;</p> <p>Add a new sub-section (d) to read:</p> <p>(d) In the case of development affecting any of the locally listed and other heritage assets identified in Appendix 2, or their settings, only permitting development that is designed to a high standard.</p> <p>Replace the existing (d) for the last sub-section with the letter (e).</p>
PM8	Pages 23 and 24	<p>In the penultimate paragraph on page 23 start the sentence with: DC2(c) and (d).</p> <p>Delete the following sentences from the last paragraph on page 23 (which continues on page 24):</p> <p>The intention is therefore for all these non-designated heritage assets (whether included in the local list or not) to be dealt with in the same fashion. And</p> <p>Should preserve or enhance the character of the Conservation Area (where within the Conservation Area)</p>

		<p>and make a positive contribution to local distinctiveness. Under paragraph 197 of the NPPF, in weighing applications affecting these non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p> <p>Start the final paragraph on page 24 with: DC2(e) (d).</p>
PM9	Page 35	<p>Add a new sentence at the end of section 4.3 to read:</p> <p>The current housing target for the Borough of Camden is 1,120 homes per annum and Dartmouth Park will contribute towards meeting that need when suitable opportunities arise.</p>
PM10	Policy H1	<p>Delete:</p> <p>(ii) preserve existing buildings that make a positive contribution to the character of the area, and</p> <p>(iii) have scale and massing which respect that of surrounding buildings;</p> <p>Delete:</p> <p>(b) taking a sympathetic approach to small roof, side and rear extensions to existing residential properties, where this can be achieved consistently with policy DC4;</p> <p>Amend supporting text in last sentence in third paragraph on page 36 to read:</p> <p>While The policies reflected in H1(a) (i) and (ii) should be considered in the context of are also addressed in Chapter 3 (Design), they are included here to capture ...</p> <p>Delete all of last paragraph on page 36 which starts: H1(b) seeks to make</p>

PM11	Policy CE1 Page 57	Delete sub-section (e): (e) encouraging the establishment of a retail forum of local residents and businesses to advise the developer on the mix of businesses in any new development. Place an and at the end of sub-section (c).
PM12	Fig 7A (page 70) and Appendix 4 (page 125)	Provide larger scale plans of the green spaces (as identified on Fig 7A) in Appendix 4 which differentiate between the different types of open space and identify their boundaries more clearly. Provide a cross-reference on Fig 7A to the detail provided in Appendix 4.
PM13	Fig 7A	Improve the accuracy of the boundaries of the identified local green spaces. In particular: <ul style="list-style-type: none"> • LGS2 Highgate Enclosures should not include roads and should be re-titled as Highgate Enclosures and Grove Terrace Squares. • LGS4 Mortimer Terrace Nature Reserve should be drawn to be consistent with the other green spaces. Clarify what the status is of the area bounded by a dotted line and referenced as '4' on Fig 7A. • LGS5 York Rise should exclude parking areas and temporary buildings and should have the same boundary style on the plan as the other identified areas. • LGS8 Haddo House should exclude the area of car parking and service road. • OGSB Lissenden Gardens should not include the private back gardens.
PM14	Fig 7A Page 70	Delete from the plan, figure 7A, Appendix 4 and the key:

		C Gardens of La Sainte Union Des Sacres Coeurs School and D Grounds of Parliament Hill and William Ellis Schools
PM15	Third paragraph on page 71	Replace ES3(c) with ES 1 (c).
PM16	Policy ES2 Page 72	Amend start of policy to read: Protect, promote and increase the number of healthy trees
PM17	Policy TS1 Page 83	Amend sub-section (a) to read: Where the developer is responsible for entrances to and exits from a development, providing continuous footways and cycleways vehicle crossovers across those entrances and exits, such that drivers give way to pedestrians and where appropriate cyclists.
PM18	Policy TS3 Page 87	Delete (and not merely convenient) from sub-section (a). Delete all of Sub-section (c) and place the 'and' after sub-section (a).
PM19	Second paragraph on page 89	Add a sentence to the paragraph to read: These aspirations do not form part of the Development Plan.
PM20	Policy SNS1 Page 91	Delete the shaded box but retain the text currently within it, with the exception of Policy SNS1 which should be deleted. In last paragraph on page 91 delete: Justification for policy SNS1: This policy aims and insert: The aim is to provide a mechanism
PM21	Section 10.1 Page 105	Add a new sentence at the end of section 10.1 to read: The DPNF will continue to co-ordinate community responses to planning and related issues; will work alongside and co-ordinate with

		the Dartmouth Park Conservation Area Advisory Committee where appropriate; and will focus on delivering the Projects identified in the DPNP as opportunities arise.
PM22	All 'Figures' within the DPNP	<p>All plans within the document (titled Figures) should show a consistent NP boundary as identified on Fig 1A.</p> <p>All plans should be at a larger scale to ease interpretation.</p> <p>Fig 6A should have the names of the Neighbourhood Centres added.</p>