

Report for: Cabinet Member Signing
Item number:

Title: Highgate Neighbourhood Plan - Adoption

Report Authorised by: Strategic Director of Planning, Regeneration and Development

Lead Officer: Head of Strategic Planning, Transport and Infrastructure

Ward(s) affected: Highgate, Crouch End, Fortis Green and Muswell Hill

**Report for Key/
Non Key Decision:** Non Key

1 Describe the issue under consideration

- 1.1 The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood development plans for their local areas. The Highgate Neighbourhood Forum ('the Forum') was designated by the Council in December 2012 and it has since undertaken the preparation of a plan for the Highgate Neighbourhood Area ('the neighbourhood area'), which includes parts of Haringey and Camden boroughs.
- 1.2 A draft version of the Highgate Neighbourhood Plan ('the Plan') and supporting documents were submitted by the Forum to the Council in September 2016 and then publicised for a statutory public consultation, following which the Plan was subject to an independent examination. The Examiner's Report was issued in February 2017. The report concluded that the Plan, subject to modifications recommended by the examiner, meets the basic conditions set out in legislation and other legal requirements and should proceed to a local referendum.
- 1.3 In line with statutory requirements the Council published a 'decision statement' following a resolution of Cabinet on 11th April 2017. This set out the examiner's recommendations on the Plan and the Council's response to these. The decision statement stated that the Council agreed with the examiner's recommendations including that the Highgate Neighbourhood Plan, as modified, should proceed to referendum.
- 1.4 A local referendum on the Plan was held on 6th July 2017 with electors voting on the following question: "Do you want the London Boroughs of Haringey and Camden to use the Neighbourhood Plan for Highgate, to help them decide planning applications in the neighbourhood area?". The results of the referendum were:

Response	Votes	Percent of Total
Yes	2078	88%
No	283	12%

Rejected ballots	11	
Turnout	2372	

- 1.5 Following the referendum and in the event of a “yes” vote the Plan must be made (i.e. adopted), subject to legal challenge, within 8 weeks starting from the day immediately following the last referendum date, unless the local planning authority consider that the making of the Plan would breach or be incompatible with any EU obligation or human rights. Officers are satisfied that the Plan meets the relevant statutory requirements. It is therefore incumbent on the Council to proceed to make the Plan within the prescribed timescales.
- 1.6 As agreed at Cabinet on 11th April 2017, delegated authority is given to the Cabinet Member for Housing, Regeneration and Planning to make the Highgate Neighbourhood Plan where the Plan successfully passes a local referendum.

2 Cabinet member introduction

- 2.1 Neighbourhood planning enables communities to play an important role in shaping the areas in which they live. Specifically, through the preparation of neighbourhood plans communities are able to set out a shared vision and planning policies for their local area. These plans support the Council’s Local Plan in providing a positive framework for managing development and growth, such as for new housing and jobs, as well as focussing priorities for investment in community infrastructure.
- 2.2 The Highgate Neighbourhood Forum is the first community group in Haringey to engage in the neighbourhood planning process and see its plan successfully through the examination stage. The Forum has worked hard over several years to involve the residents, businesses and community organisations of Highgate to prepare a Plan which reflects their aspirations and addresses local needs. The referendum result shows the community’s widespread support for their neighbourhood plan.
- 2.3 The adoption of the Highgate Neighbourhood Plan, the first such plan in Haringey, will play an important role in shaping a sustainable future for the Highgate area and may well encourage other communities in the borough to prepare plans of their own.

3 Recommendations

- 3.1 It is recommended that:
1. The Cabinet Member for Housing, Regeneration and Planning resolves to make (i.e. adopt) the Highgate Neighbourhood Plan, as set out in Appendix A of this report, so that the Plan has legal effect as part of Haringey’s statutory development plan.

4 Reasons for decision

- 4.1 The Council has a duty to support and facilitate the neighbourhood planning process in Haringey as required by the Town and Country Planning Act 1990

(as amended) ('the Act'). The local authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations').

- 4.2 Following the referendum in the event of a “yes” vote the Plan must be made (i.e. adopted), subject to legal challenge, within 8 weeks starting from the day immediately following the last referendum date. The Council is only not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation of any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 4.3 Officers are satisfied that the making of the Highgate Neighbourhood Plan would not breach, nor would otherwise be incompatible with, any EU obligation or any of the Convention rights.

5 Alternative options considered

- 5.1 As noted above the Council is required to facilitate the neighbourhood planning process and make certain decisions within prescribed time periods, including the decision to make the Plan in the case where it is supported by a majority of votes cast at a local referendum and relevant statutory requirements are satisfied. In light of Paragraphs 4.1-4.3 above, there are no alternative options to be considered at this stage in the plan process and the Council is statutorily required to make the Plan.

6 Background information

- 6.1 Neighbourhood plans are statutory planning documents which can establish planning policies for the development and use of land in a neighbourhood. Neighbourhood plans must be prepared by the community in the form of designated neighbourhood forums and, once drafted, are subject to public consultation, independent examination and a referendum.
- 6.2 The Plan is a cross-borough plan incorporating parts of Camden and Haringey (in Haringey this primarily includes parts of Highgate and Crouch End wards, as well as some open space in Muswell Hill and Fortis Green wards). It is set for a 15-year period covering 2016-2031. The Plan includes two types of policies – development management and ‘key site’ policies. The development management policies are criteria based policies covering a range of themed topic areas (including social and community needs, economic activity, traffic and transport, open space, and development and heritage). The Plan’s 5 key site policies allocate strategic sites for specific land uses along with development guidelines to support delivery of the spatial strategy.

Progress to-date

- 6.3 The key stages in the process of plan production to-date are summarised below:

- The Council formally designates the Highgate Neighbourhood Area and Forum in December 2012;
- The Forum undertakes two public consultations on the emerging draft plan commencing in January 2015 and December 2015 respectively;
- The Forum submits a draft plan to Camden and Haringey Councils in September 2016, following which the Councils undertake a statutory 6-week public consultation;
- The Councils appoint a plan examiner and in November 2016 submit the draft plan and supporting documents for independent public examination;
- The Examiner's Report is published in February 2017;
- Haringey Council's 'decision statement' is published in April 2017 which provides that an amended version of the Plan (incorporating the Examiner's recommended policy modifications) proceeds to referendum; and
- A local referendum on the Plan is held on 6th July 2017 with a majority of votes cast supporting the Plan's adoption.

6.4 The Council's planning officers, along with Camden colleagues, have worked closely with the Forum throughout the preparation of the Plan. This has been a complex process by virtue of it being a cross-borough neighbourhood plan, and the various stages of the development of the Councils' respective emerging Local Plan documents. The Council's close working relationship with Camden Council and the Forum has ensured that any issues were identified and appropriate action taken. Crucially, the Plan is in conformity with Haringey's existing and emerging Local Plan and once adopted will support delivery of the Borough's spatial strategy.

6.5 The Plan has been informed by extensive engagement with the local community and key stakeholders, including through multiple rounds of informal and statutory public consultation. Further details in this regard as set out in the Forum's 'consultation statement' which was included as part of the package of documents submitted for public examination. In addition, Strategic Environmental Assessment (SEA) and Equalities Impact Assessment (EqIA) have been undertaken in parallel with the plan process to ensure appropriate regard to sustainability and equalities considerations, consistent with the relevant statutory requirements.

Next Steps

6.6 The Plan has passed the referendum stage with a majority of the votes cast supporting the Plan's adoption. Accordingly, the Council must now ratify the referendum result and 'make' (i.e. adopt) the Plan within the prescribed timescales. As agreed at Cabinet on 11th April 2017, the making of the Plan is an executive decision which is delegated to the Cabinet Member for Housing, Regeneration and Planning.

7 Contribution to strategic outcomes

- 7.1 The Plan aligns with our Corporate Plan vision and objectives to actively manage and drive growth and development across the borough, specifically:
- **Priority 3 (Clean and Safe Environment)** by ensuring protection of Highgate natural environment and, where possible, increase and enhance provision, public access and use, where appropriate.
 - **Priority 4 (Growth)** by maximising opportunities for residential and commercial growth and development targeted at areas that can accommodate change and have the capacity to do so.
 - **Priority 5 (Housing)** by enabling the delivery of new homes and ensuring such growth and development results in a high quality and attractive residential amenity.

8 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

- 8.1 This report requests the Cabinet Member for Housing, Regeneration and Planning to adopt the Highgate Neighbourhood Plan, as set out in Appendix A of this report, so that the Plan has legal effect as part of Haringey's statutory development plan.
- 8.2 The referendum reflects a majority support for the Plan's adoption. As agreed at Cabinet meeting on 11th April 2017, the Council must now ratify the referendum result and adopt the Plan within the prescribed timescales.
- 8.3 The cost of the referendum is estimated at approximately £25,000. This is being funded from Planning Service budgets.
- 8.4 The budgetary pressure will be mitigated by grant receivable from DCLG for neighbourhood planning.
- 8.5 There is funding of up to £20,000. This should be applied for before the December 2017 window closes.
- 8.6 Where the cost of the referendum exceeds the funding allocation then the difference will be made up within the Planning Service budget.

Legal

- 8.7 As noted above, the legislative provisions relating to neighbourhood development plans are contained within the Act, the Regulations and the Neighbourhood Planning (Referendums) Regulations 2012 (as amended). Under the Act the local planning authority must also have regard to the

Government's Planning Practice Guidance in relation to neighbourhood development plans.

- 8.8 Following the referendum in the event of a "yes" vote the Plan must be made (subject to legal challenge) within 8 weeks starting from the day immediately following the last referendum date, unless the local planning authority consider that the making of the Plan would breach or be incompatible with any EU obligation or human rights. As noted in Paragraph 4.3 above, officers are satisfied that the Plan meets all the relevant statutory requirements.
- 8.9 In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and government guidance (which the Council must have regard to on account of section 61O of the Act) all decisions regarding neighbourhood plans are the responsibility of the Council's executive.

Equality

- 8.10 The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to:
- Tackle discrimination and victimisation of persons that share the characteristics protected under section 4 of the Equality Act 2010. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - Advance equality of opportunity between people who share those protected characteristics and people who do not;
 - Foster good relations between people who share those characteristics and people who do not.
- 8.11 A full Equality Impact Assessment (Appendix B) has been undertaken which has demonstrated that this decision will have a positive or neutral impact on protected characteristics. The EqIA was published alongside the referendum version of the Plan at Cabinet on 11th April 2017.
- 8.12 In addition to this, the Examiner's role is to assess whether the plan meets various legal requirements, including not breaching and must be otherwise compatible with, EU and European convention on Human Rights obligations.

9 Use of Appendices

- Appendix A – Adoption Version of the Highgate Neighbourhood Plan
- Appendix B – HNP Equality Impact Assessment

10 Local Government (Access to Information) Act 1985

10.1 National Planning Policy Framework

10.2 National Planning Policy Guidance

10.3 Town and Country Planning Act 1990 (as amended)

10.4 Neighbourhood Planning (General) Regulations 2012 (as amended)

10.5 Neighbourhood Planning (Referendums) Regulations 2012 (as amended)

10.6 Neighbourhood Planning Act 2017