

Proposed Submission Core Strategy – Guide to making Representations

The period for representations for the Proposed Submission runs from **Thursday 29 October to Thursday 10 December 2009**. Comments relating to the soundness of the plan (see paragraph 3) must be received **by midday on 10 December 2009**. The Council may not be able to consider representations received after this date.

Comments can be submitted online at <http://consult.rbkc.gov.uk/portal>. Or by completing a comments form and emailing it to: Planningpolicy@rbkc.gov.uk or by post:

The Executive Director of Planning and Borough Development
f.a.o The Policy Team
The Royal Borough of Kensington and Chelsea
Room 331, 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/localdevelopmentframework.aspx>

Please fill in a separate form for each representation made. All representations must express a view regarding the soundness of the document. If the representation does not comment on the soundness, we will contact you to request you to make a view.

Introduction

The Proposed Submission Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington is published in order for representations to be made. The representations will be considered alongside the submitted Core Strategy, 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'.
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If you are seeking to make representations on the **way** in which Council has prepared the submitted Core Strategy 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 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 Core Strategy should be within the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Council setting out the Local Development Documents it proposes to produce over a 3 year period. It will set out the key stages in the production of any Development Plan Documents (DPDs) which the Council propose to bring forward for independent examination. If the Core Strategy is not in the current LDS it should not have been submitted for examination. The LDS should be on the Council's website and available at their main offices.
- The process of community involvement for the Core Strategy 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 Core Strategy should comply with the Town and County Planning (Local Development) (England Regulations) 2004. 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 must also place local advertisements and notify the DPD bodies (as set out in the regulations) and any persons who have requested to be notified.
- The Council is required to submit a Sustainability Appraisal Report when they submit the Core Strategy for examination. This should identify the process by which the Sustainability.
- 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 Core Strategy 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.
- The Core Strategy must have regard to the Sustainable Community Strategy. The SCS is prepared by the Local Strategic Partnership which is representative of a range of interests in the Royal Borough. The SCS is subject to consultation but not to an independent examination.

SOUNDNESS

To be sound a DPD should be:

Justified

This means that the Core Strategy should be founded on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having a stake in the area
- Research/fact finding: the choices made in the plan are backed up by facts

The Core Strategy should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Core Strategy should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

Effective

This means the Core Strategy should be deliverable, embracing:

- sound infrastructure delivery planning;
- having no regulatory or national planning barriers to delivery;
- coherence with the strategies of neighbouring authorities;

The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the Core Strategy should make clear that major changes may require a formal review including public consultation.

The Core Strategy should be monitored and should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. Any measures which the Council has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the Core Strategy needs amendment.

Consistent with National Policy

The Core Strategy should be consistent with national policy. Where there is a departure, the Council must provide clear and convincing reasoning to justify its approach. Conversely, you may feel the Council should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but it has not done so. In this instance it will be important for you to say in your representation(s) what the local circumstances are justifying a different policy approach to that in national or regional policy, and support your assertion with evidence.

If you think the content of a Core Strategy is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Are your concerns already covered specifically by any national planning policy or in the London Plan? If so it does not need to be included.
- Are your concerns already covered by any other policies in the Core Strategy on which you are seeking to make representations or in any other DPD in the Council's Local Development Framework (LDF). There is no need for repetition between documents in the LDF.
- If the policy is not covered elsewhere, in what way is the Core Strategy unsound without the policy?
- If the Core Strategy is unsound without the policy, what should the policy say?

General Advice

If you wish to make a representation seeking a change to the Core Strategy or part of the Core Strategy you should make clear in what way it is not sound having regard to the legal compliance check and the three tests set out above. You should try to support your representation by evidence showing why the Core Strategy should be changed. It will be helpful if you also say precisely how you think the Core Strategy 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 Core Strategy and its supporting documents and published on the Council's website so that anyone may view the representations made. Paper copies will also be made publicly available at the Borough Council office and other venues as considered appropriate.

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 the examination into the soundness of the document. Representations made in support of the Plan 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 Core Strategy

Following the examination, the inspector will write a report setting out recommendations for the Core Strategy, which are binding on the Borough Council. If the inspector considers that the plan is sound it can then be adopted by the Borough Council as part of its statutory development plan.

Further detailed guidance on the preparation, publication and examination of DPDs is provided in *Planning Policy Statement 12: Local Spatial Planning* and in *The Plan Making Manual*.