



# Local Plan Partial Review Local Development Scheme

May 2017



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

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# 1. INTRODUCTION AND CONTEXT

## 1.1 WHAT IS THE LOCAL DEVELOPMENT SCHEME?

- 1.1.1 The Local Development Scheme (LDS) is effectively a document which sets out the **timetable for the preparation and review of the Council's planning policy documents**. The LDS is required to be published by law.

## 1.2 WHAT IS THE RELEVANT LEGISLATION AND GUIDANCE?

- 1.2.1 The primary legislation relating to LDSs is the **Planning and Compulsory Purchase Act 2004**<sup>1</sup> (as amended) ('the Act').
- 1.2.2 The secondary legislation relating to LDSs is **The Town and Country Planning (Local Planning) (England) Regulations 2012**<sup>2</sup> (as amended) ('the Regulations').
- 1.2.3 The national government guidance relating to LDSs is in the **National Planning Practice Guidance on Local Plans** ('the NPPG')<sup>3</sup>.
- 1.2.4 The Council must prepare and maintain a LDS as required by Section 15(1) of the Act and paragraph 009 of the NPPG.
- 1.2.5 Having an up-to-date LDS is important to ensure that "local communities and interested parties can keep track of progress" of Local Plans<sup>4</sup>.

## 1.3 WHAT MUST THE LDS INCLUDE?

- 1.3.1 The LDS must specify:
- Local development documents which are to be 'development plan documents' (i.e. Local Plan policies);
  - The subject matter and geographical area to which each document is to relate;
  - Which (if any) are to be prepared jointly with one or more other local planning authorities;
  - Any matter or area in respect of which the authority has agreed (or proposes to agree) to the constitution of a joint committee;

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>2</sup> <http://www.legislation.gov.uk/uksi/2012/767/regulation/18/made>

<sup>3</sup> <http://planningguidance.communities.gov.uk/blog/guidance/local-plans/>

<sup>4</sup> Paragraph 009 of the NPPG

<sup>5</sup> Section 15(2) of the Act

- The timetable for the preparation and revision of the documents; and
- Such other matters as are prescribed.

## 1.4 WHEN DOES THE LDS TAKE EFFECT?

- 1.4.1 To bring the LDS into effect, the Council must resolve that the scheme is to have effect and in the resolution specify the date from which the scheme is to have effect<sup>6</sup>.
- 1.4.2 This LDS takes effect from **2 May 2017** and supersedes previous LDSs from May 2016, April 2014, November 2012 and March 2010.

## 1.5 WHEN CAN THE LDS BE REVISED?

- 1.5.1 The Council may revise its LDS “at such time as they consider appropriate”<sup>7</sup>.

## 1.6 HOW IS THE LDS MADE PUBLIC?

- 1.6.1 The Council must make the following available to the public:
- The up-to-date text of the LDS – provided as section 2 to this document;
  - A copy of any amendments made to the LDS – provided as section 3 to this document; and
  - Up-to-date information showing the state of the Council’s compliance (or non-compliance) with the timetable.
- 1.6.2 The Council is required to publish the LDS on its web site and keep it up to date<sup>9</sup>.
- 1.6.3 The LDS is available on the Council’s planning policy web pages<sup>10</sup>.

## 1.7 HOW DOES THE LDS RELATE TO THE LOCAL PLAN?

- 1.7.1 The preparation or revision of a Local Plan document must be “in accordance with” the LDS<sup>11</sup>.

## 1.8 HOW DOES THE LDS RELATE TO NEIGHBOURHOOD PLANS?

- 1.8.1 There is no requirement to list Neighbourhood Plans in the LDS. The latest information on Neighbourhood Planning in the Borough is available on the

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<sup>6</sup> Section 15(7) of the Act

<sup>7</sup> Section 15(8) of the Act

<sup>8</sup> Section 15(9A) of the Act

<sup>9</sup> Paragraph 003 of the NPPG

<sup>10</sup> [www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-development-scheme](http://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-development-scheme) or [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)

<sup>11</sup> Section 19(1) of the Act

Council's planning policy web pages<sup>12</sup>.

## 1.9 HOW DOES THE LDS RELATE TO THE MONITORING REPORT?

- 1.9.1 The Council publishes a 'Monitoring Report' on an annual basis to report on the implementation of its planning policies and other matters.
- 1.9.2 The Monitoring Reports for each year are available on the Council's planning policy web pages<sup>13</sup>.
- 1.9.3 The Council's Monitoring Report must contain the following information relating to the LDS:
- The title of the Local Plans or Supplementary Planning Documents (SPDs) specified in the Council's LDS;
  - In relation to each of those documents:
    - The timetable specified in the Council's LDS for the document's preparation;
    - The stage the document has reached in its preparation; and
    - If the document's preparation is behind the LDS timetable, the reasons for this; and
  - Where any Local Plan or SPD specified in the Council's LDS has been adopted or approved within the Monitoring Report's monitoring period, a statement of that fact and the date of adoption or approval.
- 1.9.4 The NPPG is clear that "Up-to-date and accessible reporting on the LDS in an Authority's Monitoring Report is an important way in which Local Planning Authorities can keep communities informed of plan making activity"<sup>14</sup>.

## 1.10 WHO MUST BE CONSULTED ON THE LDS?

- 1.10.1 There is no requirement to consult on an LDS or to submit to the Mayor of London or Secretary of State.

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<sup>12</sup> [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)

<sup>13</sup> [www.rbkc.gov.uk/planning-and-building-control/planning-policy/monitoring-report](http://www.rbkc.gov.uk/planning-and-building-control/planning-policy/monitoring-report) or [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)

<sup>14</sup> Paragraph 003 of the NPPG

## 2. LOCAL DEVELOPMENT SCHEME

### 2.1 LOCAL PLAN DOCUMENTS ('DEVELOPMENT PLAN DOCUMENTS' OR 'DPDS')

Title, subject matter and geographical area	Timetable for preparation and revision					Key risks and dependencies
	Issues and Options	Draft Policies	Publication Policies	Submission and examination	Adoption	
	Pre-Regulation 18	Regulation 18	Regulation 19	Regulations 22-25	Regulation 26	
<b><u>Local Plan Partial Review</u></b> <sup>15</sup> Borough-wide <ul style="list-style-type: none"> <li>• Vision and strategic objectives</li> <li>• Places</li> <li>• Site allocations</li> <li>• Infrastructure and planning contributions</li> <li>• Shops and centres</li> <li>• Business uses</li> <li>• Hotels</li> <li>• Arts and cultural uses</li> <li>• Rail infrastructure</li> <li>• Housing (including housing target, affordable housing, housing standards)</li> <li>• Gypsy and Traveller accommodation</li> <li>• Flooding and drainage</li> <li>• Waste</li> <li>• Air quality</li> <li>• Impact assessments</li> <li>• Proposals Map</li> </ul>	15 December 2015 – 9 February 2016  <b>Completed ✓</b>	28 October 2016 – 11 December 2016  <b>Completed ✓</b>	2 February 2017 – 16 March 2017  <b>Completed ✓</b>	May – October 2017  <b>Pending</b>  The Council will submit the Local Plan to the Secretary of State via the Planning Inspectorate  A Planning Inspector will examine the document to check for compliance with the legislation and tests of 'soundness'  The Council may need to consult on Proposed Modifications	December 2017 – January 2018  <b>Pending</b>  The Council will adopt the changes to the Local Plan following consideration of the Inspector's recommendations following the examination	<ul style="list-style-type: none"> <li>• Government reforms e.g. implementation of the Housing White Paper, updated NPPF</li> <li>• Decisions on Crossrail 1 (Elizabeth Line) and Crossrail 2 stations</li> <li>• Joint working with other Councils through the Duty to Cooperate</li> <li>• Staff and resources</li> <li>• Planning Inspectorate resources and timetabling</li> </ul>

<sup>15</sup> For the detailed topics and policies covered by the Local Plan Partial Review, see the full documents at [www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan](http://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan) or [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)

## 2.2 OTHER DOCUMENTS

- 2.2.1 Whilst only Local Plans ('development plan documents') are required to be included in the LDS, for the sake of completeness, additional documents, including Supplementary Planning Documents (SPDs), which the Council intends to prepare or revise are included below:

Title, subject matter and geographical area	Timetable for preparation and revision			Key risks and dependencies
	First consultation	Second consultation	Adoption	
<u>Kensal Gasworks SPD</u> Kensal Canalside Opportunity Area SPD	<a href="#">Issues and Options Paper</a> 12 June 2012 – 23 July 2012  <b>Completed ✓</b>	September 2017  <b>Pending</b>	December 2017  <b>Pending</b>	<ul style="list-style-type: none"> <li>• Elizabeth Line station decisions and 'GRIP' process</li> <li>• Cooperation of landowners</li> <li>• Linkages with Old Oak Common and Park Royal Development Corporation (OPDC)</li> <li>• Release of North Pole Depot for development</li> <li>• Gasholder decommissioning</li> <li>• The siting of a new Sainsbury's supermarket on the site and the positioning of a rail bridge</li> </ul>
<u>Revised Planning Obligations SPD / Planning Contributions SPD</u> Borough-wide	June 2017  <b>Pending</b>	September 2017  <b>Pending</b>	November 2017  <b>Pending</b>	<ul style="list-style-type: none"> <li>• Government reforms e.g. implementation of the CIL Review Panel report following the Autumn Budget 2017, S106, small sites exemption, viability</li> </ul>

- 2.2.1 Existing planning policy documents are available on the Council's planning policy web pages<sup>16</sup>.

<sup>16</sup> [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)

### 3. AMENDMENTS MADE TO THE 2016 VERSION OF THE LDS

3.1.1 The 2017 LDS supersedes the previous LDS from May 2016. The amendments made to the 2016 version are set out below.

2016 LDS		2017 LDS	
Section	Key dates	Amendments made	Reason
2.1 Local Plan documents: Local Plan Partial Review	<b>Publication Policies</b> January 2017	<b>Publication Policies</b> February – March 2017	As a statement of fact that Publication Policies consultation commenced on 2 February 2017
	<b>Submission and examination</b> March 2017	<b>Submission and examination</b> May – October 2017	To reflect delay in the programme, partly caused by the Housing White Paper, and reflect that the examination is likely to include consultation on Proposed Modifications
	<b>Adoption</b> October 2017	<b>Adoption</b> December 2017 – January 2018	To follow the above updates
2.2 Other documents: Royal Brompton Hospital / Chelsea Medical Quarter SPD	N/A	Deleted	The Royal Brompton and the Marsden hospitals have decided to develop their own estate plans separately. If there is any change to this approach the case for an SPD will be reviewed.
2.2 Other documents: Revised Planning Obligations SPD	<b>First consultation</b> April 2017	<b>First consultation</b> June 2017	
	<b>Second consultation</b> July 2017	<b>Second consultation</b> September 2017	
	<b>Adoption</b> October 2017	<b>Adoption</b> November	



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