

Basic Conditions Statement

1. Introduction

The following pages set out the legally required additional information that accompanies the Redington Froggnal Neighbourhood Plan.

This document sets out the Basic Conditions which the plan needs to fulfil, in order to satisfy the requirements set out in legislation and to pass independent examination.

This document should also be read in conjunction with the Consultation Statement.

The basic conditions to be met by a Draft Neighbourhood Plan are set out in Paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011). They are that the Neighbourhood Plan:

- has regard to national policy and guidance from the Secretary of State;
- contributes to sustainable development;
- is in general conformity with the strategic policy of the Development Plan for the area or any part of that area;
- does not breach and is otherwise compatible with EU obligations, including the SEA Directive of 2001/42/EC, and Human Rights.

The legal tests also relate to the following conditions:

- the draft neighbourhood plan is submitted by a qualifying body;
- the draft neighbourhood plan sets out policies in relation to the development and use of land;
- the draft neighbourhood plan states the period in which the plan is to have effect;
- the policies do not relate to excluded development;
- the draft neighbourhood plan does not relate to more than one area.

The local authority has screened the neighbourhood plan and indicated that neither a Strategic Environmental Assessment nor Habitats Regulation Assessment are required.

2.0 Opening Statement

The Redington Frogal Neighbourhood Forum (RFNF, the Forum) submitting the Plan is a qualifying body to submit a Plan. The RFNF meets the regulations of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011).

An application to designate the Neighbourhood Forum and the Neighbourhood Area that it covers was made to the relevant local authority, the London Borough of Camden, in May 2014. A public consultation on the Forum and Area applications took place between 26 June and 8 August 2014. The London Borough of Camden formally approved the designation of the Neighbourhood Area and the Neighbourhood Forum on 5th September 2014.

The Redington Frogal Neighbourhood Plan relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

The Neighbourhood Plan does not relate to more than one neighbourhood area. There are no other neighbourhood plans in place within the neighbourhood area.

The policies in the Neighbourhood Plan do not relate to excluded development, such as minerals and waste matters or Nationally Significant Infrastructure Projects.

The Neighbourhood Plan, the Plan covers a period starting on a date to be determined in 2019 and ending on 31 December 2049.

The Plan covers an Area within the Frogal and Fitzjohn's ward, as described in the Introduction.

The main aims of the Neighbourhood Plan are set out in its Vision and Objectives, developed following early consultations to set the vision and objectives for the Neighbourhood Plan. The Vision statement for the Plan states that:

“We seek a future for the Redfrog area which preserves its green character and continues to serve as an area available to a wide range of family types and ages who live here rather than invest here. We believe that the Redfrog neighbourhood should celebrate its heritage and history and should continue to be a delightful area for any resident to stroll and enjoy.”

The vision and objectives cover six areas:

1. Characteristics
2. Greenery and New, Green Public Realm
3. Enhancement of the Environment of Finchley Road
4. Sustainable Growth in the Redington Frogal Neighbourhood Area
5. Redington Frogal Conservation Area as Centre for Tertiary Education, the Arts and Culture
6. Basement Excavation

The Plan comprises six policies (and sub policies) for the future development of Redington Frognal:

Policy SD: Sustainable Development

Policy BGI: Biodiversity and Green Infrastructure

Policy CF: Community Facilities

Guidance DS: Possible Redevelopment Opportunities

Policy FR: Finchley Road

Policy UD: Underground Development

Policy KR: Kidderpore Reservoir

The Plan also sets out:

- Design and Landscape Guidance
- Non-Designated Heritage Assets
- Vision and Objectives Statement and Survey
- Design Guidance for Possible Redevelopment Opportunities.

The accompanying document, Complementary Forum Actions to Deliver the Neighbourhood Plan, sets out actions to be taken by Redington Frognal Neighbourhood Forum, but does not form part of the statutory Neighbourhood Plan and is submitted only for information.

3.0 Meeting the legal tests

Neighbourhood plans need to meet the following basic conditions (or legal requirements) must:

- have regard to national policy;
- be in general conformity with the strategic policies in the development plan of the local area;
- contribute to the achievement of sustainable development;
- be compatible with human rights requirements;
- be compatible with European Union regulations.

The following text sets out how the Redington Frognal Neighbourhood Plan has met the legal tests or basic conditions.

The Draft Redington Frognal Neighbourhood Plan (RFNP) has been produced by the Redington Frognal Neighbourhood Forum as qualifying body for the neighbourhood area. The Neighbourhood Forum and the Neighbourhood Area were approved by London Borough of Camden on 5 September 2014.

The policies contained in the RFNP relate to the development and use of land in the designated Neighbourhood Area. The Plan period is from 2020 to 2045 and this appears on the front cover of the plan.

The key stages of consultation undertaken in the development of the Redington Frogna! Neighbourhood Plan are detailed in a separate Consultation Statement. The Regulation 14 Consultation ran from 28 October 2018 to 23 January 2019, exceeding the required period of six weeks. As a result of comments received from the London Borough of Camden, the policies have been restructured to make the plan less prescriptive, and a design policy added, based on the original design codes, but without specifying the amount of decoration, as this would not have met the Basic Conditions tests. A local heritage policy for Kidderpore Reservoir has also been added.

As a result of these modifications, a further Regulation 14 consultation ran from 24 July until 5 August 2019.

3. MEETING THE BASIC CONDITIONS

3.1 HAVING REGARD TO NATIONAL POLICY AND GUIDANCE AND GENERAL CONFORMITY WITH STRATEGIC LOCAL POLICY

The Neighbourhood Plan has been prepared with regard to the national planning policies for England as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

The Neighbourhood Plan takes the approach of regularly referencing the NPPF, and its relevant paragraphs, throughout the text of the document. It also draws on the language and terminology of the NPPF in the formation of its policies and makes use of the accompanying Planning Practice Guidance, as well as MHCLG National Design Guide, advice contained in DCLG Fixing Our Broken Housing Market; the Sir William Pitt review of the 2007 floods and has taken account of the Natural Environment and Rural Communities Act 2006.

The table below sets out how the Neighbourhood Plan policies comply with the relevant sections of the NPPF, the 2016 London Plan and are in general conformity with strategic local policies of the 2017 Camden Local Plan. The Emerging London Plan has also been considered.

The Neighbourhood Plan aims to adapt national and local policies to the particular conditions of the Plan Area in order to be able to apply a clarified and more detailed policy to better meet the specific needs of the Plan Area, which is virtually congruent with the Redington Frogna! Neighbourhood Conservation Area.

Evidence Base

The need for a neighbourhood plan to be evidence-based has guided the policies' development throughout and the Evidence Base for the Redington Frogna! Neighbourhood Plan is contained in a wide variety of documents.

These documents are held on the Neighbourhood Forum's website at:

<http://www.redfrogforum.org/evidence-base/>

Documents underpinning the Policies and available on the website include:

- the National Planning Policy Framework (February 2019)
- the London Plan (March 2016)
- the Emerging London Plan
- Camden Council's adopted planning policies: Camden Local Plan (2017); Camden Planning Guidance (November 2017 or March 2018); Camden Site Allocations (adopted 9 September 2013)
- Redington Froggnal Conservation Area Statement and Guidelines (2003)
- AECOM Contribution of Trees to the Townscape Character, March 2016
- AECOM Redington Froggnal Heritage and Character Assessment, September 2015
- Article 4 Direction Presentation, 2011
- Census data for Froggnal and Fitzjohn's ward, 2011
- Arup RedFrog Sub Surface Water Features Mapping Report (April 2017)
- *Camden 2025 and Our Camden Plan*
- Building Better Beautiful Commission - interim report, July 2019
- MHCLG National Design Guide, October 2019
- MHCLG Natural Environment Guidance, 21.7.19
- Environment Bill, 15.10.19.

The drafts of the Neighbourhood Plan prepared in advance of the final draft also form an important part of the evidence base and reflect how the Plan has developed.

The Redington Froggnal Neighbourhood Forum website also incorporates the minutes of all the Neighbourhood Forum meetings since the group was formed; as well as copies of the presentations given at meetings and workshops; and the results of the surveys carried out by the Neighbourhood Forum. For more detail, please see the Consultation Statement.

NEIGHBOURHOOD PLAN POLICIES

SD: SUSTAINABLE DESIGN AND CHARACTER

Sustainable Design and Character Policies: National and Local Conformity

RFNP policy	NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy	RedFrog CA	
SD	Sustainable Design and Redington Froggnal Character					
SD 1	Refurbishment of existing building stock	149, 170a, 170d, 184-186, 190, 192, 194	3.5, 3.8	GG6 B; D1 A2 and D1 A11; H2 para 4.2.9; H12; HC1; G5; G7	H1, H3, H6, H7, Strategic Housing Market	
SD 2	Redington Froggnal Conservation Area and Non-designated Heritage Assets	184, 185, 186, 187b, 188, 190-196	7.8C, 7.8F	D2 paras 6.37, 7.1.3, 7.48-7.52	D2	
SD 3	Car-free development	70, 102, 103, 105, 122, 170,	6.13E, 7.14	GG3 C, D1 3.1.6; D7 L; T6; SI1, SI13	T1, T2, CC3, CC4	
SD 4	Sustainable Design and Redington Froggnal Character	50, 125-128, 148-150, 170, 171, 182, 190, 192, 200	3.5A, 3.5B, 7.4, 7.6, 7.8D	GG2 C; GG6 B; D1 B; D1 3.1.4; D2 A and 3.3.2; H2E, H2 paras 4.2.6, 4.2.9; HC1; G5, G6	D1, D2, CC2	RF 18-19, RF 36
SD 5	Dwellings: Extensions and Garden Development	70, 118b, 122, 148-150, 170, 171, 194	3.34, 3.5A, 7.19	GG6 B; D1 B, D1 para 3.1.4; G5; G6D; HC1	A1, A3, A2 6.37, A5 6.139-6.140, D1, H2, CC2	RF 23-26, RF 37
SD 6	Retention of architectural details in existing buildings	184, 186	7.8	HC1	D2	RF 13

SD 1 REFURBISHMENT OF EXISTING BUILDING STOCK

With much new development causing harm and cumulative harm to the Area, **SD 1** seeks to adopt design and conservation principles to preserve and enhance the characteristics of the green and picturesque Victorian and Edwardian suburb, and to ensure that larger developments should support “a mixed range of population in terms of socio-economic and age groups”¹, where this is feasible. New development is to be designed to complement and respect the existing character of the area and its heritage buildings, while development outside the Conservation Area, whether residential or commercial, must enhance the setting of the Conservation Area.

The policy also provides for the measurement of biodiversity net gains, as advised by NPPF para. 175d, using the Urban Greening Factor set out in the emerging London Plan and has regard to the Biodiversity Duty under the Natural Environment and Rural Communities Act 2006.

The Neighbourhood Plan approach is also supported is also supported by requirement for biodiversity net gain, set out Natural Environment Guidance, published on 21.7.19, which advises that,

¹ Objective 1 of the Redington Froggnal Vision and Objectives Brochure

“Planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity. An applicant may also propose measures to achieve biodiversity net gain through a unilateral undertaking. The work involved may, for example, involve creating new habitats, enhancing existing habitats.....”

The approach is additionally supported in the Environment Bill, published 15 October 2019.

NPPF

SD 1 also draws on section 16 of the NPPF – specifically paragraphs 184-186, 190, 192, 194, which note the irreplaceable resource of heritage assets and the need for appropriate conservation and enhancement and to retain a mix of dwelling sizes to support a range of socio-economic groups.

Natural Environment and Rural Communities Act, 2006

Under the biodiversity duty, which is part of the Natural Environment and Rural Communities Act, public authorities must show regard for conserving biodiversity in all their actions. Improving the quality of existing priority habitat through positive management would achieve net gain for biodiversity. Policy SD 1 aims to achieve a net gain in biodiversity.

London Plan 2016

London Plan policy 3.5 is concerned with attaining the highest quality and design of housing and para 3.32 sets out the key priority of “Securing new housing of the highest quality and protecting and enhancing residential neighbourhoods.”

Camden Local Plan

Local Plan policies supportive of this policy are H1 and H3, which aim to maximise the supply of homes, including through protecting existing homes, and H6 and H7, which aim to provide a range of dwelling sizes for the “creation of mixed, inclusive and sustainable communities” and large and small homes.

The urban heat island effect is also noted in the Local Plan in policy CC2. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts...”, while CC2a advises “adaptation measures such as the protection of existing green spaces and promoting new appropriate green infrastructure”.

Emerging London Plan

Refurbishment of the existing housing stock is supported by Policy GG6, which recognises the need for buildings to adapt to climate change and improve energy efficiency. Policy D1 A 2 requires development to maximise urban greening and ecological enhancement and to “enhance local context by delivering buildings and spaces that positively respond to local distinctiveness”.

A 11 requires development to “respond to the existing character of a place by identifying the special and valued features that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute to the local character”.

Small sites policy H2 para 4.2.9 raises the possibility of returning hard standing to green space.
Policy G5 also notes the importance of urban greening.

SD 2 REDINGTON FROGNAL CONSERVATION AREA AND NON-DESIGNATED HERITAGE ASSETS

To try to afford greater protection against demolition of non-designated heritage assets, policy **SD 2** includes a list of referenced buildings for which recognition is sought.

NPPF

Section 16 of the NPPF supports the support preservation of heritage assets and unidentified heritage assets (eg. para 187b), and the communication of information about the historic environment (para. 188) and the request for local listing in policy BD 2 is therefore in compliance.

Para. 194 requires consideration to be given to “harm to, or loss of, the significance of a designated heritage asset” (such as conservation areas).

Such consideration is also in accordance with MHCLG Historic Environment Guidance (updated 12 July 2019), which states.

“Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers.”

London Plan 2016

Policy 7.8C of the London Plan requires development to “identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate” and 7.8F advises boroughs to include identifying, protecting, enhancing and improving access to the historic environment and heritage assets and their settings where appropriate. Para 7.31A confirms the NPPF protection for designated heritage assets.

Camden Local Plan

The desire to preserve heritage assets and their settings is reinforced in policy D2.

Emerging London Plan

Policy HC1 lends support to the presumption against demolition, with para 7.1.8 stating that evidence of deliberate neglect t a heritage asset to help justify a development proposal will be disregarded.

Local listing is supported by para 7.1.3, which advises “identification and sensitive management of London’s heritage assets”.

SD 3 CAR-FREE DEVELOPMENT

NPPF

SD 3 is supported by NPPF para 70 and paragraphs 102, 103 and 105 to promote sustainable transport use, in addition to para 122d which notes the desirability of maintaining an area's prevailing character and setting (including residential gardens). Para. 170d recognises the importance of "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."

From 26.10.2021, the Redington Frognaal Area will become part of the Mayor of London's Ultra Low Emission Zone (ULEZ) and SD3 is therefore supported by para. 181, which requires planning to sustain and contribute towards compliance with Air Quality Management Areas and Clean Air Zones.

London Plan 2016

London Plan policy 6.13E b advises that, in locations with high public transport accessibility, car-free developments should be promoted and 7.14 aims to encourage sustainable travel behaviours.

Camden Local Plan

Considerable support for this policy is also derived from Local Plan policies, including CC3, to ensure that development does not increase the risk of surface water flooding, and CC4, which aspires to improve air quality.

Support is also provided by Camden policy T1, which aims to prioritise active transport modes, and T2 which requires new development to be car-free

In particular, paragraph 10.17 specifies that

"Car-free development means that no car parking spaces are provided within the site other than those reserved for disabled people and businesses and services reliant upon parking....."

Policy SD 3 takes the opportunity to clarify the interpretation of "new development" to apply to "all development, i.e. the creation of new units, the amalgamation of units and reconfiguration of developments, (including any new development which does not involve a net gain or loss of units) and extensions to existing buildings." In view of the local trend for car lifts, SD 3 additionally extends Camden's policy to apply to all parking within the site, including underground.

Emerging London Plan

Car-free development is addressed in policy T6 of the emerging London Plan, with T6 H noting that boroughs wishing to adopt more restrictive general or operational parking policies will be supported, including borough-wide or other area-based car-free policies. Para 10.6.1 notes that "new parking provision must be carefully controlled. The dominance of vehicles on streets is a significant barrier to walking and cycling reduces the appeal of streets as public places and has an impact on the reliability and journey times of bus services".

SD 4 SUSTAINABLE DESIGN AND CHARACTER AND REDINGTON FROGNAL

In order to prevent new development detracting from and causing harm to the conservation area, this policy has been drawn up, to be applied across the conservation area's eight sub areas.

The policy is sufficiently flexible to be applied across all sub areas for a range of building types, from detached and semi-detached houses, to terraced houses, mansion blocks, other blocks of flats, office blocks and buildings on Finchley Road.

The accompanying document, Guidance Notes for Developers ,provides further guidance provides further advice to help preserve and enhance the conservation area, and clarity of the Forum's expectations. It is intended that the policy will deliver outstanding new development appropriate to the conservation area.

NPPF

Support for such a design policy is available in the NPPF. Section 14 is also relevant in relation to policies SD 4 and SD 5, in particular paragraphs 148 to 150, meeting the challenge of climate change and flooding. SD 4 and SD 5 adopt a proactive approach to mitigating and adapting to climate change, notably surface water flood risk, biodiversity and the risk of overheating from rising temperatures.

Support is also available in the MHCLG National Design Guide, especially paragraphs 4 to 9 and part 2 N3. The National Design Guide "applies to proposals of all sizes, including small scale incremental changes". Part III of The Interim Report of the Building Better, Building Beautiful Commission is also relevant.

Natural Environment and Rural Communities Act, 2006

Under the biodiversity duty, which is part of the Natural Environment and Rural Communities Act, public authorities must show regard for conserving biodiversity in all their actions. Improving the quality of existing priority habitat through positive management would achieve net gain for biodiversity. This is reinforced in Guidance from MHCLG on the Natural Environment (published 21.7.19) and the National Design Guide.

Policy SD 4 aims to achieve a net gain in biodiversity.

London Plan 2016

The design policy is compatible with London Plan policy 3.5A to promote high quality development to protect and enhance the residential environment, and 3.5B to take account of local character and density, to give green and sustainable neighbourhoods with distinct and positive identities.

The necessity to respond to local character and the historic environment is set out in 7.4, with 7.6 referring to the need for architecture to make a positive contribution to the streetscape, while 7.8D notes that "development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail". Para 7.31 of policy 7.8 similarly emphasises the importance of protecting conservation areas from "inappropriate development that is not sympathetic in terms of scale, materials, details and form".

Camden Local Plan

Key elements of the Redington Froggnal design policy is very well supported by local plan policies, notably D1, which requires high quality design to :

- a. respect local context and character;
- b. preserve or enhance the historic environment and heritage assets in accordance with Policy D2 Heritage
- e. comprise details and materials that are of high quality and complement the local character
- j. respond to natural features and preserve gardens and other open space
- l. incorporate outdoor amenity space;
- m. preserve strategic and local views. [The local views in the Plan Area especially include views through the gaps between buildings, which afford views of well vegetated rear gardens with trees, and verdant streetscapes of hedges and trees in front of Edwardian and Victorian architecture.]

The design policy also accords well with policy D2 Heritage, which stipulates that, “In order to maintain the character of Camden’s conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas” and

- “e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden’s architectural heritage.”

Policy CC2, to protect existing green spaces and promote new appropriate green infrastructure, to not increase and, where possible, to reduce surface water run-off, and reduce the impact of urban and dwelling overheating, is also relevant.

The Redington Froggnal design policy is informed by the Redington Froggnal Conservation Area Statement and Guidelines, which have the status of supplementary planning documents, but constitute a material consideration. Development which enhances and preserves the area incorporates the principles, contained in the 2003 Guidelines, such as:

- RF 18”New development should be seen as an opportunity to enhance the Conservation Area. It should respect the existing built form and historic context of the area, local views, building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings.
- RF19 The Redington/Froggnal Conservation Area has a variety of building types, ages and styles. In the past new development has not always been respectful of that context. Applicants will be required to demonstrate that their proposal respects and reflects the context in terms of scale, height, massing and relationship to the street.
- .RF36 All new development should have a high standard of external space (landscape) design, which should respect the character and appearance

of the Conservation Area.

The importance of front gardens is apparent from the statement that, “A number of front gardens have been turned into parking areas and what should be a soft landscape with a path, possibly tiled, becomes a hard surface. The principle is not acceptable and further loss will be resisted.”

Emerging London Plan

Policy H2 F incorporates a presumption in favour of residential conversions in conservation areas, while H2 para 4.2.7 requires boroughs to “explore opportunities for small housing developments in conservation areas where these will complement and enhance the area”. Furthermore, H2 para 4.2.9, recommends that small housing developments could include measures such as returning hard standing to green space.

The need for development proposals to utilise the heritage significance of a site or area and integrate conservation and enhancement of heritage assets and their settings is set out in policy HC1 and also in policy D1 B

Support for the urban greening element of the Redington Froggnal design policy is contained in policies G5 and D1 para 3.1.4.

SD 5 EXTENSIONS TO EXISTING BUILDINGS

Gardens are key to the setting of the conservation area and its non-designated heritage assets.

With extensions and other hard surface and garden buildings having utilised so much of the available garden space since the buildings' original construction dates, SD 5 seeks to ensure that garden space is maintained, including for biodiversity and climate change mitigation. This will be achieved by setting limits on further garden losses, in order for future development to be sustainable and to ensure that applicants do not continue to build extensions of extensions of extensions.

NPPF

SD 5 makes use of NPPF para. 70, which states that, "Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

Paragraph 118b recognises the value of undeveloped land to functions, such as wildlife, recreation, flood risk mitigation, cooling/shading and carbon storage.

Natural Environment and Rural Communities Act, 2006

Under the biodiversity duty, which is part of the Natural Environment and Rural Communities Act, public authorities must show regard for conserving biodiversity in all their actions. Improving the quality of existing priority habitat through positive management would achieve net gain for biodiversity.

Paragraphs 10 to 12 of Natural Environment Guidance from MHCLG (published 21.7.19) are also relevant.

Policy SD 5 aims to achieve a net gain in biodiversity.

London Plan 2016

Policy 3.5 and para 3.34 note the importance of back gardens: "Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life". As noted above, policy 7.8 para 7.31 emphasises the importance of protecting conservation areas from "inappropriate development that is not sympathetic in terms of scale, materials, details and form".

Policy 7.19 para 7.58A regards the value of green infrastructure not designated as local open space as a material consideration.

Camden Local Plan

Limits on the size of extensions are consistent with Camden policy A1, which seeks "to ensure that the amenity of communities, occupiers and neighbours is protected", along with their "visual privacy, outlook; sunlight, daylight and overshadowing."

Policy D1j expects design to respond to natural features and preserve gardens and other open space, as does policy A3c, which seeks “the protection of other features with nature conservation value, including gardens, wherever possible”.

Also in A3, paragraph 6.68 expects that “In many developments, it should be feasible to incorporate biodiversity enhancing measures. These can deliver a wide range of environmental and social benefits. This includes retrofits of existing buildings.....”.

Policy A2 also aims to protect rear gardens and para. 6.37 recognises that gardens can important element in the character and identity of a local area, provide a setting for buildings, provide visual interest and natural habitats.

Protection of gardens because of their particular importance to the character of the Plan Area is reiterated by A5 paras. 6.139 and 6.140.

Policy CC2, to protect existing green spaces and promote new appropriate green infrastructure, to not increase and, where possible, to reduce surface water run-off, and reduce the impact of urban and dwelling overheating, is again also relevant to maximising the remaining area of soft-surfaced natural space.

SD 5 is also compatible with the Guidelines contained in the Conservation Area Statement; eg:

- RF23 Extensions and conservatories can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. Some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the Conservation Area is prejudiced. Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area. In most cases such extensions should be no more than one storey in height, but its general effect on neighbouring properties and Conservation Area will be the basis of its suitability.
- RF24 Extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. The acceptability of larger extensions depends on the particular site and circumstances.
- RF25 Rear extensions will not be acceptable where they would spoil a uniform rear elevation of an unspoilt terrace of group of buildings.
- RF26 Conservatories, as with extensions, should be small in scale and subordinate to the original building and at ground floor level only. The design, scale and materials should be sensitive to the special qualities of the property and not undermine the features of original building.
- RF37 Applications for development should take into account the possible impact on trees and other vegetation, and state clearly whether any damage / removal is likely and what protective measures are to be taken to ensure against damage during and after work. BS 5837: 1991 shall be taken as the minimum required standard for protection of trees. All trees within 10 metres of a development proposal should be clearly identified. This also applies to underground development.

Emerging London Plan

Conservation of the significance of heritage assets and their setting is sought from policy HC1 C, with a requirement for cumulative impacts to be actively managed and the avoidance of harm.

Policies in the emerging London Plan with implied recognition of the utility available from private gardens include G1 and G6 D, which notes that, “Development proposals should aim to secure net biodiversity gain and be informed by the best available ecological information which should be considered from the start of the development process”.

SD 6 RETENTION OF ARCHITECTURAL DETAILS IN EXISTING BUILDINGS

NPPF

SD 6 Conservation of heritage assets “in a manner appropriate to their significance” (para. 184) so that the area retains its “special architectural or historic interest” (para. 186) provide the guidance for SD 6.

London Plan 2016

Support for the retention of architectural details may be derived from London Plan policy 7.8.

Camden Local Plan

The importance of retaining architectural details has also been highlighted in the 2003 Conservation Area Guidelines, eg:

RF13 In all cases, existing/original architectural features and detailing characteristic of the Conservation Area should be retained and kept in good repair, and only be replaced when there is no alternative, or to enhance the appearance of the building through the restoration of missing features. Original detailing such as door/ window pediments and finials, iron balustrades, timber framed sash windows, doors, roof tiles, decorative brickwork, boundary walls and piers, where retained add to the visual interest of properties, and where removed in the past replacement with suitable copies will be encouraged. Original, traditional materials should be retained wherever possible and repaired if necessary.

Emerging London Plan

D9 para 3.9.5 states that, “The Mayor supports boroughs in restricting large-scale basement excavations under existing properties where this type of development is likely to cause unacceptable harm.....including any cumulative impacts, alongside other relevant local circumstances when developing their own policies for basement developments”.

BGI: BIODIVERSITY AND GREEN INFRASTRUCTURE

The NPPF includes many paragraphs supportive of retaining gardens and their role in providing habitat for biodiversity. Indeed, paragraph 20d notes that “conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation” should be a strategic policy, while 91c focuses on the need for accessible green infrastructure for healthy lifestyles.

Planning Practice Guidance on the Natural Environment, 2014 (Para 009 Reference ID: 12- 009-20140306) states that ecological network mapping should include green space within built areas, while paragraphs: 11 and 12 advise of the importance of developing local ecological networks, and paragraph 21 notes that plans should consider the achievement of biodiversity and wider environmental net gain. Opportunities for conserving and enhancing biodiversity and green infrastructure are also supported in Guidance from MHCLG, notably in relation to the Natural Environment Guidance (published 21.7.19) and the National Design Guide (October 2019).

Grass and other vegetation act as a carbon sink, storing and sequestering carbon and filtering NOx gasses and particulate matter. The BGI policies are compatible with the aims of 148 to 150 to meet the challenges of climate change and surface water flooding (a local risk).

Optimisation of the value of gardens for biodiversity is compatible the Biodiversity Duty under the Natural Environment and Rural Communities Act 2006, and with the announcement by the Communities Secretary on 21 July 2019 that “we must also provide habitat for wildlife too – whether that’s for hedgehogs, frogs, newts or birds” and calling for developers to “plant more trees and green meadows – giving vital insects such as the British honey bee a safe haven to thrive.” The BGI policies seek to protect and improve the natural environment in accordance with Natural Environment Guidance.

Biodiversity and Green Infrastructure Policies: National and Local Conformity

RFNP policy	NPPF paragraph	2016 London Plan	Emerging London	Local Plan	RedFrog	
BGI	Biodiversity and green infrastructure	20d, 91c, 150a, 170, 171, 174, 175d	3.34, 3.5A, 5.1, 7.8A, 7.8D, 7.19	GG6 B, G1, G5, G6, G7, HC1	CC2 , A3	
BGI 1	Rear Gardens and Ecology	20d, 70, 118b, 122d, 148-150, 171, 174, 175d	3.5 para 3.33-3.34, 5.1, 5.9, 5.10, 7.8G, 7.19	GG6 B, HC1, G1, G5, G6	A3 6.63, A3c, A3d, A2 6.37	RF 1
BGI 2	Front and side gardens; front boundary treatments for new developments	70, 122d, 148, 150a, 171	3.34, 5.9, 7.8D	D7L, HC1 C, G1	T2 10.21, A2 6.37, H2 4.2; CC2,	RF 8-9
BGI 3	Tree planting and preservation	70, 122d, 148, 150a, 170b, 175c	5.1, 5.9, 7.8D, 7.21	GG6 B, HC1, G1, G7	A3	RF 35-37
BGI 4	Lighting	180c	7.19 para 7.61	D9 3.9.5	A1, 6.6-6.7	
BGI 5	Local green spaces	91c, 99, 100, 170a, 170d	2.18, 7.1 para 7.6A, 7.15 para 7.53, 7.19 para 7.58A.	GG2 D; G1; G4 para 8.4.3; G6	A2, A3 6.70	

BGI 1 REAR GARDENS AND ECOLOGY

This sub policy adopts a green infrastructure approach and provides copious evidence of the importance of private residential gardens to the area's green infrastructure and for biodiversity. It sets out to demonstrate that, cumulatively, the gardens constitute a significant local ecological network. This ecological network has been mapped by Greenspace Information for Greater London (GiGL).

Harm to the setting of the Conservation Area and its non-designated heritage assets has considerably accelerated since the current Conservation Area Statement and Guidelines were published in 2003. Since publication, further harm has been occasioned to front gardens, with rear gardens also now compromised, in addition to losses of trees and hedges.

NPPF

Support for this approach is available from paragraphs:

- 20d (as above);
- 70: “Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”;
- 118b: planning policies should “recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage.....”;
- 122d, which notes “the desirability of maintaining an area's prevailing character and setting (including residential gardens)...”;
- 148 to 150a, mitigating climate change and surface water flooding ;
- 171 Conserving and enhancing the natural environment (paragraphs 171, which requires “a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital...”;
- 174 to protect and enhance biodiversity, promote its conservation and pursue opportunities for securing measurable net gains. Losses of trees, hedges and biodiverse habitat are to be minimised and areas of soft natural surface, hedgerows and rear garden tree corridors maximised.
- 175d, which provides that “development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

Planning Practice Guidance on the Natural Environment, 2014 (Para 009 Reference ID: 12- 009-20140306) states that ecological network mapping should include green space within built areas.

London Plan 2016

Paras 3.33 to 3.34 of policy 3.5 affirm the importance of London's back gardens and the threat from inappropriate development, while policy 7.8G notes the need to improve the settings of heritage assets in conjunction with Natural England. Policy 7.19 para 7.58A regards the value of green infrastructure not designated as local open space as a material consideration.

Policies concerned with climate change mitigation and the prevention of overheating, such as 5.9 (para 5.49) and 5.10, also lend support to RF policy BGI 1, which seeks the retention of biodiverse green infrastructure and habitat.

Camden Local Plan

Policy BGI draws support from Camden policy A3, which aims to support both the London Biodiversity Strategy and the Camden Biodiversity Action Plan, and specifically:

- A3c, which seeks protection for “features with nature conservation value, including gardens, wherever possible.”
- A3d: “assess developments against their ability to realise benefits for biodiversity.....”
- 6.63 “The Council will also seek the retention of other areas with nature conservation value, such as gardens. Development will be resisted where it would result in the loss of an excessive part of the garden or garden space which contributes to the character of the townscape. Native hedgerows and vegetation comprised of native species should be retained as far as possible.....”

Policy A2 also aims to protect undeveloped gardens through para. 6.37, which notes:

“Development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area. The Council will protect such spaces in accordance with paragraph 74 of the National Planning Policy Framework. Gardens help shape their local area, provide a setting for buildings, provide visual interest and may support natural habitats. Therefore they can be an important element in the character and identity of an area (its ‘sense of place’). We will resist development that occupies an excessive part of the garden, and the loss of garden space which contributes to the character of the townscape. Part of the established character of these spaces may also be defined through features such as railings and garden walls. We will seek the retention of these features where they make a positive contribution to townscape value.”

Policy CC2 notes that appropriate measures should ensure the future resilience of communities and infrastructure to climate change impacts...”, while CC2a advises “adaptation measures such as the protection of existing green spaces and promoting new appropriate green infrastructure”.

The Redington Froggnal Conservation Area Statement notes the importance of mature trees, dense vegetation and gardens to the Area's verdant quality, ecological balance and character and appearance:

“In addition the rear gardens, many of which are sizeable, make a contribution of their own to the areas verdant quality. The gardens also contribute to the ecological balance of the area.

Emerging London Plan

A green infrastructure approach to development is supported by policies G1 and G6 B 1, which notes the importance of “to identify coherent ecological networks”. Policy G6 B 3 advises that local plans should “support the protection and conservation of priority species and habitats that sit outside of the SINC network.”

G6 D states that, “Development proposals should aim to secure net biodiversity gain and be informed by the best available ecological information which should be addressed from the start of the development process”.

BGI 2 FRONT AND SIDE GARDENS; FRONT BOUNDARY TREATMENTS FOR NEW DEVELOPMENTS

BGI 2 aims to preserve front and side gardens and front boundary treatments and prevent harm to streetscapes.

NPPF

The policy is supported by para. 70 to resist development that would cause harm to the local area, by 122d, 148 (to reduce surface water flood risk and improve resilience); 150a (for new development to avoid increased vulnerability to the range of impacts arising from climate change, with adaptation measures, including the planning of green infrastructure); and 171 (to maintain and enhance networks of habitats and green infrastructure).

London Plan 2016

No policy appears to be of direct relevance.

Camden Local Plan

Policy T2d in the Camden Local Plan aims to “resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking” and para. 10.21 specifically states that,

“Parking can cause damage to the environment Trees, hedgerows, boundary walls and fences are often the traditional form of enclosure on Camden’s streets, particularly in conservation areas, contributing greatly to their character, as recognised in Camden’s Conservation Area Appraisals and Management Strategies. This form can be broken if garden features are replaced by areas of paving or hard standing. Development of boundary treatments and gardens to provide on-site private parking often requires the loss of much needed public on-street parking bays to create vehicle crossovers. Areas of paving can also increase the volume and speed of water run-off. This adds to the pressure upon the drainage system and increases the risk of flooding from surface water. Developments seeking to replace garden areas and/or boundary treatments for the purposes of providing on-site parking will therefore be resisted.”

Similarly, para. 6.37 of policy A3 aims to protect garden walls.

The importance of retaining front gardens reinforced in the 2003 Conservation Area Guidelines, where it is noted that, “*A number of front gardens have been turned into parking areas and what should be a soft landscape with a path, possibly tiled, becomes a hard surface. The principle is not acceptable and further loss will be resisted.*”

Other relevant Guidelines are:

- RF 8 “Alterations to the front boundaries between the pavement and houses can dramatically affect and harm the character of the Conservation Area. Boundaries in the Conservation Area are predominantly formed by walls, either with railing or hedges. The original features of the boundaries may vary. Where there are low walls alongside the road and within properties they add to the attractive appearance of the front gardens and architectural setting of buildings. Proposals should respect the original style of boundary and these should generally be retained and reinstated where they have been lost. Particular care should be taken to preserve the green character of the Conservation Area by keeping hedges. The loss

of front boundary walls where it has occurred detracts from the appearance of the front garden by reducing the area for soft landscaping in this urban residential area. Furthermore, the loss of front boundary walls facilitates the parking of vehicles in part of the property, which would adversely affect the setting of the building and the general street scene.

RF9 The Council will resist any further loss of front boundary walls and conversion of front gardens into hardstanding parking area.

To address some of the harm that was already apparent in 2003, it was recommended that an Article 4 Direction be introduced:

“The analysis of the Conservation Area undertaken for this Statement led to an initial assessment of the suitability of applying an Article 4 Direction in the Conservation Area. It was recognised that in some locations in the Conservation Area further protection of certain features, in particular front boundaries, forecourts and windows, will be considered. At the time of publication there are no Article 4 Directions that have been applied to properties within the Redington/Froggnal Conservation Area.”

Emerging London Plan

Policy D7 L advises that “any on-street parking is designed so that it is not dominant or continuous, and that there is space for green infrastructure as well as cycle parking in the carriageway. Parking should not obstruct pedestrian lines.”

Conservation of the significance of heritage assets and their setting is sought from policy HC1 C, with a requirement for cumulative impacts to be actively managed and the avoidance of harm.

BGI 3 TREE PLANTING AND PRESERVATION

Trees contribute greatly to the setting of streets and buildings, as well as being important for many other reasons, from shade and cooling to carbon storage and sequestration, health and well being and for wildlife for foraging and commuting and roosting. The policy also seeks to afford protection to the veteran trees (depicted on the 1866 Ordnance Survey map for Hampstead) and, in recognition of their unique ecosystems, character and heritage.

Trees are increasingly being lost and the canopy diminished, as seen from ProximTREE data for the period from 1949 to 1981 to 2010 and 2015/16. The policy therefore seeks to increase the number of trees and tree canopy, to enhance biodiversity, strengthen the townscape character for climate change mitigation and health and well being.

The right tree for the right site within the context of the ecological network of the Plan Area is invariably one with a high value to biodiversity and a generous leaf canopy.

NPPF

Support for tree planting and preservation is provided by paragraphs 70, 122d, 148 and 150a, in addition to:

- 170b: which requires policies to “contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of trees and woodland”
- 175c: which requires refusal of development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists.

London Plan 2016

The London Plan contains many references to the importance and multiple benefits of trees; for example policy 5.10, which states that “Development proposals should integrate green infrastructure from the beginning” and notes that this can include tree planting. Policy 7.21 seeks the retention of existing trees and that additional trees should be included in new developments, particularly large-canopied species. The protection of veteran trees and ancient woodland is also urged.

Policies 5.1 and 5.9 are also likely to be supportive of tree planting and preservation.

Camden Local Plan

Support for tree preservation and planting is gained from Local Plan policy A3, which states that the Council will protect, and seek to secure additional, trees and vegetation and sub policy A3m “expect developments to incorporate additional trees and vegetation wherever possible” and paras:

6.80 “Where the loss of trees or vegetation of value cannot be avoided or would adversely affect their future growth, the Council will require suitable replacements capable of providing at least equal amenity and ecological value.

6.81 “The Council will also expect developments to incorporate additional trees and vegetation wherever possible as part of the package of biodiversity enhancing measures described above. This should include large species trees where opportunities allow.”

Conservation Area Guidelines also confirm the importance of trees and other vegetation:

- RF35 All trees which contribute to the character or appearance of the Conservation Area should be retained and protected. Developers will be expected to incorporate any new trees sensitively into the design of any development and demonstrate that no trees will be lost or damaged before, during or after development. BS 5 837: 1991 shall be taken as the minimum required standard for protection of trees.
- .RF36 All new development should have a high standard of external space (landscape) design, which should respect the character and appearance of the Conservation Area.
- RF37 Applications for development should take into account the possible impact on trees and other vegetation, and state clearly whether any damage/ removal is likely and what protective measures are to be taken to ensure against damage during and after work. BS 5837: 1991 shall be taken as the minimum required standard for protection of trees. All trees within 10 metres of a development proposal should be clearly identified. This also applies to underground development.”

Emerging London Plan

Policy G7 A states that, “London’s urban forest and woodlands should be protected, and maintained and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London’s urban forest – the area of London under the canopy of trees.”

Policy G7 C requires development proposals to retain and or replace existing trees of quality, using CAVAT or i-tree values. It furthermore notes that this includes “Category A, B and lesser category trees where these are considered by the local planning authority to be of importance to amenity and biodiversity, as defined by BS 5837:2012”, referring to “*Valuing London’s Urban Forest - Results of the London i-Tree Eco Project 2015*” .

G7 B requires the protection of veteran trees and ancient woodland.

BGI 4 LIGHTING

NPPF

In line with paragraph 180c, which advises that development should “limit the impact of light pollution from artificial light on local amenity..... and nature conservation”, BGI 4 intends to afford protection for the area’s wildlife, including bats, which forage and commute throughout the area.

London Plan 2016 and Emerging London Plan

Policy 7.19 para 7.61 notes the importance of considering indirect impacts of development, including lighting, on the need for nature conservation.

Camden Local Plan

Local Plan policy A1 is concerned with artificial lighting. Para. 6.6 notes that artificial lighting should only illuminate the intended area and not affect or impact on the amenity of neighbours, while para. 6.7 is concerned with development in sensitive areas and the potential for disturbance to wildlife.

BGI 5 LOCAL GREEN SPACES

The Plan Area does not meet Natural England Accessible Green Space Standards (ANGSt) and the deficiency in natural green space and Local Nature reserve is forecast to decrease further, as the population increases over the Plan’s lifetime. The only area of publicly accessible open space in the Plan Area in March 2019 was the rear garden of Camden Arts Centre, which the Plan hopes to designate as Local Green Space (LGS 7).

NPPF

This policy seeks to designate areas of open space as Local Green Spaces (LGS), drawing on NPPF paragraphs:

- 91c, which aims to promote health and well-being needs, for example through the provision of safe and accessible green infrastructure
- 99, which enables neighbourhood plans to designate land as Local Green Space and for communities to identify and protect green areas of particular importance to them

Evidence of compliance with the provisions of paragraph 100, concerning the appropriateness of LGS designation, is provided in Evidence Base documents (69) and (69 i) to (69 vii).

London Plan 2016

The ability to designate new Local Green Spaces is confirmed in London Plan policies 7.1 para 7.6A, policy 7.15 para 7.53 and policy 7.19 para 7.58A, which notes the role of neighbourhoods in identifying small Local Green Spaces. The value of green infrastructure not designated as local open space is to be regarded as a material consideration (para 7.58).

Improvements to green infrastructure are promoted by policy 2.18.

Camden Local Plan

Support for the development of new Local Green Spaces is available from policies A2 para. 6.70, which aims to achieve contributions to Camden Biodiversity Action Plan and green infrastructure strategies, such as the Mayor of London's All-London Green Grid.

Policy A3 incorporates several supportive sub policies, such as:

f “seek to improve opportunities to experience nature, in particular where such opportunities are lacking”

para 6.61: ”The Council will protect designated nature conservation sites from inappropriate and harmful development.....” including “relatively small sites can be highly valued by providing access to nature.”

para. 6.62: “Camden’s green spaces and built environment support species protected under UK and international legislation. The presence of protected habitats or species is a material planning consideration. Protected species in Camden include significant populations of bats and rare species of birds and amphibians”

para. 6.70: “All enhancement measures, including the provision of natural greenspace, should contribute to the delivery of the BAP and green infrastructure strategies. As highlighted in Policy A2 Open space, the Mayor of London is supporting the development of a multi-functional network of accessible spaces and natural features (the All-London Green Grid).”

para. 6.71, “A key objective of the BAP is to increase engagement with nature..... The Council will need to give particular priority to addressing deficiencies in the areas shown in Map 2: Locations deficient in access to open space on page 199.”

Emerging London Plan

Policy G4 supports the introduction of new open green spaces, particularly for improving green infrastructure, wildlife connections, habitat creation and nature conservation, and policy G6 E advises that “proposals which reduce deficiencies in access to wildlife sites should be considered positively”.

CF: COMMUNITY FACILITIES

In order to facilitate sustainable development, the policy aims to promote the retention of existing cultural, leisure and community facilities, in addition to new facilities (based on the established interests of residents) to support both a growing population and the many people in the Plan area who work from home. It additionally seeks the retention of listed community facilities within the Plan Area, and prioritises the provision of cultural leisure and tertiary education facilities.

Cultural, Leisure, Tertiary Education and Community Facilities Policies: National and Local Conformity

RFNP policy		NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy
CF	Community Facilities				
CF 1	Cultural, leisure, tertiary education and community facilities	91-94	3.1 para 3.7;3.10A; 4.1A a1; 4.4A; 4.6; 7.6	GG5 F, S2, S3, E2, E3	C1-C3, E2
CF 2	Community infrastructure priorities		3.10A, 7.6		

NPPF

This policy derives support from para. 91 of the NPPF, which advises plans should achieve healthy, inclusive and safe places which:

- a) “promote social interaction, including opportunities for meetings between people.....”
- b) [with] “.....high quality public space, which encourage the active and continual use of public areas.....”
- c) “enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure.....”

Para. 92 advises that plans should provide the social, recreational and cultural facilities and services the community needs. The plan also aims to maintain a degree of flexibility in the use of cultural facilities, in order to respond to any future growth in the demand for nursery school and / or childcare provision, in line with para. 94.

London Plan 2016

Population growth is considered in paras. 3.16 to 3.18 of the London Plan and the need to ensure adequate social infrastructure is highlighted in para 3.17 of policy 3.1. The policies in chapter four also set out to ensure that social infrastructure provision responds to the forecast growth, with cultural resources referred to in para. 4.1 and the need to invest in new infrastructure in paras 4.4A and 4.6, in order to ensure a thriving, resilient and diverse economy.

Para 3.10A, furthermore, notes the need for new development to be supported by necessary and accessible health and social infrastructure, and in para. 7.6 of chapter 7 (Lifetime Neighbourhoods).

Camden Local Plan

Camden's Local Plan has a number of policies to support community, health and wellbeing, notably policies C1 to C3, with policy C1 d seeking the provision of new health facilities. However, whereas policy C2 g aims to ensure existing community facilities are retained, unless certain tests are met.

Facilities to support home working, as set out in RF policy CF 3, are supported by Camden policies C2 and E2.

Emerging London Plan

Policy CF is underpinned by Emerging London Plan policy GG5 F, which seeks to promote and support London's rich heritage and cultural assets. Emerging London Plan policy S3 provides support for education and childcare facilities.

The neighbourhood plan policy also seeks to provide new community facilities, such as desk space and meeting rooms to support home working, in accordance with ELP policies E2 and E3.

DS: POSSIBLE REDEVELOPMENT OPPORTUNITIES

Possible Redevelopment Opportunities Guidance: National and Local Conformity

RFNP guidance		NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy
DS	Possible redevelopment opportunities	91-94, 124, 127, 128, 170e, 200	3.3, 3.5, 3.16, 3.17, 3.18, 4.12, 5.10, 5.14, 7.1, 7.6, 7.28	GG4 D; GG5 D; D2; H1 para 4.1.8; H2; H12 para 4.12.5; A2 4.2; S2; S3; E2; E3	

NPPF

The NPPF expects planning policies to include safe places which promote social interaction (para 90), and to “provide the social, recreational and cultural facilities and services the community needs” and to “guard against the unnecessary loss of valued facilities and services” (para. 92). Potential redevelopment opportunity RF 12, which envisages the development of estate garages for use as community facilities, would be supported by para. 93. The identification of potential redevelopment opportunity RF 3 for future community use according to need, is in accordance with para. 94.

The community aspirations are sympathetic to local character and history, with requirements for the inclusion of greening measures corresponds with para 127c and e, while the use of design codes may be expected to deliver architecture compliant with paras. 124, 128 and 170e. Regeneration / re-use of existing heritage assets, non-designated heritage assets and positive contributors is supported by para 200.

London Plan 2016

In identifying potential redevelopment opportunities, including for residential use, the Plan sets out to help increase the supply of residential units and social infrastructure needs, as required by London Plan policy 3.3. Use of the Sustainable Design and Redington Froggnal Character policy at the potential redevelopment opportunities would ensure that development is sustainable (paras. 3.17-3.18), with considerable greening measures, in accordance with policies 5.10, while the architecture of the Design Guidance for Possible Redevelopment Opportunities will promote policies 7.6 and 7.9 heritage-led regeneration (notably for sites RF 1 and RF 7). The range of facilities will contribute to the delivery of lifetime neighbourhoods (policy 7.1).

The regeneration of office parks (potential redevelopment opportunity RF 6) is supported by para 4.12, policy H2A, which similarly support the redevelopment of residential garages..

Development that aims to reduce pressure on sewer capacity, for example by daylighting underground rivers, and restores the Blue Ribbon Network is compliant with policies 5.14 and 7.28, eg possible redevelopment opportunities RF 2, RF 10 and RF 11.

Camden Local Plan

No directly relevant policy has been identified.

Emerging London Plan

To meet the needs of a growing population, possible redevelopment opportunities have been identified by the Forum for a range of uses from residential (in accordance with ELP policies GG4 D and GG5 D) to community, education, childcare, low-cost employment facilities and a GP practice, in line with ELP policy GG4 E.

Outstanding design will be delivered, if new buildings are developed in line with the Sustainable Design and Redington Frognaal Character policy and Design Guidance for Possible Redevelopment Opportunities, to accord to ELP policy G2. Meeting the accommodation requirements of the growing population is aspired to several of the hoped-for small development sites, such as RF 1 to RF 5, RF 7-8 and RF 10-11 (consistent with ELP policy H1 paras. 4.1.8, policy H2 and H12 para. 4.12.5 (opportunities RF 2 and RF 3) .

Identification of aspirational development sites with urban greening contributions is compliant with policy H2 J. Sub policy H2 F advises that “a presumption in favour of residential conversions should be applied in conservation areas”, which could be applicable to possible redevelopment opportunity RF 6 Hampstead Gate. Currently, this is primarily a development of office space.

Redevelopment opportunities allowing for the provision of cultural, education, work and health facilities are consistent with ELP policies S2 (health), S3 (education and childcare) and E2 and E3 (low-cost office / work space).

FR: FINCHLEY ROAD

The section of Finchley Road within the Neighbourhood Plan area forms the very northern end of the secondary frontage of the Finchley Road / Swiss Cottage town centre.

These secondary frontages have the potential to be at the heart of the Plan Area’s community, but the road is blighted by high traffic volumes, lack of green infrastructure and poor air quality.

The policy for Finchley Road’s shopfronts aims for heritage-led regeneration, including wide high-quality footways and trees and other greening measures. Community facilities are also envisaged.

RFNP policy		NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy
FR 1	Finchley Road: Shopfronts	85, 91-92	2.15A, 3.2D, 3.8, 3.9, 4.7, 5.10, 7.1, 7.2, 7.4, 7.5	GG1 D, D7	T1, TC2, TC4, CPG Town Centres

NPPF

The aims of the Finchley Road policies conform with NPPF chapter 7 (para. 85) and chapter 8 (paras. 91 and 92).

London Plan 2016

Policy 2.15A aims for local neighbourhoods to provide a sense of place. A local neighbourhood centre in walking distance that meets residents’ needs will also help to improve health and promote healthy lifestyles (Policy 3.2 D).

Possible redevelopment opportunity sites for Finchley Road will increase footfall and add to its vibrancy, in support of London Plan policies 3.8 and 3.9 relating to residential development, and policy 4.7 relating to retail development.

The greening measures forming part of the Redington Froggnal design policy would deliver substantial urban greening, in accordance with LP policy 5.10.

Regeneration of Finchley Road in the ways envisaged in the Neighbourhood Plan is consistent with LP policies 7.1, 7.2, 7.4 and 7.5.

Camden Local Plan

Greening measures and restoration of traditional shop fronts should help to foster a safe attractive, neighbourhood which promotes walking and reduces the dominance of motor vehicles and creates a sense of place and identity, in line with Camden Local Plan policy T1 (paras. 10.5-10.6),

It is also supported by sub policy TC2 g to protect the secondary frontages as locations for shops (A1), together with a broader range of other town centre uses, and policy TC4 to ensure that development “does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours”.

The enhancement of Finchley Road's residential environment is supported by Camden policy TC2 to protect housing above and below shops.

Emerging London Plan

ELP policy GG1 D notes the crucial role of town centres in the social, civic, cultural and economic lives of Londoners and opportunities for face-to-face contact and social interaction. The RF policy for Finchley Road's retail and residential environment is consistent with this aim.

Improvements to the public realm are supported by ELP policy D7.

UD: UNDERGROUND DEVELOPMENT

The Plan Area borders a Regionally Important Geological and geomorphological Site (GLA 42)², which the London Plan seeks to protect and promote. It is situated on unstable soils (London clay, Claygate Member and Bagshot Formation) above a large body of underground water, including the underground River Westbourne (also known as the Cannon) and its tributaries. which continue to flow beneath the surface, including in pipes and sewers. The area is at risk of surface water flooding and the London Borough of Camden is designated a Lead Local Flood Authority.

The policy concerning Underground Development aims to establish a set of guidelines for use by planning applicants to plan, manage and execute the preparation of a compliant application to inform a planning officer's decision, and to address fundamental engineering issues at the earliest stage in the planning application process.

The policy also aims to protect geodiversity and prevent erosion of rear garden space and tree loss by requiring a significant soil depth to reduce negative impacts on loss of habitat and amenity, on ground water and surface water flooding.

The policy encourages sustainable development in an area at risk of surface water flooding and aims to mitigate the impact of basement construction on climate change.

Underground Development Policy: National and Local Conformity

RFNP policy		NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy
UD	Underground Development				
UD 1	Underground Development	70, 118b, 122, 148-150, 155, 160, 163, 170, 170e, 171, 180a, 192	3.34 para 3.5; 5.10; 5.12; 7.15, 7.19; 7.20	GG6 B, D9 3.9.5, D13, G1, G7, G9, HC1, SI13 C	CC3, A3, A5, CPG Basements and CPG Trees
UD 2	Construction Management Plans		7.15	D9 para 3.9.5, D13	A5 pars. 6.125, 6.126; Hampstead Neighbourhood Plan

NPPF

In accordance with para. 70 of the NPPF, the Plan sets out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area, and to ensure efficient use of land taking account of local conditions and the desirability of maintaining an area's prevailing character and setting (including residential gardens) (para. 122d). Moreover, the NPPF also requires planning policies and decisions to contribute to and enhance the local environment (para 170); the setting of heritage assets (para. 192); and cumulative effects to be taken into account (para 180).

Flood risk is also to be addressed (paras. 155, 160 and 163).

² London Plan Supplementary Planning Guidance *London's Foundations*, map 7.4: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/londons-foundations>

NPPF support is also available from paragraphs 148 to 150, which aim to minimise climate change impacts and improve resilience, and para 171, aiming to conserve and enhance natural capital. Paragraph 118b recognises the value of undeveloped land to functions, such as wildlife, recreation, flood risk mitigation, cooling/shading and carbon storage.

Paragraph 180a requires development to take account of noise pollution on health and quality of life and therefore provides support for the presumption against basements utilised for car lifts and garaging.

The Nature Characteristic of the MHCLG Design Guide, which covers improvements and enhancement of water management (N2) and the support of rich and varied biodiversity (N3), is also relevant

London Plan 2016

The impact of basements is considered in policy 3.5 of the London Plan, where para 3.33 advises that basement extensions should have regard to more general local design principles, sustainable design and construction, climate change, biodiversity and flood risk.

Para. 3.34 of policy 3.5 recognises the multiple values of gardens and incorporates a presumption against “development on back-gardens where locally justified by a sound local evidence base”.

The value of gardens for urban greening is supported by London Plan policies 5.10 and their utility for flood risk mitigation derives support from policy 5.12. The geodiversity of the area is protected through policy 7.20, which expects development proposals, wherever possible, to make a positive contribution to the protection and enhancement of geodiversity. The need to promote and preserve regionally important Geological and Geomorphological Sites, such as site GLA 42 (Kenwood House Quarry and Sandy Heath) is recognised in policy G9.

The London Plan also recognises the value of green infrastructure not designated as Local Green Space for biodiversity in policy 7.19.

The UD 2 policy is further supported by policy 7.15 to avoid adverse noise impacts on health and quality of life.

Camden Local Plan

Support for the Redington Froggnal UD policy is derived from Local Plan policy CC3, which sets out areas of historic flooding and Local Flood Risk Zones. It also notes that reductions in permeable surface and changes to the direction of surface water flows (para 8.65) can increase stress on the drainage network and increase the risk of flooding to properties downstream, which were not previously at risk. It further notes that development located within areas at risk of flooding should not place additional pressure on the existing drainage infrastructure. Policy C3, which aims to minimise any increased risk of surface water flooding, is also relevant to UD

Camden has supplementary planning guidance on basements, based on policies A5, A3 and CC3 and para. 1.18 of CPG Basements dated March 2018 provides support for the UD policy to ensure that basement development does not cause harm to neighbouring properties, ground permeability and run-off, or cause cumulative impacts. It also advises that basement development should not harm the recognised architectural character of buildings and surrounding areas, that conservation area character is preserved or enhanced and that development should be sustainable.

Policy UD is additionally underpinned by Camden policies, such as CA3, which aims to protect gardens with biodiversity value, and A5c, e, p, r, s and u to preserve the established character and amenity of the area, of the setting of the conservation area, the ability of gardens to support appropriate trees, cumulative impacts and also to reduce the increased risk of surface water flooding (paras. 6.113, 6.129, 6.135, 6.136, 6.137).

Whereas Camden's policy allows for a soil depth of 1 metre, this is generally insufficient for the large canopy species characteristic of the Plan area and the UD therefore increases the minimum depth to two to three metres to enable retention of the Area's character and the value of its trees in storing and sequestering carbon and filtering airborne particulates and for their enhanced CAVAT / iTree Eco values.

Protection of gardens because of their particular importance to the character of the Plan Area, including for the planting of large-canopy trees, is also supported by A5 paras. 6.139 and 6.140.

Policy UD 2 is based on Camden Local Plan policy A5 Basements, and para. 6.125, which states that, "The demolition and construction phases of a development can have an impact on amenity and this is a particular issue for basements. Many basement schemes are constructed in residential areas in close proximity to people's homes, with the construction works often involving significant disturbance (including removing significant quantities of spoil) extending for many months." Para. 6.126 continues to state that, "The Council will seek to minimise the disruption caused by basement development and will generally require Construction Management Plans...." . A similar policy is already in force for the Hampstead Neighbourhood Plan area.

Emerging London Plan

Policy D9 A recommends that borough should establish policies to "address the negative impacts of large-scale basement beneath existing buildings".

D9 para 3.9.5B observes that, "In areas where basement developments could cause particular harm, boroughs can consider introducing Article 4 Directions to require smaller-scale proposals to obtain planning permission".

Policy GG6 B supports building which reduces impacts from flooding, while policy D9 notes the need for policies to address the impacts of basement development, taking account of local ground conditions; flood risk and drainage impacts; land and structural stability; protection of trees, landscape, and biodiversity; archaeology and heritage assets; neighbour amenity; air and light pollution (para. 3.9.5).

The importance of protecting green infrastructure and biodiversity is again noted in policy G1 and the protection and promotion of geodiversity in policy G9.

UD 2 attempts to seek limits to the impacts of noise, vibration and dust in accordance with D9 (para. 3.9.5) and D13.

KR: KIDDERPORE RESERVOIR

The Victorian water reservoir, Kidderpore Reservoir, is neither listed nor on Camden’s Local List. The policy seeks to preserve the site for the community and also for biodiversity and green infrastructure> This could be achieved in conjunction with utilising the space below ground for employment and the production of, for example, micro greens and salad leaves.

Underground Development Policy: National and Local Conformity

RFNP policy		NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy
KR	Kidderpore Reservoir	184, 185, 186, 187b, 188, 190-196	7.8C, 7.8F	D2 paras 6.37, 7.1.3, 7.48-7.52	D2

NPPF

Section 16 of the NPPF supports the support preservation of heritage assets and unidentified heritage assets (eg. para 187b), and the communication of information about the historic environment (para. 188) and the request for local listing in policy BD 2 is therefore in compliance.

Para. 194 requires consideration to be given to “harm to, or loss of, the significance of a designated heritage asset” (such as conservation areas).

London Plan 2016

Policy 7.8C of the London Plan requires development to “identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate” and 7.8F advises boroughs to include identifying, protecting, enhancing and improving access to the historic environment and heritage assets and their settings where appropriate. Para 7.31A confirms the NPPF protection for designated heritage assets.

Camden Local Plan

The desire to preserve heritage assets and their settings is reinforced in policy D2.

Emerging London Plan

Policy HC1 lends support to the presumption against demolition, with para 7.1.8 stating that evidence of deliberate neglect t a heritage asset to help justify a development proposal will be disregarded.

Local listing is supported by para 7.1.3, which advises “identification and sensitive management of London’s heritage assets”.

4. CONTRIBUTION TO THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

The Plan has been prepared in accordance with the presumption in favour of sustainable development, as set out in the NPPF, and the need to support local development.

The NPPF states (8) that "the purpose of the planning system is to contribute to the achievement of sustainable development". It defines three dimensions to sustainable development: economic, social and environmental:

- a) an economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support economic growth and innovation, and by identifying and co-ordinating development requirements, including the provision of infrastructure;
- b) a social objective – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- c) contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

The NPPF states that "these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions".

The NPPF goes on to state that,

"pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages
- moving from a net loss of bio-diversity to achieving net gains for nature
- replacing poor design with better design
- improving the conditions in which people live, work, travel and take leisure
- widening the choice of high-quality homes."

These principles of sustainable development are at the core of the Redington Froggal Neighbourhood Plan and have been followed at all times during the process of drawing up and writing the Plan. The table below sets out how the Neighbourhood Plan's six objectives and six policies fit with these core aims.

4.6 This section provides a sustainability appraisal of the Redington Froggnal Neighbourhood Plan. It considers whether the Plan contains policies likely to contribute to the delivery of sustainable development. Although there is no statutory requirement for Neighbourhood Plans to be accompanied by a sustainability appraisal, it is briefly summarised below how the principles of sustainable development (as defined by the National Planning Policy Framework) are delivered.

Economic Role

An economic role is provided by the policy relating to aspirational development sites, which seek to provide low-cost employment space, and by policy FR, which seeks to regenerate Finchley Road. The strong emphasis on biodiversity and green infrastructure may be expected to produce an economic effect by improving mental health through access to or sight of green space, thereby minimising economic losses due to depression and other mental illnesses.

Community Infrastructure Levy project under way may also be expected to play an economic role, as visitors are attracted to a restored Constable's Pond at Branch Hill and a marked underground rivers trail.

Social Role

The policies relating to Finchley Road and Community Facilities aim to achieve a social role, along with aspirational development sites where community or health use is identified.

A social role will also be provided from walking the underground rivers, relaxing by restored Constable's Pond, and enjoying the green infrastructure. Through preservation of the green character and biodiversity of the area, with its historic architecture and unexpected vistas, the area will continue to appeal to the flaneur, and be a delightful place to stroll, in the traditions of Walter Benjamin and Charles Baudelaire.

Environmental Role

Biodiversity and Green Infrastructure and Sustainable Design are key to the neighbourhood plan. The verdant character will be preserved and enhanced by setting limits to garden building (above and below ground) and adopting urban greening factors for new development, to deliver increases in canopy cover, hedges and other natural habitat.

Blue infrastructure is also addressed, through recommendations to incorporate natural ponds and daylight clean sections of underground rivers.

This plan has been written in relation to Camden Council's Local Plan policies. The sustainability appraisal, therefore, takes the approach of demonstrating how its policies align with the principles set out in the Camden Local Plan (2017). The Camden sustainability appraisal provides extensive detail on the ways in which sustainable development forms a key part of the borough's planning policies. The Council considers that these sustainability objectives continue to be relevant. The Neighbourhood Plan is a statutory planning document that must be compliant with the strategic planning policies of Camden Council. As such, this Neighbourhood Plan must also serve towards contribute to the delivery of Camden Council's sustainability objectives. The Neighbourhood Plan has therefore been assessed against these objectives.

The 16 sustainability objectives set out in the Camden Local Plan Sustainability Appraisal are shown below. The table references each objective and policy in the Neighbourhood Plan against the 16 objectives in Camden's Sustainability Appraisal. This serves to demonstrate how the objectives of the Camden Council Camden Sustainability Appraisal accord with the Neighbourhood Plan.

Camden Sustainability Objectives and the Redington Froggnal Neighbourhood Plan

Sustainability Objective	RedFrog objective(s)	RedFrog NP polices
i. To promote the provision of a range of high quality and affordable housing to meet local needs	1, 4	BD, DS
ii. To promote a healthy and safe community	2,4, 5	BD, BGI, CF, DS, FR, UWF
iii. To ensure access to local shopping, community, leisure facilities and open space	3, 4, 5	BGI, CF, DS, FR
iv. To tackle poverty, social exclusion and promote equal opportunities	1, 3, 4, 5	BD, BGI, CF, DS, FR
v. To encourage and accommodate sustainable economic growth and employment opportunities	1, 2, 3, 4	CF, DS, FR
vi. To maximise the benefits of regeneration and development to promote sustainable communities	1,2,3,4	BGI, DS, CF, FR, UWF
vii. To promote high quality & sustainable urban design which protects and enhances the historic environment	1,3,4	BD, BGI, DS, FR, UWF
viii. To ensure new development makes efficient use of land, buildings and infrastructure	1,2,4	BD, BGI, DS, UWF
ix. To reduce reliance on private motorised transport	4	BD, DS
x. To improve amenity by minimising the impacts associated with noise	4, 6	UWF
xi. To protect and manage water resources and reduced flood risk	2, 4, 6	BGI, UWF
xii. To protect & enhance existing habitats and biodiversity and to seek to increase these where possible	2, 4	BD, BGI, UWF
xiii. To reduce the amount of waste requiring final disposal	4	BD, UWF
xiv. To improve air quality	2, 3, 4	BD, BGI, DS
xv. To provide for the efficient use of energy	4	BD, UWF
xvi. To minimise the use of non-renewable resources	2, 4	BGI, UWF

5. Must be compatible with human rights requirements

The Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. It also complies with the Human Rights Act 1998.

An Equalities Impact Assessment of the Plan has been provided by Camden Council and follows the Strategic Environmental Assessment below.

The Redington Froggnal Neighbourhood Forum has, at all times, sought to ensure that all sections of the community have been given the opportunity to be involved in making the Plan and given the opportunity to express their views on the Plan. The process of drawing up the Plan, and the work of the Forum since its inception, is set out in the separate Consultation Statement. This details the extensive consultation and engagement on which the Plan has been based and is hosted on the Neighbourhood Forum website at:

http://www.redfrogforum.org/wp-content/uploads/2019/11/Consultation-Statement_sm051119.pdf

6. What are the relevant EU obligations?

A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. The neighbourhood plan has been screened by the London Borough of Camden for Strategic Environmental and Habitats Regulations Assessments.

There are 4 directives that may be of particular relevance to neighbourhood planning:

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).

This seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes. It may be of relevance to neighbourhood plans.

Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).

Environmental Impact Assessment is a procedure to be followed for certain types of proposed development. This is to ensure that decisions are made in full knowledge of any likely significant effects on the environment and that the public are given early and effective opportunities to participate in the decision making procedures. It may be of relevance to Neighbourhood Development Orders.

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders.

Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.

Screening of the draft Neighbourhood Plan by Camden Council has concluded that neither a Strategic Environmental Assessment nor a Habitats Regulation Assessment are required, based on the Regulation 14 version of Plan. The outcomes of the screenings are copied below.

Strategic Environmental Assessment (SEA) Screening Opinion

REDINGTON AND FROGNAL NEIGHBOURHOOD PLAN 'PRE-SUBMISSION' VERSION

Prepared by:

London Borough of Camden

December 2018

Contents

1. Introduction
2. Vision, objectives and priorities of the Plan
3. Assessment
4. Screening outcome
5. Next steps

1. INTRODUCTION

- 1.1. A neighbourhood plan may require a Strategic Environmental Assessment (SEA) to comply with European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”. The European Directive is transposed into law by the Environmental Assessment of Plans and Programmes Regulations 2004. Under Article 3(3) and 3(4) of the SEA Directive, SEA is required for plans and programmes which “determine the use of small areas at a local level and minor modifications to plans and programmes” where they are determined to be likely to have significant environmental effects.
- 1.2. It is the Council’s responsibility to identify whether an SEA should be undertaken on a neighbourhood plan. This is determined through an SEA screening exercise (see table below).
- 1.3. There is no legal requirement for a neighbourhood plan to have a Sustainability Appraisal (SA), as set out in section 19 of the Planning and Compulsory Purchase Act.
- 1.4. The screening process is based upon consideration of standard criteria in Annex II of the Directive to determine whether the plan is likely to have “significant environmental effects”. The result of the Camden’s screening process is detailed in this screening statement.
- 1.5. A draft plan has been produced by the Redington and Frognaal Neighbourhood Forum dated October 2018 (for public consultation in the neighbourhood area) and is subject of this SEA screening assessment. A further screening report will be issued by the Council once the views of the statutory consultation bodies (Historic England, Natural England and the Environment Agency) have been received.
- 1.6. The Council has determined that the draft Redington Frognaal Neighbourhood Plan is unlikely to have significant environmental effects.

2. VISION, OBJECTIVES AND POLICY PRIORITIES OF THE PLAN

2.1. The stated vision of the draft Redington Frogna! Neighbourhood Development Plan is set out below:

“We seek a future for the RedFrog Neighbourhood which preserves its green character and serves as an area available to a wide range of family types and ages who live here rather than invest here. We believe that the RedFrog neighbourhood should celebrate its heritage and history and should continue to be a delightful area for anyone to stroll and enjoy.”

The Plan's objectives are:

1. To preserve and enhance RedFrog's characteristics as a picturesque Edwardian suburb with a diverse population
2. Protecting and improving green space and bio-diversity
3. The enhancement of the environment of Finchley Road
4. Identifying areas for growth of new homes, with community facilities to support home working
5. Maintaining and promoting the area as Centre for Tertiary Education the Arts and Culture
6. Basement excavation – ensuring that basement development does not impact local hydrology or cause damage to neighbouring properties.

3. ASSESSMENT

3.1. The ‘responsible authority’ (London Borough of Camden or another delegated body) must determine whether a plan or programme, in this case the draft Redington Frogna! Neighbourhood Development Plan, is likely to have significant environmental effects with reference to the criteria specified in Schedule 1 of the Regulations.

3.2. These criteria are set out in the table below, along with consideration of the likely impact of the Neighbourhood Plan against each.

SEA Directive criteria	Comments	Likely Significant Effects?
Characteristics of plans and programmes, having regard, in particular to:		
1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by	<p>The Neighbourhood Plan must have regard to national policy and be in general conformity with the strategic policies of the borough.</p> <p>The draft Neighbourhood Plan, if adopted, would form part of the statutory Development Plan for the borough and as such contribute to the framework for future projects and activities in the Neighbourhood Area.</p>	No

allocating resources	The Plan does not allocate sites for development or address issues outside of those already assessed in the Council's Local Plan SA (incorporating SEA) and as such is not considered to have significant effects in this regard.	
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	<p>The Neighbourhood Plan must be consistent with the National Planning Policy Framework and in general conformity with the Council's strategic policies.</p> <p>The Neighbourhood Plan may form the context for, and influence, other documents for this area. However, it is considered the extent of impact is unlikely to be significant in this regard.</p>	No
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The Neighbourhood Plan seeks to make a positive contribution to the three dimensions of sustainable development (social, economic and environmental). The Plan's policies have sought to achieve social, economic and environmental gains simultaneously. For example, through providing local workspaces, provides an opportunity to provide more jobs as well as delivering new and or improved areas of open space.	No
1d) Environmental problems relevant to the plan or programme	<p>The Neighbourhood Plan identifies the quality of local open spaces as being a particular issue. Biodiversity and green infrastructure policies seek to improve the value of existing habitats and provide for new habitats and green spaces. The Neighbourhood Plan's emphasis on improving the public realm and connectivity of the area suggests that the Plan's policies will, on implementation, have beneficial effects.</p> <p>These effects are not considered to extend significantly beyond existing issues and policies in the Camden Local Plan and thus do not require testing through SEA.</p>	No
1e) The relevance of the plan or programme for	The neighbourhood plan is not directly relevant to the implementation of community legislation on the environment.	No

the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).		
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
2a) The probability, duration, frequency and reversibility of the effects	The policy approaches are not considered to extend significantly beyond the Council's policies which have been subject to SEA.	No
2b) The cumulative nature of the effects	Cumulative effects occur where the outcome of one or more policies, when put together, have a significant combined effect. The draft Plan does not allocate sites for development nor do the policies extend significantly beyond those already subject to SEA in the Council's Local Plan for the borough.	No
2c) The trans-boundary nature of the effects	There are no trans-boundary effects arising from the Neighbourhood Plan.	No
2d) The risks to human health or the environment (e.g. due to accidents)	There are unlikely to be risks to human health or the environment arising from the Plan.	No
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The Plan will apply to new development in the neighbourhood plan area. The draft Redington Frogna! Neighbourhood Plan noted the GLA 2015 round projections for the Frogna! and Fitzjohn's ward 2016 (12,949 total).	No
2f) The value and vulnerability of the area likely to be affected due to:	Camden Local Plan policies relating to design, cultural heritage and environmental protection will apply alongside the Neighbourhood Plan. The policies in the draft Neighbourhood Plan are not	No

i) special natural characteristics or cultural heritage ii) exceeded environmental quality standards or limit values iii) intensive land-use	considered to step significantly beyond the intentions of adopted local policy. The extent of possible effects are not considered sufficient to warrant SEA as these have already been subject to SEA in the Council's Local Plan.	
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status	There are no landscapes of national or international protection status in the Plan area.	No

4. SCREENING OUTCOME

- 4.1. The screening assessment has identified that the draft Plan is unlikely to give rise to significant environmental effects.
- 4.2. Notwithstanding the results of this screening assessment the Neighbourhood Forum are advised to reconsider the form of words used in paragraph 3 page 86 of the plan, which suggests that the 'aspirational' sites should be material considerations in the assessment of a planning application.

"Chapter DS: Aspirational Development Sites

While most of the language suggests that the sites noted in this chapter are not site allocations (aspirations of the community) para 3 page 86 is completely at odds with this "If the sites, described briefly below, were to become available, the Forum would strongly resist development unless it accords with the Redington Frogal Design Codes and the aspirations for the sites".

5. NEXT STEPS

- 5.1. The Council will consult the following statutory consultation bodies, specified in the Environmental Assessment of Plans and Programmes Regulations 2004:
 - Natural England
 - Historic England;
 - Environment Agency.

- 5.2. The result of this screening opinion will be shared with Redington and Frognal Neighbourhood Forum and their responses considered and the screening opinion amended accordingly.

Should the consultation bodies determine that the draft Redington Frognal Neighbourhood Plan is likely to have significant environmental effects, the scope of the SEA would then need to be set.

Equalities Impact Assessment

Camden Council

What is an Equality Impact Assessment?

An Equality Impact Assessment (“EIA”) is a way of analysing a proposed organisational policy or decision to assess its effect on people with protected characteristics covered by the Equality Act 2010*. To meet the Council’s statutory duty the EIA should also address issues of advancing opportunities and fostering good relations between different groups in the community.

The Council has a strong tradition of ensuring equality both in terms of service delivery and within its workforce. To help us maintain this tradition it is essential that you start to think about the EIA process before you develop any new activity or make changes to an existing activity. This is because the EIA needs to be integral to service improvement rather than an ‘add-on’. If equality analysis is done at the end of a process it will often be too late for changes to be made.

The courts place significant weight on the existence of some form of documentary evidence of compliance with the Public Sector Equality Duty* when determining judicial review cases. Having an EIA as part of the report which goes to the decision makers and making reference to the EIA within that report helps to demonstrate that we have considered our public sector equality duty and given “due regard” to the effects the decision will have on different groups.

The EIA must be considered at an early stage of the formation of a policy/decision and inform its development, rather than being added on at the end of the process. The EIA form should be completed and updated as the policy / decision progresses and reviewed after the policy or change has been implemented.

If a staff restructure of organisational change is identified as necessary following the review of an activity then an EIA needs to be completed for both stages of the process, i.e. one when the activity is reviewed and one when the restructure or organisational change is undertaken.

Please note all sections must be completed. However the obligation is to have due regard and it may be that while an issue requires the completion of an EIA, the matters at hand may not lend themselves to some of the obligations, for example fostering good relations. As long as this has been properly considered it is legitimate to conclude that this cannot be applied in a particular case.

*Please read the notes at the end of this document.

Name of proposed decision/policy being reviewed:

Redington Froggnal Neighbourhood Plan (revised Regulation 14, June 2019)

Question 1

What is changing and why?

If the issue is going for decision, e.g. at Cabinet meeting, what are the decision makers being asked to decide? If you are reviewing a policy what are its main aims? How will these changes affect people?

[You can use this space to capture your reader's attention with a quote from the document or to emphasise a key point.]

Neighbourhood plans are statutory planning documents prepared by local communities. In Camden, this work is being undertaken by Neighbourhood Forums. Neighbourhood plans provide planning policies relating to the development and use of land in the neighbourhood area, which is formally designated following local consultation. The Redington Froggnal Neighbourhood Forum is now preparing a neighbourhood plan for the Redfrog neighbourhood area.

Neighbourhood plans can address matters not already addressed by existing Council policy or set out additional policy requirements where this is justified by local circumstances and supported by robust evidence. They should take a positive approach in shaping and directing development and should help support strategic planning policies, including those in Camden's Local Plan. The Redington Froggnal Neighbourhood Plan has therefore been prepared taking into account the strategic approach of the adopted Local Plan which was itself also subject to an Equalities Impact Assessment.

Neighbourhood Plans are independently examined against a number of tests – or 'Basic Conditions'. If the Examiner concludes that the Plan meets these tests, or would be capable of doing so with modifications, the Plan can proceed to a local referendum. If a majority of residents support the use of a neighbourhood plan in making decisions on planning applications, it will become part of the development plan – the starting point for planning decisions – in the neighbourhood area.

The Redington Froggnal Neighbourhood Forum was granted designation as a neighbourhood forum in 2014 and was redesignated for a further five years on 25th October 2019. Since its establishment, the Forum has carried out extensive engagement with residents and businesses located in the neighbourhood area.

Neighbourhood Forums must undertake consultation on a draft Plan (sometimes referred to as the 'Regulation 14 stage'). In June 2019, the Forum published and consulted on a revised draft Neighbourhood Plan (Regulation 14 document) and is now preparing a final draft Plan to submit for independent examination. Camden Council submitted a representation which included input from a number of Council services. Examination of the Neighbourhood Plan will lead to the issue of the Examiner's report. The Council will consider each of the Examiner's recommendations, which include whether the Plan should proceed to a local referendum (and publish a 'Decision Statement'). If the Plan passes the referendum, it attains full statutory weight in the determination of planning applications (and becomes part of the development plan for the neighbourhood area at this point).

Planning policies are wide ranging in nature and can have social, economic and environmental effects. They can be used to protect what is valued about an area, minimise any harmful impacts arising from development and ensure that new development, including changes of use, make a positive contribution to the local area. The Redfrog Plan is likely to contribute to all of these outcomes. The planning system exists to ensure that development is in the public interest and

contributes to sustainable development. Neighbourhood plans form one element of the 'development plan', alongside Camden's own planning policies (including the adopted Local Plan and Site Allocations document) and the London Plan. Decisions on planning applications are determined in accordance with the development plan, unless material planning considerations indicate otherwise. A proposal's impact on people with protected characteristics can be a material consideration.

Notes to Question 1

- Summarise briefly and precisely just what the decision is about. In particular what changes will happen if this decision is agreed and put into effect? What happens now and what will happen in the future? What will be different?
- **Do not cut and paste the report or policy** but concisely restate it, considering equalities issues directly against the facts
- **Focus on the impacts on people** e.g. the users of any facility or service.

Question 2

Who will be affected by this decision and how?

In particular do those from protected groups benefit or will they experience specific and disproportionate impacts? Will there be any direct or indirect discrimination?

[You can use this space to capture your reader's attention with a quote from the document or to emphasise a key point.]

Planning policies can have disproportionate effects for people with protected characteristics. For example, young and older people are likely to spend more time in the local area and therefore will receive the greatest benefit from policies seeking to improve the built environment, particularly where this promotes social interaction and supports accessibility or inclusion. Planning policies may also influence the type, size, layout and design of housing, can set out how development can potentially benefit the local area (e.g. through planning obligations), improve job opportunities and seek positive environmental outcomes from buildings and the construction process, e.g. in relation to air quality.

The draft Redfrog Neighbourhood Plan is structured around six main sections: (i) Sustainable Design and Character (ii) Biodiversity and Green Infrastructure (iii) Cultural, Leisure, Tertiary Education and Community Facilities (iv) Aspirational Development Sites (v) Finchley Road Shopfronts (vi) Underground Development. As such, it seeks to address issues considered to be priorities for the area by the Neighbourhood Forum. The Plan does not contain site allocations though it does identify a range of aspirations for key sites in the Plan area.

Planning policies can also be used to harness the benefits of growth for local communities. Where development is expected to lead to an increase in an area's population, planning obligations can be secured to address this additional demand. This can indirectly provide benefit for the existing community. Local people can identify and prioritise projects they wish to receive funding from the Community Infrastructure Levy (CIL), a charge applied to most types of development.

There is no evidence that the Plan will lead to direct or indirect discrimination although this EqIA has identified instances where the Plan's policies could be amended to increase the likelihood of beneficial outcomes for protected groups.

The data summarised below highlights some of the key characteristics of Redfrog's population. The data is drawn from the Redington Froggnal Neighbourhood Profile produced by Camden Council and public health data held by Camden and Islington Public Health teams. The Neighbourhood Profile uses the local level data output areas that most closely correspond to the Redington Froggnal Neighbourhood Area.

The population of Redfrog Neighbourhood Area in 2011 was 6,838, of which

AGE	REDFROG (%)	LB CAMDEN
0-15	19.5	16.1
16-29	19.9	26.6
30-44	26.1	27.0
45-59	15.9	15.2
60-74	11.4	10.1
75-89	6.1	4.5
90+	1.0	0.5

The median age range is 30-44, the same as for the Borough of Camden. The much lower proportion of younger residents 16-29 is likely to reflect the high housing costs in the area, limiting the opportunities for younger people – and especially students to live in the area. The

proportion of people in this age bracket is likely to be even lower now following the demolition of student accommodation previously owned by King's College in Kidderpore Avenue, which has predominantly occurred in the period after the 2011 Census.

There is a high proportion of elderly residents living the Redfrog Neighbourhood Area compared to Camden as a whole. This illustrates the need to consider the implications of disadvantage associated with disability and long-term illnesses, which disproportionately affect the elderly.

GENDER

In 2011, 51.7% of the resident population in the Redington Frogna! Neighbourhood was male and 48.3% was female. The ratio in the Borough of Camden was 49%:51%.

ETHNICITY

Camden's population is ethnically diverse. In 2011, 34% of Camden residents were from Black or Ethnic Minority groups. 22% are non-British White residents including Irish residents and those originating mainly from English-speaking countries abroad and from other EU countries.

Camden's largest communities with a distinctive cultural identity are the Bangladeshi, Black African and Irish communities, followed by Chinese and Indian. In common with other inner London boroughs, there are small but growing communities of migrants who are refugees or seeking asylum, as well as new migrants resulting from EU enlargement.

According to the last census, 60% of Camden residents were born in Britain or Ireland. Of the remainder, 11% were born in other EU countries and 30% from elsewhere in the world.

In Redington Frogna! people identified with the following ethnicities:

ETHNICITY	REDFROG (%)	LB CAMDEN (%)
White	73.5	66.3
Mixed/Multiple Ethnic Groups	6.6	5.6
Asian or Asian British	13.2	16.1
Black or Black British	2.9	8.2
Other Ethnic Group	3.8	3.8

The proportion of residents in Redfrog describing themselves as 'White' was 73.5%, higher than the proportion of the Borough of Camden as a whole. There was a lower representation of 'Asian or Asian British' and particularly of 'Black or Black British' residents.

RELIGION

The breakdown of religion in the Redfrog neighbourhood is as follows:

RELIGION	REDFROG (%)	LB CAMDEN (%)
Christian	31.5	34.0
Buddhist	1.4	1.3
Hindu	2.4	1.4
Jewish	15.6	4.5
Muslim	4.7	12.1
Sikh	0.2	0.2

Other religion	1.0	0.6
Of no religion	22.1	25.5
Religion not stated	20.9	20.5

According to the 2011 census, religious identification broadly followed the Borough of Camden for most religions; however, there the Jewish population was significantly higher and the Muslim population in the Plan area much lower. The small Hindu population is proportionately much higher in Redfrog than in the Borough of Camden.

HOUSING

The breakdown of housing tenure is as follows:

HOUSING TENURE	REDFROG (%)	LB CAMDEN (%)
Owned/part-owned	53.2	32.9
Shared ownership	0.2	0.7
Social rented	7.4	33.1
Private rented	36.8	32.2
Living rent free	2.7	1.8

The proportion of residents that own/part own their homes is considerably higher in Redington Froggnal than Camden whereas the proportion of residents renting from the Council or a Registered Provider is much lower. This highlights the relative lack of social housing in the Plan area.

DISABILITY AND WELLBEING

There are a number of indicators which record whether there are limitations to health or mobility. When asked whether their activities were limited by disability, 90.4% of residents in the Redington Froggnal neighbourhood area considered they were not, compared to 85.6% in Camden. 5.4% of residents considered that their activities were limited a little (7.4% in Camden) and 4.2% a lot (7.0% in Camden), illustrating levels of health and wellbeing which compare favourably with the Borough average.

In the Redington Froggnal, life expectancy for men and women is also above the Camden average. For men, the average age is 84.8 years (compared to 81.1 years in Camden) and for women, the average age is 88 years (compared to 86 in Camden).

PREGNANCY AND MATERNITY

The percentage of households with dependent children was 29.2% significantly higher than the 22.0% recorded across Camden as a whole. The proportion of lone parents with dependent children was lower however than the Camden average (3.3% vs 6.4%).

SEXUAL ORIENTATION AND GENDER REASSIGNMENT

It is considered unlikely that the Neighbourhood Plan will negatively impact on LGBTQ communities. Camden's Local Plan has planning policies seeking to protect community, cultural and leisure facilities and pubs (Policies C2, C3 and C4) which support protected groups, including LGBTQ venues and meeting spaces. Community groups can seek greater protection for facilities by nominating them as Assets of Community Value, giving them time to prepare a bid to take over the running of an asset.

Notes to Question 2

- Here use data to show who could be affected by the decision. Consider who uses the service now and might use it in the future. Think about the social mix of the borough and of our workforce.
- If available use profile of service users and potential users / staff by protected groups: (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation). You could consider the following:
 - Take up of services, by protected group if available;
 - Recommendations from previous inspections or audits;
 - Comparisons with similar activities in other departments, councils or public bodies;
 - Results of any consultation and engagement activities broken down by protected groups (if available) - sources could include, complaints, mystery shopping, survey results, focus groups, meetings with residents;
 - Potential barriers to participation for the different protected groups;
 - National, regional and local sources of research or data – including statutory consultations;
 - Workforce equality data will be provided by your HR change adviser for organisational change / restructure EIAs and
 - For organisational change / restructure EIAs include the results of any consultation or meetings with staff or trade unions.
- **Do not simply repeat borough wide or general service equality data** – be as precise and to the point as possible.
- If there are gaps in equality information for some protected groups identify these in this section of the form and outline any steps you plan to take to fill these gaps. Consider:
 - Any relevant groups who have not yet been consulted or engaged;
 - Whether it is possible to breakdown existing data or consultation results by different protected groups;
 - If you are conducting an organisational change / restructure EIA and there are data gaps consider asking affected staff to update their details on Oracle.
- We are under a legal duty to be properly informed before making a decision. If the relevant data is not available we are under a duty to obtain it and this will often mean some consultation with appropriate groups is required.
- Is there a particular impact on one or more of the protected groups? Who are the groups and what is the impact?
- Consider indirect discrimination (which is a practice, policy or rule which applies to everyone in the same way, but has a worse effect on some groups and causes disadvantage) - for example not allowing part-time work will disadvantage some groups or making people produce a driver's licence for ID purposes.

Question 3

Does the proposed decision have an impact (positive or adverse) on our duty to eliminate discrimination/harassment and victimisation, promote equality of opportunity or foster good relations between different groups in the community (those that share characteristics and those that do not)?

The Council does not consider that the draft Plan would give rise to discrimination/harassment or victimisation. In this section, we have considered how the Plan may contribute to equality of opportunity and foster good relations between different groups in the community. Looking at each section of the Plan in turn, we have considered whether the policies are likely to have positive, negative or neutral effects on people or groups with protected characteristics.

Where positive or negative effects are identified, a short explanation is provided. The next section of this EqlA provides commentary on how the Plan might be amended to promote equality of opportunity and increase the likelihood of beneficial outcomes for protected groups.

SECTION 1 – PLAN INTRODUCTION – Neutral / Positive

This sets out the Forum’s Vision for the Plan area and overarching objectives. These are generally considered to be neutral but may give rise to positive effects through the protection and enhancement of community facilities and services (which allows for providing of local workspaces).

SECTION 2 – SUSTAINABLE DESIGN AND CHARACTER – Neutral / Positive except SD2.3, SD4.6 and SD2.4.2 VI which are considered Negative

This section seeks to address “sustainable design and character”. Much of the Plan area is designated as a conservation area and protecting its character will ensure its unique identity and built qualities are appropriately conserved. A particular element of the Redington Froggnal Conservation area’s character and appearance that the Forum wishes to see maintained is its green and leafy appearance, in particular the amenity provided for residents’ by private gardens and the sense of spaciousness.

Policy SD1 is an overarching policy citing these aspects and setting out how they might be conserved or enhanced. It also addresses issues relating to social sustainability arising from the amalgamation of properties: criterion iv. is expected to have a positive effect by resisting the loss of smaller homes which can be particularly beneficial in enabling families and young adults to access lower cost housing.

The criteria in SD1 is generally expected to have a neutral effect in equality terms by ensuring the quality and appearance of the local environment is maintained.

Policy SD2 relates to the protection of heritage assets. It largely reinforces existing policies in the Local Plan and national advice on the protection of heritage assets set out in the National Planning Policy Framework. The Council’s representation on the draft Plan queried the policy’s protection of assets with a neutral effect on the conservation area, which potentially stifles the ability to deliver new development which could help to enhance the conservation area and deliver more beneficial outcomes in equalities and sustainability terms. The overall effect of this policy on equalities is considered to be neutral.

Policy SD2.3 addresses car-free development. It extends the approach set out in Policy T2 of the Camden Local Plan to any new development not involving a net gain or loss of units such as building extensions and basement development. The Council’s representation on the policy has queried the reasonableness of such an approach; for example, it would apply even where there is no increase in household capacity. This approach would override the circumstances/needs of existing households. The approach could indirectly have an impact on a number of protected characteristics including age, pregnancy and maternity and religion or belief by creating a barrier

to people's day-to-day lives. Balanced against this, the Council extended its car-free approach in the Local Plan review to respond to increasing concern about poor air quality in the Borough, which may especially help people with protected characteristics in the Borough and result in positive effects. It is therefore considered this policy may have negative impacts on equalities by unreasonably restricting development and may not meet the 'Basic Conditions' as currently drafted (although the wider context/benefits of car-free development are recognised).

Policy SD4 provides further detail on elements of Redington Froggnal's distinctive character. It is considered this policy will generally have beneficial effects. While the approach is unlikely to give rise to adverse effects on equalities, the Council has raised examples of wording which is unnecessarily restrictive and/or the approach has not been fully justified by evidence. For example, compliance with criterion VI appears to be unduly mechanistic and could prevent opportunities for sustainable development. It may therefore have negative impacts on both people with or without protected characteristics. The effect of the policy is generally neutral but the wording of more prescriptive criteria should be reviewed.

Policy SD5 relating to extensions builds on existing Local Plan policy and Camden Planning Guidance on Design and Altering Your Home. Criterion v of this policy raises the same issue identified in Policy SD 2.4.2 criterion VI. The impact on equalities is considered to be neutral, although criterion v. is considered to be negative as described in the paragraph above.

Policy SD6 relates to the conservation of key views that the Forum has identified in the Plan area for example because of their openness or greenery. There are no equalities impacts relating to this policy. The Council's representation relating to the first Regulation 14 Plan objected to 'Key view K' on the grounds it appeared to stifle development and did not constitute a view: this is considered to be principally a planning policy matter and unlikely to have a significant impact on equalities.

Policy SD7 relates to "architectural details" such as front boundary walls and hedges. There are not considered to be any equalities impacts arising from this policy, therefore its effect is neutral.

SECTION 3 – BIODIVERSITY AND GREEN INFRASTRUCTURE – Neutral except BG1 criterion v and LGS5 which are considered to be Negative

Policy BG1 identifies the ecological benefits of planting, ecology and drainage. The approach could potentially prevent opportunities for sustainable development in criterion v. by making the loss of trees, even where this is "unavoidable", conditional on tree planting within the site – i.e. this "must" happen. However, this may not always be possible and could mean otherwise acceptable development proposals have to be refused, e.g. provision of additional homes or extensions, despite the benefits this may have in helping people to meet their housing needs. The negative impacts of this approach could extend to people with protected characteristics.

Policy BG2 provides for greater flexibility to take into account the characteristics of individual proposals and sites; it is not considered that this policy would have a harmful impact on equalities. Its effect is therefore considered to be neutral.

Policy BGI3 is a detailed policy relating to tree planting and preservation. Generally, the approach is qualified by "where possible" to allow for different proposals/sites. The effects of the policy in equalities terms are considered to be neutral.

Policy BGI4 sets out detailed requirements for external lighting. It is principally intended to benefit wildlife but may also have a positive effect on people, for example by reducing unnecessary light pollution. The effects of this policy on equalities are considered to be neutral.

Policy BGI5 lists eight potential sites which should be designated as 'Local Green Space'. The designation of land as Local Green Space allows communities to identify and protect green areas of importance and should be consistent with the local planning of sustainable development and

complement investment in sufficient homes, jobs and other essential services – paragraph 99 of the NPPF. Paragraph 100 of the NPPF sets out criteria which Local Green Spaces are expected to meet. Page 34 of the Neighbourhood Plan sets out the Forum’s justification for each of the proposed LGS.

Most of the sites are small and there are not considered to be any negative impacts on equalities grounds; however, the identification of all of the amenity land in LGS5 – Studholme Court could prevent opportunities for sustainable development because it would not be possible to provide additional homes or extensions to buildings on the estate. This may make it more difficult for people with protected characteristics (either existing residents of the estate or people living elsewhere in Camden) from being able to access housing to meet their specific needs and circumstances.

The effect on equalities of LGS5 is considered to be negative, although the extent of the impact is limited to this small site/housing estate.

SECTION 4 - CULTURAL, LEISURE, TERTIARY EDUCATION and COMMUNITY FACILITIES - Positive / unknown

While the Council’s representation identified that Policy CF1 does not specifically reference viability (and as a result is not in general conformity with the Camden Local Plan), the principle of protecting community facility and services is recognised by both the Local Plan and draft Neighbourhood Plan and the effects are likely to be positive for a range of people with protected characteristics.

The policy’s support for home working facilities is also likely to be beneficial for the social sustainability of the area and provide accessible, and flexible workspace, assisting people with caring responsibilities who need to work close to home.

Policy CF2 identifies priorities for future infrastructure spending in the Plan area (e.g. from Community Infrastructure Levy spending). While the policy does not identify specific projects, it is considered to be helpful for neighbourhood plans to provide guidance for future spending decisions. As further detail is not known at this stage, the effects on equalities are considered to be unknown.

SECTION 5 – ASPIRATIONAL DEVELOPMENT SITES – Positive

Whilst ultimately alternative land uses and approaches to those put forward in the Neighbourhood Plan may also be acceptable, the policy provides an indication of changes the Forum considers would enjoy local support. The approach is generally considered to be positive in equality terms because it provides more certainty that additional homes and employment floorspace can be delivered in the Forum area. The Council has suggested to the Forum that Table DS1 is removed because it is overly prescriptive and does not fit with the aspirational nature of this policy. Overall, the effect on equalities are considered to be positive; however, any benefits will be contingent on the detailed proposals that come forward on the sites identified.

SECTION 6 – FINCHLEY ROAD SHOPFRONTS – Neutral but change suggested

The Plan seeks the protection/retention of historic shopfronts. While many Victorian mansion blocks line Finchley Road, many ground floors have already been altered and feature modern shopfronts. While retention of traditional materials and features may be desirable, the policy makes no reference to the potential links between the type of shopfront that is provided and access considerations (e.g. for people with limited mobility and the elderly). We consider this should be taken into account by the policy to ensure that the needs of these protected groups inform future policy decisions.

SECTION 7 – UNDERGROUND DEVELOPMENT - Neutral

The approach is broadly in line with the principle of the Camden Local Plan and Camden Planning Guidance on Basements in ensuring that the size of basement developments are limited and the impacts of these schemes are properly assessed. It is not considered that the policies on basements and Neighbourhood Plan's evidence requirements for these applications raise issues on equalities grounds. The effect is therefore considered to be neutral.

At the end of the Plan is a policy seeking protection of the character and interest of Kidderpore Reservoir. "Sensitive adaptation" of the reservoir is sought, consistent with preserving its historic significance. The detailed design of any scheme (including land uses) is not specified in the Plan and therefore is unknown. It is considered that the effects of this policy are neutral.

In summary, it is considered that policies SD2.3, SD4 VI, SD5 V, BGI5-LGS5 and FR could have some negative impacts on people with protected characteristics. Policies SD1 iv, CF1, CF2 and Section 5 of the Plan on 'Aspirational Development Sites' are likely to give rise to positive effects. All other policies in the Plan are considered to be neutral. It should be noted that even where the Council has identified possible negative effects, the impact is likely to vary depending on the nature of the policy, the number/range of future development proposals to which it will be applied and the total population affected. For example, in the case of BGI5-LGS5 any effects will be limited to that particular housing estate.

Notes to Question 3

- Here, think about our other duties (see the notes at the end) and do the proposals impact (positive and or negative) upon those wider duties and aspirations?
- What might say a reduction in the hours of a facility that mainly serves a particular group have on our wider duties?
- Examples of eliminating discrimination: Taking action to ensure that services are open to all groups – e.g. targeting help at particular deprived sections of the community or funding services who work to prevent discrimination
- Does take up of the activity differ between people from different protected groups?
- Have the outcomes of your consultation and engagement results identified potentially negative or positive impacts?
- Are some groups less satisfied than others with the activity as it currently stands?
- Is there a greater impact on one protected group, is this consistent with the aims of the activity?
- For organisational change / restructures analyse the outcomes of consultation with staff and trade unions and analyse the staff data provided by your change adviser
- If you have identified negative impacts include details of who these findings have been discussed with (e.g. Legal, HR) and their views
- Are there any further changes that could be made to deliver service improvements or make the activity more responsive?

Question 4

If there is an adverse impact, can it be avoided?

If it can't be avoided, what are we doing to mitigate the impact?

[You can use this space to capture your reader's attention with a quote from the document or to emphasise a key point.]

The potential effects of the policies on people/groups with protected characteristics have been considered under Question 3. This identifies that the majority of policies and criteria in the draft Neighbourhood Plan are expected to lead to either 'positive' or 'neutral' effects on people/groups with protected characteristics.

The Council has identified policy criteria where the Plan could prevent opportunities for sustainable development. This occurs where the Plan takes a restrictive approach to the expansion of existing homes which could limit the ability of families to stay in the area as their needs change, i.e. SD5 v and SD 2.4.2 vi. The Council is aware of pressures on families living in Camden that are acting to push them away from the Borough to other areas, and that they in turn are being replaced with wealthier / single people, in doing so reducing the diversity of the area. Some Camden residents have told us that they cannot afford to move within Camden and that existing planning policies can prevent them from extending their home. The Council's representation on the draft Plan identified that where policies become overly prescriptive, this can prevent proposals from being assessed on a case by case basis, and the benefits of a specific scheme being considered as well as any harm that they may arise. Policies should be worded so they are sufficiently flexible to take into account particular site constraints and circumstances.

Policy SD 2.3.2 is likely to result in otherwise acceptable development being resisted by extension of the Council's existing car-free housing approach to include virtually all development types including extensions, regardless of the impact arising from the scheme and we consider the approach is unlikely to fully meet the 'Basic Conditions' against which neighbourhood plans are tested. This is likely to have a detrimental impact on householders', particularly older residents who may be dependent on private transport. The absence of car parking provision may also mean that homes are less suitable and attractive for families. Householders will be disincentivised from adapting their homes in response to changes in family circumstances. We consider that the references to "all development" and "any new development" should be revisited and a more proportionate approach taken. As stated above, the wider principle of car-free development is considered to be sound and will generally lead to positive outcomes, including for people with protected characteristics, by responding to poor local air quality.

Policy 3.2.2 v. takes an overly prescriptive approach to development by requiring that where tree removal is unavoidable, replacements "must" be provided within the development site. This may not be achievable in all cases and could prevent development from coming forward, with potentially adverse effects. This could potentially be addressed by amending the criterion to read 'must', rather than 'should'.

BGI5's identification of all the amenity space at Studholme Court as 'Local Green Space' could prevent the opportunity to redevelop existing homes or extend housing currently provided. It could stymie the provision of additional homes on the estate or extensions to existing buildings and have a detrimental impact on existing or future residents in terms of be able to meet their housing needs. We consider that further evaluation of the boundary of this LGS is required or the designation of this land as Local Green Space should be removed.

Section 6 relating to Finchley Road shopfronts is generally considered to be neutral in equalities terms but we consider it could benefit from reference in the supporting text to the needs of people with mobility difficulties/the elderly as well as people with prams or buggies.

Notes to Question 4

- Assuming there is an impact, what are we going to do about it? We need to make sure the **decision makers understand the impacts**
- All our policies and decisions should be designed to eliminate discrimination and contribute to our other obligations such as promoting good relations.
- If it can't be avoided can it be mitigated in some other way?
- There might be decisions elsewhere or perhaps additional spending on other services which could reduce the impact. Beware of simply saying that we will direct service users to other services or resources without considering the feasibility of doing so or the knock-on effect for those services
- We don't have to completely eliminate a negative impact, but we must identify it and try to mitigate it and the **decision makers must be in a position to fully understand the implications of their decision and balance off the competing interests** – e.g. the impact against the need to make savings and balance our budget

Question 5

Could any part of the proposed activity discriminate unlawfully?
Can we advance equality of opportunity via this decision/policy?
Can we foster good relations via this decision/policy?

[You can use this space to capture your reader's attention with a quote from the document or to emphasise a key point.]

The draft Neighbourhood Plan provides a positive vision and set of objectives to guide development of this neighbourhood area. It seeks to ensure that the positive aspects of the Redington Frogнал area and its sense of community are sustained and enhanced. The focus on green infrastructure, the special character and appearance of the area and local amenities should provide beneficial outcomes for people with protected characteristics. The inclusion of 'aspirational development sites' is considered to be beneficial by its identification of where additional housing would be supported. The Plan's Vision sets out the Forum's desire to maintain a "diverse population", which can in part be achieved by resisting the amalgamation of existing homes, although the Neighbourhood Plan will not on its own be able to fully address this issue.

The content of the draft Plan is being developed through consultation with local residents and stakeholders, led by a community group representative of people living, working and carry out business in the area. The Council has recently redesignated the Redington Frogнал Neighbourhood Forum for a further period of 5 years (to 2024).

Membership of Neighbourhood Forums are open to anyone who lives or works in this area or is a local councillor (a minimum of 21 members is required). As stated in its re-designation application, the Forum has over 400 members. Forums have an 'express purpose' of furthering social, economic and environmental well-being. This application lists the steps the Forum has taken, or planned, to reach out to the wider community, including events led, or with participation from, the Forum.

When the Forum submits the Plan for publication and examination, this must include to a 'Consultation Statement', a detailed account of the efforts made to engage with the wider community, including 'protected groups', in preparation of the Neighbourhood Plan. This document provides a narrative for each stage of the process from inception of the Forum through to submission of the final draft plan. It will be important evidence of how the plan making process has helped to foster good relations in the area and how the Plan has responded to all of the main concerns raised by the local community.

A key benefit of neighbourhood planning is that community groups become not only much more more involved in planning, but the establishment of forums also provides a vehicle for wider community action. The emphasis, therefore, is on participation and involvement in the planning process rather than consultation. The diversity of interests represented on the Redfrog Neighbourhood Forum allows for a range of local interests to directly shape the emerging Plan's content, so the work of the Forum should help to foster good community relations.

The Redington Frogнал Neighbourhood Plan's policies should complement the Camden Local Plan by providing further detail about issues which the community considers to be important. The Forum has responded to the particular demographic characteristics of their area by including policies which will benefit protected groups and encourage inclusion, e.g. from the identification of development sites and policies to retain and enhance community facilities. For certain policies identified in the EqIA the Council has identified where negative impacts may occur because the Plan makes it more difficult for development to happen. While the Council recognises there are limited opportunities for additional housing in the Redfrog neighbourhood area, restrictive policy can prevent existing households from adapting, and extending, their homes as their personal circumstances change. Possible consequences of this include people being forced to move out of the Borough to meet their housing needs.

To assist implementation of the Neighbourhood Plan and the delivery of positive outcomes for people

with protected characteristics, it is suggested that the Finchley Road Shopfronts policy makes reference to the importance of ensuring town centre uses can be accessed by all. This issue is already addressed by Policy C6 ' Access for all' in the Camden Local Plan, but it is important that access is not overlooked when proposals for shopfront alterations are being considered in this area.

The opportunity for developments to include measures to assist protected groups will be considered on a case-by-case basis as actual development proposals are prepared and planning applications are submitted to the local planning authority to determine.

Notes to Question 5

- **There may be decisions or policies where this is not going to be applicable. Explain this briefly in the box above. The important point is that it is carefully considered.**
- Suggest positive steps that can be achieved towards our statutory obligations to remove or minimise disadvantages suffered because of protected characteristics, e.g. taking steps to meet the needs of people from the different backgrounds when they are different to the needs of others, encouraging participation from groups when participation is disproportionately low
- Advancing equality of opportunity - (NB this does not apply to marriage and civil partnership). **This is a “positive duty”** which requires public authorities to consider taking proactive steps to root out discrimination and harassment and advance equality of opportunity in relation to their functions—from the design and delivery of policies and services to their capacity as employers. The duties require us to give consideration to taking positive steps to dismantle barriers. Advancing equality of opportunity might require treating some groups differently e.g. targeting training at disabled people to stand as councillors.
- **The legislation requires when we have due regard in terms of advancing equality of opportunity to:**
 - a. **Remove/minimises disadvantage suffered by those who share a characteristic and is connected to it**
 - b. **Take steps to meet the different needs of those who share a characteristic**
 - c. **Encourage those who share a characteristic to participate in public life or any other activity when participation is disproportionately low.**
- Advancing opportunity includes the fact that the steps needed to meet the needs of disabled persons take into account the disabled persons’ disabilities
- We are required to have “due regard” to the need to foster good relations between people who share a relevant protected characteristic and people who do not share it. This involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Examples

- An employer to provide staff with education and guidance, with the aim of fostering good relations between its trans staff and its non-trans staff.
- A school to review its anti-bullying strategy to ensure that it addresses the issue of homophobic bullying, with the aim of fostering good relations, and in particular tackling prejudice against gay and lesbian people.
- Local authority (Not Camden) to introduce measures to facilitate understanding and conciliation between Sunni and Shi’a Muslims living in a particular area, with the aim of fostering relations between people of different religious beliefs.
- Our work to encourage Bangladeshi tenants involvement in TA’s.

EIA prepared by: Andrew Triggs, Principal Planner

Date: 14 November 2019

EIA checked by: Brian O'Donnell

Date: 14 November 2019

EIA approved by:

Date:

(Relevant Director Sponsor)

What to do upon approval

For organizational change: If your EIA relates to internal staff, please send to your HR Business Adviser.

For all other EIAs: Please upload onto Sharepoint via this link:

[Equality Impact Assessment Library](#)

Explanatory Notes

What is our Public Sector Equality Duty (PSED)?

Under section 149 all public authorities must, in the exercise of their functions, have 'due regard' to the need to:

1. Eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act; EqA 2010 (section 149(1)(a)).
2. To advance equality of opportunity between people who share a relevant protected characteristic and those who don't; This involves having due regard to the need to:
 - o remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - o take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(4)); and
 - o encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Section 149(6) makes it clear that compliance with the PSED in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the EqA 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule (section 149(8))).

(Section 149(3), EqA 2010.)

3. Foster good relations between people who share a relevant protected characteristic and those who don't (section 149(1)(c)) (which involves having due regard to the need to tackle prejudice and promoting understanding) (section 149(5), EqA 2010)..

Under the Duty the relevant protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion, Sex, Sexual orientation.

- In respect of the first aim only i.e. reducing discrimination, etc. the protected characteristic of marriage and civil partnership is also relevant.
- In meeting the needs of disabled people we have a duty to take account of their disability and make reasonable adjustments to our services and policies where appropriate.
- We must be able to demonstrate that we have considered and had due regard to all three parts of this duty. We must also look for anything that directly or indirectly discriminates.

What do we mean by “due regard”?

- This is not a question of ticking boxes, but should be at the heart of the decision-making process.
- decision-makers must be made aware of their duty to have due regard – so understand the legal requirements on them;
- There should be an analysis of the data – who is this going to affect and how will it put against the legal requirements
- We need to have thought about these duties both before and during consideration of a particular policy and we need to be able to demonstrate that we have done so
- The Duty is “non-delegable” so it is for the decision maker themselves to consider with assistance from the report and officer analysis. What matters is what he or she took into account and what he or she knew so it is important to have the relevant papers accompanying the report. The report should make explicit reference to the EIA. the duty is continuing so while this guide is aimed at the point of decision we should at appropriate points review our duties against the decision/policy
- The decision maker must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy or decision has been taken
- Officers reporting to or advising decision makers must not merely tell the decision maker what he/she wants to hear but need to be “rigorous in both enquiring and reporting to them”
- The duty should be reconsidered if new information comes to light

“

What is due regard? In my view, it is the regard that is appropriate in all the circumstances. These include on the one hand the importance of the areas of life of the members of the disadvantaged ... group that are affected by the inequality of opportunity and the extent of the inequality; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing”

Lord Justice Dyson

”

We need to take a sensible and proportionate approach to this based on the nature of the decision or policy being reviewed