

Basements Publication Planning Policy Guide to making Representations

February 2014



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Publication Development Planning Policies – Guide to making Representations

The period for representations for the publication policy runs from **12 February to 26 March 2014**. Comments relating to the soundness of the policies (see paragraph 3) must be received **by midnight on the 26 March 2014**. The Council may not be able to consider representations received after this date.

Preferably comments can be submitted online at planningconsult.rbkc.gov.uk or by completing a comments form and emailing it to: planningpolicy@rbkc.gov.uk or by post to:

The Executive Director of Planning and Borough Development
f.a.o The Policy Team
The Royal Borough of Kensington and Chelsea
The Town Hall, Horton Street
LONDON W8 7NX

The form can be obtained from the planning policy team by contacting 0207 361 3879 or can be downloaded from:

<http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx>

All representations must express a view regarding the soundness of the document. If the representation does not comment on the soundness or legal compliance, we will contact you to request you to make a view.

Introduction

The proposed planning policies which will be incorporated into the adopted Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington are published in order for representations to be made. The representations will be considered alongside the submitted policies and reasoned justification, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (the 2004 Act) states that the purpose of the examination is to consider whether the Core Strategy complies with the legal requirements and is 'sound'.

If you are seeking to make representations on the **way** in which Council has prepared the planning policies it is likely that your comments or objections will relate to a matter of **legal compliance**.

- If it is the **actual content** on which you wish to comment or object it is likely it will relate to whether the DPD has **been positively prepared, is justified, effective or consistent with national policy**.

LEGAL COMPLIANCE

The Inspector will first check that the Core Strategy meets the legal requirements under s20 (5) (a) of the 2004 Act before moving on to test for soundness.

You should consider the following before making a representation on legal compliance:

- The process of consultation for the proposed planning policies should be in general accordance with the Council's Statement of Community Involvement.

The Statement of Community Involvement (SCI) is a document which sets out a Council's strategy for involving the community in the preparation and revision of Local Development Documents (including DPDs) and the consideration of planning applications.

- The proposed planning policies should comply with the Town and County Planning (Local Development) (England Regulations) 2012. On submission, the Council must publish the documents prescribed in the regulations, and make them available at their principal offices and their website.
- The Council is required to submit a Sustainability Appraisal Report when they submit the proposed planning policies for examination.
- A Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The proposed planning policies should have regard to national policy and conform generally to the London Plan. The London Plan sets out the policies in relation to the development and use of land in London and forms part of the development plan for the Council.

SOUNDNESS

To be sound a DPD should be:

Positively prepared

The planning policies should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified

This means that the proposed planning policies should reflect the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence. A sustainability appraisal is prepared as part of this process.

Effective

This means the planning policies should be deliverable over the plan period and based on effective joint working on strategic priorities.

Consistent with National Policy

The planning policies should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).

General Advice

If you wish to make a representation seeking a change to the planning policies and their accompanying reasoned justification you should make clear in what way they are not sound having regard to the legal compliance check and the four tests set out above. You should try to support your representation by evidence showing why the planning policies should be changed. It will be helpful if you also say precisely how you think the planning policies and their reasoned justification should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions based on the original representation. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Availability of Representation to Third Parties

Representations made cannot be treated as confidential. As well as being sent to the Secretary of State, a schedule of all representations made to the Council will be placed with the planning policies and their supporting documents and published on the Council's Planning website so that anyone may view the representations made.

How are the Representations considered by the inspector?

Once the document has been submitted to the Secretary of State, an independent inspector will be appointed to conduct an examination into the soundness of the document. Representations made in support of the proposed policies are considered as Written Representations. Objections to the plan may be dealt with as written representations or as part of a hearing. It should be noted that both of these methods carry the same weight.

The emphasis at the hearing sessions will be on informality with the Inspector inquiring into and leading a debate on the issues identified in advance. The Inspector will invite participation from those who wish to be heard and anyone else who may be required to properly explain the issue. The formal presentation of evidence followed by cross-examination and re-examination will not be allowed other than in very exceptional instances where the Inspector is convinced that a formal approach is essential to adequately test the evidence. The final decision about whether or not to have a formal session rests with the Inspector. Consequently there will usually be no need for any party to employ legal representatives to present their case.

Adoption of the planning policies

Following examination, the Inspector will write a report setting out recommendations for the planning policies. If the Inspector considers the policies to be sound they can then be adopted by the Council as part of its statutory development plan.

Further detailed guidance on the preparation, publication and examination of DPDs is provided in the National Planning Policy Framework (NPPF).