

building on success



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Basements

Submission Planning Policy

Legal Compliance Checklist

April 2014



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Local Plan Legal Compliance Checklist (April 2013)

This checklist has been updated for PAS by SNR Denton. It supersedes the previous checklist and is based on **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**. It should be used with the Soundness Self Assessment Checklist (also updated January 2013).

Remember that the evidence you provide to support your plan should be relevant and proportionate. Please don't use this checklist as a reason to assemble more than is needed.

Glossary:

"Act" means the **Planning and Compulsory Purchase Act 2004 (as amended)**

"NPPF" means the **National Planning Policy Framework** published March 2012

"Regulations" means the **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

Where the 'possible evidence' column refers to a document that will not be complete until a later stage (for example, the sustainability appraisal report), documents that will contribute to that report are relevant at the earlier stages. This way, the submitted report provides the evidence at submission, with an audit trail back to its source.

In terms of legal compliance, the main issues for the early stage are in relation to:

- planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- identifying significant cross boundary and inter-authority issues
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.



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Regulation 17 notes that a statement setting out which bodies and people the council invited to make representations under Regulation 18 is one of the proposed submission documents. In this tool, the term 'consultation statement' is used to describe this statement.

Section 33A of the Act (introduced by the Localism Act 2011) introduces a duty to cooperate as a mechanism to ensure that local planning authorities and other bodies engage with each other on issues which are likely to have a significant effect on more than one planning area. This pervades every stage of the plan preparation. A plan may be found unsound if a council cannot show that it has taken reasonable steps to comply with the duty.



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Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>	<p>NPPF para 153</p>		<ul style="list-style-type: none"> i. The adopted LDS at the time of commencement, publication and submission of the DPD ii. The relevant authority monitoring report (if changes need to be explained) 	<p>Yes, The LDS (April 2014) has been submitted. The 2012 and 2013 Monitoring Reports have been submitted.</p> <p>At the time of publication of the Basements Policy the relevant Local Development Scheme (LDS) was the one published in November 2012. The review of Core Strategy policies relating to basement development (Policies CL 2(g) and CE1(c)) is identified in the LDS, November 2012.</p> <p>The LDS has been revised as the Council undertook a 'Second Draft Policy Consultation' as the policy was revised to restrict the extent under the garden from 75% to 50%. The Council also produced</p>



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					further evidence following a publication consultation in July/September 2013 and has undertaken another publication in Feb/Mar 2014. The programme was also revised to reflect the other policies on conservation and design and Miscellaneous Matters to be submitted and examined at the same time.
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	i. The SCI ii. The project plan for the DPD	Yes, The document Involving People in Planning (IPIP), RBKC, Dec 2013 has been submitted to PINS. This sets out the Council's consultation procedure with regard to the production of development plan documents. The Council has met these requirements in the preparation of the



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					<p>submission basements policy. The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 and Summary of Consultation, RBKC, Feb 2014 provide further details of consultation undertaken at each stage of policy preparation.</p>
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 -4.26</p>	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<ul style="list-style-type: none"> i. The SCI ii. Reports and decisions setting out the approach to specific and general consultation bodies iii. Consultation statement 	<p>Yes,</p> <p>The Council has a LDF database that is a live database and has been constantly updated over the course of many years to reflect the Planning Regulations and is updated to include any interested party. The database includes specific and general consultation bodies as required by the Planning Regulations 2012.</p> <p>The IPIP document has</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					<p>been submitted to PINS. The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 and Summary of Consultation, RBKC, Feb 2014 provide further details of consultation undertaken at each stage of policy preparation.</p>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and</p>	<p>i. Reports and decisions setting out the approach to be taken</p> <p>ii. Consultation statement</p>	<p>The basements policy is a local issue specific to this Borough and is not considered a strategic matter as defined by section 33A(4) of the Planning and Compulsory Purchase Act or para 156 of the NPPF. This policy is locally distinctive and specifically tailored to this borough.</p> <p>A letter of compliance has been received by the GLA, responses have also been received from the</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>impact on at least two planning areas?</p>		<p>cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>considering whether to agree joint local development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>		<p>Environment Agency, English Heritage, Natural England and TfL – listed under Reg 4.</p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the</p>	<p>i. Reports and decisions setting out the approach to be taken.</p> <p>ii. Consultation statement</p>	<p>The basements policy is a local issue specific to this Borough and is not considered a strategic matter as defined by section 33A(4) of the Planning and Compulsory Purchase Act or para 156 of the NPPF. This policy is locally distinctive and specifically tailored to this borough.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
impact on at least two planning areas?			required engagement includes consulting on joint approaches to relevant activities.		
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section13	NPPF paras 158 - 177		<ul style="list-style-type: none"> i. Documents dealing with collection of baseline information ii. Relevant technical studies iii. The annual monitoring report 	<p>The policy is supported by the range of evidence base listed below.</p> <ul style="list-style-type: none"> 1. Policy Formulation Report, Feb 2014 (pdf - 1MB) 2. Statement of Consultation (Reg 22), Apr 2014 (pdf - 968Kb) 3. Summary of Consultation, Feb 2014 (pdf - 984Kb) 4. Sustainability Appraisal (SA/SEA), Feb 2014 (pdf -



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					1MB) 5. Habitats Directive Screening Assessment, Feb 2014 (pdf - 1.2MB) 6. Equalities Impact Assessment (pdf - 238 Kb) 7. Monitoring Report, 2013 (Extract Chapter 2) (pdf - 1MB) 8. Population and Household Density, Feb 2014 (pdf - 340Kb) 9. Background Report 01 (Urban Design Strategy), Urban Initiatives, Jul 2006 10. Basements



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					<p>Development Data, Feb 2014 (pdf - 2MB)</p> <p>11. Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 (pdf - 3.8MB)</p> <p>12. Basement Works - Impact on Residents, Feb 2014 (pdf - 1.4MB)</p> <p>13. Alan Baxter Associates Basements Report (Mar 2013) [PDF] (warning large file 5MB)</p> <p>14. London Terrace Houses 1660 - 1860, English</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					<p>Heritage, 1996 (pdf - 3.1MB)</p> <p>15. Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 (pdf - 3.4MB)</p> <p>16. Basements Visual Evidence, Feb 2014</p> <p>17. Basements Visual Evidence - External Manifestations, Feb 2014 (pdf - 1.3MB)</p> <p>18. Trees and Basements, Feb 2014 (pdf - 983Kb)</p> <p>19. Impact of Basement Development on Biodiversity, Feb 2014 (pdf - 965Kb)</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					<p>20. London: Garden City?, 1998 - 2008, London Wildlife Trust, 2011 (pdf - 1.5MB)</p> <p>21. Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pdf - 3MB)</p> <p>22. Evidence Base for Basements and Policy CE1: Climate Change, Eight Associates [PDF] (file size 624Kb)</p> <p>23. Carbon Offsetting, Feb 2014 (pdf - 32 Kb)</p> <p>24. Basement Surveys (neighbours and residents) Responses,</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					<p>Aug/Sep 2012</p> <p>25. Various consultations (including public events) on the emerging basements policy.</p>
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>The Act section 19(5)</p>	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<p>i. Sustainability report scoping document</p> <p>ii. Sustainability appraisal report</p>	<p>Yes,</p> <p>The Sustainability report scoping document, RBKC, April 2012 has been submitted to PINS.</p> <p>The Sustainability Appraisal for each stage of the policy has been submitted to PINS.</p>
<p>8. Have you consulted the statutory environment consultation bodies for five weeks on the</p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations</p>	<p>NPPF paras 165 and 167</p> <p>SEA Guide chapter 3</p>	<p>The Strategic Environmental Assessment consultation bodies are also amongst the 'specific</p>	<p>Copies of the consultation letters sent to and any responses from the bodies</p>	<p>Yes, a five week consultation from 27th April until the 1st June 2012 was undertaken with English Heritage, Natural England and Environment</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
scope and level of detail of the environmental information to be included in the sustainability appraisal report?	2004 No 1633.		consultation bodies' which are defined in Regulation 2).		Agency. Responses were received from Natural England and English Heritage. These were reported in Appendix 1 of the Sustainability Appraisal published in December 2012.



Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

- showing that the procedures have been complied with
- demonstrating cooperation with statutory cooperation bodies
- developing alternatives and options and appraising them through sustainability appraisal and against evidence.

The council should record actions taken during this phase as they will be needed to show that the plan meets the legal requirements. They will also show that a realistic and reasonable approach has been taken to plan preparation.



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Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
1. Have you notified: <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	i. Consultation statement ii. Copies of documents consulting these bodies iii. Record of discussions iv. Copies of representations made v. A brief statement setting out the reasons why any bodies have been omitted from or included in consultation	Yes, Specific consultation bodies have been invited to make comments on the emerging policy at all stages of its formulation. The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 and Summary of Consultation, RBKC, Feb 2014 provide further details of consultation undertaken at each stage of policy preparation. Reports on the representation received at each stage and the Council's response to these representations have been submitted to PINS.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					The LDF database and individual representations are available for inspection if required.
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these persons iii. Record of discussions iv. Copies of representations made 	<p>Yes, The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 and Summary of Consultation, RBKC, Feb 2014 provide further details of consultation undertaken at each stage of policy preparation.</p> <p>The LDF database and individual representations are available for inspection if required.</p> <p>The Council organised public events which were attended by residents, councillors, representatives from residents</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<p>associations, developers, contractors and other professionals involved in basement development. A record of these meetings has been submitted to PINS.</p> <p>A Basements Working Group was also set up which included representatives of residents associations, members, basement developers, a Party Wall Surveyor and an environmental expert. Minutes of these meetings have also been submitted to PINS.</p>
<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>NPPF para 155</p>	<p>NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these people iii. Record of discussions 	<p>This question is not considered relevant to the submission basements policy as it is a development management policy and the Council is responsible for the</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					delivery of the strategy.
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD 	<p>Yes, The policy is formulated to take account of local circumstances which have been highlighted in the residents and neighbours surveys, representations to consultation and consultation events. These issues are highlighted in the reasoned justification to the policy.</p> <p>The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 and Summary of Consultation, RBKC, Feb 2014 provide further details of consultation undertaken at each stage of policy preparation.</p> <p>Reports have also been</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<p>produced on each consultation separately. The Council prepares a record of all representations received at each stage of consultation and provides a response for each comment. These reports titled – Summary of Issues Consultation, Consultation Responses to Draft Basements Policy, RBKC Mar 2013, and Consultation Responses to Second Draft Basements Policy, RBKC, July 2013 have been submitted to PINS.</p> <p>Following the Issues consultation (April/May 2012) and targeted surveys (Aug/Sep 2012) of owners of properties with a basement permission, their neighbours and residents</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<p>associations, a range of options were considered by the Council before progressing to the next stage of consultation on the 'preferred' draft policy. These options were presented in Appendix B of the Basements: Draft Policy for Public Consultation and Other Matters (Dec 2012) document. These were also subjected to a Sustainability Appraisal as presented in the SEA/SA document produced in December 2012.</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>		<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability appraisal report 	<p>Yes, the Sustainability Appraisal of the Draft Policy published in December 2012 appraised alternatives including retaining the existing policy.</p> <p>The decision as to which</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
	Programmes Regulations 2004 No 1633				option was taken forward is outlined in the Policy formulation report, RBKC, Feb 2014 and includes reference to the SA process.
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	The Act section19(3)	NPPF para 155		<ul style="list-style-type: none"> i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies 	<p>SCI Yes, the Statement of Consultation and the Summary of Consultation (Regulation 22 consultation report) show the extent of the public consultation, and that it was carried out in accordance with the principles set out in the SCI and the Involving People in Planning (IPIP), RBKC, Dec 2013 document.</p> <p>Community Strategy In the preparation of the Core Strategy, the Council has ensured that the key spatial objectives for the Borough are in</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<p>harmony with the Sustainable Community Strategy. One of the Core Strategy strategic objectives which is in line with the Sustainable Community Strategy is Strategic Objective CO5: 'Renewing the Legacy' which states "<i>Our strategic objective to renew the legacy is not simply to ensure no diminution in the excellence we have inherited, but to pass to the next generation a Borough that is better than today, of the highest quality and inclusive for all. This will be achieved by taking great care to maintain, conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place it enhances the Borough.</i>"</p> <p>The over arching basements policy</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<p>objective is that “<i>all basements must be designed, constructed and completed to the highest standard and quality.</i>” This is clearly in-line with Core Strategy Strategic Objective CO5 which is also supported in the adopted Community Strategy.</p> <p>Please also refer to separate document - Links between the core strategy review policies and the relevant aims of the community strategy. RBKC April 2014.</p> <p><i>Participation proportionate</i></p> <p>The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 and Summary of Consultation, RBKC, Feb 2014 provide further</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<p>details of consultation undertaken at each stage of policy preparation.</p> <p>Extensive consultation has been undertaken as part of formulating the policy. This is proportional to the sensitivity of the issue in the Royal Borough.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	<p>The Act section 20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 and Summary of Consultation, RBKC, Feb 2014 provide further details of consultation undertaken at each stage of policy preparation.</p> <p>An electronic record is kept of contacts on the LDF database who were</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<p>directly contacted at the start of consultations. This can be provided for inspection if required.</p> <p>Copies of all responses, at each stage of the documents are made available on-line through the Council's consultation software Inovem. The Council prepares a record of all representations received at each stage of consultation and provides a response for each comment. These reports titled – Summary of Issues Consultation, Consultation Responses to Draft Basements Policy, RBKC Mar 2013, and Consultation Responses to Second Draft Basements Policy, RBKC, July 2013 have been submitted to PINS.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<p>Hard copies of representations are available for inspection as required.</p> <p>Hard copies of all the representations received on the publication basements policy have been sent to PINS.</p>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>The basements policy is a local issue specific to this Borough and is not considered a strategic matter as defined by section 33A(4) of the Planning and Compulsory Purchase Act or para 156 of the NPPF. The policy is locally distinctive and specifically tailored to this Borough.</p> <p>A letter of compliance has been received by the GLA, responses have</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
priorities of a body prescribed under Section 33A(1)(c)?					also been received from the Environment Agency, English Heritage, Natural England and TfL – listed under Reg 4
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	NPPF paras 178 to 181	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>The basements policy is a local issue specific to this Borough and is not considered a strategic matter as defined by section 33A(4) of the Planning and Compulsory Purchase Act or para 156 of the NPPF. The policy is locally distinctive and specifically tailored to this Borough.</p> <p>A letter of compliance has been received by the GLA, responses have also been received from the Environment Agency, English Heritage, Natural England and TfL – listed under Reg 4</p>
10. Are you developing	The Act section	NPPF paras	It is a matter for	i. Sustainability	Yes, the Sustainability



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>a framework for monitoring the effects of the DPD?</p>	<p>35 Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>165 - 1687 SEA Guide, Chapter 5</p>	<p>each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.</p>	<p>appraisal report ii. The authority monitoring report iii. Reports or documents setting out the appraisal and monitoring framework</p>	<p>Appraisal includes monitoring indicators. The latest monitoring report, December 2013 includes planning application data on basement development. A monitoring framework has been produced for the submission basements policy and has been submitted to PINS.</p>



Stage three: Plan preparation - formulation phase

This stage has many legal matters, for process and content, to address. The council should be beginning to formulate the preferred strategy for the local plan or supplementary planning document with which the council chooses to address Regulation 18 requirements, using the information gathered and previous collaborative work with stakeholders.

Para 182 of the NPPF makes it clear that explicit consideration of alternatives is a key part of the plan making process.

You should evaluate the reasonable alternatives identified in 'stage two: frontloading phase – plan preparation' phase against the:

- completed body of information from evidence gathering
- results of sustainability appraisal
- findings from community participation
- findings from engagement with statutory cooperation bodies.

This may be written up as a preferred strategy report. The results of participation on the preferred strategy and an accompanying sustainability report will enable the council to gauge the community's response and receive additional evidence about the options. The council can then decide whether, and how, the preferred strategy and policies should be changed for publishing the finished DPD.

Alternatives developed from the evidence and engagement during the frontloading stage need to be appraised to decide on the preferred strategy. Participation will also need to be carried out on it.

These matters need to be considered, and dealt with, in good time, and not left until publication. Supporting documents will assist in providing evidence that decisions on alternatives and strategy are soundly based. These documents will, in due course, become part of the proposed submission documents in stage four.

The council should tell all parties that this is the main participation opportunity on the emerging plan.. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness, and to propose a change to the plan accordingly. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.



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Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p>	<p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>NPPF paras 152 - 182 SEA Guide, Chapter 5</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p>	<p>Documents supporting decisions on alternatives and any preferred strategy</p>	<p>Following the Issues consultation (April/May 2012) and targeted surveys (Aug/Sep 2012) of owners of properties with a basement permission, their neighbours and residents associations, a range of options were considered by the Council before progressing to the next stage of consultation on the 'preferred' draft policy. These options were presented in Appendix B of the Basements: Draft Policy for Public Consultation and Other Matters (Dec 2012) document. These were also subjected to a Sustainability Appraisal as presented in the SEA/SA document produced in December 2012.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
					<p>The Council's initial option was to restrict basements to a maximum of 75% in each garden which was consulted on in December 2012 – January 2013. However, following consultation and consideration of further evidence the Council's second draft was the preferred option, which restricted basements to a maximum of 50% under each garden.</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial strategy where 	<p>The Act section 19 (2), section 24</p>	<p>NPPF para 151</p>	<p>For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.</p>	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only) 	<p>Yes, The policy is in conformity with the NPPF. The Policy Formulation report submitted to PINS contains more details of the NPPF sections, particularly relevant to the policy. GLA has confirmed that the submission basements policy</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
still in force?					complies with the London Plan. The letter from GLA has been submitted to PINS.
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	The Act sections 19 (2) and 24 (1) and (4) Regulation 10 and 21		Where the regional strategy has been revoked you should record that fact.	i. Supporting documents ii. Correspondence with the Mayor of London, relevant Welsh or Scottish regional planning bodies (as appropriate) iii. CLG notice of revocation of the regional strategy	Yes, The Policy Formulation reports sets out details of relevant London Plan policies that the submission basements policy complies with. GLA's confirmation of general conformity with the London Plan has been submitted to PINS. GLA's letter mentions a range of specific policies that the submission basements policy complies with.
4. Are you co-operating with other local planning	The Act section 33A(2)(a) Section	NPPF paras 181 and 185	.	i. Supporting documents ii. Correspondence with LPA/County	The basements policy is a local issue specific to this Borough and is not considered a strategic



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
<p>authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?</p>	<p>33A(6)(a)(b) Section 20(5) (c)</p>			<p>Council</p>	<p>matter as defined by section 33A(4) of the Planning and Compulsory Purchase Act or para 156 of the NPPF. The policy is locally distinctive and specifically tailored to this Borough. A letter of compliance has been received by the GLA, responses have also been received from the Environment Agency, English Heritage, Natural England and TfL – listed under Reg 4</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint</p>	<p>The Act section 33A(2)(a), section 33A(6)(a) The Act section 20 (5) (c) Regulation 4</p>	<p>NPPF paras 181 and 182</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>i. Supporting documents ii. Correspondence with prescribed bodies</p>	<p>The basements policy is a local issue specific to this Borough and is not considered a strategic matter as defined by section 33A(4) of the Planning and Compulsory Purchase Act or para 156 of the NPPF. The policy is locally distinctive and specifically tailored to this</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
approaches?					<p>Borough.</p> <p>A letter of compliance has been received by the GLA, responses have also been received from the Environment Agency, English Heritage, Natural England and TfL – listed under Reg 4</p>
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182		<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with LEP/LNP 	Activities of LEP/LNP are not considered relevant to the formulation of the basements policy.
7. Are you having regard to: <ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose area comprises part of the area of 	The Act section 19(2)			<ul style="list-style-type: none"> i. Supporting documents ii. The sustainable community strategies iii. Relevant local development documents iv. Correspondence with the local strategic partners 	<p>Yes,</p> <p>In the preparation of the Core Strategy, the Council has ensured that the key spatial objectives for the Borough are in harmony with the Sustainable Community Strategy. One of the Core Strategy strategic objectives which is in line with the Sustainable Community Strategy is Strategic</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
<p>the council?</p> <ul style="list-style-type: none"> any other local development documents adopted by the council? 					<p>Objective CO5: 'Renewing the Legacy' which states: <i>"Our strategic objective to renew the legacy is not simply to ensure no diminution in the excellence we have inherited, but to pass to the next generation a Borough that is better than today, of the highest quality and inclusive for all. This will be achieved by taking great care to maintain, conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place it enhances the Borough."</i></p> <p>The over arching basements policy objective is that <i>"all basements must be designed, constructed and completed to the highest standard and quality."</i></p> <p>This is clearly in-line with Core Strategy Strategic Objective CO5 which is</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
					<p>also supported in the adopted Community Strategy.</p> <p>The relationship between the Core Strategy and Community Strategy is also set out in Chapter 44 of the Adopted Core Strategy (December 2010) and further explained in the separate document - Links between the core strategy review policies and the relevant aims of the community strategy. RBKC April 2014.</p> <p>Clearly the submission basements policy has regard to the adopted Core Strategy itself (December 2010).</p>
<p>8. Do you have regard to other matters and relevant strategies relating to:</p>	<p>The Act section 19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with the relevant bodies</p>	<p>This question is not considered relevant to the submission basements policy as it is a detailed development</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
<ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities and services • waste strategies • hazardous substances 			<p>are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>		<p>management policy.</p>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 -108</p>		<p>Supporting documents</p>	<p>Yes, Limiting the extent of basement development will reduce carbon emissions as basements have a high carbon embodiment. This relates to criteria (a) and (b) of the policy. Criteria (j) and (k) also specifically relate to mitigating of climate change. The policy cross</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
					refers to Policy CE2: Flooding precludes self contained basements in flood risk zone 3 and includes other requirements such as following the London Plan SUDs hierarchy.
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182 SEA Guide, Chapter 5	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting documents	Yes, The sustainability appraisal of alternatives was presented in the SEA/SA document produced in December 2012.
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include information from the sustainability appraisal.	i. Any reports setting out alternatives and choices considered ii. Supporting documents	Yes, The Policy Formulation Report and the Sustainability Appraisal (December 2012) set out the alternatives and explain why the preferred



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
					<p>policy was selected.</p> <p>Following the Issues consultation (April/May 2012) and targeted surveys (Aug/Sep 2012) of owners of properties with a basement permission, their neighbours and residents associations, a range of options were considered by the Council before progressing to the next stage of consultation on the 'preferred' draft policy. These options were presented in Appendix B of the Basements: Draft Policy for Public Consultation and Other Matters (Dec 2012) document. These were also subjected to a Sustainability Appraisal as presented in the SEA/SA document produced in</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
<p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p> <p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 150, 155, 157 and 159-171</p>	<p>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p>	<ul style="list-style-type: none"> i. Correspondence from those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report 	<p>December 2012.</p> <p>Yes, The policy is formulated to take account of local circumstances which have been highlighted in the residents and neighbours surveys, representations to consultation and consultation events. These issues are highlighted in the reasoned justification to the policy.</p> <p>The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 and Summary of Consultation, RBKC, Feb 2014 provide further details of consultation undertaken at each stage of policy preparation. Reports have also been produced on each consultation separately.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
					<p>The Council prepares a record of all representations received at each stage of consultation and provides a response for each comment. These reports titled – Summary of Issues Consultation, Consultation Responses to Draft Basements Policy, RBKC Mar 2013, and Consultation Responses to Second Draft Basements Policy, RBKC, July 2013 have been submitted to PINS.</p>
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p>	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms ‘submission’ and ‘adopted’ proposals map.</p> <p>A map showing changes to the adopted policies</p>	<ul style="list-style-type: none"> i. Adopted policies map ii. Any reports on proposals to amend the policies map iii. Illustrative material that shows how the policies map will be amended or 	<p>Not relevant to the basements policy.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
<ul style="list-style-type: none"> enable you to amend the currently adopted policies map? inform the community about the location of proposals? 			map is part of the proposed submission documents defined in Regulation 17.	replaced	
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		i. The SCI ii. Consultation statement	Yes, The Statement of Community Involvement, RBKC (Oct 2007) and Involving People in Planning, RBKC (Dec 2013) have been submitted to PINS. The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 and Summary of Consultation, RBKC, Feb 2014 provide further details of consultation



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
					undertaken at each stage of policy preparation.



Stage four: Publication

Under Regulation 20, the period for formal representations takes place **before** the DPD is submitted for examination in accordance with a timetable set out in the statement of the representations procedure which is made available at the council's office and published on its website.

When moving towards publication stage, the council should consider the results of participation on the preferred strategy and sustainability appraisal report and decide whether to make any change to the preferred strategy. In the event that changes are required, the council will need to choose either to:

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

The latter may be appropriate where the changes to the DPD bring in changed policy or proposals not previously covered in community participation and the sustainability appraisal. It avoids having to treat publication as if it were a consultation, which it is not. It also provides insurance in relation to compliance with the Strategic Environmental Assessment Regulations. Legally, during any participation on a revised preferred strategy, you should:

- comply with the requirements of the SCI
- update the sustainability appraisal report.

The council should then produce the DPD in the form in which it will be published. This includes removing material dealing with the evaluation of alternatives and the finalisation of the text. The council should be happy to adopt the DPD in this form, and satisfied that it is sound and fit for examination.

The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the DPD to make formal representations to the inspector about its soundness. Only people proposing a change to the plan can expect to be heard at examination.

The possibility of change under certain circumstances (which should be exceptional) is allowed for in the new procedures, and is described in 'stage five: submission'.



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Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
1. Have you prepared the sustainability appraisal report?	The Act section 19(5) Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168 SEA Guide Chapter 5		Sustainability appraisal report	Yes, The Sustainability Appraisal Report, Feb 2014 has been submitted to PINS.
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	i. Report or record of decisions ii. The statement of community interest	Yes; it is made clear where and when representations can be made and that the period of representations is 6 weeks. Details of this is given on: <ul style="list-style-type: none"> • The Council's Website. • Letters sent to stakeholders (copies submitted). • Statement of Representation



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
					<p>Procedure (submitted)</p> <ul style="list-style-type: none"> The Publication document and the accompanying response form itself
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? 	<p>Regulation 19(a)</p>		<p>Regulation 17 gives definitions.</p>	<ul style="list-style-type: none"> i. Copies of the relevant statements ii. Report on where and when made available iii. Record of where and when made available 	<p>Yes, the document containing the publication policies and reasoned justification, Sustainability Appraisal, Equalities Impact Assessment and all supporting documents are made available on the Council's consultation portal website, libraries and planning reception.</p> <p>The statement of representation procedure is also available at the above locations.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>Record of publication</p>	<p>Yes, the publication basements policy, statement of representations procedure setting out where and when documents can be inspected is available on the Council's website.</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed 	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>i. Copies of correspondence ii. Record of sending</p>	<p>Yes, a letter was sent to all of the specific consultation bodies inviting them to make representations including the link to the electronic copies of the publication basements policy and all supporting documents.</p> <p>Detailed guidance to making representations</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
submission documents <ul style="list-style-type: none"> The statement of the representations procedure? 					was also available alongside the draft policies and Sustainability Appraisal. In addition, the letter specified the consultation dates and where hard copies of all documents could be found. A copy of the letter has been submitted to PINS.
6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> the statement of the representations procedure? where and when the 	Regulation 19(b)		Regulations 2 and 17 give definitions.	i. Copies of correspondence ii. Record of sending	Yes, a letter was sent to all general consultation bodies inviting them to make representations including the link to the electronic copies of the publication basements policy and all supporting documents. Detailed guidance to making representations was also available alongside the draft policies and Sustainability Appraisal. In addition, the



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
documents can be inspected?					<p>letter specified the consultation dates and where hard copies of all documents could be found.</p> <p>A copy of the letter has been submitted to PINS.</p>
7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	<p>The Act section 24</p> <p>Regulation 21</p>		<p>The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).</p>	<p>Copies of correspondence</p>	<p>Yes. The GLA has confirmed the proposed policy complies with the London Plan. The letter of compliance from the GLA has been submitted to PINS.</p>



Stage five: Submission

At the submission stage, the council should receive and collate any representations made at publication stage. You don't have to report these representations to councillors but there may be requirements deriving from other legislation, Standing Orders or council procedures that must be considered. Or you might just think it is a good idea to report on it anyway.

If they are reported it should be on the facts of the representations made, not the results of a consultation process by the council. They should not be treated as a consultation or an opportunity to make changes or answer representations. NB: under the 2012 Regulations there is no longer any requirement to give notice by local advertisement.

You should ensure you are in legal compliance with the SCI, the Habitats Directive and the Strategic Environmental Assessment Directive in any additional work. Any formal publication of additional or changed matters would need to allow at least a six-week period for representations to be made.

There are different approaches that could be taken to changes. You should be satisfied that you remain fully compliant with the legal requirements if any changes are made (and any consequential effects on the DPD as a whole).

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission.

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the	<ul style="list-style-type: none"> i. The LDS ii. Explanation of any changes from the milestones set out in the LDS 	Yes, The LDS, April 2014 has been submitted. The 2012 and 2013 Monitoring Reports have been submitted. At the time of publication



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>the LDS match the document? Have the timescales set out in the LDS been met?</p>			<p>Regulations.</p>	<p>iii. Relevant authority monitoring reports</p>	<p>of the Basements Policy the relevant Local Development Scheme (LDS) was the one published in November 2012. The review of Core Strategy policies relating to basement development (Policies CL 2(g) and CE1(c)) is identified in the LDS, November 2012.</p> <p>The LDS has been revised as the Council undertook a 'Second Draft Policy Consultation' as the policy was revised to restrict extent under the garden from 75% to 50%. The Council also produced further evidence following a publication consultation in July/September 2013 and has undertaken another publication in Feb/Mar 2014. The programme was also revised to</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					reflect the other policies on conservation and design and Miscellaneous Matters to be submitted and examined at the same time.
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF para 182		<ul style="list-style-type: none"> i. The sustainable community strategy(ies) ii. Reference to sections of the DPD showing how regard has been had to them 	Yes. The draft policies have been prepared with due regard to “The Royal Borough of Kensington and Chelsea Community Strategy 2008 – 2018: The Future of Our Community”. This is detailed further in Chapter 44 of the Core Strategy and explained further in the separate document - Links between the core strategy review policies and the relevant aims of the community strategy. RBKC April 2014.
3. Is the DPD in compliance with	The Act section		Before the SCI is formally amended to	i. The SCI	Yes,



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	19(3) Regulation 22(1)(c)		take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).	ii. The Regulation 22(1)(c) statement	<p>The Statement of Community Involvement, RBKC (Oct 2007) and Involving People in Planning, RBKC (Dec 2013) have been submitted to PINS.</p> <p>The submitted Consultation Statement (Regulation 22 Statement), RBKC April 2014 and Summary of Consultation, RBKC, Feb 2014 provide further details of consultation undertaken at each stage of policy preparation.</p>
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	Statement identifying any strategic cross-boundary issues or impacts on county matters addressed in the document and explaining the approach taken to co-	The basements policy is a local issue specific to this Borough and is not considered a strategic matter as defined by section 33A(4) of the Planning and Compulsory Purchase Act or para 156



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				<p>operate with the relevant bodies.</p> <p>Supporting correspondence and reports e.g. Memorandum of Understanding, shared and agreed evidence</p>	<p>of the NPPF. The policy is locally distinctive and specifically tailored to this Borough.</p> <p>A letter of compliance has been received by the GLA, responses have also been received from the Environment Agency, English Heritage, Natural England and TfL – listed under Reg 4.</p>
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>Sustainability appraisal report</p>	<p>Yes, a Sustainability Appraisal has been undertaken at every stage of formulating the policy. The Sustainability Appraisal, RBKC, Feb 2014 (and previous SAs on different stages of policy) have been</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					submitted to PINS.
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151		<ul style="list-style-type: none"> i. Correspondence with PINS? ii. PAS Soundness self assessment checklist 	Yes. The submission basements policy is consistent with national policy. The Policy Formulation Report (submitted to PINS refers to the most relevant sections of the NPPF that the policy amplifies. PAS Soundness self assessment has been submitted to PINS.
7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification? If the LPA is a	The Act section 24(1)(a) and 24(4) Regulation 21	NPPF para 218 footnote 41	In London the requirement is for general conformity with the spatial development strategy (The London Plan).	<ul style="list-style-type: none"> i. Correspondence with or representations from Mayor of London (where appropriate) ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place 	The GLA has confirmed the proposed policy complies with the London Plan. The letter of compliance from the GLA has been submitted to PINS.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>					
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<ul style="list-style-type: none"> i. The documents prescribed at Regulation 22(1) ii. Relevant authority monitoring reports iii. Records of the actions undertaken (see below) 	<p>Yes, the documents prescribed at Regulation 22 (1) i.e. the Sustainability Appraisal Report, Consultation Statement, copies of representations made in accordance with Regulation 20 and all supporting documents are available in Kensington Town Hall and on the Council's website.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>					<p>The Council has written to all specific and general consultation bodies notifying them of submission. A copy of the letter will be submitted to PINS.</p> <p>The list of superseded policies is presented in the revised Chapter 41 of the Core Strategy submitted to PINS as part of Miscellaneous Matters.</p>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>			<ul style="list-style-type: none"> i. Submission policies map ii. Brief statement if a submission policies map is not required 	<p>Not applicable. The basements policy is a detailed development management policy applying to the whole Borough.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>i. The core strategy</p> <p>ii. Documents or reports demonstrating conformity</p>	<p>The list of superseded policies is presented in the revised Chapter 41 of the Core Strategy submitted to PINS as part of Miscellaneous Matters.</p> <p>The Core Strategy has been submitted. The basements policy is part of the partial review of the Core Strategy and will become a part of the Core Strategy if adopted. The list of superseded policies is presented in the revised Chapter 41 of the Core Strategy submitted to PINS as part of Miscellaneous Matters.</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> Which bodies and persons were invited to 	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>i. Consultation statement</p> <p>ii. The Statement as required in Regulation 22(1)(c)</p>	<p>Yes, the submitted Consultation Statement (Regulation 22 Statement) includes this information.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>make representations under Regulation 18?</p> <ul style="list-style-type: none"> • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 					
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>The Statement as required in Regulation 22(1)(c)</p>	<p>Yes, the submitted Consultation Statement (Regulation 22 Statement) includes this information.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
representations were made?					
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3) Regulation 22(1)(e)			Copies of the representations	Copies of representations made under Regulation 20 have been submitted to PINS in accordance with Regulation 22 (1) (d). NB: The Regulations quoted in PAS Legal Compliance toolkit seem to be erroneous.
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			All necessary evidence and records of decisions relevant to the DPD	Yes, the policy is supported by the range of evidence base listed below. 1. Policy Formulation Report, Feb 2014 (pdf - 1MB) 2. Statement of Consultation (Reg 22), Apr 2014 (pdf - 968Kb)



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<ol style="list-style-type: none">3. Summary of Consultation, Feb 2014 (pdf - 984Kb)4. Sustainability Appraisal (SA/SEA), Feb 2014 (pdf - 1MB)5. Habitats Directive Screening Assessment, Feb 2014 (pdf - 1.2MB)6. Equalities Impact Assessment (pdf - 238 Kb)7. Monitoring Report, 2013 (Extract Chapter 2) (pdf - 1MB)8. Population and Household Density, Feb 2014



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<p>(pdf - 340Kb)</p> <p>9. Background Report 01 (Urban Design Strategy), Urban Initiatives, Jul 2006</p> <p>10. Basements Development Data, Feb 2014 (pdf - 2MB)</p> <p>11. Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 (pdf - 3.8MB)</p> <p>12. Basement Works - Impact on Residents, Feb 2014 (pdf - 1.4MB)</p> <p>13. Alan Baxter</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
					<p>Associates Basements Report (Mar 2013) [PDF] (warning large file 5MB)</p> <p>14. London Terrace Houses 1660 - 1860, English Heritage, 1996 (pdf - 3.1MB)</p> <p>15. Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 (pdf - 3.4MB)</p> <p>16. Basements Visual Evidence, Feb 2014</p> <p>17. Basements Visual Evidence - External</p>



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					<p>Manifestations, Feb 2014 (pdf - 1.3MB)</p> <p>18. Trees and Basements, Feb 2014 (pdf - 983Kb)</p> <p>19. Impact of Basement Development on Biodiversity, Feb 2014 (pdf - 965Kb)</p> <p>20. London: Garden City?, 1998 - 2008, London Wildlife Trust, 2011 (pdf - 1.5MB)</p> <p>21. Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pdf - 3MB)</p> <p>22. Evidence Base for</p>



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					<p>Basements and Policy CE1: Climate Change, Eight Associates [PDF] (file size 624Kb)</p> <p>23. Carbon Offsetting, Feb 2014 (pdf - 32 Kb)</p> <p>24. Basement Surveys (neighbours and residents) Responses, Aug/Sep 2012</p> <p>25. Various consultations (including public events) on the emerging basements policy.</p>



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26. Has your council approved the DPD for submission?	The Act section 20		Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	Report and resolution of the appropriate council body	Yes, the basements policy was approved for submission by a full meeting of the Council's elected members on 16 April 2014. The report and minutes have been submitted to PINS.
27. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in 	The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)		Regulation 35 deals with the availability of documents and the time of their removal. Electronic copies of some of the representations and supporting documents may not be practicable. Regulation 35 deals with the availability of documents and the time of their removal.	i. Record of sending ii. Reasons why documents cannot be sent electronically	Yes, all documents have been submitted by post and electronically.



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Regulation 22(1)?					
28. Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	Record of where and when made available	This will be undertaken after submission to PINS. Yes, they will be made available at the same places as the publication policy.
29. On your website, have you published the: <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Record of publication	Yes all of these documents will be made available on the Council's website. A link will be sent to PINS.



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<ul style="list-style-type: none"> • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 					
<p>30. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p>	<p>Regulation 22(3)(b)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	<p>Yes, copies of correspondence will be sent to PINS.</p>



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<ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 					
<p>31. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 22(3)(c)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	<p>Yes, copies of correspondence will be sent to PINS.</p>
<p>32. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> published the time and place 	<p>The Act section 20</p> <p>Regulations 24 and 35</p>			<ul style="list-style-type: none"> i. Record of publication of information ii. Record of sending iii. Copies of correspondence iv. Copy of advertisement 	<p>Yes. This will be undertaken at the appropriate time.</p>



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<p>of the examination and the name of the person appointed to carry out the examination on your website?</p> <ul style="list-style-type: none">notified those who have made representations on the published DPD which have not been withdrawn of these details?					